2016 IL App (2d) 160425-U
No. 2-16-0425
Order filed September 28, 2016

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re Micah B., a Minor	)	Appeal from the Circuit Court
	)	of Lake County.
	)	
	)	No. 14-JA-81
	)	
(The People of the State of Illinois, Petitioner-Appellee, v. Sandra P.-R., Respondent-Appellant, and Marcello B., Respondent.)	)	Honorable
	)	Valerie Boettle-Ceckowski,
	)	Judge, Presiding.

In re Mason B., a Minor	)	Appeal from the Circuit Court
	)	of Lake County.
	)	
	)	No. 14-JA-82
	)	
(The People of the State of Illinois, Petitioner-Appellee, v. Sandra P.-R., Respondent-Appellant, and Marcello B., Respondent.)	)	Honorable
	)	Valerie Boettle-Ceckowski,
	)	Judge, Presiding.

In re Brooklyn B., a Minor	)	Appeal from the Circuit Court
	)	of Lake County.
	)	
	)	No. 14-JA-83
	)	
(The People of the State of Illinois, Petitioner-Appellee, v. Sandra P.-R., Respondent-Appellant, and Marcello B., Respondent.)	)	Honorable
	)	Valerie Boettle-Ceckowski,
	)	Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices McLaren and Hudson concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's order terminating respondent's parental rights was affirmed. This court was without jurisdiction to review the trial court's order that changed the permanency goal and reduced respondent's visitation. The State proved by clear and convincing evidence that respondent was an unfit parent, and the trial court's unfitness finding was not against the manifest weight of the evidence based on alleged shortcomings of DCFS. The State proved by a preponderance of the evidence that it was in the children's best interests that parental rights be terminated.

¶ 2 Respondent, Sandra P.-R., appeals from the trial court's order terminating her parental rights to her minor children, Micah B., Mason B., and Brooklyn B. She argues that the court erred in finding that she was an unfit parent and that it was in the children's best interests to terminate her parental rights. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On October 16, 2012, the State filed petitions for adjudication of wardship and temporary custody as to Micah and Brooklyn. Following a temporary custody hearing, the court found that there was probable cause to believe that the minors were neglected, and it ordered temporary guardianship and custody of the children to be placed with the Department of Children and Family Services (DCFS). The factual basis for the court's finding was that respondent and the biological father, Marcello B.,[1] had a history of drug convictions and were arrested in September 2012 for possession of illegal drugs. On March 12, 2013, the court adjudicated the children neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b) (West 2012)). Following a dispositional hearing held on April 18, 2013, the court made the children wards of the court and continued guardianship and custody with DCFS.

[1] Marcello was also a respondent in the proceedings, but he is not a party to this appeal.

¶ 5 Mason was born on February 19, 2013. On February 27, 2013, the State filed a petition for adjudication of wardship and temporary custody as to Mason. The following day, respondent stipulated that there was probable cause to believe that Mason was neglected, and the court ordered temporary guardianship and custody of Mason to be placed with DCFS. On June 20, 2013, the court adjudicated Mason neglected pursuant to section 2-3(1)(c) of the Act. The factual basis for the adjudication was that Mason was born with cocaine and amphetamines in his system. The court held a dispositional hearing on the same day, and it made Mason a ward of the court and continued guardianship and custody with DCFS.

¶ 6 On July 21, 2014, the State filed petitions to terminate respondent's parental rights. The petitions alleged that respondent was an unfit parent in that she (1) failed to protect the children from an environment injurious to their welfare (750 ILCS 50/1(D)(g) (West 2014)); (2) was depraved (750 ILCS 50/1(D)(i) (West 2014)); (3) had been habitually drunk or addicted to drugs for at least one year immediately prior to the start of the unfitness proceeding (750 ILCS 50/1(D)(k) (West 2014)); (4) failed to make reasonable efforts to correct the conditions which were the basis of the children's removal (750 ILCS 50/1(D)(m)(i) (West 2014)); and (5) failed to make reasonable progress toward the return of the children within a nine-month period (750 ILCS 50/1(D)(m)(ii) (West 2014)). The nine-month period alleged for Micah and Brooklyn was from April 18, 2013, to January 18, 2014. The nine-month period alleged for Mason was from June 20, 2013, to March 20, 2014. On December 16, 2015, the State amended the petitions to further allege that respondent was unfit for failing to make reasonable progress toward the return of the children for two additional nine-month periods.[2] Following the conclusion of the

[2] Those nine-month periods were the same for all three children and were (1) January 18, 2014, to October 18, 2014, and (2) October 18, 2014, to July 18, 2015.

termination proceedings, the State was granted leave to withdraw the two additional nine-month periods as "mistakenly alleged."

¶ 7 A. Unfitness Hearing

¶ 8 The unfitness hearing took place on January 6, February 18, and March 10, 2016. Courtney Nix testified that she was the Uhlich Children's Advantage Network (UCAN) caseworker for all three minors from June 2013 until May 2014. Nix testified that DCFS took custody of Micah and Brooklyn in October 2012 because respondent, Marcello, Micah, Brooklyn, and two of respondent's other children[3] were homeless and living in a car; respondent and Marcello were selling drugs out of the car while the children were present. Mason was taken into custody because he was born exposed to cocaine and amphetamines and respondent had an open DCFS case at the time of his birth.

¶ 9 Nix testified that after the minors were taken into custody, respondent completed an integrated assessment, which generated a list of services that she needed to participate in and complete. Those services included individual therapy, a substance abuse evaluation and any recommendations, supervised visitation, and drug screenings. She was also required to maintain appropriate housing and employment. Nix testified that, between April 2013 and October 2013, respondent unsatisfactorily complied with her service plan. Nix testified that respondent's attendance at individual therapy was inconsistent, and she failed to make progress. Due to the lack of progress, Nix was unable to refer her to family therapy. The October 2013 service plan

[3] Those two children, who had a different father than Marcello, were also taken into custody. They were eventually returned to the care and custody of their biological father by July 2013.

that was admitted into evidence also showed that respondent missed seven appointments between July 2013 and October 2013 and that she deflected blame for her problems onto others.

¶ 10 Nix also testified that after respondent completed a substance abuse evaluation, she was referred to substance abuse treatment at Nicasa. Respondent stopped attending Nicasa at some point before June 2013. Nix testified that respondent herself then chose to see another provider, Northwestern Counseling Center. Nevertheless, respondent was not successful in her treatment, because she had several relapses and inconsistent attendance. Nix also testified that the providers at Nicasa and Northwestern Counseling indicated that respondent was in denial about her substance abuse and engaged in manipulative behavior.

¶ 11 Additionally, Nix testified that respondent was allowed unsupervised visitation with Brooklyn and Micah at their foster placement with the paternal grandmother, but she did not consistently visit. Respondent's visitation with Mason was also unsatisfactory, although she was seeing him more consistently than Micah and Brooklyn. Nix testified that respondent was working at Dunkin Donuts during that time. Respondent was living in an apartment in Fox Lake, Illinois, but Nix never viewed the apartment to determine if it was appropriate. Nix testified that at the November 2013 permanency review hearing, the court found that respondent did not make reasonable efforts, and the permanency goal was set as return home within 12 months.

¶ 12 Nix also testified that respondent received an unsatisfactory rating based on the service plan of October 2013 to April 2014. Respondent was not compliant in addressing substance abuse, as she tested positive for cocaine twice in February 2014. Nix testified that due to the positive tests, respondent was referred to an inpatient program at Haymarket. At respondent's intake assessment at Haymarket in March 2014, respondent tested positive for cocaine. Respondent ultimately completed the inpatient program after the service plan was rated. The

April 2014 service plan that was admitted into evidence showed that respondent continued to be in denial about her drug abuse.

¶ 13 Additionally, Nix testified that respondent was inconsistently engaged in individual therapy with Pathways until her therapist went on a medical leave. Thereafter, Nix offered respondent a therapist at UCAN, but respondent declined. Nix testified that respondent wanted to find a provider outside of UCAN, but Nix did not know whether respondent ever initiated individual therapy after that point. Nix also testified that respondent was required to complete a psychological evaluation. Respondent twice failed to appear for the evaluation. Nix testified that she provided respondent with gas cards to facilitate the evaluation and assist in transportation. The evaluation was ultimately put on hold due to respondent's positive drug screens.

¶ 14 Nix also testified that, between October 2013 and April 2014, respondent did not consistently visit Micah and Brooklyn, and her visitation with Mason was reduced to once per week due to her inconsistent attendance. Nix testified that she provided respondent with gas cards to facilitate visits. The April 2014 service plan shows that respondent canceled numerous visitations with Mason, and she only visited with Brooklyn and Micah twice at the paternal grandmother's home. Nix further testified that, at the May 1, 2014, permanency hearing, the trial court found that respondent did not make reasonable progress or efforts.

¶ 15 On cross-examination, Nix testified that the psychological evaluation was recommended because the therapist at Pathways was concerned about respondent's cognitive and emotional functioning. Respondent indicated to Nix that she had challenges with scheduling due to her job. Nix testified that she attempted to help respondent problem solve, which was a focus of her individual therapy. Nix also testified that respondent was compliant with drug drops between

June 2013 and October 2013. On redirect-examination, Nix testified that respondent was allowed unlimited visitation with Micah and Brooklyn, but she did not consistently exercise visitation.

¶ 16 Mellonese Adams testified that she became the UCAN caseworker in June 2014. By that time, the permanency goal had changed to substitute care pending termination of parental rights. Adams testified that, between April 2014 and October 2014, respondent was discharged from individual therapy for nonattendance, was discharged from Northwestern Counseling for lack of participation, and she did not have housing. When the permanency goal changed to substitute care pending termination of parental rights in May 2014, visitation was reduced to once per month. Respondent completed a psychological evaluation around the time that Adams was assigned the case.

¶ 17 Adams testified that respondent tested positive for barbiturates in December 2014 and for cocaine in January 2015. Respondent then waited another four months before engaging in intensive outpatient treatment. She did not complete substance abuse services until October 2015. Adams also testified that respondent did not satisfactorily address her needs in individual therapy and was noncompliant due to inconsistent attendance. Respondent completed a parenting capacity assessment in January 2015. Between April 2015 and October 2015, respondent no longer had living arrangements. Adams testified that respondent was consistent with her monthly visits with Mason.

¶ 18 On cross-examination, Adams testified that the only service that respondent completed was substance abuse. Respondent did not follow up with the recommendations from the parenting capacity assessment, which included parenting coaching and parenting classes. Respondent declined those services through UCAN. Adams testified that she did not refer

respondent to an outside provider. Adams also testified that she never followed the recommendation from the parenting capacity assessor who recommended that respondent have graduated, limited unsupervised visits.

¶ 19 After the State rested, respondent called Dr. Susan Lin to testify. Dr. Lin testified that she was a physician and psychiatrist at Jocelyn Mental Health Center. She conducted an evaluation of respondent in April 2015, and diagnosed her with depression. Dr. Lin prescribed medications to respondent, and respondent was in compliance with her recommendations. On cross-examination, Dr. Lin testified that respondent did not appear for her first evaluation. Dr. Lin acknowledged that she did not have respondent's medical records.

¶ 20 The court found that the State proved by clear and convincing evidence that respondent was an unfit parent in that she failed to make (1) reasonable efforts to correct the conditions that caused the children to be removed from her care, and (2) reasonable progress toward the return of the children. The court noted that the evidence overall showed that respondent was not cooperating with services or working toward a goal of return home. It also noted that respondent was rated unsatisfactory as to each service plan. As to reasonable efforts, the court found that, under a subjective standard, respondent did not make efforts to correct the conditions that caused the children's removal, despite her transportation issues and diagnosis of depression. As to reasonable progress, the court found that respondent failed to consistently participate in services or visitation. The court also noted that respondent had ongoing substance abuse issues throughout the case, as evidenced by her several relapses.

¶ 21 B. Best Interests Hearing

¶ 22 The best interests hearing took place on April 27, 2016. Mason's foster mother testified that Mason was three years old at the time of the hearing. Mason began living with the foster

family when he was only seven days old. The foster family had two other biological children and an adopted child. Mason had a "wonderful" relationship with the other children, as they had grown up together for three years. He was very protective of the youngest adopted child in the family. Mason had special needs in the form of physical therapy, occupational therapy, and speech services. Mason had an underdeveloped area of the brain, but he was getting better and the medical prognoses were good. The foster mother testified that she was a former kindergarten teacher, and she strongly advocated for Mason in school and in medical treatment.

¶ 23 Additionally, Mason's foster mother testified that Mason was connected to the extended foster family, which included grandparents and 22 cousins. Mason's foster family involved him in the community by taking him to church groups and sports activities. Although Mason was an African-American child in a Caucasian family, the foster mother testified that she was raised in West Africa and a majority of the family's friends were African or African-American. The foster mother also testified that the family could provide adequate food, clothing, and shelter. The foster family wished to adopt Mason.

¶ 24 Mason's foster mother also testified that she intended to maintain Mason's contact with his biological siblings and parents. Mason was allowed to visit Micah and Brooklyn once a month at their placement at the paternal grandmother's house. Micah and Brooklyn also visited Mason. On cross-examination, the foster mother testified that she planned to set up an email account to allow Mason to communicate with his siblings. The foster mother also testified that Mason enjoyed visits with respondent, but that he needed extra "emotional attention" after the visits.

¶ 25 Ann Ross testified that she was the court appointed special advocate (CASA) for Micah and Brooklyn, who had been placed with their paternal grandmother for four years. They lived

in the Englewood neighborhood of Chicago on a safe cul-de-sac street that is located across from a park. Micah's and Brooklyn's 16-year old cousin also lived with the grandmother. Ross testified that Micah and Brooklyn share a bedroom, but Brooklyn spent most nights in her cousin's room, with whom she was very close. Ross also testified that the minors were bonded to their grandmother, cousins, and other relatives.

¶ 26 Ross further testified that the foster grandmother placed Micah and Brooklyn in a Montessori school in Englewood. Micah was performing well in school; Brooklyn did not have special needs, but she had an individualized education plan (IEP) for math and reading. Ross testified that the foster grandmother was proactive in helping the minors receive academic services, and she participated in their education. Ross also testified that the foster grandmother was engaged in the community and local church, and she had no concerns about the placement. The foster grandmother was willing to provide permanency. Ross opined that it was in the best interests of Micah and Brooklyn that respondent's parental rights be terminated.

¶ 27 Mellonese Adams testified that she observed Mason in his foster home, and he was bonded to the family. Mason looked up to the oldest son in the home as his big brother. Adams testified that Mason played well with the other children in the home, and he was flourishing there. The foster parents were proactive in helping him receive medical treatment. Additionally, Adams testified that the paternal grandmother was a strong advocate for Brooklyn, aged 7, and Micah, aged 5. The grandmother involved the minors in the community. Adams testified that it was in the best interests of all the children that respondent's parental rights be terminated.

¶ 28 On cross-examination, Adams testified that it would have been detrimental to remove all three children from their respective foster placements. Adams also testified that Mason usually

resisted going to visits with respondent, but the visits went well and Mason was happy to see respondent. Mason and respondent gave each other hugs and kisses.

¶ 29 Respondent called the foster grandmother to testify. The foster grandmother testified that respondent visited Micah and Brooklyn "about" once a month, when her car was working. The children were glad to see respondent. Respondent went to the park with them, and she once took them to a Chuck E. Cheese restaurant. The foster grandmother testified that Micah and Brooklyn showed affection to respondent, but they had "more of a relationship" when respondent was able to visit more. The foster grandmother also testified that she was willing to provide a placement for Mason.

¶ 30 On May 3, 2016, the trial court found that it was in the children's best interests that respondent's parental rights be terminated and the permanency goal changed to adoption. As to Micah and Brooklyn, the court found that they were well cared-for and loved by the foster grandmother, and they were attached to the grandmother. The court also noted that they were enrolled in a good school and participated in faith-based community activities. The court found that the paternal grandmother was willing to provide a permanent home. As to Mason, the court found that he was attached to the entire foster family and participated in family activities. The court noted that Mason had lived with his foster family since birth, and that was the only family he knew. The foster parents were members of a multicultural community and understood the need to maintain cultural ties for Mason. The court found that the foster family sought out the "best" health care for Mason. The court also found that the foster family provided adequate clothing, shelter, and food, and it would be detrimental to remove Mason from the foster home.

¶ 31 Accordingly, the court terminated respondent's parental rights. She timely appealed.

¶ 32 II. ANALYSIS

¶ 33 Respondent argues that the trial court erred in finding that she was an unfit parent. She further contends that the court erred in finding that respondent was unfit, because the caseworker failed to properly assist her in obtaining her "goal." Respondent also argues that DCFS "manipulated" the evidence and outcome of the case when it reduced visitation to once per month. Finally, respondent contends that the court erred in finding that it was in the children's best interests that her parental rights be terminated.

¶ 34 We begin our analysis by addressing respondent's argument concerning visitation. We will then address her other arguments in turn.

¶ 35 A. Visitation

¶ 36 Respondent contends that DCFS "possibly" manipulated the outcome of the best interests hearing when it reduced her visitation to once a month. She claims that it is against the manifest weight of the evidence "to permit manipulation of facts in this manner[.]" The State responds that this court does not have jurisdiction to review this issue, because visitation was reduced when the permanency goal was changed in May 2014. The State contends that a change in the permanency goal is not a final judgment, and respondent cannot establish our jurisdiction over the permanency order that changed the goal and reduced visitation.

¶ 37 We agree with the State. The selection of a permanency goal is not a final determination on the merits, but is instead an "intermediate procedural step" taken in the best interests of the child. *In re K.H.*, 313 Ill. App. 3d 675, 682 (2000). Permanency orders are interlocutory, nonfinal orders that are not subject to an appeal as a matter of right. See *In re Curtis B.*, 203 Ill. 2d 53, 60 (2002). Instead, the right to appeal a permanency order is discretionary under Illinois Supreme Court Rule 306(a)(5) (eff. March 8, 2016). *Curtis B.*, 203 Ill. 2d at 63. To establish

our jurisdiction over a permanency order under Rule 306(a)(5), a party must petition this court within 14 days of the filing of the order. Ill. S. Ct. R. 306(b).

¶ 38 Here, Adams, the UCAN caseworker, testified that visitation was reduced to once per month when the permanency goal was changed to substitute care pending termination of parental rights. The permanency order that changed the goal is not in the record.[4] The October 1, 2014, service plan that was admitted into evidence shows that the permanency goal was changed to substitute care on May 9, 2014. Respondent did not file a petition for leave to appeal from the May 9, 2014, order within 14 days, as required by Rule 306(b). Instead, respondent appealed from the trial court's May 3, 2016, order terminating her parental rights. Thus, we do not have jurisdiction to review the May 9, 2014, permanency order that changed the permanency goal and reduced visitation. See also *In re Jordan V.*, 347 Ill. App. 3d 1057, 1066 (2004) ("[O]nce parental rights have been terminated, this court will not delve into and review the trial court's preliminary determinations in the respondents' case. At this point in the proceedings, the only order subject to review is the court's finding on the termination petition.").

¶ 39 Moreover, respondent ignores the plain language of section 2-28 of the Act, which provides that once the court has selected substitute care pending termination of parental rights as the permanency goal, DCFS "shall not provide further reunification services, but shall provide services consistent with the goal selected." 705 ILCS 405/2-28 (West 2014). Respondent did not provide this court with the permanency order that reduced her visitation to once a month, nor did she provide a transcript of the proceeding or a bystander's report from the relevant hearing.

[4] The common law record does not contain any documents before the State's July 21, 2014, petitions to terminate respondent's parental rights. The reports of proceedings contain only the hearings on the petitions to terminate parental rights.

See Ill. S. Ct. R. 323(c) (eff. Dec. 13, 2005). Because the burden is on the appellant to provide a sufficient record on appeal to substantiate claims of error, any doubts that arise as a result of omissions in the record must be resolved against the appellant. *In re Kenneth F.*, 332 Ill. App. 3d 674, 678 (2002). Accordingly, we must presume that the trial court and DCFS acted properly in reducing the visitation to once a month when the permanency goal was changed in May 2014.

¶ 40 B. Unfitness

¶ 41 Respondent also argues that the court erred in finding that she was an unfit parent. Specifically, respondent contends that the evidence was insufficient to prove that she failed to (1) make reasonable efforts to correct the conditions that led to the removal of the children and (2) make reasonable progress toward the return of her children.

¶ 42 The termination of parental rights is a two-step process. *In re C.W.*, 199 Ill. 2d 198, 210 (2002). The State must first prove by clear and convincing evidence that a parent is unfit under any single ground listed in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2014)). *C.W.*, 199 Ill. 2d at 210. If the trial court finds that a parent is unfit, the matter proceeds to a second hearing at which the State must prove by a preponderance of the evidence that termination of parental rights is in the minor's best interest. *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 80. Because the trial court is in the best position to make credibility assessments and weigh the evidence, we will not overturn its findings at a termination hearing unless they are against the manifest weight of the evidence. *Julian K.*, 2012 IL App (1st) 112841, ¶¶ 65, 66. A trial court's decision is against the manifest weight of the evidence only where the opposite result is clearly evident from a review of the record. *Julian K.*, 2012 IL App (1st) 112841, ¶ 66.

¶ 43 The grounds for finding unfitness under the Adoption Act are independent, and we may affirm the trial court's judgment if the evidence supports any one of the grounds alleged. *In re*

B'Yata I., 2014 IL App (2d) 130558-B, ¶ 30. Here, the court found that respondent failed to make reasonable progress toward the return of the children during the specified nine-month periods, pursuant to section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2014)). The nine-month period alleged as to Micah and Brooklyn was April 18, 2013, to January 18, 2014. The nine-month period alleged as to Mason was June 20, 2013, to March 20, 2014. The respective nine-month periods differ because Mason was born after Micah and Brooklyn were already in temporary custody, and he was thus adjudicated neglected at a later date.

¶ 44 As a preliminary matter, the State notes that identifying the proper nine-month period is critical in determining whether a parent made reasonable progress, because section 1(D)(m) of the Adoption Act (750 ILCS 50/1(D)(m) (West 2014)) limits the evidence that may be considered to the specified time span. See *In re Jacien B.*, 341 Ill. App. 3d 876, 882 (2003). The State "acknowledge[s]" that when a trial court considers the wrong nine-month period, the cause must be reversed and remanded for a new hearing on the petition. See *Jacien B.*, 341 Ill. App. 3d at 882.

¶ 45 Here, the State apparently concedes, without respondent having raised the argument in her brief or objecting to the issue below, that the trial court may have considered the wrong nine-month period in determining respondent's reasonable progress as it related to Micah and Brooklyn.[5] Specifically, the State contends that the nine-month period alleged in the petitions and relied on by the court is incorrect, because it began at the date of Micah and Brooklyn's dispositional hearing. The State contends that the relevant nine-month period must begin at the date of adjudication, not the date that the trial court entered the dispositional order.

[5] The State asserts that the nine-month period as to Mason was correctly alleged and relied on by the trial court.

¶ 46 We disagree with the State that the nine-month period was wrongfully alleged and relied on by the trial court. The State relies on a previous version of section 1(D)(m)(ii), which provided that a parent is unfit when he or she failed to make reasonable progress "within 9 months after an adjudication of neglected or abused minor[.]" 750 ILCS 50/1(D)(m)(ii) (West 2012).[6] Similarly, the cases that the State relies on all interpreted the previous version of section 1(D)(m)(ii) to determine that the relevant nine-month period for reasonable progress must begin at the date of adjudication, not disposition. See, *e.g.*, *Jacien B*, 341 Ill. App. 3d at 881-84. Section 1(D)(m), however, was amended by Public Act 98-532, which went into effect on January 1, 2014. Public Act 98-532 amended section 1(D)(m)(ii) to provide that a parent may be unfit if he or she failed to make reasonable progress during "*any* 9-month period following the adjudication of neglected or abused minor[.]" 750 ILCS 50/1(D)(m)(ii) (West 2014) (emphasis added).

¶ 47 Here, the amended version of the statute was in effect when the State filed its termination petitions on July 21, 2014. Also, the petitions as to Micah and Brooklyn specifically delineated a nine-month period following the adjudications of neglect, in compliance with the statute. See 750 ILCS 50/1(D)(m)(ii) (West 2014) ("[W]hen a petition or motion seeks to terminate parental rights on the basis of item (ii) of this subsection (m), the petitioner shall file with the court and serve on the parties a pleading that specifies the 9-month period or periods relied on."). No language in the amended version of section 1(D)(m)(ii) mandates that the nine-month period alleged in a petition *must* be within the first nine-months following adjudication. Accordingly,

[6] In its brief, the State incorrectly cites this provision as 750 ILCS 50/1(D)(m)(ii) (*West 2014*) (emphasis added). But it is clear from reading the published versions of the 2012 and 2014 statute that the State is relying on the version from (West 2012).

the trial court properly applied the nine-month period that was alleged in the petitions to terminate respondent's parental rights as to Micah and Brooklyn.

¶ 48 On the merits, respondent argues that the trial court erred in finding her unfit for failing to make reasonable progress toward the return of her children. Respondent acknowledges that she did not make "extreme" progress or otherwise complete services, but she contends that she nevertheless made "moderate" progress, which is sufficient to avoid termination.

¶ 49 Reasonable progress toward the return of the child to the parent is judged by an objective standard. *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. It is measured from the conditions that existed at the time custody was taken from the parent. *Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. At a minimum, reasonable progress requires measurable or demonstrable movement toward the goal of reunification. *Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. The standard for measuring progress is to consider the parent's compliance with service plans and court directives in light of the conditions that led to the child's removal, as well as subsequent conditions that would prevent the court from returning the child to the custody of the parent. *Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. Ultimately, reasonable progress exists when the court can conclude that it will be able to order the child returned to the parent in the near future. *Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21.

¶ 50 Here, the trial court's finding of unfitness based on respondent's lack of reasonable progress was not against the manifest weight of the evidence. The relevant nine-month periods for determining whether she made reasonable progress were (1) April 18, 2013 to January 18, 2014, for Micah and Brooklyn and (2) June 20, 2013, to March 20, 2014, for Mason. During those periods, respondent's service plan required her to participate in and complete substance abuse treatment, individual therapy, have supervised visitation, participate in toxicology

screenings, participate in a psychological evaluation, and have appropriate housing and a means of income.

¶ 51 Respondent was rated unsatisfactory overall with her service plans during the relevant periods. Although respondent obtained employment and lived in an apartment in Fox Lake, Nix testified that she had never visited the apartment to determine whether it was appropriate. Respondent twice failed to appear for her psychological evaluation, which was then put on hold until she could address her substance abuse issues. As to individual therapy, respondent missed seven appointments between July 2013 and October 2013. She deflected blame onto others and failed to understand her role in having the children removed from her care. After her therapist from Pathways went on medical leave, respondent declined therapy services at UCAN; she then failed to initiate therapy services at Northwestern Counseling before April 2014.

¶ 52 Additionally, respondent stopped attending substance abuse treatment at Nicasa in May 2013, and she did not inform her caseworker. After being confronted by the caseworker, she eventually attended treatment at Northwestern Counseling, but she remained in denial about her drug use and engaged in manipulative behaviors. Respondent twice tested positive for cocaine in February 2014 (although she disputed the results with the caseworker), and she delayed her intake appointment at an inpatient program at Haymarket. At respondent's intake screening at Haymarket in March 2013, she tested positive for cocaine and then revoked her release forms for DCFS.

¶ 53 During the relevant periods, respondent failed to consistently visit Micah and Brooklyn, despite having unlimited visitation and receiving gas cards from UCAN. A service called Help at Home refused to provide assistance to respondent after she canceled numerous visitations.

Respondent also canceled numerous visitations with Mason, even though he was made available to her.

¶ 54 We also reject respondent's claim that the court erred in finding her unfit because the caseworker failed to properly assist her in obtaining her goals. Specifically, respondent claims that the caseworker should have followed up with her after she declined therapy services at UCAN and then failed to initiate services at Northwestern Counseling.

¶ 55 Respondent provides no authority to support her argument. See *Lewis v. Heartland Food Corp.*, 2014 IL App (1st) 123303, ¶ 5 ("Arguments that are not supported by citations to authority fail to meet the requirements of Supreme Court Rule 341(h)(7) and are procedurally defaulted."). Nevertheless, the record shows that respondent explicitly declined therapy services at UCAN, and she personally requested that she be able to initiate services on her own. Nix testified that respondent had her phone number and knew where UCAN's office was located; thus, respondent could have easily reached out to UCAN if she had difficulties initiating therapy treatment. No evidence suggests that respondent had difficulty in locating services or that she was otherwise incapable of doing so. Indeed, respondent previously initiated services on her own at Northwestern Counseling for substance abuse treatment. Moreover, respondent's other arguments concerning the caseworker's alleged failure to recommend services based on a parenting capacity assessment are irrelevant. Respondent did not complete the assessment until June 2015, which is well outside of the nine-month periods on review. Also, as explained above, once the permanency goal was changed to substitute care pending termination of parental rights in May 2014, DCFS was not required to provide further reunification services. See 705 ILCS 405/2-28 (West 2014).

¶ 56 As mentioned above, any single ground under section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2014)) is sufficient to support a finding of parental unfitness. See *In re Tiffany M.*, 353 Ill. App. 3d 883, 889 (2004). When parental rights are terminated based upon clear and convincing evidence of a single ground of unfitness, the reviewing court need not consider the additional grounds of unfitness relied on by the trial court. *Tiffany M.*, 353 Ill. App. 3d at 891. Because we have held that the trial court's finding of unfitness under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2014)) was not against the manifest weight of the evidence, we need not consider the other ground of unfitness found by the trial court.

¶ 57 C. Best Interests

¶ 58 Respondent further argues that the court erred in finding that it was in the children's best interests that respondent's parental rights be terminated. Respondent claims, without citation to authority, that respondent's bond with the children "should have outweighed any other factor." We disagree. Respondent's argument flies in the face of the well-established and oft-cited proposition of law that once a parent is found unfit, the focus shifts to the child, and the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life. *In re D.T.*, 212 Ill. 2d 347, 364 (2004); see also *In re Angela D.*, 2012 IL App (1st) 112887, ¶ 39 (The existence of a bond between a parent and child, alone, does "not compel a conclusion that termination was against the manifest weight of the evidence.").

¶ 59 Respondent does not argue that any of the statutory factors to be considered at a best interests hearing weigh in her favor. Those factors include: (1) the physical safety and welfare of the child; (2) the development of the child's identity; (3) the child's familial, cultural, and religious background; (4) the child's sense of attachments; (5) the child's wishes and long-term

goals; (6) the child's community ties, including church, school, and friends; (7) the child's need for permanence, which includes the need for stability and continuity of relationships; (8) the uniqueness of every family and child; (9) the risks attendant to substitute care; and (10) the preferences of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2014). Also relevant are the nature and length of the minor's relationship with his or her present caretaker and the effect that a change in placement would have upon the child's emotional and psychological well-being. *In re William H.*, 407 Ill. App. 3d 858, 871 (2011).

¶ 60 We note that the trial court's decision that it was in the children's best interests to terminate respondent's parental rights was not against the manifest weight of the evidence. The evidence at trial overwhelmingly established that the statutory factors weighed in favor of termination. Micah and Brooklyn are attached to their paternal grandmother, they receive adequate food and clothing, they are thriving in their Montessori school, they are involved in the community through faith-based activities, and it would be detrimental to remove them from their placement. Similarly, Mason has lived with his foster family since he was seven days old, he receives great medical care at the insistence of his foster family, he is very close to his siblings in the foster home, he is attached to the foster family, he is connected to the extended family, he is involved in community activities through church groups and sporting activities, and the foster family is committed to maintaining Mason's ties with his family and culture.

¶ 61 III. CONCLUSION

¶ 62 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 63 Affirmed.