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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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<i>In re</i> MIRACLE P., a Minor	)	Appeal from the Circuit Court of McHenry County.
	)	
	)	No. 13-JA-17
	)	
(The People of the State of Illinois, Petitioner- Appellee, v. Tiyania P., Respondent- Appellant).	)	Honorable Maureen P. McIntyre, Judge, Presiding.

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JUSTICE SPENCE delivered the judgment of the court.  
Justices Hutchinson and Hudson concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court's findings, that respondent was unfit because she (1) failed to make reasonable efforts to correct the conditions that were the basis for the removal of her child, and (2) failed to make reasonable progress towards the child's return within nine months after the neglect adjudication, were not against the manifest weight of the evidence. Therefore, we affirmed.

¶ 2 Respondent, Tiyania P., appeals from the trial court's ruling that she was unfit to care for her daughter, Miracle P., born on January 11, 2013. Respondent argues that the trial court's findings, that she (1) failed to make reasonable efforts to correct the conditions that were the basis for the removal of the child (750 ILCS 50/1(D)(m)(i) (West 2014)), and (2) failed to make reasonable progress towards Miracle's return within nine months after the neglect adjudication

(750 ILCS 50/1(D)(m)(ii) (West 2014)), were against the manifest weight of the evidence. We affirm.

¶ 3

### I. BACKGROUND

¶ 4 On May 9, 2013, the State filed a petition for an adjudication of wardship alleging that Miracle was neglected in that, among other things: she was born prematurely and, at birth, she tested positive for marijuana; respondent admitted to using cannabis during pregnancy; from the time of Miracle's birth until May 8, 2013, she had required hospitalization for her medical needs, but respondent had not demonstrated the ability to feed her with the assistance of hospital staff; respondent had not regularly visited Miracle at the hospital, at times for days or weeks; on May 2, 2013, after Miracle became fussy, respondent put Miracle in the crib, told her to "shut up" and told the hospital staff that she (respondent) was "done"; on April 7, 2013, respondent was hospitalized for a suicide attempt; respondent stated that she did not take the prescribed medication and had not followed post psychiatric hospitalization recommendations; on May 4, 2013, respondent refused to participate in drug testing; there was frequent police contact for domestic disputes involving respondent, her family, and their associates; and respondent could not identify a viable caregiver. The same day that the State filed the petition, the trial court entered an order giving temporary custody of Miracle to the Department of Children and Family Services (DCFS).

¶ 5 On September 5, 2013, in lieu of an adjudicatory hearing, respondent stipulated to some of the paragraphs in the petition for wardship, including that she used cannabis during pregnancy, that Miracle tested positive for marijuana, that Miracle was born prematurely with complex medical needs, that respondent attempted suicide, that she did not take the prescribed medication, and that she had not followed post psychiatric hospitalization recommendations. On

September 26, 2013, the trial court adjudicated Miracle to be a neglected minor. It found that the May 13, 2013, service plan was appropriate, and it incorporated the plan's terms into the dispositional order. The permanency goal was set at return home within 12 months.

¶ 6 On May 29, 2014, the trial court entered a permanency order maintaining the permanency goal of return home within 12 months. It stated that the services in the service plan dated April 16, 2014, were appropriate. It found that respondent had not made reasonable efforts or progress toward returning Miracle home, because respondent had not demonstrated ability to parent, had been discharged from counseling, had not cooperated with mental health treatment, and had no housing or income.

¶ 7 In an August 21, 2014, permanency order, the trial court changed the goal to substitute care pending court determination of termination of parental rights. The trial court found that respondent had made "some efforts" but not reasonable efforts or progress.

¶ 8 Also on August 21, 2014, the State filed a motion to terminate respondent's parental rights. The State alleged that respondent was unfit in that she had: (1) failed to make reasonable efforts to correct the conditions that were the basis for the removal of the child (750 ILCS 50/1(D)(m)(i) (West 2014)); and (2) failed to make reasonable progress toward the return of the child within the nine month period after the neglect adjudication (from September 26, 2013, to June 26, 2014) (750 ILCS 50/1(D)(m)(ii) (West 2014)).

¶ 9 The hearing on the motion to terminate parental rights was conducted on various days in February 2015 and April 2015. Renee Haley-Harden, who had been a specialized foster care clinical case manager at Children's Home and Aid, provided the following testimony. Miracle's case was assigned to her on May 16, 2013, and Haley-Harden completed an integrated assessment and social history on July 15, 2013. Respondent was recommended for individual

counseling, parenting classes, training on Miracle's medical needs, and participation in medical monitoring due to respondent's hospitalization in April 2013 for attempted suicide. Haley-Harden also recommended substance abuse screening, counseling, and drug drops because Miracle tested positive for cannabis exposure at birth and respondent reported previous marijuana use. It was recommended that respondent have frequent visits with Miracle. The visits were to be supervised because respondent had exhibited "maladaptive behaviors," such as loudly arguing with Miracle's father for prolonged periods of time during visits and during transportation. Haley-Harden was concerned that they would continue to argue in front of Miracle and not be able to respond to her immediate medical needs.

¶ 10 The service plan dated May 13, 2013, included goals related to the social history investigation. The plan recommended return home within 12 months. The desired outcome for respondent was to improve her parenting capacity by addressing her underlying needs, including mental health and substance use. Respondent was to attend individual counseling; participate in medical monitoring; complete the substance abuse assessment and comply with its results; complete random drug drops; receive training on how to meet Miracle's medical needs; engage in parenting education and mentoring; and attend shared parenting activities. Haley-Harden gave respondent information on how to complete those services. The agency provided transportation to services and also provided bus passes and gas cards.

¶ 11 Respondent was also to maintain housing and an income. As of September 26, 2013, respondent was unemployed. Haley-Harden assisted her with trying to obtain social security benefits, but respondent never provided confirmation of receiving such benefits. She was living at various peoples' homes during this time, including her mother's and Miracle's paternal grandmother's. Haley-Harden did a home visit every month, at which time she would review the

service plan. By September 26, 2013, respondent had completed a substance abuse assessment and was not recommended for substance abuse services at the time. She was still required to complete drug drops. Respondent did not begin individual counseling until December 2013 because she needed to complete the substance abuse assessment before the mental health assessment. Also, she kept moving, and Haley-Harden had to give her different referrals based on her location.

¶ 12 The next service plan was dated October 31, 2013. The permanency goal at that time was still return home. Respondent was rated unsatisfactory overall. She had missed random drug drops, for which she had 24 hours notice; missed drops were considered to be positive for drugs. She had not completed mental health recommendations and parenting education and had not attending individual counseling. Respondent could not meet Miracle's needs during visitation, as she had difficulty feeding her with a bulb nipple even though she had received training at the hospital. She was slow to respond to the alarms on Miracle's apnea monitor, so someone else in the room would respond. Moreover, she and Miracle's father would argue in front of Haley-Harden and Miracle, and during one visit, respondent had to leave the room. Respondent was unemployed and had not obtained stable housing; she had moved three times, and none of the residences were appropriate for Miracle. Respondent did maintain contact, sign all necessary releases, completed a substance abuse assessment, completed training on the apnea monitor, and attended Miracle's doctor appointments. However, she did not behave appropriately at all of those appointments. One time, she and Miracle's father were hugging and kissing while the doctor was delivering information. At another appointment, the doctor was discussing his assessment of Miracle, and respondent told Miracle that there was nothing wrong with her and that she should not listen to the doctor. As respondent was not paying attention, the doctor spoke

to Haley-Harden.

¶ 13 During a December 20, 2013, home visit, respondent and Miracle's father started arguing and swearing at each other. Miracle's father went to remove Miracle from respondent's arms, and respondent squeezed Miracle and continued to do so even when Haley-Harden told respondent to loosen her grip. After that, Haley-Harden moved the visits back to the agency so that support staff could be present, but she did not discontinue the joint visitation, because the parents stated that they were still a couple and would be parenting together. On April 11, 2014, respondent told Haley-Harden that she had been unsuccessfully discharged from individual counseling, that she and Miracle's father had gotten in a fight about it, that he had pulled her hair, and that the police were called. Respondent had been living with Miracle's father, and Haley-Harden said that she would assist her with finding longer-term housing. When Haley-Harden spoke to Miracle's father and asked if he had pulled respondent's hair, he replied that respondent had kicked him in the face. Haley-Harden was concerned that Miracle's parents were still engaging in domestic violence. Haley-Harden had a "specialty consult" for respondent, and the recommendation was for her to have a parental capacity and psychological assessment, which was completed by Dr. Bouchard.

¶ 14 The next service plan was dated April 16, 2014. The permanency goal remained return home. Haley-Harden rated progress on that goal unsatisfactory overall because service plan tasks had not been completed, and there was the aforementioned domestic violence incident. Respondent continued to have arguments with Miracle's father in front of Miracle and did not feel that the arguments and swearing impacted Miracle. She had not followed up with any psychiatric treatment or mental health services, was still unable to get Miracle to eat properly, and missed drug drops. Respondent had been walking out of counseling appointments and was

unsuccessfully discharged from individual counseling. She would also not listen to redirection from staff, such as not to feed Miracle certain food. Instead, she said, "I'll give her what I want. I'm her Mom. I know what's best." Respondent said that the agency had not done enough to help her and that she had obtained services on her own, but other than one note from an unapproved parenting class, Haley-Harden never provided verification that the services were completed. Respondent did not have stable housing. Respondent had satisfactorily signed releases, participated in shared parenting activities, participated in a substance abuse assessment, and completed apnea training.

¶ 15 Haley-Harden continued to be the caseworker until mid-June 2014. From April 2014 to that time, the parents were not arguing in front of Miracle because their visits had been separated. However, visits continued to be supervised. There was one visit where respondent did not say anything to Miracle the entire time, even though she had previously been encouraged to speak with and mimic with Miracle due to Miracle's speed and auditory delays. Respondent also said concerning things to Miracle, such as calling her "narcissistic." Respondent did not have any income and had not completed individual counseling. Respondent was living with her mother but did not provide any evidence of stable housing, such as a lease or right to be present. Haley-Harden agreed that the agency did not require that an individual have a lease, just that they have suitable housing. From May 16, 2013, to June 2014, respondent moved five times.

¶ 16 Angela Davis, who had worked as a specialized case manager with Children's Home and Aid, testified as follows. She was in charge of Miracle's case from the end of June 2014 to the end of August 2014. During that time, the services of the April 16, 2014, plan were in place. Respondent was not in individual counseling and was not seeing a psychiatrist or taking any psychiatric medication. She was living with her mother in Woodstock and was not employed.

Respondent consistently attended the weekly visits with Miracle. The goal in the August 21, 2014, service plan was substitute care. Respondent was rated unsatisfactory due to her failure to engage in services.

¶ 17 Heather France, a supervisor of specialized foster care at Children's Home and Aid, provided the following testimony. For the period of September 26, 2013, to June 26, 2014, the agency never recommended unsupervised visitation because the parents had not progressed enough in their services. Respondent needed to complete individual counseling, cooperate with a psychiatric assessment, follow any recommendations, and be placed on medication. She also needed to follow parenting class recommendations, find stable housing and income, and learn and understand the recommendations regarding Miracle's medical needs and disabilities. As of August 21, 2014, all of these tasks were still outstanding.

¶ 18 Elaine Zachrel, a mental health clinician, testified that she conducted a mental health assessment on respondent on May 14, 2014. Respondent had past suicidal ideation. She also reported smoking marijuana the day before the assessment. Zachrel diagnosed her with "adjustment disorder with anxiety." After talking with the caseworker, Zachrel recommended "dialectical behavioral therapy" so that respondent could learn skills to manage distress, for interpersonal effectiveness, for mindfulness, and for emotional regulation.

¶ 19 Erin Bergren, a clinical case manager with Children's Home and Aid, provided the following testimony. Respondent was referred to him for counseling based on co-parenting and relational problems and trauma. He first met with her on December 13, 2013. Respondent was very resistant to counseling and did not believe that she needed to be there. She was frequently tardy; gave short answers to questions and did not get into any deep discussion; sometimes left counseling sessions early; and sometimes did not show up without canceling. They developed



treatment goals of learning to control her anger, developing empathy, and building greater cooperation with Miracle's father for co-parenting during visits. Up until the last day, respondent stated that she liked who she was, did not have to change anything, and was doing everything that she needed to do. Respondent was unsuccessfully discharged on April 11, 2014, as she was unwilling to engage, and Bergren had not seen any improvement in the treatment goals.

¶ 20 The State called respondent as an adverse witness, and she testified as follows. She used marijuana during her pregnancy with Miracle. At the dispositional hearing, she was told that she needed to obtain counseling, see the mental health providers that she was referred to, take parenting classes, and obtain suitable housing and income. The individual counseling goals were for her to show empathy and not get frustrated so quickly. She thought that she satisfactorily completed that counseling because she did the best that she could. After Bergren unsuccessfully terminated her, she did not go anywhere else for individual counseling. Her relationship with Bergren was strained and "weird," because "[h]e thought everything was peaches and roses." She did not want to talk to him about anything because she could not see the point and it was "just going to hurt [her] all over again." Respondent also did not want to talk to a different counselor.

¶ 21 In April 2013, she had attempted suicide. She had received an anti-anxiety medication and an antidepressant, but she did not keep taking them because she could not get a refill. As of September 26, 2013, she was diagnosed with bipolar disorder. She completed a substance abuse evaluation, which resulted in no further recommendations. She never tested positive for illegal substances throughout the case, and she only missed some random drug screens due to lack of transportation.

¶ 22 Respondent agreed that she argued with Miracle's father in front of Miracle. She did not think that was appropriate, so when it happened, she usually just left the room. Respondent had conversations with the caseworker about how to progress toward unsupervised visitation, but she was not sure what they wanted to see from her; she did everything that they asked her to do. Haley-Harden was very rude to her and "overstepped her boundaries a lot." Respondent did not "feel like she allowed me to be the parent [she] wanted to be." Haley-Harden would also frustrate her a lot, like telling her about upcoming dates in the middle of the visit with Miracle.

¶ 23 In September 2013, respondent was living in Beloit, Wisconsin, with Miracle's father and his mother. They left in 2014 because they thought that Miracle's grandmother could get custody of Miracle if they did not live there, and respondent moved in with her mother in Woodstock. Respondent was on her mother's lease, but the caseworker never asked for a copy of it. Respondent paid \$200 per month, which she earned by occasionally doing people's hair. She had applied to local fast-food places and stores for jobs but had not found employment.

¶ 24 When Miracle was born, her lungs were not fully developed. Respondent attended three or four of Miracle's pediatrician appointments, but she could not remember the doctor's name. Miracle also saw specialists, but respondent did not attend any of those appointments or know those doctors' names. As of August 2014, she did not know what Miracle's prognosis was or what ongoing therapies she required. Miracle was diagnosed with cerebral palsy, which would cause speech delays. There were no other delays.

¶ 25 The trial court made its ruling on July 24, 2015. Regarding respondent, the trial court found as follows. Miracle was born with significant medical issues requiring specialized medical care. By the end of October 2013, respondent had some difficulty responding to the apnea monitor in a timely manner and in feeding Miracle. She also had not completed any services and

was not complying with the mental health counseling directives. She did not have suitable housing or income. By April 2014, the situation remained basically unchanged. Respondent had not fully engaged in services and was not engaged in mental health treatment. She was not compliant with her medication and had missed drops. She still did not have stable housing and had no income. Visitation remained supervised, and respondent did not understand or act appropriately regarding Miracle's special needs. Respondent was unsuccessfully discharged from counseling in April 2014. Her counselor, Bergren, testified that she was not cooperative. She was frequently tardy, told him that she did not want to participate, and did not contribute to the sessions. Between June and August 2014, respondent had not participated in mental health treatment or become compliant with her medication. She testified that she received some income by doing hair, but no amount of income was ever verified, and she did not have adequate income to provide for Miracle's needs. As such, the State had met its burden of proving that respondent was unfit because she had failed to make reasonable efforts.

¶ 26 The trial court further found that the State had met its burden of proving that respondent was unfit because she had failed to make reasonable progress toward returning Miracle to her custody. It stated as follows. As of nine months following the adjudication of neglect, almost all of the services that respondent was supposed to engage in were outstanding. Of particular importance, respondent was unsuccessfully discharged from individual counseling. She also had not engaged in mental health treatment or followed up on the issue of medication management. She did not have suitable income or housing. Respondent did not truly understand or appreciate the nature of Miracle's disabilities and needs despite the information given to her.

¶ 27 The evaluation of respondent conducted by Dr. Bouchard on April 29, 2014, which was entered into evidence, stated that respondent told Dr. Bouchard that she did not agree that

Miracle had cerebral palsy, but she also said that Miracle's cerebral palsy was getting better. She also tried to justify using marijuana during pregnancy and did not understand how it negatively affected Miracle. Dr. Bouchard opined that respondent's judgment and insight were poor; her expectations of others were unrealistic; she did not comprehend the impact of her behavior on others; and when anything upset respondent, she responded with suicidal ideation and threats. Dr. Bouchard recommended therapy to address respondent's borderline personality disorder, referral to a psychiatrist with prescribed medication management, and continued random drug screen. Respondent had not completed any of these recommendations.

¶ 28 Respondent had limited knowledge of parenting techniques, had not been responsive to guidance, did not understand Miracle's needs, and had anger issues which she had not addressed. As of the termination hearing, visits were still supervised, with no plans to modify the supervision requirement.

¶ 29 A best interests hearing took place on dates in September and October 2015. On November 20, 2015, the trial court ruled that it was in Miracle's best interests for respondent's parental rights to be terminated.

¶ 30 Respondent timely appealed.

¶ 31 II. ANALYSIS

¶ 32 The termination of parental rights is a two-step process governed by the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2014)) and the Adoption Act (750 ILCS 50/1 *et seq.* (West 2014)). *In re J.L.*, 236 Ill. 2d 329, 337 (2010). The State must first establish by clear and convincing evidence that the parent is unfit under section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2014)). *Id.* If the trial court determines that the parent is unfit, the trial court's focus shifts from the parent's fitness to the child's best interest in the second stage of the

process, the best interest hearing. *In re B.B.*, 386 Ill. App. 3d 686, 697-98 (2008). Here, respondent challenged only the trial court's findings of unfitness.

¶ 33 A court may find a parent unfit as long as one of the statutory grounds of unfitness is proven by clear and convincing evidence. *In re P.M.C.*, 387 Ill. App. 3d 1145, 1149 (2009). We will not reverse a trial court's finding of unfitness unless it is against the manifest weight of the evidence. *In re N.T.*, 2015 IL App (1st) 142391, ¶ 26. A decision is against the manifest weight of the evidence only if the opposite conclusion is clearly evident. *In re S.K.B.*, 2015 IL App (1st) 151249, ¶ 28. In child custody cases, we afford even more deference to the trial court's ruling than under the traditional manifest-weight-of-the-evidence standard, due to the cases' delicacy and difficulty. *Id.*

¶ 34 Our supreme court has defined reasonable progress as “ ‘demonstrable movement toward the goal of reunification.’ ” *In re C.N.*, 196 Ill. 2d 181, 211 (2001) (quoting *In re J.A.*, 316 Ill. App. 3d 553, 565 (2000)). Progress towards return of the child is measured by the parent's compliance with the service plans and the court's directives, in light of both the condition which caused the child's removal and conditions that became known later and which would prevent the court from returning custody of the child to the parent. *Id.* at 216-17. We review reasonable progress using an objective standard, and reasonable progress can be found if the trial court can conclude that it can return the child to the parent in the near future. *In re A.S.*, 2014 IL App (3d) 140060, ¶ 17.

¶ 35 In contrast to reasonable progress, reasonable efforts is related to the goal of correcting the conditions which caused the child's removal and is judged by a subjective standard of the amount of effort that is reasonable for the particular parent. *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1066-67 (2006). “Parental deficiencies collateral to the conditions that were the basis for

the child's removal, even if serious enough to prevent the return of the child, are outside the scope of this inquiry and are therefore not relevant." *In re J.A.*, 316 Ill. App. 3d at 565.

¶ 36 Respondent first argues that the trial court's finding, that the State proved by clear and convincing evidence that she failed to make reasonable efforts toward correcting the conditions which were the basis for Miracle's removal, was against the manifest weight of the evidence. Respondent argues that her efforts were measurable and demonstrable. She argues that the evidence showed that she had completed several of the services required of her, namely a substance abuse assessment that did not recommend any follow-up services; a parenting course with no additional follow-up recommendations; and a mental health assessment with only a parenting class suggested as a follow up. Respondent argues that she further participated in shared parenting activities including attending Miracle's doctor appointments. Respondent argues that the only roadblocks to her not being able to participate in or complete required tasks was the fact that she moved between Illinois and Wisconsin, that the agency was unable to supervise some doctor visits, and that she was often referred to providers who were unable to serve her. Respondent notes that her efforts must be viewed subjectively. Last, she argues that one of the conditions for which Miracle was removed was that Miracle had marijuana in her system at birth, and that condition could occur only once. See *In re S.J.*, 233 Ill. App. 3d 88, 117-18 (1992) (the mother could not have done anything to correct the condition of her daughter being born with cocaine in her system).

¶ 37 We note the petition to terminate did not allege a specific time frame for the reasonable efforts count. Beginning in 2014, a reasonable efforts determination could be made for any nine-month period. See P.A. 98-532 (eff. Jan. 1, 2014). Prior to that time, the relevant period was the first nine months after the adjudication of abuse or neglect. See 750 ILCS 50/1(D)(m)(ii) (West

2012); *In re D.F.*, 208 Ill. 2d 223, 238 (2003). Respondent did not object in the trial court to this lack of specificity, thereby forfeiting any such challenge on appeal. See *In re S.H.*, 2014 IL App (3d) 140500, ¶ 21 (a pleading defect not raised at trial is forfeited on appeal). Moreover, the State brought the petition to terminate parental rights in August 2014, so the only relevant nine-month period could be the first nine months after the neglect adjudication, namely September 26, 2013, to June 26, 2014.

¶ 38 Respondent stipulated to various allegations in the petition for wardship, including that she used cannabis during pregnancy, that Miracle tested positive for marijuana, that Miracle was born prematurely with complex medical needs, that respondent attempted suicide, that she did not take the prescribed medication, and that she had not followed post psychiatric hospitalization recommendations.

¶ 39 Regarding drug use, respondent took the required drug assessment, was not recommended for further drug treatment, and did not test positive on any of her drug drops, and we commend her for this. However, she missed several drug drops, which were considered by the agency to be positive for drugs, and respondent admitted to Zachrel that she had smoked marijuana the day before her May 14, 2014, mental health assessment.

¶ 40 Respondent's mental health was a significant concern given, among other things, her suicide attempt, but Bergren testified that respondent sometimes did not show up to counseling sessions, sometimes came late or left early, and was very resistant to counseling. He testified that she felt that she did not have to change and was doing everything she needed to. She was unsuccessfully discharged from this treatment on April 11, 2014. At trial, respondent admitted that she did not see the point of counseling and did not want to talk to Bergren or another

counselor. After respondent's hospitalization, she never followed up with a psychiatrist or became current with her medication.

¶ 41 Moreover, the evidence showed that respondent was still not meeting Miracle's medical needs. Respondent completed training on Miracle's apnea monitor but was slow to respond to its alarms. Although respondent had been trained on how to feed Miracle at the hospital, she was still unable to do so as of April 16, 2014. In March 2014, respondent tried to give Miracle food that was not appropriate for her medical condition, and when told this, respondent said, "I'll give her what I want. I'm her Mom. I know what's best." In her April 2014 mental health evaluation, respondent told Dr. Bouchard that even though she was told that Miracle had cerebral palsy, she did not think that anything was wrong with her, but she later told Dr. Bouchard that Miracle's cerebral palsy was improving. This resistance to acknowledging Miracle's medical condition and needs shows that she had not progressed from her earlier statements, during doctors appointments, that there was nothing wrong with Miracle.

¶ 42 Accordingly, we conclude that the trial court's finding, that respondent had failed to make reasonable efforts to correct the conditions that were the basis for Miracle's removal, was not against the manifest weight of the evidence.

¶ 43 Respondent next argues that the trial court's finding, that the State proved by clear and convincing evidence that she failed to make reasonable progress towards Miracle's return within the nine month period after the neglect adjudication, was against the manifest weight of the evidence. A trial court's finding of unfitness can be sustained on a single statutory ground (*In re P.M.C.*, 387 Ill. App. 3d at 1149), and given that we have upheld its finding of unfitness based on failure to make reasonable efforts, we are not required to address this argument. However, we do so for the sake of completeness.



¶ 44 Respondent argues that she succeeded reaching some of the goals set by DCFS without following each and every one of DCFS's specific directives. She maintains that she: became better at feeding and responding to Miracle; completed parenting classes; remained drug free; and completed substance abuse and mental health evaluations. Respondent cites *In re S.J.*, 233 at 119-20, where this court stated that the crucial consideration is the actual progress made from the conditions at the time of the neglect adjudication, as opposed to compliance with DCFS service plans. We stated, "A parent might succeed at reaching a goal envisioned by DCFS without following DCFS's specific directives." *Id.* at 120. Respondent further cites *In re F.S.*, 322 Ill. App. 3d 486, 492 (2001), where the court stated, relying on *In re S.J.*, that a DCFS service plan is designed to correct the conditions that led to the child's removal, and therefore it can show a failure to make reasonable progress towards the child's return, but it is not an end in itself.

¶ 45 In *In re C.N.*, 196 Ill. 2d at 210, the issue before our supreme court was whether the measure of reasonable progress was limited to the situation that gave rise to the child's removal, or whether it also included conditions that could give rise to a finding of abuse or neglect. The supreme court specifically rejected the view of reasonable progress as focusing on just the conditions which triggered the removal. *Id.* at 213. The supreme court stated that the benchmark for measuring a parent's progress toward the child's return was "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 became known and which would prevent the court from returning custody of the child to the parent." *Id.* at 216-17. Thus, to the extent that respondent argues that only the conditions which led to Miracle's removal are relevant, she is contradicted by well-established caselaw.

¶ 46 To the extent that respondent argues that she complied with DCFS goals through external providers or through other means, her assertion is contradicted by the record. She states that she completed substance abuse and mental health evaluations, remained drug free in her drug screens, and completed parenting classes. However, other than a note from one unapproved parenting class, the record indicates that all of these services were done through DCFS referrals. Respondent also argues that she became better at feeding and responding to Miracle, but as outlined above, the evidence showed that respondent still was not meeting Miracle's medical needs, including those regarding food. See *supra* ¶ 41.

¶ 47 France testified that for the period of September 26, 2013, to June 26, 2014, respondent needed to complete individual counseling, cooperate with a psychiatric assessment, follow any recommendations, and be placed on medication. She also needed to follow parenting class recommendations, find stable housing and income, and learn and understand the recommendations regarding Miracle's medical needs and disabilities. As discussed above, respondent was unsuccessfully discharged from individual counseling because she did not believe that she needed such help, and she never obtained psychiatric services, including becoming current with her medication. See *supra* ¶ 40. Respondent also continued to have domestic violence issues and anger management problems, and she never obtained stable housing or income. Reasonable progress can be found if the trial court can conclude that it can return the child to the parent in the near future (*In re A.S.*, 2014 IL App (3d) 140060, ¶ 17), whereas in this case respondent never even progressed to unsupervised visitation. As such, we conclude that the trial court's finding, that respondent failed to make reasonable progress towards Miracle's return within the nine month period after the neglect adjudication, was not against the manifest weight of the evidence.

¶ 48 On a final note, given that we allowed an extension in the briefing schedule, we have good cause for issuing our decision beyond the 150-day deadline under Illinois Supreme Court Rule 311(a)(5) (eff. Mar. 8, 2016).

¶ 49

### III. CONCLUSION

¶ 50 For the reasons stated, we affirm the judgment of the McHenry County circuit court.

¶ 51 Affirmed.