

NOTICE  
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2012 IL App (4th) 120340-U

Filed 8/1/12

NO. 4-12-0340

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re A.M., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Macon County
v.	)	No. 10JA137
LASHONDA MURPHY,	)	
Respondent-Appellant.	)	Honorable
	)	Thomas E. Little,
	)	Judge Presiding.

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JUSTICE STEIGMANN delivered the judgment of the court.  
Presiding Justice Turner and Justice Pope concurred in the judgment.

**ORDER**

¶ 1     *Held:* The appellate court affirmed, concluding that the trial court did not err by (1) finding the respondent unfit and (2) terminating her parental rights.

¶ 2             In January 2012, the State filed a petition to terminate the parental rights of respondent, Lashonda Murphy, as to her daughter, A.M. (born August 31, 2009). Following a February 2012 adjudicatory hearing, the trial court adjudicated A.M. neglected, finding respondent unfit. Following a best-interest hearing held approximately one month later, the court terminated respondent's parental rights.

¶ 3             Respondent appeals, arguing that the trial court erred by (1) finding her unfit and (2) terminating her parental rights. We disagree and affirm.

¶ 4

## I. BACKGROUND

¶ 5 On September 28, 2010, the State filed a juvenile petition, alleging that A.M. was neglected and abused. Specifically, the State alleged that A.M. was (1) neglected in that she was (a) not receiving proper or necessary care (705 ILCS 405/2-3(1)(a) (West 2010)), (b) in an environment injurious to her welfare (705 ILCS 405/2-3(1)(b) (West 2010)), and (c) left without supervision for an unreasonable period of time (705 ILCS 405/2-3(1)(d) (West 2010)), and (2) abused in that she was in an environment that created a substantial risk of physical injury (705 ILCS 405/2-3(2)(ii) (West 2010)). According to investigative reports, respondent left A.M., who was wearing only a diaper, in an uninhabitable basement for at least six hours before she was rescued by a neighbor who heard A.M. crying.

¶ 6 That same day, the trial court entered an order as to shelter care, (1) appointing the Department of Children and Family Services (DCFS) as A.M.'s temporary custodian, (2) finding that A.M. had been left unsupervised for "over 6 hours," and (3) ordering A.M.'s mother to cooperate with DCFS in completing a client-service plan. The court thereafter ordered genetic testing as to Paul Gordon, A.M.'s father. (Gordon is not a party to this appeal.) In December 2010, the court entered an adjudicatory order, (1) finding A.M. neglected and abused, (2) ordering A.M. to remain in the temporary custody of DCFS, and (3) directing respondent to cooperate with DCFS and comply with the terms of her client-service plan.

¶ 7 In January 2012, the State filed a motion seeking findings of unfitness and termination of parental rights as to A.M., alleging that respondent (1) abandoned A.M. (750 ILCS 50/1(D)(a) (West 2010)); (2) failed to maintain a reasonable degree of interest, concern, or responsibility as to A.M. (750 ILCS 50/1(D)(b) (West 2010)); (3) failed to make reasonable

efforts to correct the conditions that were the basis for A.M.'s removal (750 ILCS 50/1 (D)(m)(i) (West 2010)); and (4) failed to make reasonable progress toward the return of A.M. within nine months after an adjudication of neglect or abuse (December 29, 2010, to September 29, 2011) (750 ILCS 50/1 (D)(m)(ii) (West 2010)).

¶ 8                   A. Respondent's February 2012 Fitness Hearing

¶ 9                   At a February 2012 fitness hearing, the State presented evidence from several client-service providers that respondent was unfit.

¶ 10                  Patricia Brown, a licensed clinical counselor assigned to respondent, testified that respondent did not complete her course of counseling, attending only 4 of 11 counseling sessions. Brown explained that respondent was not "engaged."

¶ 11                  Gladys Williams, respondent's addiction therapist, testified that respondent did not attend her required meetings. Williams added that respondent had a "major problem" with marijuana.

¶ 12                  Becky Perry, respondent's parenting facilitator, testified that although respondent received a certificate of attendance, respondent did not receive a certificate of completion for counseling because respondent tested 10 points lower on her parenting assessment than she tested when she began counseling. Perry explained that the 10-point deviation was significant and negative. Perry added that respondent missed more than half of her one-to-one counseling sessions.

¶ 13                  Lillie Rainey, A.M.'s foster-care supervisor, testified that she supervised respondent's visits with A.M. She explained that respondent missed two visits and was late for eight others. Rainey noted that the visits went well but that respondent had to be redirected from

her cellular telephone to A.M. on occasion. (Ikeshia Reed, a foster-care case assistant, also testified about respondent's interaction with A.M., explaining that respondent was often late but otherwise did well.)

¶ 14 Amanda Gant-Taylor, respondent's case manager, testified that A.M. was taken into DCFS's care because A.M. had been left alone in a basement cellar. Respondent's initial client-service plan included substance-abuse treatment, domestic-violence treatment, parenting classes, as well as the requirement to obtain suitable housing, and to seek employment. Taylor said that respondent was not successful in completing those goals. Respondent had not obtained housing and refused to cooperate with providers. Respondent did not have regular income, nor had she completed her drug screens.

¶ 15 Respondent testified on her own behalf, explaining that she was not able to complete her courses because she did not have transportation. She noted that the bus pass provided by the State was insufficient. Respondent said that she had been living with her grandmother and told her caseworker as much but that her caseworker never came to the house to inspect it. As for employment, respondent explained that she was actively looking, checking in with "Labor Ready" twice a week.

¶ 16 On this evidence, the trial court found respondent unfit. As part of its lengthy written order, the court found that respondent failed to (1) maintain a reasonable degree of interest, concern, or responsibility for A.M.'s welfare; (2) make reasonable efforts to correct the conditions that were the basis for A.M.'s removal; or (3) make reasonable progress toward the return of A.M.

¶ 17 B. Respondent's March 2012 Best-Interest Hearing

¶ 18 At a March 2012 best-interest hearing, the State presented the following evidence to support its assertion that respondent's parental rights should be terminated.

¶ 19 Megan Meyrick, A.M.'s home visitor and outreach coordinator, testified that A.M. was doing very well with her foster family. Indeed, A.M. was "on track developmentally" and was doing well with her foster sibling. Meyrick added that A.M.'s foster parents were willing to adopt her. Meyrick concluded that A.M. needed permanence and that her foster home was a safe and supportive environment.

¶ 20 Taylor, respondent's case manager, testified that she did not believe that respondent would be capable of taking care of A.M. in the next five to six months. Taylor added that A.M. had bonded with her foster family, opining that terminating respondent's parental rights would be in A.M.'s best interest.

¶ 21 Respondent testified on her own behalf, explaining that she was living with her grandmother. She added that she was attending substance-abuse (drug and alcohol) courses. Respondent said that she receives transportation from her mother and relied upon food stamps. Respondent noted that she and A.M. "got along well" together.

¶ 22 On this evidence, the trial court terminated respondent's parental rights.

¶ 23 This appeal followed.

¶ 24 II. ANALYSIS

¶ 25 Respondent argues that the trial court erred by (1) finding her unfit and (2) terminating her parental rights. We address respondent's contentions in turn.

¶ 26 A. Respondent's Claim That the Trial Court Erred by Finding Her Unfit

¶ 27 Respondent first contends that the trial court erred by finding her unfit. Specifically, respondent asserts that the court erred by finding that she failed (1) to maintain a reasonable degree of interest, concern, or responsibility as to A.M.; (2) to make reasonable efforts to correct the conditions that were the basis for A.M.'s removal; and (3) to make reasonable progress toward A.M.'s return within nine months after she was adjudicated neglected. We disagree.

¶ 28 The State must prove parental unfitness by clear and convincing evidence, and the trial court's findings must be given great deference because of its superior opportunity to observe the witnesses and evaluate their credibility. *In re D.F.*, 201 Ill. 2d 476, 498-99, 777 N.E.2d 930, 943 (2002). We will not reverse a trial court's finding of parental unfitness unless it was contrary to the manifest weight of the evidence, meaning that the correctness of the opposite conclusion is clearly evident from a review of the record. *In re D.F.*, 201 Ill. 2d at 498, 777 N.E.2d at 942. Any single unfitness ground proved by the State pursuant to that standard is sufficient to support a court's finding of unfitness. *In re M.R.*, 393 Ill. App. 3d 609, 613, 912 N.E.2d 337, 342 (2009).

¶ 29 One of the grounds for unfitness is failure of the respondent to make reasonable progress toward the minor's return within nine months after adjudicated of neglect or abuse. 750 ILCS 50/1 (D)(m)(ii) (West 2010). In this case, the pertinent time period was December 29, 2010, to September 29, 2011. The State presented evidence that during that time period, respondent failed to complete her course of counseling, attending only 4 of 11 counseling sessions and that she was not engaged in the professional help that she had been provided. In fact, the State showed that respondent tested 10 points lower on her parenting assessment than she tested when she began counseling. Moreover, the State presented evidence that respondent

failed to provide stable housing, transportation, or employment sufficient to allow A.M. to return to respondent's care.

¶ 30 In light of this evidence, we conclude that the trial court's finding that respondent was unfit for failing to make reasonable progress toward A.M.'s return within nine months after she was adjudicated neglected was not against the manifest weight of the evidence.

¶ 31 B. Respondent's Claim That the Trial Court Erred  
by Terminating Her Parental Rights

¶ 32 Respondent next contends that the trial court erred by terminating her parental rights. Specifically, respondent asserts that because she has a superior right to custody of her child, the court's best-interest determination was against that manifest weight of the evidence. We disagree.

¶ 33 At the best-interest stage of parental termination proceedings, the State bears the burden of proving by a preponderance of the evidence that termination of parental rights is in the child's best interest. *In re Jay H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 290-91 (2009). Consequently, at the best-interest stage of termination proceedings, " 'the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life.' [Citation.]" *In re T.A.*, 359 Ill. App. 3d 953, 959, 835 N.E.2d 908, 912 (2005).

¶ 34 "We will not reverse the trial court's best-interest determination unless it was against the manifest weight of the evidence." *Jay H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at 291. A best-interest determination is against the manifest weight of the evidence only if the facts clearly demonstrate that the court should have reached the opposite result. *Jay H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at 291.

¶ 35 In this case, the record shows that the trial court considered the statutory factors in determining the best interest of A.M. The evidence presented at the best-interest hearing revealed that respondent had not established stable housing and employment, nor had she effectively battled her substance-abuse issues. The evidence further showed that (1) A.M. had bonded with her foster family, (2) A.M.'s foster parents were prepared to adopt A.M., and (3) respondent was not going to be capable of taking care of A.M. in the near future.

¶ 36 Given our standard of review, we conclude that the trial court's finding that it was in A.M.'s best interest to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 37 III. CONCLUSION

¶ 38 For the reasons stated, we affirm the trial court's judgment.

¶ 39 Affirmed.