

No. 1-16-1513

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

In the Interest of: J.S., a/k/a J.U.S., a Minor	)	Appeal from the
	)	Circuit Court of
Minor-Respondent-Appellee	)	Cook County.
	)	
(The People of the State of Illinois,	)	
	)	
Petitioner-Appellee,	)	No. 08 JA 578
	)	
v.	)	
	)	
Kimberly P.,	)	Honorable
	)	Nicholas Geanopoulos,
Mother-Respondent-Appellant).	)	Judge Presiding.

JUSTICE ROCHFORD delivered the judgment of the court.  
Presiding Justice Hoffman and Justice Delort concurred in the judgment.

**ORDER**

¶ 1 *Held:* We affirmed the finding that the mother-respondent-appellant was unfit where the State proved, by clear and convincing evidence, that she had failed to maintain a reasonable degree of interest, concern, or responsibility as to the child's welfare.

¶ 2 Respondent-appellant, Kimberly P. (K.P.), appeals from the order terminating her parental rights as to minor-respondent-appellee, J.S., a/k/a J.U.S., arguing that the trial court erred in finding that she was unfit. We find that the trial court's decision, finding that K.P. was unfit to parent J.S., was supported by the manifest weight of the evidence, and therefore affirm.

¶ 3 On June 13, 2008, the State filed a petition for adjudication of wardship and motion for temporary custody alleging that J.S., born on June 1, 2008, was neglected due to injurious environment in violation of section 2-3(1)(b) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b) (West 2014)), and abused due to substantial risk of physical injury in violation of section 2-3(2)(ii) of the Act (705 ILCS 405/2-3(2)(ii) (West 2014)). K.P. is the mother of J.S. A.S. is the father of both J.S. and his older brother, A. A.S. is not a party to this appeal.

¶ 4 The petition alleged that: A.S. had sexually penetrated J.S.'s 12-year-old sister, T., resulting in her pregnancy; A.S. had multiple indicated reports for sexual offenses against his minor relatives; A.S. had admitted to being the father of T.'s unborn child; and A.S. and K.P. continued to have a relationship. An affidavit filed with the petition stated that, after the abuse was discovered, K.P. allowed A.S. back into the home and to be around the family. The petition was amended on September 15, 2009, to further allege that A.S. had sexually abused D., another sister of J.S., and that D. tested positive for Chlamydia.

¶ 5 On June 13, 2008, the trial court granted a motion for temporary custody of J.S. and his six siblings, and allowed K.P. supervised visitation.

¶ 6 Beginning on June 10, 2009, and over the following seven years, the trial court conducted multiple hearings as to a permanency plan for J. S. Initially, the permanency goal was to return J.S. home in 12 months, and K.P. was therefore to engage in reunification services.

¶ 7 On February 23, 2010, after a hearing, J.S. was adjudicated abused or neglected based on an injurious environment. On that same date, a disposition order was entered finding that K.P. and A.S. were unable to care for, protect, train, or discipline J.S. for reasons other than financial circumstances alone, and J.S. was placed in the guardianship of DCFS. The order entered on that

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date again set a permanency goal of J.S. returning home within 12 months, with K.P. engaging in reunification services.

¶ 8 On May 7, 2012, the trial court changed the permanency goal to private guardianship, finding "the natural parents have not made progress in reunification services." Permanency orders entered after that date reflected that J.S. had been in the court system since his birth and that he needed therapeutic services and permanency. On June 25, 2015, the permanency goal was changed to substitute care pending a court determination of parental rights, and K.P. was ordered to attend mediation with J.S.'s foster parent to discuss permanency related issues. On August 25, 2015, the court entered an order stating that K.P. had failed to attend the mediation.

¶ 9 On October 13, 2015, the State filed a motion to permanently terminate the parental rights of K.P. and A.S., and appoint a guardian for J.S. with the right to consent to adoption. The State alleged that: K.P. and A.S. were unfit under both section 1(D)(b) (750 ILCS 50/1(D)(b) (West 2014)) and section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2014)). Specifically, it was alleged that K.P. and A.S. failed to: (1) maintain a reasonable degree of interest, concern, or responsibility as to J.S.'s welfare (ground b); and (2) make reasonable efforts to correct the conditions which were the basis for the removal of J.S. from them and/or failed to make reasonable progress toward the return of J.S. within the immediately preceding 9 months, or within any 9 month period, after the adjudication of neglect or abuse (ground m).

¶ 10 A fitness hearing took place on April 20, 2016. Prior to the presentation of evidence, the State withdrew the unfitness allegations against A.S. because, on February 24, 2016, A.S. had finally and irrevocably consented to the adoption of J.S. by his foster parent, Brenda B. The

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State called Karen Goldmeier and Cierra King of Kaleidoscope Clinical Services (Kaleidoscope) as witnesses, and introduced fifteen groups of records into evidence.

¶ 11 Ms. Goldmeier testified that the family's case was originally assigned to ChildServe after it was discovered in March 2008 that K.P.'s 12-year-old daughter T. was impregnated by A.S. A.S. was later convicted of criminal charges relating to the sexual abuse of T. Initially, intact family services and a safety plan were put into place, but A.S. continued to be around the family. As a result, the children were placed into the temporary custody of the court in June 2008. The family's case was transferred to Kaleidoscope in 2014. Ms. Goldmeier became the family's caseworker in 2015, was familiar with and the keeper of the full records relating to the case, and testified to the case history.

¶ 12 ChildServe recommended that K.P. complete individual therapy, family therapy, and parent coaching. While the matter was with ChildServe, K.P. did not successfully complete these services. Although she was discharged from parent coaching in 2009, K.P. eventually completed parent coaching in January 2016, after Kaleidoscope recommended this service to assist K.P.'s supervised visitations with her children.

¶ 13 K.P. received individual therapy through ChildServe from 2008 through 2011, but was unsuccessfully discharged due, in part, to a lack of consistent attendance and progress. In 2013, K.P. was diagnosed with depression and adjustment disorder. In July 2013 (with Community Counseling Centers of Chicago (CCCC)), August 2014 (with CCCC), and December 2014 (with Kaleidoscope), K.P. was referred to individual therapy, but she was discharged each time due to her inability to develop goals and her belief that she did not need therapy. Kaleidoscope had referred K.P. to individual therapy to address her depression and the reasons for the case being

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brought into the system; *i.e.*, her continued relationship with A.S. after the discovery of the sexual abuse. Of particular concern, were K.P.'s persistence that she did not know T. was being sexually abused, and her denial of any responsibility. After the last attempt at individual therapy, Kaleidoscope scheduled a follow-up meeting with K.P. to identify goals for the therapy which she failed to attend. Additionally, Ms. Goldmeier sent two letters to K.P. in June and July 2015 informing her of available service providers for individual and parenting services, but K.P. did not contact them. Kaleidoscope still believes that K.P. needs therapy and that, if J.S. was returned to her, there would be safety concerns. At a child and family team meeting in 2015, K.P. stated that she would not return to individual therapy because she had already completed it. The case file does not contain documentation that K.P. successfully completed individual therapy.

¶ 14 In 2011, K.P. was discharged from family therapy (with ChildServe) involving her older children. Kaleidoscope never recommended family therapy for K.P. and J.S., because she had not made enough progress and had not reengaged in individual therapy.

¶ 15 K.P. was allowed unsupervised visits with two of J.S.'s siblings, K. and J., but those visits were suspended around June 2011 because K. reported that K.P.'s then "paramour was sleeping over" during a visit. Since that time, K.P. has not had unsupervised visits with her older children. While she has never had unsupervised visits with J.S., K.P. does have custody of her three children born after 2008. Kaleidoscope does not have concerns with the three children in K.P.'s care, but does monitor them.

¶ 16 K.P. had supervised visits, twice per month, for two hours with J.S. and her older children. K.P. brought her younger children who were in her care to those visits; a total of 10

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children ranging in age from 1 to 19 years. Ms. Goldmeier or someone else would supervise the visits with the assistance of three or four of the children's caseworkers. Ms. Goldmeier had been present at about 12 visits.

¶ 17 Although she consistently attended the visits, K.P. was also consistently 30 to 60 minutes late. The children would become agitated and anxious while they waited for her. At a November 2015 meeting with the agency, K.P. explained her tardiness on the facts that she was caring for three children under the age of five and often relied on family members or public transportation to attend the visits. K.P. did not complain about the days and times for the visits at that meeting. Further, at the meeting, K.P. said that if the children became upset, they could call her and she could tell them she was on her way.

¶ 18 Ms. Goldmeier observed that K.P. was inattentive to J.S. and that, during most of the visits, they were separate and apart. When K.P. would arrive she would greet J.S. and have "some small conversation" with him. After their initial conversation, K.P. usually did not seek further interaction with J.S., nor did she attempt to learn what was going on in his life. J.S., instead, would stay with A. In October 2015, before K.P. arrived for a visit, J.S. became upset when one of his siblings told him not to refer to his foster brother as a brother. After she arrived and was told that J.S. was upset, K.P. did not comfort him, but told the offending sibling to stop making those statements because it would be reported to the court.

¶ 19 After receiving directions from the parent coach, K.P. brought healthy food options for the children to the visits. K.P., however, did not make sure that this food was eaten. J.S. would often eat candy instead.

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¶ 20 At the visitations, K.P. did not use the skills taught during parent coaching, including lessons meant to help her with the number of children. When asked to redirect the children, K.P. would yell and then go back to what she was doing. She was not successful in redirecting or supervising J.S. For example, in October 2015, J.S. climbed onto a table and K.P. did not assist him. J.S. would often leave the visitation room, including during a visitation in March 2016, and K.P. would not follow him. Although Ms. Goldmeier believed K.P. still needed parenting services, she could not identify the type of service that K.P. would "successfully use and integrate."

¶ 21 The visits were chaotic and the caseworkers often assisted in maintaining order and safety. Initially, the visits were held in the "community." However, in summer 2014, the agency found those visits unsafe and, subsequently, the visits took place at the agency.

¶ 22 Cierra King, a licensed social service worker, testified that she had been J.S.'s caseworker since May 18, 2015. Ms. King had been present at four or five visits. K.P. was 45 to 60 minutes late for most visits.

¶ 23 K.P. would greet J.S. and make sure that he had food, but that was the extent of their interactions. J.S. usually spent the visitation time with his older brother, A., and they often played on a phone. Ms. King had concerns about K.P.'s interactions with J.S. Ms. King did not observe K.P. have a one-on-one conversation with J.S., or show any interest in how he was doing in school. During the visits, the other children helped J.S. with his homework. Ms. King did not encourage K.P. to assist J.S. with his homework, because the other siblings were already helping J.S. by the time K.P. arrived. Ms. King testified that K.P. loved J.S., but J.S. had a "secondary" attachment to K.P., and not a "caregiver" attachment.

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¶ 24 The records introduced into evidence on behalf of the State included: a Department of Children and Family Services (DCFS) integrated assessment and social history; nine DCFS family service plans; a permanency planning hearing report; ChildServe child and family therapy records; CCCC intake assessments; and Kaleidoscope therapy records. The records are extensive, and the content of those records was consistent with the testimony of Ms. Goldmeier and Ms. King. We set forth additional relevant portions of those records.

¶ 25 The DCFS integrated assessment and social history report was completed on September 5, 2008. The history section stated that T. had reported that she had sex with A.S. beginning in 2007, when she was in fifth grade, and that the sex was sometimes forced. At the time the matter came into the system, K.P. admitted that she continued to be in a romantic relationship with and loved A.S. According to K.P., A.S. denied that "anything happened" between him and T. and K.P. believed him. K.P. said that T. was a liar. K.P. and T. were both then pregnant by A.S. The recommendation was that K.P. receive individual and family counseling.

¶ 26 The April 6, 2011, ChildServe quarterly report stated that K.P. had been in treatment and, in February 2011, began family therapy and parent coaching. In 2009, she participated in parent coaching but had not "fully embraced" the information which was provided. The therapist observed supervised visitations on February 25, 2011, and March 18, 2011. K.P. "showed loving behavior" with A., J.S., and her granddaughter and read to them. However, K.P. had difficulties interacting and communicating with the children. K.P. did not redirect A. and J.S. when they misbehaved, and she did not set boundaries with the children. The therapist encouraged K.P. to understand the positive impact she could have on her children.



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¶ 27 The September 18, 2011, ChildServe quarterly report stated that the therapist had concerns about K.P.'s lack of problem solving skills to manage her children's needs. The report further stated that K.P. continued harmful "patterns in her life", including having relationships with "men that have a history of incarceration" without understanding the harm. The therapist concluded that K.P. was not absorbing the information she had received through counseling. The recommendation was to change the return home goal because of K.P.'s lack of progress.

¶ 28 The December 18, 2011, ChildServe quarterly report stated that K.P. was pregnant with her ninth child, but was not comfortable talking about the father's identity. This type of secrecy was seen as a barrier to treatment and served to maintain "dysfunctional family dynamics." K.P. said that K. had not been truthful about a man, the father of her younger children, being present during an unsupervised visitation, because the father was incarcerated at that time. The report stated that, due to K.P.'s lack of progress, the return home goal had been properly changed.

¶ 29 The November 28, 2011, DCFS family service plan stated that, as to J.S., K.P. had made unsatisfactory progress as to the then goal of return home within 12 months. The supervised visitation plan for K.P. and the children, including J.S., required K.P. to interact with them in a safe and appropriate manner, assist them with homework, arrive on time, provide meals, and structured activities.

¶ 30 The June 13, 2012, DCFS family service plan stated that, as to J.S., K.P. had not made progress in services for a goal of return home and the goal was changed to guardianship, "the most appropriate goal for [J.S.]" at that time. The plan further stated that K.P. had "little insight into why her case came to the attention of [DCFS] and [had] not made substantial progress in services." The visitation plan had the same requirements as the earlier plan. Additionally, K.P.

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was to continue to participate in "hands on parent coaching and utilize learned parenting skills during interaction with [the] children." At that time, she had satisfactory progress in that area. J.S. was undergoing individual therapy to learn social and coping skills.

¶ 31 The December 11, 2012, DCFS family services plan stated that, as to J.S., there was unsatisfactory progress toward goals. Additionally, K.P.'s progress with utilizing parent coaching skills during visitation was unsatisfactory. The plan identified additional visitation requirements—K.P. was to "show affection, encouragement, support and appropriate discipline as needed," and utilize her parent coaching skills. It was noted that "[K.P.] and the children need to work on enhancing communication skills and their bond." Satisfactory progress was noted as to visitation. K.P. participated in individual and family therapy, but she struggled to identify goals and had not "made substantial progress regarding the issue that brought her family to the attention of DCFS." Her progress as to therapy was found unsatisfactory.

¶ 32 The June 14, 2013, DCFS family services plan stated that the case remained open because of K.P.'s "lack of participation in services" and the children's goal being moved from return home. J.S. was diagnosed with AD/HD and ODD and was prescribed medication.

¶ 33 A July 18, 2013, CCCC intake assessment and attached reports stated that K.P. was only motivated to attend treatment because it had been mandated. K.P. believed that her depression was caused by the involvement of DCFS in her family and denied any responsibility for that involvement. Her diagnosis was "adjustment disorder with depressed mood, brief depressive reaction, chronic." The report indicated that the reason for "closing" the file was "completion of treatment," but also stated "client withdrew from services prior to [discharge] instructions being provided."

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¶ 34 The November 20, 2013, DCFS family services plan stated that although K.P. completed three sessions of individual therapy, the therapist did not believe she was an appropriate candidate for therapy because treatment goals "could not be created." J.S. and A. had continuing and escalating behavior problems requiring specialized care and were referred for individual therapy and psychiatric services with ChildServe. J.S. began therapy on October 2, 2013. The report stated that a goal of return home for J.S. "[had] been ruled out."

¶ 35 The May 15, 2014, CCCC intake assessment and attached reports stated that K.P. "admitted that she found out [A.S.] was molesting them [her daughters] sometime in 11/2007." K.P. saw a therapist at CCCC for about one month in 2014, was participating only because of a DCFS mandate, and had no clear treatment goals. When the therapist attempted to assist K.P. in setting goals, K.P. responded that "she does not have goals and does not need help."

¶ 36 The December 9, 2014, DCFS service plan again noted that the case remained open, in part, because of K.P.'s lack of participation and progress in services. K.P.'s progress with visitation was seen as satisfactory.

¶ 37 The December 11, 2014, Kaleidoscope mental health assessment reviewed the history of the case and K.P.'s unsuccessful referrals to individual counseling due to her failure to set goals. K.P. did not understand the emotional issues suffered by her children as a result of the sexual abuse and separation from the family. K.P. did not believe she needed therapy and, therefore, no services were provided.

¶ 38 The February 19, 2015, Child Protection Division permanency planning hearing report to the trial court stated that K.P. was discharged from individual therapy for her failure to set therapy goals and belief that therapy was unnecessary.

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¶ 39 The May 28, 2015, DCFS family services plan stated that K.P. had not re-engaged in services since her last discharge in December 2014, and did not attend a March 23, 2015, meeting to discuss the case progress. K.P. was pregnant with her tenth child, and concerns were raised as to her ability to balance her work schedule and her two younger daughters. K.P. regularly visited with the children and her progress was seen as satisfactory. However, it was noted:

"[K.P.] arrives constantly late to the visits. The agency attempted to address the effects of her tardiness on the children and [K.P.] disagreed, refusing to accept the feedback. \*\*\* Even with feedback from the agency, [K.P.] does not adjust her parenting techniques."

J.S. was moved to Ms. B.'s home in June 2014 and had adjusted to the placement. J.S.'s behavior at school had improved and he continued to receive individual therapy and psychiatric care.

¶ 40 The November 24, 2015, DCFS family services plan stated that K.P. did not demonstrate an understanding of her children's emotional issues. K.P. also had "limited insight" into her children's developmental and mental health needs, and her ability to parent her children in a safe environment was seen as "poor." The service plan explained:

"[K.P.] attended the most recent CTFM [Child and Family Team Meeting], 11/19/2015, to discuss the case progress. During the CTFM, [K.P.] was unable to take any critics [sic] by the agency, such as her interaction with [A.] and [J.S.] during the visits or the worker's open communication with the children regarding the reasons they are in DCFS custody. [K.P.] continues to be combative with the worker's [sic] even regarding minor things, such as scheduling visits."

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¶ 41 Additionally, the November 24, 2015, service plan described K.P.'s supervised visitations as follows:

"[K.P.] often sits by herself or with the older children, ignoring the younger children. [K.P.] arrives extremely late to the visits and informs the children that they do not need to clean up after themselves during the visits. [K.P.] does not engage the younger children with toys or games provided by the agency for the visits."

K.P.'s parenting coach reported that "[K.P.] does well when meeting with the coach one-on-one but does not utilize the skills taught to her during visits."

¶ 42 The plan also revealed that Ms. B. was willing to provide a permanent home for J.S. and J.S. wished to be adopted by Ms. B. J.S. successfully completed individual therapy on November 17, 2015. The agency's recommendation was to change the goal to termination of parental rights as to J.S. pending court determination.

¶ 43 K.P. testified on her own behalf, and admitted she was late for her visits with the children and explained her tardiness. She did not own her own vehicle and relied on her mother to drive her. After her mother finished work, they would first stop at the grocery store for the children's food. K.P. had asked that the visitation time be changed; and the agency denied the request. K.P. brought her three youngest children to the visitations so they could get to know their older siblings.

¶ 44 When she saw J.S., K.P. would greet him with a hug and kiss and ask if he wanted to eat. J.S. would play games on her phone and she and A. would play with J.S. J.S. would also play with toys with his older siblings, or he would color. Although K.P. did not ask him at every visit, she did ask J.S. how he was doing in school.

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¶ 45 After discussions with caseworkers, K.P. brought healthy food for the children, including food which she prepared. The children, including J.S., would eat all of it. If K.P. arrived late and the children already had a snack, K.P. would leave the food for the next day. K.P. did not help J.S. with his homework because she had never seen him with any, nor had she seen other siblings help him with any homework during the visits.

¶ 46 K.P. enjoyed her visits with J.S. and had not missed any visits within the last year. At the end of a visit, she would hug and kiss J.S. and tell him that she loved him. K.P. wished to continue seeing J.S.

¶ 47 K.P. presented as evidence a one-page letter, dated August 4, 2014, from Kaleidoscope which was directed to K.P.'s place of employment. The letter related to K.P. having been "offered a permanent position" which may have required her to work the second shift and affect "her availability to her children." The letter stated that K.P. needed to be available at certain times in order to participate in recommended services and visitation with the children. The letter further stated that K.P. "has been consistently involved in her children's lives and is an incredible source of support and motivation for them, so changing her availability pattern would negatively affect her children['s] well-being."

¶ 48 After considering the testimony and the documentary evidence, the trial court found K.P. unfit and that the State had proved both grounds (b) and (m) by clear and convincing evidence.

¶ 49 The trial court proceeded to a best interest hearing. The State presented the testimony of J.S.'s foster mother, Ms. B., and Ms. King.

¶ 50 Ms. B. testified that J.S. was placed with her on June 13, 2014, almost two years ago, and was doing well. J.S. is seven years old, in second grade, and had an individual education plan

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(IEP) due to behavioral issues. His behavior at school has improved. Ms. B. regularly reads books with J.S. and his reading has improved. Ms. B. takes J.S. to his doctor appointments for his AD/HD and makes sure he takes his medication. J.S. completed individual therapy at the "end of last year." Ms. B. took J.S. to the therapy and participated when asked by the therapists.

¶ 51 Ms. B. stated that, initially, J.S. was emotionally volatile. He is now "happy go lucky," and gets along with others. J.S. is interested in sports, attends church and Sunday school, participated in the Easter program at church, and sings in the choir.

¶ 52 J.S. has a good relationship with Ms. B.'s two adopted sons, aged 12 and 15, and considers them "his big brothers." They engage in activities as a family and attend extended family reunions and gatherings. J.S. calls Ms. B. "mama," and states that he wants to be a member of her family. Ms. B. was in the process of having A. placed into her home. A. visits on the weekends and shares a room with J.S.

¶ 53 Ms. B. wishes to adopt J.S. She believed that she provided a stable and loving environment for J.S. Ms. B. was preparing to move into a house across the street with more space, a basement, and fenced yard. Ms. B. recognized that J.S. has a bond with K.P. and his siblings and is open to J.S. having contact with them if the agency facilitates the visits. Ms. B.'s two adoptive sons currently have contact with their biological families.

¶ 54 Ms. King testified that, before J.S. was placed with Ms. B. in June 2014, he had five failed placements. She has visited J.S. at Ms. B.'s home three times per month and has found the home to be safe and appropriate with no signs or reports of abuse, neglect, or corporal punishment.

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¶ 55 J.S. was successfully discharged from therapy in November 2015 and was not then involved in, or required to participate in any additional services. Ms. B. meets all of J.S.'s special needs. With Ms. B.'s assistance, J.S. regularly sees his doctor and takes his medication for AD/HD. Ms. B. reviews J.S.'s school performance and reads to him each day. Ms. B. advocates for J.S. at school.

¶ 56 Based on her observations, Ms. King believes that J.S. and Ms. B. have bonded. He has also bonded with his foster family and is involved with many family structured activities. In April 2016, J.S. said that if he could live anywhere in the world, he would like to live with Ms. B. He would also like to visit his mother. Ms. King testified that the agency believed it was in J.S.'s best interest that parental rights be terminated and that a guardian be appointed for J.S. with the right to consent to his adoption.

¶ 57 The Public Guardian, on behalf of J.S., introduced into evidence a series of DCFS supervisory and contact notes. The December 2014 and September 2015 supervisory notes discussed J.S.'s significant progress while in Ms. B.'s care; K.P.'s "very limited bond" with J.S.; and that J.S. wished to remain with Ms. B.'s family forever. An October 2015 supervisory note stated that K.P. arrived 90 minutes late for a supervised visit, after which the children's behavior "declined." K.P. sat in a chair and did not interact with her children. A. and J.S. played in a corner by themselves.

¶ 58 The trial court found, by a preponderance of the evidence, that it was in J.S.'s best interest to terminate the parental rights of K.P. and entered an order terminating her parental rights and appointing a guardian for J.S. with the right to consent to his adoption. K.P. has appealed.



¶ 59 On appeal, K.P. argues that the State failed to establish, by clear and convincing evidence, that she was unfit and seeks reversal of the termination of her parental rights.

¶ 60 The Act provides a "step-by-step process used to decide whether a child should be removed from his or her parents and made a ward of the court." *In re Arthur H.*, 212 Ill. 2d 441, 462 (2004). Thus, after a petition for wardship has been filed and a child has been placed in temporary custody, the circuit court must make an adjudicatory finding of abuse, neglect, or dependence, before it then conducts a dispositional hearing as to wardship. *Id.*; 705 ILCS 405/2-21(1), (2) (West 2014).

¶ 61 Parental rights may be involuntarily terminated where: (1) the State proves that a parent is unfit pursuant to one of the grounds set forth in section 1(D) of the Adoption Act; and (2) the circuit court finds that termination is in the child's best interest. *In re M.R.*, 393 Ill. App. 3d 609, 613 (2009); 705 ILCS 405/1-1 *et seq.* (West 2014). In a proceeding for the involuntary termination of parental rights, the State bears the burden of proving by clear and convincing evidence that a parent is unfit under any one of the grounds contained in section 1(D) of the Adoption Act. *In re D.F.*, 201 Ill. 2d 476, 494-95 (2002). Any single ground, properly established, is sufficient for a finding of unfitness. *Id.* at 495. "Because the circuit court is in the best position to assess the credibility of witnesses, a reviewing court may reverse a circuit court's finding of unfitness only where it is against the manifest weight of the evidence. [Citation.] A finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident. [Citation.]" *In re Deandre D.*, 405 Ill. App. 3d 945, 952 (2010). Furthermore, the reviewing court may not substitute its judgment for that of the circuit court regarding the

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credibility of witnesses, the proper weight to be accorded the evidence, or the inferences to be drawn therefrom. *In re D.F.*, 201 Ill. 2d at 499.

¶ 62 We first consider whether the court's finding under section (1)(D)(b) of the Adoption Act was supported by the manifest weight of the evidence. That section provides that a person may be declared an unfit parent for "failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare." 750 ILCS 50/1(1)(D)(b) (West 2014). When considering an allegation under this section, "a trial court must focus on the reasonableness of the parent's efforts to show interest, concern, or responsibility and not necessarily on the success of those efforts. [Citation.] The trial court also must consider any circumstances that would have made it difficult for the respondent to show interest, concern, or responsibility for the well-being of the child. \*\*\* [Citation.] \*\*\* However, the supreme court has recently implied that a parent's failure to comply with the directives of a service plan, *i.e.*, failure to make reasonable efforts or reasonable progress toward the return of the children, is analogous to a parent's failure to maintain a reasonable degree of interest, concern, or responsibility as to the welfare of the children. [Citation.] The only difference is that in determining reasonable efforts or reasonable progress the trial court must limit its findings to a specific time frame, whereas in determining the degree of interest, concern, or responsibility as to the welfare of the children no such time frame exists. [Citation.]" *In re M.J.*, 314 Ill. App. 3d 649, 656 (2000).

¶ 63 In March 2008, when it was discovered that A.S. had sexually abused T., intact services and a safety plan were put into place. However, A.S. continued to be around the family. K.P. believed A.S.'s denial of the sexual abuse and considered T. a liar. As a result, in June, 2008, the children, including the infant J.S., were placed in the temporary custody of the court. The initial

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permanency goal for J.S. was for his return home in 12 months and K.P. was to engage in reunification services. In 2012, when the permanency goal for J.S. was changed to private guardianship, the trial court found and the records established that K.P. had failed to make substantial progress on reunification services.

¶ 64 During the pendency of this case, K.P. was referred to individual therapy by both ChildServe and Kaleidoscope. However, K.P. never successfully completed individual therapy due, in part, to her failure to set goals and her expressed belief that the therapy was unnecessary. After the last discharge, Ms. Goldmeier attempted to assist K.P. in setting goals for individual therapy and twice provided her with lists of providers, all to no avail. Ms. Goldmeier testified that Kaleidoscope believed K.P. was still in need of therapy and she believed that K.P. had never fully addressed the reasons why her children were removed from her care. Because K.P. never completed individual therapy, Kaleidoscope did not refer K.P. to family therapy for J.S.

¶ 65 During the time period that K.P. was not making progress on reunification services and failed to successfully complete individual therapy, J.S.'s placements were moved several times. J.S. was diagnosed with and was being treated for AD/HD, developed behavioral issues at school, and needed an IEP. J.S. also underwent individual therapy.

¶ 66 The records showed that K.P. did not appreciate the emotional issues suffered by her children as a result of being removed from her care and did not have an understanding of their developmental and mental health needs. The reports also indicated that K.P. had difficulties communicating with the children and setting boundaries, and lacked the problem solving skills to address their needs. K.P. did not attend court ordered mediation, or meetings with Kaleidoscope and Ms. B. to discuss J.S.'s permanency issues.

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¶ 67 K.P. never advanced to unsupervised visitation with J.S., but was allowed supervised visitations with him and his siblings. The 2011 and 2012 DCFS plans required that during the visitations K.S. interact with her children in a safe and appropriate manner, assist them with homework, arrive on time, provide meals and structured activities, show affection, encouragement, support and appropriate discipline and utilize the parenting skills learned at her classes. The State demonstrated by clear and convincing evidence that over the next four to five years, K.P. did not meet these visitation requirements

¶ 68 K.P. was consistently and significantly late for supervised visitations. The visits were two hours long, yet K.P. was often 30 to 60 minutes late. The children would become anxious and agitated as they waited for her. K.P. showed little concern for the impact of her tardiness on the children. One report stated that she refused to accept feedback on this issue.

¶ 69 During the visits, K.P. did not demonstrate the skills taught by her parenting coach and through parenting classes. The supervised visitations were chaotic and the caseworkers acted to keep order. K.P. was often unsuccessful in redirecting the children, including J.S. K.P. did not act when J.S. left the visitation room or climbed on a table. J.S. was allowed to eat candy instead of healthy food options.

¶ 70 K.P. did show affection to J.S. during the visits. During the visits as a whole, however, K.P. was inattentive to J.S., had little one-on-one contact with him and showed little interest in asking J.S. about school. K.P. did not help J.S. with his homework. In fact, she testified that she never saw him with homework and never saw his siblings help him with the homework. Yet, Ms. Goldmeier and Ms. King each observed J.S. with homework and receiving assistance from his siblings. K.P. did not comfort J.S. when he became upset about being told that he should not

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refer to his foster brother as a brother. Ms. King testified that the attachment between J.S. and K.P. was a secondary one.

¶ 71 K.P. argues that her tardiness to the visitations and her interactions with the children at the visitations must be considered in light of her circumstances. We recognize that K.P. relied on family members for transportation to the visits and her tardiness may not have been completely within her control. However, we cannot ignore the clear and convincing evidence that K.P. was not sensitive to the impact of her failure to arrive timely on the children and that she was so consistently and significantly late. We are also cognizant that the number of children at the visitations required additional efforts on her part. The number of children who were present alone, however, does not explain K.P.'s difficulties in communicating and interacting with J.S. and her lack of concern for his emotional and educational needs. Additionally, the evidence showed that, through services, she received skills training but failed to utilize them to better manage the visits, including lessons relating to the number of her children.

¶ 72 Additionally, K.P. argues that she "has shown that she can safely parent the three children in her care" and that there was no showing that "adding [J.S. ] to her custody would endanger the minor." This argument appears to be one more relevant to whether it was in the best interest of J.S. that K.P.'s parental rights be terminated. The issue raised by K.P. on appeal however is whether the State had demonstrated by clear and convincing evidence that she was unfit to parent J.S. We find that the State met this burden in showing K.P. failed to show a reasonable degree of interest, concern or responsibility as to J.S. 's welfare.

¶ 73 In conclusion we find that the State established by clear and convincing evidence that K.P. failed to maintain a reasonable degree of interest, concern, or responsibility as to J.S.'s

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welfare under section 50/1 (D)(b) of the Adoption Act. Because this finding was supported by the manifest weight of the evidence and is sufficient to support a finding of K.P.'s unfitness to parent J.S. (*D.F.*, 201 Ill. 2d at 495), we need not address the second alleged ground which was asserted by the State (*i.e.*, unfitness under section 50/(D)(m)(ii)). Additionally, because K.P. has not challenged the trial court's finding that it was in the best interest of J.S. to terminate K.P.'s parental rights, any challenge to that finding has been forfeited. Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016). We therefore affirm the orders of the trial court finding K.P. was unfit to parent J.S., it was in the best interest of J.S. that K.P.'s parental rights be terminated, and a guardian be appointed with the right to consent to J.S.'s adoption.

¶ 74 Affirmed.