

**NOTICE**

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**FILED**  
May 23, 2014  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

2014 IL App (4th) 140039-U

NOS. 4-14-0039, 4-14-0040, 4-14-0041, 4-14-0042 cons.

**IN THE APPELLATE COURT**

**OF ILLINOIS**

**FOURTH DISTRICT**

In re: L.C., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Vermilion County
v. (No. 4-14-0039)	)	No. 12JA17
SHAUNITA CHILDS,	)	
Respondent-Appellant.	)	
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In re: N.C., a Minor,	)	No. 10JA75
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-14-0040)	)	
SHAUNITA CHILDS,	)	
Respondent-Appellant.	)	
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In re: J.C., a Minor,	)	No. 10JA76
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-14-0041)	)	
SHAUNITA CHILDS,	)	
Respondent-Appellant.	)	
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In re: D.B., a Minor,	)	No. 10JA77
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-14-0042)	)	Honorable
SHAUNITA CHILDS,	)	Claudia S. Anderson,
Respondent-Appellant.	)	Judge Presiding.

JUSTICE STEIGMANN delivered the judgment of the court.  
Justices Turner and Harris concurred in the judgment.

**ORDER**

¶ 1 *Held:* The appellate court affirmed the trial court's judgment, which terminated respondent's parental rights.

¶ 2 In May 2013, the State filed separate amended petitions to terminate the parental rights of respondent, Shaunita Childs, as to her children, L.C. (born February 3, 2012), N.C. (born November 29, 2009), J.C. (born May 29, 2005), and D.B. (born April 5, 2003). Following a December 2013 fitness hearing, the trial court found respondent unfit. In January 2014, the court conducted a best-interest hearing and, thereafter, terminated respondent's parental rights.

¶ 3 Respondent appeals, arguing that the trial court's fitness and best-interest determinations were against the manifest weight of the evidence. We affirm.

¶ 4 I. BACKGROUND

¶ 5 A. The Events Preceding the State's Motion To Terminate Parental Rights

¶ 6 In May 2010, the State filed separate petitions for adjudication of wardship, alleging that N.C., J.C., and D.B. were neglected minors under section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2012)). Each petition alleged that the minors were in an environment injurious to their welfare due to inadequate supervision.

¶ 7 Following a July 2010 adjudicatory hearing, the trial court entered a written order, finding that N.C., J.C., and D.B. were neglected minors as the State alleged. In September 2010, the court entered a dispositional order, adjudicating N.C., J.C., and D.B. wards of the court and appointing the Department of Children and Family Services (DCFS) as their guardians.

¶ 8 In February 2012, the State filed a fourth petition for adjudication of wardship, alleging that L.C. was a neglected minor under section 2-3(1)(b) of the Juvenile Court Act. The State alleged, in pertinent part, that L.C. was in an environment injurious to her welfare because respondent failed to make sufficient progress to have N.C., J.C., and D.B. returned to her care.

¶ 9 Following an adjudicatory hearing, the trial court entered an August 2012 order, finding that L.C. was a neglected minor under the theory of anticipatory neglect. In September

2012, the court entered a dispositional order, adjudicating L.C. a ward of the court and appointing DCFS as her guardian.

¶ 10            B. The State's Motion To Terminate Respondent's Parental Rights

¶ 11            In May 2013, the State filed separate amended petitions to terminate respondent's parental rights pursuant to the Adoption Act (750 ILCS 50/1 to 24 (West 2012)). Each petition alleged that respondent was an unfit parent in that she (1) failed to maintain a reasonable degree of interest, concern, or responsibility as to her children's welfare (750 ILCS 50/1(D)(b) (West 2012)); (2) failed to make reasonable progress toward the return of her children to her care during any nine-month period after the end of the initial nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(iii) (West 2012)); and (3) demonstrated an inability to discharge her parental responsibilities, which was supported by competent evidence from a licensed clinical social worker of mental impairment, mental illness, or an intellectual disability, and sufficient justification existed to believe that the inability to discharge her parental responsibilities would persist beyond a reasonable period of time (750 ILCS 50/1(D)(p) (West 2012)).

¶ 12                            1. *The December 2013 Fitness Hearing*

¶ 13                            a. The State's Evidence

¶ 14            Susan Minyard, a licensed clinical psychologist, testified that in October 2010 and February 2013, she performed a psychological evaluation of respondent. The purpose of Minyard's initial evaluation was to determine whether respondent suffered from mental illness, mental retardation, or mental impairment. If Minyard determined that a mental disability existed, DCFS requested Minyard to evaluate whether that condition would prevent respondent—either independently, or in combination with other factors—from minimally discharging her parental responsibilities in the short and long term. Minyard explained that after her 2013 evalua-

tion, she prepared a written report by taking the 2010 report she authored and adding—in bold type—her 2013 findings at the corresponding evaluation metrics for easy comparison. Minyard performed a "full battery" of tests that measured respondent's intelligence quotient (IQ), reading ability, depression, anxiety, childhood trauma, and ability to express her feelings.

¶ 15 Minyard began both her 2010 and 2013 examinations by conducting a personal interview, but she noted that during the 2013 interview, respondent was "trying to show improvement and was \*\*\* not always answering \*\*\* truthfully." Minyard continued, as follows:

"Probably the most notable thing \*\*\* was that [respondent] continued to show some pretty serious problems with communication. [Respondent] seemed to have a lot of trouble with understanding what people are saying to her and with saying things in a way she could be understood, and that was pretty consistent across the two evaluations and was also noted in most of the documents that I have reviewed."

¶ 16 Respondent's IQ score, which measured intellectual functioning, was relatively stable at 76, which Minyard opined was a "borderline" result that could affect respondent's ability to parent. Minyard did not administer a full personality test to respondent, noting that it was a longer questionnaire that required a reading level higher than the fourth grade level that respondent possessed. Respondent's 2013 depression and anxiety scores suggested minimal symptoms, which was consistent with her 2010 results. Respondent's childhood trauma results suggested no emotional, physical, or sexual abuse but did show a moderate to severe level of emotional and physical neglect. Minyard surmised that respondent felt a lack of love and caring from her caregivers, which could directly affect the parenting of her children. Minyard acknowledged, how-

ever, that the chances of such a dysfunctional relationship occurring between respondent and her children could not be reliably predicted.

¶ 17 As to respondent's ability to express her feeling through writing, in 2010, respondent's "sentences \*\*\* were fairly childlike," with many spelling and grammatical errors, and respondent "referred to some depression." Minyard noted that respondent was aware of her cognitive deficiencies and struggled to maintain her self-esteem. In 2013, respondent's sentences were of a similar quality, but respondent communicated "less vulnerabilities and emotional distress." Minyard opined that respondent seemed to be more guarded in her responses, which was the general theme of respondent's 2013 evaluation.

¶ 18 In 2010, Minyard diagnosed respondent, as follows: (1) depressive disorder not otherwise specified; (2) cannabis abuse, if not dependence; (3) neglect and physical abuse of a child; (4) borderline intellectual functioning as a result of respondent's low IQ, poor judgment, and poor adaptive behavior; and (5) psychosocial stressors based on respondent's DCFS involvement, lifelong unemployment, extremely poor social and communication skills, history of childhood neglect, and limited social-support network. Minyard added that respondent's borderline intellectual functioning diagnosis would likely persist throughout her life with nominal prospects for improvement.

¶ 19 After respondent's February 2013 evaluation, Minyard reported that with the exception of cannabis abuse or dependency, which was no longer an issue, Minyard did not detect any measurable differences in respondent's aforementioned October 2010 diagnoses. Minyard opined to a reasonable degree of psychological certainty that respondent suffered from a mental disability. The following exchange then occurred:

"[THE STATE]: \*\*\* [I]n your [2010] report, you noted

that it's quite likely that [respondent] may never be able to meet minimally appropriate parenting standards?

[MINYARD]: I did.

[THE STATE]: When you reassessed [respondent] in 2013, \*\*\* do you still stand by that opinion? [MINYARD:] I do.

[THE STATE]: And is that based on her borderline intellectual functioning or are there other things that affect your opinion on that?

[MINYARD]: \*\*\* [I]t's not just [respondent's] borderline intellectual functioning. Some people \*\*\* have better adaptive skills than \*\*\* others. But I think that based on her history, [respondent] has gotten involved in some pretty superficial relationships and that's always sort of a danger to children. \*\*\* I think the communication issues are really significant and she just really hasn't shown a lot of understanding about how much care children need."

[THE STATE]: After reassessing [respondent] in 2013, \*\*\* can you conceive of any intervention that would \*\*\* render [respondent] able to parent within a time frame available to us here in court?

[MINYARD]: No, not within the time frame, and I think anything that could be done [is] still questionable [as to] whether it would bring her to that place. But definitely not in the time

frame[.]"

Minyard clarified that within a reasonable degree of psychological certainty, respondent would not improve her adaptive skills sufficiently to safely provide for her children in the near future.

¶ 20 The State called respondent as an adverse witness in its case-in-chief. Respondent, who was then 30 years old, testified that in April 2010, she was on the first floor of her home, sleeping. As she slept, J.C., who was then four years old, and N.C., who was then five months old, were upstairs. Sometime thereafter, J.C. carried N.C. down the stairs and showed respondent a burn that J.C. inflicted when he pulled down a curling iron that landed on N.C.'s arm. As a result, DCFS started an intact case and implemented a safety plan. In May 2010, DCFS performed a weekly visit and observed respondent in a physical altercation with another resident. DCFS then took custody of N.C., J.C., and D.B. A subsequent medical exam showed that J.C. had a "looped shaped" scar on his back. J.C. disclosed that respondent inflicted the injury with an extension cord. Respondent admitted that in the past, she would leave D.B. at home to care for her remaining children while she was away.

¶ 21 As part of the State's case-in-chief, the trial court admitted, without objection, eight client-service plans with the following initiation dates: (1) May 7, 2010; (2) November 8, 2010; (3) May 5, 2011; (4) October 18, 2011; (5) December 28, 2011; (6) April 18, 2012; (7) November 11, 2012; and (8) November 13, 2012. Those plans documented that on April 7, 2010, respondent called D.B.'s elementary school to speak to her. A school administrator overheard that conversation, which left her with the impression that respondent had left D.B., J.C., and N.C. unsupervised on the previous night, which resulted in N.C. receiving a burn on her arm. After speaking with D.B. concerning her conversation with respondent, the administrator called DCFS to report the incident. Later that same day, respondent took the advice of N.C.'s preschool



on how to appropriately interact with her children given their respective developmental stages. Dumas observed, however, that L.C. and N.C. had no parental attachment with respondent during those visits. Thereafter, the following exchange occurred:

"[RESPONDENT'S COUNSEL]: At the time that [respondent] was discharged from your care, what remaining concern did you have about her ability to parent?

[DUMAS]: [Respondent] just needed some more time \*\*\* with the children to work on her bonding attachment, more time to understand [what] it will take to parent four children.

[RESPONDENT'S COUNSEL]: In other words, one on one?

[DUMAS]: She did well, but all four children together [is] probably more than [respondent] can handle."

¶ 25 From July to December 2011, respondent had five family-counseling sessions with D.B. Dumas explained that respondent's sessions with D.B. were short-term because D.B. wanted to talk about her feelings of anger toward respondent. Following those sessions, Dumas stated that D.B.'s anger dissipated. Dumas did not meet with J.C. because he was being treated by another therapist. Dumas was aware that J.C., the most outspoken child regarding his fear of respondent, had no desire to attend family sessions with respondent.

¶ 26 Dumas agreed that as of July 2013, respondent did not possess the necessary skills to parent all four of her children simultaneously. Dumas could not provide an estimate as to when respondent might be able to effectively parent her children.

¶ 27 c. The Trial Court's Ruling

¶ 28 Following argument, the trial court found that the State proved respondent unfit on the grounds that she (1) failed to maintain a reasonable degree of interest, concern, or responsibility as to her children's welfare; (2) failed to make reasonable progress toward the return of her children to her care during any nine-month period after the end of the initial nine-month period following the adjudication of neglect; and (3) demonstrated an inability to discharge her parental responsibilities, which was supported by competent evidence from a licensed clinical social worker of mental impairment, mental illness, or an intellectual disability, and sufficient justification existed to believe that the inability to discharge her parental responsibilities would persist beyond a reasonable period of time.

¶ 29 *2. The January 2014 Best-Interest Hearing*

¶ 30 a. The State's Evidence

¶ 31 Lacy Hillard, respondent's caseworker for two months, testified that since May 2010, L.C., N.C., J.C., and D.B. had been placed with the same foster family. On two occasions since her assignment, Hillard observed L.C., N.C., J.C., and D.B. interact with their foster parents in a home they shared with two other foster boys. Hillard noted that the children attended church functions and were thriving in the environment their foster parents were appropriately providing for them. As a result, a bond had formed such that the foster parents were willing to adopt all four children.

¶ 32 Hillard acknowledged that in July 2013, J.C. was diagnosed with post-traumatic stress disorder (PTSD), which caused him to act disruptively. Although J.C. was receiving medication and individual therapy for his condition, future challenges existed. Hillard conveyed that the foster parents pledged their commitment to provide permanency to all their foster children, which included attending family-counseling sessions or any other suggested treatment to assist

J.C. Hillard did not have any reservations or concerns regarding the foster parents' commitment.

¶ 33 b. Respondent's Evidence

¶ 34 Respondent testified that she had some concerns regarding the interaction between D.B. and J.C. in the foster home because D.B. had complained to respondent that J.C. was destroying her things. Respondent recounted that when J.C. was in her care, he was merely hyper and did not have PTSD. Respondent stated that D.B. and J.C. "have not been normal since they've been in DCFS' care." Respondent stated that she loved her children but acknowledged that J.C. was afraid of her. Respondent confirmed that she has never visited the foster home where L.C., N.C., J.C., and D.B. currently reside.

¶ 35 c. The Trial Court's Ruling

¶ 36 Following argument, the trial court found that it was in the best interest of L.C., N.C., J.C., and D.B. that respondent's parental rights be terminated.

¶ 37 This appeal followed.

¶ 38 II. ANALYSIS

¶ 39 Respondent argues that the trial court's fitness and best-interest determinations were against the manifest weight of the evidence. We disagree.

¶ 40 A. The Trial Court's Fitness Findings

¶ 41 1. *The Applicable Statute, Reasonable Progress, and the Standard of Review*

¶ 42 Section 1(D)(p) of the Adoption Act provides, in pertinent part, as follows:

"D. 'Unfit person' means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following, except that a person shall not be

considered an unfit person for the sole reason that the person has relinquished a child in accordance with the Abandoned Newborn Infant Protection Act:

\* \* \*

(p) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or an intellectual disability \*\*\*, or developmental disability \*\*\*, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period." 750 ILCS 50/1(D)(p) (West 2012).

¶ 43 To prove a parent unfit pursuant to section 1(D)(p) of the Adoption Act, the State must show (1) the parent suffers from a mental impairment, mental illness, mental retardation, or developmental disability that prevents the parent from discharging his or her parental responsibilities; and (2) such inability will extend beyond a reasonable period of time. *In re Michael M.*, 364 Ill. App. 3d 598, 608, 847 N.E.2d 911, 920 (2006).

¶ 44 "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 Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 604 (2004). A reviewing court will not reverse a trial court's fitness finding un-



parent her children.

¶ 49 Given this evidence, we reject respondent's argument that each of the court's fitness findings was against the manifest weight of the evidence.

¶ 50 Having so concluded, we need not consider the trial court's other findings of parental fitness against respondent. See *In re Katrina R.*, 364 Ill. App. 3d 834, 842, 847 N.E.2d 586, 593 (2006) (on review, if sufficient evidence is shown to satisfy any one statutory ground, we need not consider other findings of parental fitness).

¶ 51 B. The Trial Court's Best-Interest Finding

¶ 52 1. *Standard of Review*

¶ 53 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).

¶ 54 "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. *Id.*

¶ 55 2. *The Trial Court's Best-Interest Determination*

¶ 56 Respondent argues that the trial court's best-interest findings were against the manifest weight of the evidence. We disagree.

¶ 57 In support of her argument, respondent claims that she loves her children. This

court does not doubt respondent's affection but notes that at the best-interest stage of the proceedings, the focus is properly directed toward L.C., N.C., J.C., and D.B.—that is, what circumstances will best serve their respective safety, moral, emotional, mental, and physical needs. In this regard, the only evidence presented at the January 2014 best-interest hearing showed that L.C., N.C., J.C., and D.B. were residing together in a stable, loving home and had the nurturing support of a foster family that was committed to their well-being despite obvious future challenges. In other words, the evidence presented showed that the children's foster parents were sufficiently providing for the needs of L.C., N.C., J.C., and D.B. Accordingly, we conclude that the trial court's best-interest determination was not against the manifest weight of the evidence.

¶ 58

### III. CONCLUSION

¶ 59 For the reasons stated, we affirm the trial court's fitness and best-interest determinations.

¶ 60 Affirmed.