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2014 IL App (4th) 140477-U  
NOS. 4-14-0477, 4-14-0478 cons.

**FILED**  
September 25, 2014  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

IN THE APPELLATE COURT  
OF ILLINOIS

FOURTH DISTRICT

In re: Z.T., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Macon County
v.    (No. 4-14-0477)	)	No. 11JA124
AYEYSHA NASR,	)	
Respondent-Appellant.	)	
-----	)	
In re: Z.T., a Minor,	)	
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v.    (No. 4-14-0478)	)	
GARY TRAMMEL,	)	Honorable
Respondent-Appellant.	)	Thomas E. Little,
	)	Judge Presiding.

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

**ORDER**

¶ 1 *Held:* The trial court did not err in terminating respondent-father's and respondent-mother's parental rights.

¶ 2 In May 2014, the trial court terminated respondent-father Gary Trammel's and respondent-mother Ayeeysha Nasr's parental rights to Z.T. (born November 28, 2011).

Respondents appeal, arguing the court's decision it was in Z.T.'s best interests to terminate their parental rights was against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On December 12, 2011, two weeks after Z.T.'s birth, the State filed a petition alleging Z.T. was neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (705

ILCS 405/2-3(1)(b) (West 2010)), because her environment was injurious to her welfare as a result of Nasr's ongoing substance-abuse and mental-health issues. Nasr admitted using cocaine during her pregnancy with Z.T. That same month, the trial court entered a temporary custody order, finding removal was immediately and urgently necessary because of Nasr's ongoing substance-abuse and mental-health issues.

¶ 5 On March 2, 2012, the trial court entered an adjudicatory order, finding Z.T. was abused/neglected in that her environment with respondents was injurious to her welfare based on Nasr's substance-abuse and mental-health issues. Trammel knew of Nasr's substance abuse but took no steps to get her to stop. That same day, the court entered a dispositional order, finding both parents unfit and unable to care for Z.T. The court gave the Department of Children and Family Services (DCFS) the right to place Z.T. and discretion to allow the parents to have unsupervised overnight and extended visits.

¶ 6 On June 13, 2012, the trial court entered a permanency order, setting the appropriate permanency goal as return home within 12 months. The court noted Trammel was doing well but Nasr was not. However, Trammel and Nasr were living together. Nasr was still married to another man, and Trammel was not listed on Z.T.'s birth certificate. The court found Nasr had made neither reasonable and substantial progress nor reasonable efforts toward returning the minor home. The court found Trammel had made reasonable efforts but not reasonable progress toward returning Z.T. home.

¶ 7 On October 17, 2012, the trial court entered another permanency order. The court kept the appropriate permanency goal as return home within 12 months. According to the court, Nasr and Trammel had made reasonable and substantial progress and reasonable efforts

toward returning Z.T. home. The court's January 2013 permanency order also kept the goal as return home within 12 months. However, the court found neither Nasr nor Trammel were making reasonable progress or reasonable efforts toward returning Z.T. home.

¶ 8 On March 6, 2013, the State filed a motion seeking a finding of unfitness and termination of Nasr's and Trammel's parental rights. The State alleged Nasr and Trammel failed to maintain a reasonable degree of interest, concern, or responsibility as to Z.T.'s welfare, deserted the minor for more than three months prior to the unfitness proceeding, failed to protect Z.T. from conditions within her environment injurious to her welfare, failed to make reasonable efforts to correct the conditions that were the basis for Z.T.'s removal, and failed to make reasonable progress toward the return of Z.T. within 9 months after an adjudication of neglect. The State also alleged Nasr had been habitually drunk or addicted to nonprescribed drugs for at least one year immediately prior to the commencement of the unfitness proceeding.

¶ 9 On July 10, 2013, the trial court's permanency order set the permanency goal as substitute care pending determination of termination of parental rights. Again, the court found neither Nasr nor Trammel made reasonable and substantial progress or reasonable efforts toward returning the minor home.

¶ 10 Ten days later, on July 22, 2013, the trial court held a fitness hearing. After the State called several witnesses and rested, Nasr and Trammel stipulated to a finding of unfitness. The State agreed the permanency goal should be changed to return home within 12 months because of progress made after the termination petition was filed. The court accepted the stipulations and changed the permanency goal to return home within 12 months.

¶ 11 On September 18, 2013, the trial court entered another permanency order, keeping the permanency goal as return home within 12 months. The court noted the parents were still not returned to fitness and were regressing. The court found Nasr had made reasonable efforts but not reasonable progress toward returning the child home. As for Trammel, the court found he made neither reasonable efforts nor reasonable progress toward Z.T.'s return.

¶ 12 On December 4, 2013, the trial court entered another permanency order, keeping the permanency goal as return home within 12 months. The court noted Nasr was doing pretty well, but Trammel was not. According to the court, the parental relationship was unstable, preventing the child's return home. The court found Nasr had made reasonable efforts and progress toward Z.T.'s return home. Although the court found Trammel had made reasonable efforts, it found he failed to make reasonable and substantial progress.

¶ 13 On March 25, 2014, the State filed a motion to set a best-interests hearing. The trial court held a best-interests hearing on May 29, 2014. Katie Worland, a foster care case manager at Webster Cantrell Hall, testified she had been Z.T.'s caseworker for 1 1/2 years. She had worked with Z.T., Nasr, and Trammel. Worland testified the case had been ongoing since 2011. Nasr and Trammel had been dealing with issues including substance abuse, housing, and their relationship.

¶ 14 Worland testified everything was going well in July 2013. Nasr and Trammel were a couple, came to their scheduled visits, and did not fail any drug drops. According to Worland, a bond was evident between Z.T. and Nasr and Trammel during visits. However, in January 2014, they stopped showing up for visits. On three occasions, they did not call or show up for scheduled visits, so the visits were ended pursuant to Webster Cantrell Hall policy.

¶ 15 In late January 2014, Worland lost contact with Nasr. Trammel called to tell her Nasr had been hospitalized for chest pain and had been given morphine. On February 18, 2014, Trammel called back and said Nasr was missing. He said he did not know where Nasr was but would tell Worland when he found out. Worland received a call from Nasr on February 26. Nasr had been admitted to the psychiatric ward at St. Mary's Hospital. Worland testified Nasr missed all of her drug drops in February and only showed up for two drops in January. In March, Nasr tested positive for cocaine.

¶ 16 Worland did not have any contact with Nasr until she called Worland on May 22, 2014, and told Worland she was living in Illiopolis with her mother and brother. On May 27, 2014, Nasr called requesting her brother be granted guardianship of Z.T. Worland spoke to her supervisor about this and determined this was inappropriate because Z.T. did not know her uncle and had an established relationship with her foster parents.

¶ 17 Worland testified she had more contact with Trammel after July 2013. However, she had not heard from him since February 26, 2014.

¶ 18 According to Worland, neither Nasr nor Trammel were any closer to having Z.T. returned home than they were in July 2013. Worland testified Nasr and Trammel had exhibited a consistent pattern of doing well for a while and then "fall[ing] off the wagon" throughout the case.

¶ 19 On the other hand, Z.T. was doing very well in her placement with her maternal aunt and uncle. She was the only child in the home. She had been in the same placement since 2011, except for a period in 2013, when she was removed from the home because of "environmental neglect." However, the foster parents fixed the conditions in the home, and Z.T.

was returned there. After Z.T. was removed, the foster parents remodeled the entire house and Worland said "it's great now." Z.T. was very bonded with her foster parents and called them "mommy" and "daddy." Worland testified Z.T. needed consistency in her life and reliable caregivers. She believed Z.T.'s current foster parents were meeting those needs. Worland's best-interests report noted Z.T.'s foster parents were committed to providing long-term permanency for Z.T.

¶ 20 Z.T. had some speech issues and hypertonia. Worland testified Z.T.'s doctors thought the hypertonia was related to Nasr's cocaine use during the pregnancy. Otherwise, Z.T. was on track educationally and developmentally. The foster parents were meeting her medical needs.

¶ 21 Nasr testified she completed parenting classes and substance-abuse counseling around the middle of 2013. She and Trammel also started couple's counseling in either later November or early December 2013. However, the couple's counseling was not conducive to Trammel's work schedule as a truck driver. Nasr missed visits with Z.T. in January 2014 because she had to go to Phoenix, Arizona, for a family emergency (her mother's congestive heart failure). She was in Phoenix for a couple of weeks. She was unable to speak with Worland about being in Arizona because of issues with her cellular phone. She expected Trammel to inform Worland of the situation, which Trammel told her he had done.

¶ 22 Nasr testified she did not speak with Worland until March 2014 after she was discharged from St. Mary's Hospital. She claimed she talked with Worland about having visits with Z.T. No visits were held after March though.

¶ 23 Nasr described her relationship with Z.T. as very close. Z.T. knows Nasr is her mother. She and Trammel had signed a lease for a house outside Decatur, which she believed would be an appropriate place for Z.T. to stay. The only thing they did not have that Z.T. needed was a bed, which they could acquire within a day.

¶ 24 On March 5, 2014, Nasr learned from Worland a possibility existed her parental rights were going to be terminated. Nasr testified this made her lose hope in being Z.T.'s mother.

¶ 25 Trammel testified he completed parenting classes. He also maintained suitable housing. In January 2014, the caseworkers stopped bringing Z.T. to the house for visits. The home visits were cancelled because both parents were not there for the visit. As a result, the visits were moved to another facility. He was told where the visits would take place. He did not go to the visits at the facility because he was "frustrated at the system and the way" the case had been handled.

¶ 26 The caseworkers also told Trammel and Nasr they needed couple's counseling. However, this affected his ability to work as an over-the-road truck driver because he could be on the road anywhere from one day to a week. He testified he was already taking Mondays off for appointments at Decatur Psychological Associates, P.C.

¶ 27 Trammel testified he last saw Z.T. in January 2014. He admitted he never called Worland to find out why he was not getting to see Z.T. However, he stated he expressed to Worland in February 2014 a desire to see Z.T.

¶ 28 The trial court ruled termination of Nasr's and Trammel's parental rights was in Z.T.'s best interests.

¶ 29 This appeal followed.

¶ 30

## II. ANALYSIS

¶ 31 At issue in this case is the termination of respondents' respective parental rights.

"The termination of parental rights is a two-step process under which the best interests of the child is considered only after a court finds the parent unfit." *In re E.B.*, 231 Ill. 2d 459, 472, 899 N.E.2d 218, 226 (2008). In this case, respondents admitted they were unfit for termination purposes. However, they appeal the trial court's finding termination of their respective parental rights was in Z.T.'s best interests.

¶ 32 After a parent is found unfit, the trial court shifts its focus in termination proceedings to the child's best interests. *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004). At the best-interests stage, a "parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *Id.* Before a parent's rights may be terminated, a court must find the State proved, by a preponderance of the evidence, termination is in the child's best interests. *Id.* at 367, 818 N.E.2d at 1228.

¶ 33 When considering whether termination is in a child's best interests, a trial court must consider a number of factors within "the context of the child's age and developmental needs," including the following:

"(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's familial, cultural[,] and religious background and ties; (4) the child's sense of attachments, including love, security, familiarity, continuity of affection, and the least[-] disruptive placement alternative; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the child's need for

permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1071-72, 859 N.E.2d 123, 141 (2006); 705 ILCS 405/1-3(4.05) (West 2012).

¶ 34 This court grants trial court decisions great deference in termination proceedings because the trial court is in a better position to see the witnesses and judge their credibility. *In re K.B.*, 314 Ill. App. 3d 739, 748, 732 N.E.2d 1198, 1206 (2000). A trial court's best-interests finding will not be reversed unless it is against the manifest weight of the evidence. *In re Anaya J.G.*, 403 Ill. App. 3d 875, 883, 932 N.E.2d 1192, 1199 (2010). A decision will be found to be against the manifest weight of the evidence "if the facts clearly demonstrate that the court should have reached the opposite conclusion." *Daphnie E.*, 368 Ill. App. 3d at 1072, 859 N.E.2d at 141.

¶ 35 Respondents argue the trial court's best-interests finding was against the manifest weight of the evidence. We disagree.

¶ 36 Z.T. was removed from Nasr and Trammel in December 2011, when she was two weeks old. Two and a half years later, Worland testified Nasr and Trammel were no closer to having Z.T. returned home than they were in July 2013, when they stipulated they were unfit for termination purposes. According to Worland's testimony, Z.T. needed consistency in her life and reliable caregivers. Worland testified Z.T.'s foster parents were meeting these needs and were committed to providing long-term permanency to Z.T. The trial court found Worland's testimony to be credible. The court also found a very strong bond clearly existed between Z.T.

and the foster parents and that Z.T. was doing very well in the foster home. Further, the foster parents could provide permanency and consistency for Z.T. and were willing to adopt Z.T.

¶ 37 The trial court noted a bond existed between Z.T. and Nasr and Trammel. However, the court correctly noted it could not determine the extent of that bond at the time of the best-interests hearing considering neither parent had seen Z.T. since January 2014. Further, while the parents had made progress at times, the court correctly found they had also gone through periods where no progress was made. In fact, the record reflects a regression of the earlier progress made.

¶ 38 Considering this case had been ongoing for 2 1/2 years and the child's chances of being returned to Nasr and Trammel in the future were minimal, the trial court's decision it was in Z.T.'s best interests to terminate Nasr's and Trammel's parental rights was clearly not against the manifest weight of the evidence.

¶ 39 III. CONCLUSION

¶ 40 For the reasons stated, we affirm the trial court's order terminating Nasr's and Trammel's parental rights to Z.T.

¶ 41 Affirmed.