

¶ 4

I. BACKGROUND

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

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In September 2011, the State filed separate petitions for adjudication of wardship, alleging that P.A. and C.A. 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)). Specifically, each petition alleged that P.A. and C.A.'s environment was injurious to their welfare due to the drug use of their biological mother, Lacey Arnsperger. In addition, the State alleged that C.A.'s environment was injurious to his welfare in that upon his birth, his system contained a controlled substance (methamphetamine) (705 ILCS 405/2-3(1)(c) (West 2012)).

¶ 7

Following a November 16, 2011, adjudicatory hearing, the trial court entered a written order, finding that P.A. and C.A. were neglected minors based on respondent's stipulation to the State's factual basis. Following the presentation of evidence and argument at a December 2011 dispositional hearing, the court entered a written order, adjudicating P.A. and C.A. wards of the court and appointing the Department of Children Family Services (DCFS) as their guardian.

¶ 8

B. The State's Petitions To Terminate Parental Rights

¶ 9

In July 2013, the State filed separate petitions to terminate respondent's parental rights pursuant to the Adoption Act (750 ILCS 50/1 to 24 (West 2012)). Specifically, the State alleged that respondent was an unfit parent in that he (1) failed to maintain a reasonable degree of interest, concern, or responsibility as to the welfare of P.A. and C.A. (750 ILCS 50/1(D)(b) (West 2012)); (2) was depraved (750 ILCS 50/1(D)(i) (West 2012)); (3) failed to make reasonable efforts to correct the conditions that were the basis for the removal of P.A. and C.A. from his care (750 ILCS 50/1(D)(m)(i) (West 2012)); (4) failed to make reasonable progress toward the return of P.A. and C.A. to his care within nine months after an adjudication of neglect (Novem-

spondent later skipped or failed his required drug tests. Larkin noted that respondent's client-service plan required him to submit to drug testing prior to every visit with P.A. and C.A., but respondent attended only 45 of the 158 scheduled visits with P.A. and C.A. since the opening of his case. Larkin explained that some of respondent's missed visitation was due to his refusal to engage in services, his refusal to engage in drug testing, and a variety of other excuses respondent would provide.

¶ 15 Carla Dumas, a therapist at CYFS, testified that she provided seven sessions of couples counseling and parenting education to respondent and Lacey between October 2012 and January 2013. The marital counseling sessions went poorly because respondent usually refused to complete the homework assignments or participate in the sessions because respondent claimed "it wasn't useful." Dumas testified that respondent would often attend a session only to avoid an absence. On several occasions, respondent's verbal aggression prompted Lacey to walk out of the session. Following a January 22, 2013, marital-counseling session, respondent and Lacey stopped attending sessions. In March 2013, after two continuous months of nonattendance, Dumas closed respondent's case and evaluated his progress as unsatisfactory.

¶ 16 On January 29, 2013, respondent and Lacey were scheduled to complete their final parenting exam. Respondent refused to enter the building to take the exam. Instead, respondent remained in the parking lot and repeatedly called Lacey from his cellular phone, frustrating Lacey's efforts to complete her exam. Dumas reported that respondent failed to successfully complete the parenting course.

¶ 17 Respondent did not present any evidence.

¶ 18 b. The Trial Court's Ruling

¶ 19 Following argument, the trial court found that the State proved respondent unfit

on the grounds that he failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to the welfare of P.A. and C.A.; (2) make reasonable efforts to correct the conditions that were the basis for the removal of P.A. and C.A. from his care; (3) make reasonable progress toward the return of P.A. and C.A. to his care within nine months after an adjudication of neglect (November 16, 2011 to August 16, 2012); and (4) make reasonable progress toward the return of P.A. and C.A. to his care during any nine-month period after the end of the initial nine-month period following the adjudication of neglect. Specifically, the court noted that respondent was recalcitrant throughout the case and did not "understand why he needed any of this." The court opined that respondent was not motivated to regain custody of P.A. and C.A.

¶ 20 *2. The February 2014 Best-Interest Hearing*

¶ 21 a. The State's Evidence

¶ 22 Larkin testified that P.A. and C.A. had been with the same foster family since November 2011. The foster parents, who had already adopted P.A. and C.A.'s half-siblings, were willing to adopt P.A. and C.A. Larkin noted that P.A. and C.A. had bonded with their foster parents and half-siblings and they did not require any additional individual services. Larkin opined that she did not have any concerns regarding the current placement of P.A. and C.A.

¶ 23 Larkin testified further that while P.A. and C.A. were in foster care, respondent called a hotline to report that the foster parents had sexually abused P.A. However, during the investigation into that report, respondent refused to provide consent for P.A. to undergo testing to determine whether sexual abuse occurred. Larkin acknowledged that the testing was "very invasive," but opined that respondent's allegations were unfounded. Larkin stated that she had no cause for concern regarding P.A. and C.A.'s placement. Larkin acknowledged that P.A. and C.A. had bonded with respondent, but she noted that P.A. and C.A. were confused and suffered

nightmares after respondent's visits.

¶ 24 Respondent did not present evidence.

¶ 25 b. The Trial Court's Ruling

¶ 26 Following argument, the trial court found that it was in the best interests of P.A. and C.A. that respondent's parental rights be terminated.

¶ 27 This appeal followed.

¶ 28 II. ANALYSIS

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

¶ 30 A. The Trial Court's Fitness Findings

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

¶ 32 At the time of the fitness hearing in this case, section 1(D)(m) of the Adoption Act provided, 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 ***:

* * *

(m) Failure by a parent *** (iii) to make reasonable progress toward the return of the child to the parent during any [nine]-month period after the adjudication of neglected or abused minor[.]" 750 ILCS 50/1(m)(iii) (West 2012).

¶ 33 In *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001), the supreme court discussed the following benchmark for measuring "reasonable progress" under section 1(D)(m) of the Adoption Act:

"[T]he benchmark for measuring a parent's 'progress toward the return of the child' under section 1(D)(m) of the Adoption Act encompasses the parent's compliance with the service plans and the court's directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later become known and which would prevent the court from returning custody of the child to the parent."

¶ 34 In *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991), this court discussed reasonable progress under section 1(D)(m) of the Adoption Act and held as follows:

" 'Reasonable progress' *** exists when the [trial] court *** can conclude that *** the court, in the *near future*, will be able to order the child returned to parental custody. The court will be able to order the child returned to parental custody in the near future because, at that point, the parent *will have fully complied* with the directives previously given to the parent ***." (Emphases in original.)

¶ 35 The supreme court's discussion in *C.N.* regarding the benchmark for measuring a respondent parent's progress did not alter or call into question this court's holding in *L.L.S.* For cases citing the *L.L.S.* holding approvingly, see *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067,

859 N.E.2d 123, 137 (2006); *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067-68, 808 N.E.2d 596, 605 (2004); *In re B.W.*, 309 Ill. App. 3d 493, 499, 721 N.E.2d 1202, 1207 (1999); and *In re K.P.*, 305 Ill. App. 3d 175, 180, 711 N.E.2d 478, 482 (1999).

¶ 36 "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." *Jordan V.*, 347 Ill. App. 3d at 1067, 808 N.E.2d at 604. A reviewing court will not reverse a trial court's fitness finding unless it is contrary to the manifest weight of the evidence, meaning that the opposite conclusion is clearly evident from a review of the record. *Id.*

¶ 37 *2. The Trial Court's Fitness Findings*

¶ 38 Respondent argues that the trial court's fitness findings were against the manifest weight of the evidence. We disagree.

¶ 39 In this case, respondent was required to successfully complete specific goals tailored to address certain deficiencies before he could regain custody of P.A. and C.A. Specifically, respondent had to successfully complete either counseling or classes to address issues related to his (1) substance abuse, (2) anger management, (3) domestic violence, (4) parenting, and (5) relationship with Lacey. In addition, respondent was required to show proof of employment and maintain a safe residence.

¶ 40 The evidence presented at the November 2013 fitness hearing showed that after the initial nine-month period following the trial court's adjudication of neglect, which ended on August 16, 2012, respondent had yet to successfully complete any of his service-plan goals with the exception of housing. The evidence also showed that respondent's demeanor toward completing his goals was one of disinterest in that he (1) refused to engage in services, (2) attended

less than 30% of his scheduled visits with P.A. and C.A., and (3) opined that some services were not required or helpful.

¶ 41 In his brief to this court, respondent claims that (1) his progress and efforts toward completing his goals and (2) the interest he took in his children were reasonable, which precluded the trial court's fitness findings. We note, however, that from August 16, 2012, to May 16, 2013—the second nine-month period in this case—respondent made minimal progress toward completing his service-plan goals and more importantly, would not have successfully completed his service-plan goals such that P.A. and C.A. could have been returned to his care in the near future. Accordingly, we reject respondent's argument that the court's fitness finding—regarding his failure to make reasonable progress toward the return of P.A. and C.A. to his care during any nine-month period after the end of the initial nine-month period following the adjudication of neglect—was against the manifest weight of the evidence.

¶ 42 Having so concluded, we need not consider the trial court's other findings of parental fitness against respondents. 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).

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

¶ 44 1. *Standard of Review*

¶ 45 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).

¶ 46 "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.*

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

¶ 48 Respondent argues that the trial court's best-interest finding, which terminated his parental rights, was against the manifest weight of the evidence. We disagree.

¶ 49 In this case, the only evidence presented at the February 2014 best-interest hearing showed that P.A. and C.A. had lived for over three years with the same foster parents, who had already adopted P.A. and C.A.'s half-siblings and were willing to adopt P.A. and C.A. Larkin noted that (1) P.A. and C.A. were bonded with their foster parents and half-siblings and (2) she had no reservations about their placement in that family. Accordingly, we conclude that the trial court's best-interest determination was not against the manifest weight of the evidence.

¶ 50 **III. CONCLUSION**

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

¶ 52 Affirmed.