

**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).

**FILED**

September 27, 2016  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

2016 IL App (4th) 160316-U

NOS. 4-16-0316, 4-16-0317, 4-16-0318, 4-16-0349 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: E.F., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Macon County
v. (No. 4-16-0316)	)	No. 13JA52
JESSICA FREEMAN,	)	
Respondent-Appellant.	)	
-----	)	
In re: KAI. F., a Minor,	)	No. 13JA53
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-16-0317)	)	
JESSICA FREEMAN,	)	
Respondent-Appellant.	)	
-----	)	
In re: KAY. F., a Minor,	)	No. 13JA54
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-16-0318)	)	
JESSICA FREEMAN,	)	
Respondent-Appellant.	)	
-----	)	
In re: D.H., a Minor,	)	No. 13JA99
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-16-0349)	)	Honorable
JESSICA FREEMAN,	)	Thomas E. Little,
Respondent-Appellant.	)	Judge Presiding.

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

**ORDER**

¶ 1 *Held:* The appellate court affirmed, concluding the trial court's unfitness finding and best-interest determinations were not against the manifest weight of the evidence.

¶ 2 In June 2015, the State filed motions to terminate respondent Jessica Freeman's parental rights to E.F. (born August 27, 2007), KAI. F. (born March 21, 2012), KAY. F. (born October 7, 2010), and D.H. (born July 29, 2013). In January 2016, the trial court found respondent to be unfit and, in April 2016, determined it was in the minors' best interest to terminate her parental rights. Respondent appeals, arguing the trial court's unfitness finding and best-interest determinations were against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On June 22, 2015, the State filed motions to terminate respondent's parental rights to each minor. The State alleged respondent was an unfit parent as she failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare (750 ILCS 50/1(D)(b) (West 2014)); (2) make reasonable efforts to correct the conditions that were the basis for the minors' removal within any nine-month period following the adjudications of neglected (750 ILCS 50/1(D)(m)(i) (West 2014)); and (3) make reasonable progress toward the return of the minors within any nine month period following the adjudications of neglected (750 ILCS 50/1(D)(m)(ii) (West 2014)).

¶ 5 A. The Fitness Hearing

¶ 6 On January 27, 2016, the trial court held a fitness hearing. At the hearing, the court heard testimony from: (1) caseworker Kim Taylor, (2) parenting educator Christine Foster, (3) family interventionist Dawn McCoy, (4) visit supervisor Mandy Webb, (5) program supervisor Lindsay Lyon, (6) therapist Christina Walters, and (7) respondent.

¶ 7 Over the course of two years, respondent's progress was evaluated on four separate service plans. Respondent received unsatisfactory ratings on three of the four service plans, with the only satisfactory rating occurring during the period initially following the minors' removal from her custody. Respondent's service plans directed her to participate in psychiatric and mental-health services, parenting classes, visitation with the minors, and a domestic-violence program. Respondent was also directed to seek appropriate housing.

¶ 8 Respondent failed to consistently participate in psychiatric and mental-health services. Respondent's mental health was deemed a significant concern regarding her ability to parent. From August 2013 through February 2014, respondent consistently attended counseling appointments. In March 2014, respondent began to miss counseling appointments, causing her to be discharged from the program. Respondent later received counseling through a different program but again was discharged due to absences. Respondent further refrained from taking prescribed medications for a period of time. Respondent maintained she stopped (1) attending counseling because either she wanted to be alone or no counselors were available, and (2) taking prescribed medications as her medical card was cancelled.

¶ 9 Respondent participated in parenting classes but failed to consistently apply proper parenting skills while with the minors. Respondent demonstrated a lack of concern for the minors' welfare. On multiple visits, respondent would wait hours before changing the minors' diapers. Respondent had difficulty in appropriately responding to the minors' behaviors. Respondent directed derogatory comments at the minors and denied food as a form of punishment. Respondent denied directing derogatory comments at the minors.

¶ 10 Excluding a three-month period of incarceration, respondent consistently attended

visitation with the minors. During the visits, however, respondent often did not bond or engage with the minors and had difficulty providing adequate supervision. Respondent relied heavily on others to assist in caring for the children. Occasionally, respondent would end visits early due to the minors' behaviors.

¶ 11 Respondent failed to attend a domestic-violence program. While respondent discussed domestic-violence issues with her parenting educator, she did not participate in a domestic-violence program. Respondent maintained she was never informed of the domestic-violence program, and regardless, she was not entitled to participate in the program due to a prior charge involving domestic violence against one of her older children.

¶ 12 Respondent failed to obtain adequate housing. In 2013, respondent was referred to a housing program. As part of the program, respondent was required to complete a budget with a program representative. Respondent refused to meet with the representative as she believed the representative was not adequately assisting her in finding a home, causing her to be terminated from the program. In 2014, respondent again was referred to the housing program but refused to participate. Following the minors' removal, respondent either lived with friends or on her own, or she was incarcerated or homeless. Respondent maintained she failed to receive adequate assistance in obtaining housing.

¶ 13 Following this evidence, the trial court found respondent unfit for all the reasons set out in the State's motion.

¶ 14 B. The Best-Interest Hearing

¶ 15 On April 13, 2016, the trial court held a best-interest hearing. The court considered a February 10, 2016, best-interest report and heard testimony from caseworker

Taylor; E.F.'s counselor, Tamika Hall; and respondent.

¶ 16 Since August 2013, the minors had been residing with respondent's parents. The grandparents are licensed foster parents and have been for approximately 20 years, during which time they have cared for more than 60 children. The grandparents provide the minors with a safe, stable, and nurturing environment. The minors are bonded to their grandparents, happy, comfortable, and settled. The minors often visit with extended family. The grandparents assist the minors through a hands-on approach. E.F. was receiving counseling to cope with behavioral and mental-health issues. E.F. had a recent behavioral incident, to which the grandparents promptly responded by seeking external assistance. E.F.'s behavioral issues coincided with respondent's incarceration and the start of a new school year. The grandparents expressed interest in adopting the minors.

¶ 17 Excluding a three-month period of incarceration, respondent consistently attended visitation with the minors. While the minors appeared to enjoy spending time with respondent, a strong connection was not evident. Respondent required a minimum of 9 to 12 months to develop the skills necessary to provide the minors with any type of stability.

¶ 18 Following this evidence, the trial court found it was in the minors' best interest to terminate respondent's parental rights.

¶ 19 This appeal followed.

¶ 20 II. ANALYSIS

¶ 21 On appeal, respondent argues the trial court's unfitness finding and best-interest determinations were against the manifest weight of the evidence. The State disagrees.

¶ 22 A. Unfitness Finding

¶ 23 The involuntary termination of parental rights involves a two-step process. 705 ILCS 405/2-29(2) (West 2014)). First, the State must prove by clear and convincing evidence the parent is "unfit" with respect to each child as defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2014)). *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006); *In re D.C.*, 209 Ill. 2d 287, 300, 807 N.E.2d 472, 479 (2004). Only one ground for a finding of unfitness is necessary if it is supported by clear and convincing evidence. *In re Gwynne P.*, 215 Ill. 2d 340, 349, 830 N.E.2d 508, 514 (2005); *In re M.R.*, 393 Ill. App. 3d 609, 613, 912 N.E.2d 337, 342 (2009). We will not disturb a trial court's unfitness findings unless they are against the manifest weight of the evidence. See *Gwynne P.*, 215 Ill. 2d at 354, 830 N.E.2d at 516-17. A decision is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent. *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1072, 859 N.E.2d 123, 141 (2006).

¶ 24 The trial court found respondent was an unfit parent as defined in section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2014)). Section 1(D)(b) provides a parent will be considered an "unfit person" if he or she fails to "to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare." 750 ILCS 50/1(D)(b) (West 2014). "Because the language of section 1(D)(b) of the Adoption Act is in the disjunctive, any of the three elements may be considered on its own as a basis for unfitness: the failure to maintain a reasonable degree of interest or concern or responsibility as to the child's welfare." *In re C.E.*, 406 Ill. App. 3d 97, 108, 940 N.E.2d 125, 136 (2010). Courts must examine the parent's conduct in the context of the parent's circumstances. *Id.* Noncompliance with services may be sufficient to warrant a finding of unfitness under section 1(D)(b). *In re Jaron Z.*, 348 Ill. App. 3d 239, 259,

810 N.E.2d 108, 125 (2004).

¶ 25 The evidence presented at the fitness hearing demonstrated respondent failed to (1) consistently attend psychiatric and mental-health services, (2) apply appropriate parenting skills with the minors, (3) participate in a domestic-violence program, and (4) obtain adequate housing. The trial court's finding of unfitness for respondent's failure to maintain a reasonable degree of responsibility as to the minors' welfare was not against the manifest weight of the evidence. See *id.*; *In re M.J.*, 314 Ill. App. 3d 649, 657, 732 N.E.2d 790, 796 (2000).

¶ 26 As only one ground for a finding of unfitness is necessary to uphold the trial court's judgment, we need not review the other bases for the court's unfitness findings. See *In re Tiffany M.*, 353 Ill. App. 3d 883, 891, 819 N.E.2d 813, 820 (2004).

¶ 27 B. Best-Interest Determinations

¶ 28 Following a finding of unfitness, the State must prove by a preponderance of the evidence it is in the child's best interest for parental rights to be terminated. *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004). At the best-interest stage, a parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life. *Id.* at 364, 818 N.E.2d at 1227.

¶ 29 The trial court must consider the following factors, in the context of the minor's age and developmental needs, in determining whether termination is in a child's best interest: (1) the physical safety and welfare of the child, including food, shelter, health, and clothing; (2) the development of the child's identity; (3) the child's background and ties, including familial, cultural, and religious; (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 child's need for stability and continuity of relationships with parent figures and with siblings and other relatives; (8) the uniqueness of every family and child; (9) the risks attendant to entering and being in substitute care; and (10) the preferences of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2014).

¶ 30 This court will not reverse a trial court's best-interest determination unless it is against the manifest weight of the evidence. *In re Anaya J.G.*, 403 Ill. App. 3d 875, 883, 932 N.E.2d 1192, 1199 (2010). As previously stated, a decision will be found to be against the manifest weight of the evidence only if the facts clearly demonstrate the court should have reached the opposite conclusion. *Daphnie E.*, 368 Ill. App. 3d at 1072, 859 N.E.2d at 141.

¶ 31 Since August 2013, the minors had been residing with their grandparents, who had an extensive background in caring for children. The minors bonded with their grandparents, who provided the minors with a safe, stable, and nurturing environment. The grandparents were assisting E.F. with his behavioral and mental-health issues. The grandparents expressed interest in adopting the minors. Conversely, the record demonstrates respondent was unable to provide the minors with permanency, safety, or stability.

¶ 32 Given the evidence presented, the trial court's determination it was in the minors' best interest to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶ 33 III. CONCLUSION

¶ 34 We affirm the trial court's judgment.

¶ 35 Affirmed.