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2017 IL App (5th) 160549-U

NO. 5-16-0549

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

<i>In re</i> A.K., a Minor)	Appeal from the
)	Circuit Court of
(The People of the State of Illinois,)	St. Clair County.
)	
Petitioner-Appellee,)	
)	
v.)	No. 11-JA-78
)	
Antoine K.,)	Honorable
)	Walter C. Brandon, Jr.,
Respondent-Appellant).)	Judge, presiding.

JUSTICE CHAPMAN delivered the judgment of the court.
Justices Goldenhersh and Barberis concurred in the judgment.

ORDER

¶ 1 *Held:* Where the trial court's orders finding that Antoine K. was an unfit parent and that termination of his parental rights was in the minor's best interests were not contrary to the manifest weight of the evidence, we affirm the orders.

¶ 2 Antoine K. appeals the trial court's October 12, 2016, order finding that he was an unfit parent. Antoine does not appeal from the court's subsequent order entered on November 18, 2016, concluding that it was in A.K.'s best interests to terminate Antoine's parental rights. For the reasons that follow in this order, we affirm the trial court's orders

finding that Antoine was an unfit parent and that his parental rights were correctly terminated.

¶ 3

FACTS

¶ 4 A.K. was born on March 27, 2010. His mother is Lokesha K.¹ and his father is Antoine K. On June 12, 2011, one of A.K.'s siblings was found wandering in the streets of East St. Louis without adequate clothing. The East St. Louis police department took this child back to her home where it was discovered that A.K. and five other children were in the home without adult supervision. On June 14, 2011, the State of Illinois by the Department of Children and Family Services (DCFS) filed a petition asking for the court to declare that A.K. and his six siblings were neglected. On October 28, 2011, the trial court entered its order finding that A.K. was a neglected child.

¶ 5

First Motion for Termination of Parental Rights

¶ 6 The State filed a motion for termination of parental rights and for appointment of guardian with power to consent to adoption on March 21, 2014. The State alleged that Antoine was an unfit parent on three bases: that he had abandoned the child; that he had failed to maintain a reasonable degree of interest, concern, or responsibility for A.K.'s welfare; and that he had deserted A.K. for the preceding three months.

¹At various times in this order, the number of children referenced in caseworker testimony and in service plans varies between seven and eight. Lokesha had eight children in DCFS custody when the fitness hearing was held in September 2016. Lokesha had seven children in June 2011 when A.K. and his siblings originally came into DCFS custody. Lokesha gave birth to her eighth child in July 2013.

¶ 7 This motion went to hearing on February 3, 2015. At the conclusion, the trial court ruled in favor of Antoine and ordered the State to continue services.

¶ 8 Second Motion for Termination of Parental Rights

¶ 9 The State filed a second motion for termination of parental rights and for appointment of guardian with power to consent to adoption on November 2, 2015. The State alleged that Antoine was an unfit parent on three bases: that he had failed to maintain a reasonable degree of interest, concern, or responsibility as to A.K.'s welfare; that he had failed to make reasonable efforts to correct the conditions that were the basis for A.K.'s removal from Antoine's custody during any nine-month period following the adjudication of neglect; and that he had failed to make reasonable progress toward A.K.'s return to him during any nine-month period following the adjudication of neglect.

¶ 10 Fitness Hearing

¶ 11 During the September 27, 2016, hearing, the State advised that they were using two nine-month periods to establish that Antoine was an unfit father: February 4, 2015, through November 4, 2015; and November 5, 2015, through August 5, 2016. The State introduced into evidence three service plans covering these two nine-month periods. Service plans prior to February 4, 2015, were not included in the record and were not referenced at the fitness hearing.

¶ 12 Service Plan—June 11, 2015, Evaluation Date

¶ 13 Charnita Little, a DCFS caseworker, prepared the June 11, 2015, service plan. James Tooles of DCFS approved the plan. Little reported facts in the plan that formed the rationale for DCFS involvement in this case. Little noted in her report that Antoine

had unrealistic views on the importance of completing his services and providing the proper home for his children. In May 2015, Lokesha obtained an order of protection against Antoine. As a result, DCFS followed up with the Granite City police department and obtained arrest reports involving Antoine that involved domestic battery and public intoxication.

¶ 14 The February 10, 2015, permanency plan in place at the time of this service plan was to reunite A.K. with his parents within five months. Little explained that the case remained open because services were still needed and the parents had not complied with all required services. She summarized Antoine's progress since the previous service plan as unsatisfactory because when Antoine completed alcohol abuse treatment in February 2014, he had been told to attend aftercare treatment; to turn in attendance sheets regarding aftercare; to maintain his sobriety by living a sober existence; and to follow any recommendation made from the psychological evaluation. Additionally, because of the alleged May 2015 domestic violence incident that resulted in the order of protection and the reports of intoxication, DCFS required Antoine to complete new domestic violence and substance abuse assessments. Antoine was also advised that because of the order of protection, he needed to have any visitation with A.K. separate from Lokesha's visitation. As of the date of the report, Antoine had not worked out any visitation schedule and had not complied with DCFS requests that he sign consents for referral for services.

¶ 15 In this service plan, DCFS set forth several "Desired Outcomes" along with "Action Steps" to support the outcome. We summarize these outcomes, noted with

numerals and the mandated action steps, noted with letters, along with Antoine's progress on each action step as follows:

1. Psychological Evaluation and Any Recommended Follow-Up

- a. Antoine must not discontinue service or recommendations made by the psychological evaluation provider—rated satisfactory;
- b. Participate in a psychological evaluation—rated satisfactory; and
- c. Follow-up on all psychological recommendations—rated unsatisfactory.

2. Adequate Supervision of A.K.

- a. Antoine must provide an adequate supervision plan—rated unsatisfactory.

3. Substance Abuse Treatment

- a. Antoine must participate in substance abuse treatment and not discontinue treatment without DCFS approval—rated unsatisfactory;
- b. Participate in aftercare treatment with Alcoholics Anonymous (AA) or alternate support group and turn in attendance sheets to prove attendance—rated unsatisfactory;
- c. Agree to follow all substance abuse treatment recommendations—rated unsatisfactory;
- d. Agree to sign a consent to release information so that the substance abuse specialist could monitor his progress—rated unsatisfactory; and
- e. Participate in a new substance abuse assessment and do all follow-up treatment recommended—rated unsatisfactory.

4. Domestic Violence Assessment

- a. Antoine must not discontinue service against the advice or approval of the domestic violence service provider—rated unsatisfactory;
- b. Agree to sign a consent to release information so that the domestic violence service provider could monitor his progress—rated unsatisfactory; and
- c. Agree to follow all recommendations made by the domestic violence service provider—rated unsatisfactory.

Little rated Antoine's overall progress on "Psychological Evaluation and Any Recommended Follow-Up" as satisfactory. She rated Antoine's overall progress on the other three outcomes as unsatisfactory. Little reported in detail facts about a meeting DCFS had with Antoine on May 22, 2015, where he advised DCFS that he would not participate in the domestic violence or substance abuse assessments.

¶ 16 Service Plan—December 5, 2015, Evaluation Date

¶ 17 Charnita Little was the DCFS caseworker who prepared the evaluation and James Tooles of DCFS approved the plan. The foundational facts about why the case was opened and remained open were the same as in the previous service plan.

¶ 18 DCFS required Antoine's compliance with three of the four "Desired Outcomes" from the June 2015 service plan. The psychological evaluation outcome was deemed completed, and therefore DCFS did not include that outcome in this service plan. The domestic violence outcome was recharacterized as anger and frustration management, but the action steps remained the same. Since the previous service plan, Antoine had signed the DCFS-required consent forms for domestic violence and substance abuse treatment referrals. Little reported that referrals had been made for Antoine, but that he had not

¶ 24

Testimony of Charnita Little

¶ 25 Little testified that she was currently a DCFS investigator and that she had been employed by DCFS for the past four years. She was not the first caseworker on this case, but worked the cases for the eight minor children from May 2012 until December 2015. She created three service plans for Antoine and evaluated his progress. Little testified that Antoine was aware of the importance of complying with his service plans and that she met with him every three months to go over his requirements and discuss any concerns he had. She testified about Antoine's progress with two of the three service plans admitted into evidence at the hearing. Little testified that she frequently reminded Antoine about his need to complete his services. She provided him with lists of places he could go and offered him transportation which he refused.

¶ 26 On cross-examination, Little acknowledged that Antoine had completed a parenting class, domestic violence treatment, and had a psychological evaluation some time before the February 3, 2015, fitness hearing. After this first fitness hearing, the court concluded that the State had not met its burden of proof that Antoine was an unfit parent. Little confirmed that Antoine completed his psychological evaluation in February 2015, and testified that this was why she rated this desired outcome as satisfactory in the June 11, 2015, service plan. She also confirmed that Antoine had participated and completed a 32-week domestic violence program in 2013. Little testified that Antoine had successfully completed substance abuse treatment in February 2014, but that he never completed aftercare.

¶ 27 During the first nine-month period of time the State focused on—February 4, 2015, to November 4, 2015—Little testified that she had meetings in person or by phone with Antoine on eight occasions. She testified that once she saw Antoine when he was intoxicated, but admitted that she had no documentation of the date.

¶ 28 Testimony of Christina Schwab

¶ 29 Christina Schwab testified that she was employed by DCFS as a child welfare specialist. She had worked for DCFS for eight years. She was assigned to this case for seven of the eight children on December 18, 2015. She met with Antoine within a few weeks after taking over and reviewing the case. Schwab testified that she agreed with the previous service plan outcomes and steps required. She testified that she prepared the service plan dated June 2016.

¶ 30 Schwab testified that it was important for Antoine to complete a domestic violence assessment because of his anger towards Lokesha and other people. She acknowledged that Antoine had earlier completed a 32-week course on January 3, 2013. Regarding his participation in substance abuse aftercare classes, Schwab testified that she received monthly reports from Chestnut Health Services, the provider to which Antoine was referred, and Chestnut reported that he had not attended any meeting.

¶ 31 Schwab also testified about Antoine's visitation schedule. He was set up to have weekly visits on Tuesday mornings. She testified that his visitations were inconsistent, but that he did call to check on A.K. Schwab testified that he always seemed to have good intentions to attend his Tuesday visitation in that he would call ahead to say he would be there, but then he would not show up. As of the date of the hearing, September

27, 2016, Antoine had not had visitation with A.K. since March 18, 2016. She testified that Antoine typically brought breakfast for A.K., and that the visits went well. Between December 2015 and March 2016, Schwab testified that she observed 8 to 10 visits between Antoine and A.K. and that there was definitely a bond between father and son. She testified that she never saw Antoine intoxicated.

¶ 32 Testimony of Antoine

¶ 33 Antoine testified that he was 40 years old; that he was a laid-off steelworker; that he currently worked for a temporary agency in Edwardsville warehouses on a production line; and that he currently lived in Cahokia. To get to and from work, he used public transportation.

¶ 34 Antoine testified that he completed substance abuse treatment at Chestnut Health System. He did not go to aftercare meetings at Chestnut because he was attending group "Celebrate Recovery" meetings at his East St. Louis church, New Life Community Church. He admitted that he had the DCFS attendance form, but that he never asked Minister Johnson to attest to his attendance. He personally felt that he got more out of the religious-based group meetings than the AA meetings.

¶ 35 Antoine explained that he refused any further domestic violence treatment because he had already taken the lengthy course.

¶ 36 Antoine testified to his love for his son. He testified that he had not seen him for several months because he was doing contract work out of town. He testified that A.K. was his only son, and that it was his God-given right to be his parent. He disagreed that

he had not shown a reasonable degree of interest, concern, and responsibility for A.K.'s welfare.

¶ 37 Antoine also testified that Loksha had a habit of taking out orders of protection. He testified that she had taken out orders of protection against her mother, her brothers, the fathers of her other children, and even Charnita Little, her DCFS worker.

¶ 38 *Fitness Order*

¶ 39 On October 12, 2016, the trial court entered its order ruling that the State met its burden of proof against Antoine on two bases: that he had failed to maintain a reasonable degree of responsibility as to A.K.'s welfare, and that he had failed to make reasonable progress toward A.K.'s return to him during any nine-month period following the adjudication of neglect.

¶ 40 *Best-Interests Hearing*

¶ 41 In the best-interests hearing held on November 1, 2016, two witnesses testified: Christina Schwab on behalf of DCFS and Antoine.

¶ 42 *Testimony of Christina Schwab*

¶ 43 Schwab testified that at the time of the best-interests hearing, A.K. was six years old and had been in foster care for five years. A.K. had been in several foster placements, the most recent of which began on August 11, 2015, with a single woman in Cahokia. A.K. had no special needs and was thriving in this home. He was currently in the first grade in a Cahokia public school and had attended kindergarten the previous year at the same school. He had made friends at school. His grades were very good and there

had been no reported disciplinary issues. He had been attending church with his foster family on a weekly basis since his placement in August 2015.

¶ 44 Schwab testified that this foster mother was also fostering three of A.K.'s siblings. She also had a 17-year-old daughter at home. She worked at Walmart, but scheduled her work around the school schedules of the children in her home. Schwab further testified that the home was nice and had ample space for all of these children. This foster parent had signed paperwork indicating her willingness to adopt A.K. and his younger sister, P.H., who was placed with A.K. in August 2015. The other two siblings were recently placed with her, and Schwab did not know whether or not she planned to also adopt those two children. Schwab testified that A.K. was happy in this home, had a good relationship with his foster mother, and that it would be disruptive to A.K. if he was removed from this home.

¶ 45 On cross-examination, Schwab testified that she had contact with Antoine after the fitness hearing about scheduling a visit with A.K. Schwab scheduled this visit based upon the work schedule Antoine provided her—that his work day ended at 3:30 at a Pontoon Beach area warehouse. The meeting place was the Pontoon Beach McDonald's restaurant. She left him a message to remind him of the visit. Antoine did not show up for the visit. Schwab testified that after she and A.K. returned to his foster home in Cahokia, A.K. reached out to his foster mother and then broke down and cried. Schwab testified that she spoke with Antoine later, and he advised her that his work schedule had changed. Antoine told her that he would get the new schedule to her, but he never did.

Schwab testified that Antoine last visited with A.K. on March 28, 2016. She acknowledged that A.K. clearly loves his father.

¶ 46

Testimony of Antoine

¶ 47 Antoine testified that in his opinion his parental rights should not be terminated. He stated that he loved his son; had not hurt his son; had not abused him; that he could provide a safe and secure environment for him; and that his son loved him and looked up to him. He was then living in Cahokia with his sister, although he testified that he was trying to find an apartment in Belleville. He testified that if he was able to get an apartment in Belleville, his mother, who also lived in Belleville, would be able to assist him. On the date of the hearing, he was working a couple of warehouse jobs. His employment interfered with his ability to have visitation with his son. He acknowledged that he missed the visitation scheduled at the Pontoon Beach McDonald's restaurant in October 2016, but testified that he had no ability to get to the restaurant by 4 p.m. as he got off work at 3:30, and it would have taken at least one hour with public transportation to get to the restaurant. He further admitted that he had not seen his son in eight months on a scheduled visitation, but that he saw his son at a visit with his siblings during the summer of 2016. Antoine testified that he would easily be able to make scheduled visitations later in the evening or on the weekends, but that doing so would force the worker assigned to his visitation to go into overtime, and that the agency involved would not allow overtime hours. Otherwise, he would have to ask to leave work early in order to make visitation by 4 p.m.

¶ 48 On cross-examination, Antoine was asked if his mother, who he had testified would help him with his son, had helped him up to that point. Antoine admitted that his mother had not helped him with service plan tasks or with transportation.

¶ 49 *Best-Interests Order*

¶ 50 On November 18, 2016, the trial judge entered his order concluding that the State proved by a preponderance of the evidence that it was within A.K.'s best interests that Antoine's parental rights be permanently and forever terminated.

¶ 51 LEGAL ANALYSIS

¶ 52 Fitness

¶ 53 Antoine appeals to this court and asks us to find that the court's order terminating his parental rights was against the manifest weight of the evidence for two reasons. First, he contends that the court should not have found him unfit for failing to make reasonable progress on his service plans. Second, he argues that the court should not have found him unfit for failing to maintain a reasonable degree of responsibility as to A.K.'s welfare.

¶ 54 An unfitness hearing is the first step towards termination of parental rights. 705 ILCS 405/2-29(2), (4) (West 2014). The grounds that the State must prove are independent. *In re H.D.*, 343 Ill. App. 3d 483, 493, 797 N.E.2d 1112, 1120 (2003). Any ground of unfitness, if proven, is sufficient to conclude that a parent is unfit. *Id.* The State must prove the alleged ground of unfitness by clear and convincing evidence. *Id.* A reviewing court gives great deference to a trial court's finding that a parent is "unfit." *Id.*; *In re M.A.*, 325 Ill. App. 3d 387, 390, 757 N.E.2d 613, 617 (2001). We will not overturn a finding of unfitness unless the finding is contrary to the manifest weight of the

evidence. *Id.* Furthermore, to meet the standard that the fitness order is against the manifest weight of the evidence, the record must clearly establish that the only possible outcome is the opposite conclusion—that the parent is fit. *In re M.A.*, 325 Ill. App. 3d at 390, 757 N.E.2d at 617. Because the trial judge saw and heard the witnesses, the reviewing court does not reweigh the evidence or reassess the witnesses' credibility. *Id.* at 391, 757 N.E.2d at 617.

¶ 55 Reasonable Progress on Service Plans

¶ 56 In Antoine's fitness hearing, the State proceeded under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2014)): "Failure by a parent *** to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected *** minor ***." The State identified two consecutive nine-month periods of time during which it claimed that Antoine failed to make reasonable progress on his service plans.

¶ 57 Reasonable progress is an objective standard that focuses on the parent's progress towards reunification. *In re J.A.*, 316 Ill. App. 3d 553, 564-65, 736 N.E.2d 678, 688 (2000). Progress towards reunification is measured by the parent's compliance with court orders, DCFS service plans, or both. *Id.* The court must find that there has been "measurable or demonstrable movement" towards reunification. *Id.* Section 1(D)(m)(ii) further provides:

"If a service plan has been established *** to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, 'failure to make reasonable progress

toward the return of the child to the parent' includes the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period following the adjudication [of neglect] ***." 750 ILCS 50/1(D)(m)(ii) (West 2014).

¶ 58 Here, Antoine argues that he has made substantial progress towards reunification and therefore, he should not have been found to be an unfit parent. He cites to progress he made mostly outside of the two nine-month periods advanced by the State: completion of a parenting program, completion of a substance abuse program, completion of a psychological evaluation, and completion of a domestic violence program. Additionally, he contends that he had a substantial number of visits with his son, A.K.—visits positively described by DCFS child welfare specialist, Christina Schwab.

¶ 59 Antoine did complete these programs required in earlier service plans. However, other than the psychological evaluation, none of the outcomes mandated by DCFS were met during the two nine-month periods set forth by the State—from February 5, 2015, to August 5, 2016. Although Antoine completed substance abuse treatment and a domestic violence program between 2013 and 2014, in May 2015, certain events resulting in court orders and an arrest changed the focus of this case. Lokesha alleged that she had been battered by Antoine and took out an order of protection. Furthermore, DCFS discovered that Antoine had been arrested, and that arrest reports detailed public intoxication. Antoine argues that neither DCFS witness testified to reasons why he needed to be assessed for domestic violence or substance abuse again. However, the service plans

which were admitted into evidence amply provide that information. Generally, DCFS must ensure the safety of a child's home environment before allowing reunification. If new events occur subsequent to completion of a service plan goal, DCFS logically must reevaluate the case, and if necessary require additional assessments.

¶ 60 If Antoine battered Loksha in May 2015 as she alleged, then his work in the domestic violence program was likely insufficient. Thus, DCFS wanted him to be reassessed by a domestic violence service provider and follow any and all recommendations made by that provider. Antoine ultimately signed a consent for release of information to this provider, but he refused to meet with the specialist for an assessment and any further classes or training. His excuse was that he had already finished taking domestic violence classes in 2013. While that is technically correct, the May 2015 events required further evaluation, which he refused.

¶ 61 With respect to substance abuse, Antoine completed his substance abuse treatment in February 2014 and was told that he needed to live a sober life and continue with AA or comparable meetings and to provide proof that he had been doing so. Antoine never complied with the aftercare requirement. He testified that he participated in "Celebrate Recovery" group meetings at his church, which may have satisfied this DCFS requirement as an alternative program. However, Antoine had no proof that he had ever attended these meetings. Furthermore, the events of May 2015 revealed that he was not living a sober life. As Schwab wrote in the June 7, 2016, service plan, A.K. could not go home because of "safety concerns in regards to domestic violence, alcohol abuse and housing."

¶ 62 Additionally, until Antoine secured appropriate housing, he could not be in compliance with the "Adequate Supervision" outcome from his service plans. He argues that this outcome was an "impossibility." We acknowledge that according to the DCFS caseworkers Antoine had a good relationship with his son. He brought him breakfast at visitations, and his son was clearly happy to see him. While this is a positive point, this is far from ultimate compliance with this outcome. A.K. was removed from Antoine's custody in 2011, and as of late 2016, Antoine had not secured housing. Although we cannot tell from the record if he had been living with Lokesha for some or most of those five years, we do know that in late 2016, Antoine and Lokesha were living in different cities. In late 2016, Antoine was living with his sister. From the record we know that Antoine's sister had previously refused to foster his other child with Lokesha, P.H., because she did not want DCFS in her home. Therefore, continuing to live in his sister's home was not going to aid him in his need to have appropriate housing in order to establish that he was capable of A.K.'s adequate supervision. If Antoine ever hoped to have A.K.'s custody restored to him, it was imperative that he secure appropriate housing. Adequate supervision is something that would need to be displayed in the household setting and therefore could not be satisfactorily completed merely by having positive interactions with his son.

¶ 63 Overall, Antoine's compliance with the three most recent DCFS service plans admitted into evidence was rated unsatisfactory. We find that the State presented clear and convincing evidence that Antoine failed to make reasonable progress during the two

nine-month periods set forth by the State, and that the trial court's order concluding that Antoine was unfit is not contrary to the manifest weight of the evidence.

¶ 64 Reasonable Degree of Responsibility

¶ 65 Although the courts only need to find one ground of unfitness and we would not need to address the matter of whether Antoine exercised a reasonable degree of responsibility for A.K.'s welfare, we elect to do so in this case.

¶ 66 Section 1(D)(b) of the Adoption Act provides that one possible ground for finding a parent unfit is the "[f]ailure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare." 750 ILCS 50/1(D)(b) (West 2014). The language of this section, "interest, concern or responsibility," is phrased in the disjunctive, and therefore any of the three elements can be considered as a basis for a finding of unfitness. *In re Konstantinos H.*, 387 Ill. App. 3d 192, 204, 899 N.E.2d 549, 558 (2008).

¶ 67 Here, the trial court specifically found that Antoine was unfit for failing to maintain a reasonable degree of responsibility as to A.K.'s welfare. Courts have concluded that in assessing whether a parent has shown a reasonable degree of interest, concern, or responsibility for a child's welfare, the court should consider a parent's efforts to visit and maintain contact with the child. *In re Adoption of Syck*, 138 Ill. 2d 255, 278-80, 562 N.E.2d 174, 184-85 (1990). The interest, concern, or responsibility must be objectively reasonable under the individual circumstances of the parent. *Id.* Completion of service plan outcomes or objectives can be considered by the court as evidence of a parent's concern, interest, and responsibility. See *In re T.Y.*, 334 Ill. App. 3d 894, 906,

778 N.E.2d 1212, 1220 (2002). However, a parent is not deemed "fit" simply because he has demonstrated some interest and affection for his child. *In re E.O.*, 311 Ill. App. 3d 720, 727, 724 N.E.2d 1053, 1058 (2000).

¶ 68 We know that Antoine and his son love each other, and that his visitations with A.K. went well. However, we cannot consider this factor alone. Antoine had a responsibility to his son to do what was necessary to comply with the DCFS service plans. Doing so would have established to DCFS and the court that Antoine accepted the responsibility of being a parent—that he would be reliable. Whether Antoine agreed with DCFS's request that he undergo repeat assessments for domestic violence and substance abuse is not relevant. To prove that he could provide a safe home environment for A.K., Antoine needed to adequately follow the service plans and establish that he was living a life consistent with those goals. Specifically, Antoine needed to prove to the court that he recognized and was working on securing his own residence, and working on his alcohol and anger management issues. By failing to comply with his service plans, Antoine sent the opposite message to the court about his level of responsibility for A.K.'s welfare. Additionally, although his visitations with A.K. went well, as of the date of the fitness hearing, September 27, 2016, he had not seen A.K. for six months. Antoine had been allowed weekly visitation. Regardless of Antoine's work situation, being a responsible parent necessitates more frequent contact than he was apparently willing to do.

¶ 69 We find that the State presented clear and convincing evidence that Antoine failed to show a reasonable degree of responsibility towards A.K.'s welfare and that the trial

court's order concluding that Antoine was unfit is not contrary to the manifest weight of the evidence.

¶ 70 Termination of Parental Rights

¶ 71 Although Antoine does not address the trial court's best-interests ruling in his appeal, in his notice of appeal, he indicated that he was appealing the trial court's order of November 18, 2016, that terminated his parental rights. Other than this reference in his notice of appeal, Antoine raises no specific issues about the trial court's determination that A.K.'s best interests would be served by terminating his parental rights.

¶ 72 A best-interests hearing is the second step towards termination of parental rights. 705 ILCS 405/2-29(2) (West 2014). The State bore the burden to prove that termination of Antoine's parental rights was in A.K.'s best interests. *Id.* Section 2-29(2) of the Juvenile Court Act of 1987 requires that the State's proof that termination is in the minor's best interests be established by clear and convincing evidence. *Id.*; *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004). On appeal of a trial court's order terminating a parent's rights, we must determine if the decision is contrary to the manifest weight of the evidence. *In re S.J.*, 368 Ill. App. 3d 749, 755, 859 N.E.2d 281, 286 (2006).

¶ 73 We have reviewed the record and briefs on appeal, and find no basis to conclude that the trial court's order terminating Antoine's parental rights in this case was contrary to the manifest weight of the evidence. After over five years in foster care, A.K. is entitled to permanence and stability. 705 ILCS 405/1-3(4.05)(g) (West 2014).

¶ 74

CONCLUSION

¶ 75 For the foregoing reasons, we affirm the judgments of the St. Clair County circuit court finding that Antoine was unfit and terminating his parental rights.

¶ 76 Affirmed.