2019 IL App (2d) 181047-U
No. 2-18-1047
Order filed May 17, 2019

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re GREGORY J., a Minor	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 16-JA-75
	)	
(The People of the State of Illinois, Petitioner-Appellee v. Shareyka J., Respondent-Appellant).	)	Honorable
	)	Mary Linn Green,
	)	Judge, Presiding.

PRESIDING JUSTICE BIRKETT delivered the judgment of the court.
Justices Hutchinson and Schostok concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's judgment of unfitness was not against the manifest weight of the evidence as respondent did not show a reasonable degree of interest, concern, or responsibility, failed to protect the minor from an injurious environment, and had made neither reasonable efforts nor reasonable progress toward the return of the child. Respondent's challenge to the trial court's best-interests judgment was forfeited.

¶ 2 Respondent, Shareyka J., appeals the judgment of the circuit court of Winnebago County terminating her parental rights. On appeal, respondent challenges all of the bases for the unfitness judgment and best-interests judgment leading to the termination of her parental rights to her minor child, Gregory J. We affirm.

¶ 3 I. BACKGROUND

¶ 4 We summarize the pertinent facts appearing in the record. On October 29, 2011, the minor was born, the sixth of respondent's seven children. At the time of the minor's birth, respondent was married to Atari Brown, who signed the minor's birth certificate as the father. Later, it came to light that another individual, Gregory Simpson, may have been the minor's biological father. Simpson ultimately refused to participate in genetic testing and was eventually defaulted. Likewise, Atari Brown participated in the proceedings regarding his children, but refused to participate in the proceedings relating specifically to the minor, and he, too, was defaulted.

¶ 5 According to the information contained in the record, beginning in 2015, respondent and Edward Brown, the father of respondent's youngest child, were embroiled in repeated incidents of domestic violence culminating with a December 2015 incident in which Edward Brown is alleged to have gained entrance to respondent's dwelling and commenced battering respondent. One of respondent's children, who was present in the house, observed the battery of her mother and retrieved an aluminum baseball bat believing that it would frighten Edward Brown. Edward Brown took the bat from the daughter and struck respondent in the head with it. When the Department of Children and Family Services (Department) investigated the attack, respondent was in a neck brace and was reported to have fractures in her left hand. At the time of the investigation, respondent denied that Edward Brown was still visiting the household, but the children reported that he had continued to visit.

¶ 6 The Department eventually secured a warrant to take the children, including the minor, into protective custody, and on March 9, 2016, the State filed a neglect petition against respondent (among others). On March 18, 2016, the Department was granted temporary custody of the children, including the minor. Eventually, on August 2, 2016, respondent stipulated to

count 2 (injurious environment due to the history of respondent's participation in domestic violence) of the amended neglect petition. The trial court entered a dispositional order finding that respondent was unable to care for the minor and granted guardianship and custody to the Department.

¶ 7 The next entries in the record concern the plans being made for the services respondent would need to undertake. In a "status on services" document filed on November 8, 2016, the Department noted that respondent had completed her integrated assessment and had been referred for parenting classes and domestic violence counseling. The Department further noted that respondent had begun attending the parenting classes and was on track to finish them in December 2016. The Department also indicated that respondent was asked to complete a substance abuse assessment and to follow any recommendations. The Department anticipated that the substance abuse assessment should have been completed within two weeks and that respondent would commence the domestic violence counseling upon the completion of the parenting classes.

¶ 8 The Department indicated that respondent had reported that she had part-time employment at a McDonald's and at Habitat for Humanity. Respondent was receiving assistance with transportation to her visitation appointments from Help at Home and, on one occasion, Help at Home reported that respondent was intoxicated which resulted in a missed visitation with her children. The Department noted, however, that respondent had attended the majority of her visits.

¶ 9 At the initial permanency review hearing on January 30, 2017, the Department's caseworker for respondent opined that respondent had made a good beginning by completing a substance abuse evaluation and was moving toward completing her parenting classes on schedule

until she missed her next-to-last class. A make-up class was scheduled and she missed that class, too. A phone call to respondent resulted in the suspicion that respondent was intoxicated. Department workers met respondent at her home and took her to their offices where she admitted that she had consumed alcohol along with her medications. A trip to the clinic ensued. Respondent took a breath test and it indicated a high level of alcohol intoxication (0.14). As a result of this incident, the parenting class discharged respondent pending her completion of substance abuse treatment. Respondent had, however, begun domestic violence counseling.

¶ 10 Upon receiving the department's report, the trial court deferred making findings on progress or efforts for respondent. The case was continued to July 31, 2017, for further permanency review.

¶ 11 The permanency review was postponed due to the absence of a Departmental caseworker from Cook County. However, the local caseworker submitted a report for the hearing, and it was filed on July 31, 2017. In that report, the local caseworker observed that respondent had been cooperative with the Department and maintained regular contact with the caseworker, had begun substance abuse counseling albeit with a different provider than the one that initially assessed her due to insurance issues, had participated and made progress in domestic violence counseling, was receiving mental health treatment, and had consistently tested negative for the presence of illegal drugs. The caseworker also characterized respondent as motivated and progressing in her various treatment programs.

¶ 12 Elsewhere in the materials, however, the caseworker was less positive about respondent's efforts and progress in the discrete components of respondent's plan for services. For example, in the substance abuse portion of the overall plan, the caseworker uniformly evaluated respondent's progress in each of the components as unsatisfactory, but made the

recommendation that the goal be maintained. Specifically, the caseworker noted that respondent had not been truthful about her alcohol consumption during her assessment and noted that, due to intoxication, respondent lost her spot in her parenting class. Likewise, the parenting component was evaluated with unsatisfactory progress due to respondent's failure to complete the parenting classes, but the caseworker noted that, once respondent had completed substance abuse counseling, she would be allowed to complete the parenting class.

¶ 13 The caseworker evaluated respondent's progress with the visitation goal as satisfactory and recommended the goal be maintained. The caseworker noted that respondent missed two visits due to intoxication, but felt that, overall, she was doing very well. Similarly, respondent had satisfactorily completed the domestic violence counseling program, was receiving psychiatric care (medication, not counseling), and was maintaining her cooperation with the Department.

¶ 14 When the matter finally came before the trial court for the permanency hearing, the local caseworker testified that respondent had made reasonable efforts and reasonable progress at that time. The caseworker cautioned, however, that many of the portions of the treatment plans depended on respondent completing substance abuse counseling before she could resume or make further progress in them. The trial court accepted the caseworker's recommendations and, on August 25, 2017, specifically held that respondent had made both reasonable efforts and reasonable progress.

¶ 15 At the next permanency hearing, the caseworker observed that, while respondent was generally cooperative with the Department, she had not allowed anyone from the Department to visit her home. Respondent was also terminated from the substance abuse counseling program, having discontinued attending approximately two weeks following the previous permanency

hearing. In addition, the mental health services that respondent was receiving were now limited to medication management and occurred once every two months. However, the caseworker reiterated that respondent had previously completed domestic violence counseling and her drug tests continued to be uniformly negative. The caseworker also discussed that she had received reports that people had seen respondent walking around the community while intoxicated. Finally, the caseworker stated that respondent had missed a scheduled team meeting with a counselor and her four older children. The caseworker recommended a finding that respondent had not been making reasonable efforts or progress since the previous review, and the trial court accepted and memorialized the recommendation in its November 13, 2017, order.

¶ 16 On February 16, 2018, a report was filed with the trial court. The caseworker reiterated same issues and concerns that were raised in connection with the November 13, 2017, permanency hearing. In addition, the caseworker specifically discussed that respondent did "not have proper housing for the children to return home to." Due to the need for additional information and the presence of the Cook County caseworker, the permanency hearing was continued.

¶ 17 On May 7, 2018, the trial court reconvened for the continued permanency hearing. In the report submitted for the May 2018 permanency hearing, the caseworker noted that the issues from the November 2017 and February 2018 reports persisted. Respondent was not allowing the caseworker to inspect her home. The caseworker also noted that respondent had been once again assessed for substance abuse counseling but did not appear to have begun the counseling. The caseworker emphasized the necessity that respondent seek mental health counseling as well, and she noted that, as of the preparation of the report, respondent had not yet begun to receive individual mental health counseling. Once again, the caseworker recommended that findings of

no reasonable efforts and no reasonable progress be made. The trial court accepted and memorialized these recommendations in its May 7, 2018, order.

¶ 18 The same issues and concerns raised in the previous three reports persisted in the report submitted for the August 2, 2018, permanency hearing. Respondent was maintaining contact with the caseworker, but she was still not allowing the caseworker to visit her home. Respondent was also still not undergoing individual therapy. Respondent had been given a referral to begin parent coaching, but had been unable to be reached to begin those services. Respondent's drug testing continued to be negative, and the caseworker repeated that respondent had finished domestic violence counseling. The caseworker once again recommended findings of no reasonable efforts or progress. In its August 2, 2018, order, the trial court accepted the recommendation and held that respondent had not made reasonable efforts or progress.

¶ 19 On September 10, 2018, the State filed a motion to terminate respondent's parental rights. On September 12, 2018, the State filed an amended motion to terminate respondent's parental rights. The State alleged that respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to the minor's welfare (count 1), failed to protect the minor from an injurious environment (count 2), failed to make reasonable efforts in two specified nine-month periods to correct the conditions leading to the minor's removal (count 3), and failed to make reasonable progress toward the minor's return (count 4). On December 6, 2018, the matter advanced to a hearing on the State's motion to terminate parental rights.

¶ 20 The caseworker testified that respondent had not attended the most recent two administrative case reviews. The caseworker also noted that, while respondent had regularly attended visitation with the minor at the beginning of case, recently, during the most recent six to nine months, she was missing visits with the minor. Respondent had also not attended parent-

teacher conferences and had not made inquiries concerning the minor's medical or educational needs or progress.

¶ 21 The caseworker discussed the services respondent needed to complete to attain the goal of returning the minor to her care and custody, noting that she had not completed substance abuse counseling (being discharged from programs twice) or parenting classes. She noted that respondent had, however, completed the domestic violence counseling. The caseworker explained that respondent's failure to complete services impacted and prevented the Department from allowing unsupervised visitation with the minor and that respondent was never able to attain the goal of unsupervised visitation.

¶ 22 Under examination by the minor's guardian *ad litem*, the caseworker testified that respondent did not avail herself of parent coaching services when those were offered instead of parenting classes. The guardian *ad litem*'s questioning focused on respondent's resistance to undertaking services, especially related to respondent's history of alcohol consumption. The caseworker noted that she had not been permitted to visit respondent's home despite repeated requests, and further noted that respondent had not been able to manage to maintain a stable housing situation throughout the pendency of services. Finally, the caseworker agreed that there were a large number of services and counseling programs that respondent would first have to complete before the Department would contemplate returning the minor to respondent's custody.

¶ 23 On respondent's cross-examination, the caseworker conceded that respondent's completing the domestic violence services was a significant accomplishment in light of the fact that it was domestic violence that caused the initiation of this case. The caseworker noted that, since the December 2015 event, there had been no new instances of domestic violence involving respondent, either as the aggressor or the victim. The caseworker also reported that respondent

had internalized and was using the lessons imparted by the domestic violence counseling program respondent had completed. The caseworker agreed on cross-examination that respondent had been compliant in taking her psychiatric medication and managing those medications with her psychiatrist; additionally, respondent had not taken illegal drugs throughout the pendency of the case as evidenced by her negative urine tests. There was some contrary evidence that respondent had still been consuming alcohol, but the caseworker agreed that, for the most part, respondent seemed to be sober during interactions with her care providers and Department personnel. Respondent's cross-examination questioning also suggested that respondent had struggled to provide income, and the times during which she was less successful in holding income-generating employment may have impacted respondent's ability to demonstrate that she was able to provide stable housing.

¶ 24 Respondent expressly declined the invitation to testify. The trial court continued the case until December 19, 2018, for its decision on the unfitness portion of the matter and for the best-interests hearing, if it turned out to be necessary.

¶ 25 On December 19, 2018, the trial court orally delivered its judgment on the unfitness portion of the State's petition to terminate parental rights:

> "The Court has reviewed all of the evidence and testimony as well as the, uh—including the exhibits and the Court's own notes of various witnesses' testimony and arguments of counsel and hereby finds that the State has met its burden and proven the following by clear and convincing evidence: as to the mother, [respondent], paragraph 10, Counts 1, 2, 3, and 4. ***
>
> Now, the factual basis for this as to the mother in Count 1, failed to maintain a reasonable degree of interest, concern or responsibility—she did not receive all of the

services on her Service Plan. As to Count 2, failure to protect from an environment injurious, there is a long documented history of domestic violence between the mother and Mr. Brown. These are well-outlined in the indi- — indicated packets as well as in the mother's testimony from the hearing.

Count[s] 3 and 4 are no reasonable efforts and no reasonable progress. There are two time frames given—August 25, 2017, to May 25, 2018; and December 10, 2017, to September 10, 2018. The orders indicate that there were the findings of no reasonable efforts and no reasonable progress on the following dates: August 25, 2017;[1] November 13, 2017; May 7, 2018; and August 2nd, 2018.

Specifically in testimony, um—(pauses)—[the trial court discusses Atari Brown's (the father who signed the minor's birth certificate) efforts and progress].

[The trial court discusses Gregory Simpson's (the putative father) efforts and progress.]

The mother's visitation plan was supervised visits in the community weekly at first in April 2016. The minor had extra visits at first, weekly visits for 2 hours. And now the visits for the last year have been two times per month. At first the mother was regular with the visitation, but over the last 6 to 9 months, um, the mother missed extra visits with this minor alone.

Since 2016[,] the mother has not gone to parent-teacher conferences at school or asked for or attended doctors' appointments.

[1] The trial court apparently misspoke, as at the August 25, 2017, hearing, it made an express finding of reasonable efforts and reasonable progress.

> The mother's services. Uh, parenting. (Pauses) She was referred to and attended some parenting classes, but in December 2016[,] she was discharged from parenting class and needed to complete substance abuse services before she could go back to parenting which she did not do. The substance abuse treatment the mother never completed. She was discharged two times for attendance issues. As for the domestic violence classes, the mother did complete—complete domestic violence counseling satisfactorily. And as for mental health treatment, um, the mother did not receive any individual therapy but receives [*sic*] medications from a doctor in Chicago. Mother did not, according to the testimony, have an appropriate home for a return home of the minor. And according to the caseworker's testimony, the mother has been currently employed since spring of this year.
>
> From those two times that are, uh, outlined in the petition, the two time frames, there has [*sic*] been no unsupervised visits or placements of the minor with the mother. All the services were not completed. Visits became sporadic and not always positive. And no male person—no Putative Father Registry father found, and no male persons provided any type of support or gifts or anything of that such for the minor.
>
> (Pauses) According to the testimony of the caseworker, the mother did start Remedies [(a substance abuse counseling service)] two times but had been discharged for nonattendance. And she still needs to complete substance abuse counseling or therapy—I'm sorry—individual counseling, parent coaching, and stable housing.
>
> So according to those findings, the State [*sic*] will, uh—(pauses)—adjudicate the mother and the three putative fathers unfit."

¶ 26 Following the trial court's pronouncement of its judgment, the matter transitioned to the

best interests hearing. The caseworker testified about the circumstances of the minor's placement, how the minor had adjusted to the placement, and whether it served the minor's best interests to terminate respondent's parental rights. The caseworker opined that it was in the minor's best interests to terminate respondent's parental rights, and she expressly referenced the contents of the December 19, 2018, report on the Department's recommendation regarding the termination of parental rights and the minor's best interests. The written report touted the minor's bonding with his siblings and the stability of his current placement contributing to his success and comfort in school and at home. The guardian *ad litem*'s questioning established that the minor had strong bonding with his siblings and that the foster mother was committed to maintaining and strengthening those bonds as well as being open to allowing respondent to continue to visit the minor even though the details of such visitation had not yet been worked out.

¶ 27 On respondent's cross-examination, the caseworker admitted that she got her information from the case notes, not personal observation. With that established, the caseworker noted that the minor called respondent "mom." Respondent also established that, in the most recent period, she had been fairly consistent with her visitation which consisted of two-hour visits twice a month at a local mall. During these visits, all the children would be present, including the minor, and they played at the play area in the mall and walked around and ate at the food court. Respondent occasionally brought the minor gifts. However, during respondent's cross-examination, the caseworker noted that the case notes did not state that the minor and respondent had bonded; moreover, the case notes and the caseworker's personal observations established that the minor was strongly bonded with his siblings.

¶ 28 Respondent next testified at the hearing. Respondent opined that the minor and she were

bonded and that termination of her parental rights was not in the minor's best interests. Respondent's testimony also sidetracked into an attempt to shift responsibility for failing to communicate with the minor onto the service providers and the foster parent for not providing the minor with respondent's contact information. The caseworker offered rebuttal testimony contradicting respondent's assertions, noting that she, as the caseworker, would have been informed by the service provider had respondent requested the service provider to pass along such information.

¶ 29 Following the presentation of the evidence, the trial court orally ruled on the minor's best interests:

> "The court has considered the statutory best interest factors as they relate to this minor's age and developmental stage and considered the testimony, evidence, and arguments of counsel and finds that the State has met its burden by—and proven by a preponderance of evidence that it would be in this minor's best interests that the parental rights of the mother, [respondent], and putative fathers, Mr. Brown, Mr. Simpson, and all whom it may concern, be terminated; and they are hereby terminated pursuant to those proofs."

¶ 30 On December 21, 2018, the trial court entered a written order, *nunc pro tunc* to December 20, 2018, terminating respondent's parental rights to the minor. Respondent timely appeals.

¶ 31 II. ANALYSIS

¶ 32 On appeal, respondent challenges each of the unfitness grounds, contending that the State did not prove each ground by clear and convincing evidence. Specifically, respondent contends that the evidence presented failed to prove: (1) that she did not maintain a reasonable degree of interest, concern, or responsibility as to the minor's welfare; (2) that she did not protect the minor from injurious conditions; (3) that respondent failed to make reasonable efforts to correct

the conditions that caused the minor's removal in both of the nine-month periods; and (4) that she failed to make reasonable progress to correct the conditions that caused the minor's removal in both of the nine-month periods. Respondent also contends that the State did not prove that it was in the minor's best interests to terminate her parental rights. We consider respondent's contentions in turn.

¶ 33 A. Reasonable Degree of Interest, Concern, or Responsibility

¶ 34 As a general matter, because the termination of parental rights involves a fundamental liberty interest, a two-step process has been developed for the termination of a parent's rights. *In re B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 28. In the first step, the State must prove that the parent is unfit. *Id.* If the court determines that the parent is unfit, the matter proceeds to the second step in which the State must show that termination of parental rights would serve the child's best interests. *Id.*

¶ 35 The statutory grounds under which a parent may be found unfit are codified in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2016)). *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 29. Under this scheme, the State has the burden of proving that the parent is unfit by clear and convincing evidence. *Id.* The trial court's determination of parental unfitness is based on its factual findings and credibility assessments, matters for which the trial court is in the best position to determine. We therefore accord deference to the trial court's decision on parental unfitness, and it will not be disturbed unless it is contrary to the manifest weight of the evidence. *Id.* A decision is against the manifest weight of the evidence if the opposite conclusion is clearly apparent or the decision is unreasonable, arbitrary, or not based on the evidence. *In re N.B.*, 2019 IL App (2d) 180797, ¶ 30. Finally, we note that each parental

unfitness case is unique, and we will not make factual comparisons between cases. *In re M.S.*, 302 Ill. App. 3d 998, 1002 (1999).

¶ 36 Respondent contends that the State did not prove the allegation of unfitness based on the failure to maintain a reasonable degree of interest, concern, or responsibility. Section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2016)) provides that a parent may be found unfit for the "[f]ailure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare." The fact that the language employed in section 1(D)(b) is disjunctive means that any one of the individual elements by itself may be considered as a basis for unfitness: *i.e.*, either interest *or* concern *or* responsibility or any combination may provide the basis or bases for a finding of unfitness. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. The standards a court considers in evaluating whether a parent has shown a reasonable degree of interest, concern, or responsibility for a minor's welfare include the parent's efforts to visit and maintain contact with the child and other indicia, such as inquiries into the child's welfare and the completion of the parent's own service plans. *Id.* However, the court must focus on the parent's efforts, not his or her success. As such, the context of the parent's conduct, meaning the circumstances faced by the parent, for example, poverty, difficulty in obtaining transportation, other life circumstances needing resolution, and the like, are key to this focus. *Id.* This is not to say that the parent's demonstration of some interest renders the parent fit; rather, the interest, concern, or responsibility must be objectively reasonable. *Id.*

¶ 37 Here, respondent contends that the facts that she was generally cooperative with the Department, particularly by executing releases and by maintaining consistent communication with the caseworker, that she successfully completed the domestic violence counseling, that she participated in psychiatric services, and that she was mostly compliant with visitation along with

consistently indicating a desire to continue contact with the minor, taken together, demonstrate that she "exhibit[ed] the necessary interest." We disagree.

¶ 38 We first note that respondent appears to argue only that she demonstrated reasonable interest in the minor's welfare; she does not appear to argue that she maintained reasonable concern or responsibility, and the trial court's judgment may be sustained on any of the three grounds. *Id.* Moreover, respondent's argument is abbreviated, consisting of a single sentence recitation of boilerplate law followed by a brief paragraph of "analysis" consisting of factual statements but without any correlation to the legal standards governing the decision (or to the trial court's judgment). Indeed, respondent's argument, in its brevity and superficiality, may best be characterized as *pro forma*. Counsel is cautioned that this court is entitled to coherent arguments and is not a repository onto which the appellant may foist the burden of creating adequate arguments and completing the necessary research. *E.g.*, *In re Marriage of Knoll*, 2016 IL App (1st) 152494, ¶ 69. With that said, we decline to forfeit the issue (see Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018)) as there is a discernible kernel of an argument that respondent demonstrated reasonable interest and concern and responsibility as to the minor's welfare.

¶ 39 We next note that the trial court based its conclusion that respondent failed to maintain a reasonable degree of interest, concern, or responsibility on the fact that she did not complete all of the services in her service plan. As noted above, the parent's completion of the services offered her in her service plan has bearing on the trial court's inquiry into whether the parent maintained a reasonable degree of interest, concern, or responsibility. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. Here, as a precondition for reunification, the Department required respondent to complete domestic violence counseling, substance abuse counseling, parenting education (first via a class, then with direct parent coaching), and individual mental health

counseling. Respondent successfully completed domestic violence counseling and the progress reports indicate that she understood the invidious effect it was having on her children and was very successful in incorporating the lessons she learned into her and her children's lives. Further, there were no more instances of domestic violence apparent in the record once she had completed that service. For this, we do commend respondent.

¶ 40 However, the Department appeared to place the most emphasis on respondent completing substance abuse counseling to get her alcohol consumption under control. The record indicates that respondent was intoxicated when she attempted to conduct her initial interview, leading to its postponement. Additionally, respondent had nearly completed her parenting class when she resumed alcohol consumption resulting in her expulsion from the program and the requirement that she complete substance abuse counseling before she would be allowed to complete the parenting class. This, unfortunately, respondent was unable to do. Respondent was interviewed another time or two for acceptance into a new substance abuse counseling program and resumed her attendance. But each time, respondent was dropped from the program due to her nonattendance. Thus, respondent did not complete the service most emphasized by the Department.

¶ 41 Likewise, respondent did not complete any parenting education services. She began a parenting class on the heels of her successful completion of domestic violence counseling and was proceeding successfully. However, her alcohol consumption led to her expulsion from that program. Later, she was offered parenting coaching services, but never began them. Thus, respondent did not complete the required parenting education services either.

¶ 42 As well, respondent did not undertake individual mental health counseling. Respondent kept up with psychiatric services and medications, but never enrolled in individual counseling

services. The caseworker noted that respondent attributed this to difficulties in coordinating her insurance with a provider in a sufficiently convenient location. This, we believe, is a circumstantial context that cuts in respondent's favor. Cutting against her, however, is the fact that these services were recommended from the beginning of the case and the fact that she simply did not participate in other recommended services during the several-year pendency of this case. While the failure to complete (or even undertake) individual mental health counseling weighs against respondent, it does not weigh as heavily as her failures to complete substance abuse counseling and parenting education services as there was an external reason that significantly interfered with her intentions.

¶ 43 Based on this recitation from the record, we cannot say that the trial court's conclusion, that respondent's failure to complete her required services evidenced her failure to maintain a reasonable degree of interest, concern, or responsibility, was against the manifest weight of the evidence: the opposite conclusion is not clearly apparent, and the determination is clearly amply supported by evidence in the record.

¶ 44 In addition, specifically related to the issues of concern and responsibility is the caseworker's testimony that respondent neither requested to attend nor attended any meetings at the minor's school. The caseworker also testified that respondent did not ask after the minor's educational progress and welfare, at least according to the case notes. Likewise, the caseworker testified that respondent neither asked to attend nor attended the minor's medical appointments and did not inquire about the minor's health needs and developments. We note that, in the best-interests hearing, respondent testified that she asked to be kept apprised of the minor's various meetings and appointments but had never received the information. However, in the unfitness hearing, respondent did not testify and the caseworker's testimony was unrebutted. Moreover,

the caseworker testified on rebuttal in the best-interests hearing that this is the sort of information, parental requests for information and other parental communications to the child, which would be conveyed by the service providers to the Department, and she had no record of these requests. As this involves a credibility determination and as the caseworker's testimony was consistent across the unfitness hearing and the best-interests hearing, we conclude that the trial court's acceptance of the caseworker's testimony would not have been against the manifest weight of the evidence. Moreover, we conclude that this evidence amply supports a determination that respondent did not maintain a reasonable degree of concern or responsibility for the minor.

¶ 45 We note that respondent consistently represented that she wished to be reunified with her child and that she took some successful steps toward attaining that goal. However, it is well established that a parent's demonstration of some interest or affection toward the child may not be sufficient for the parent to be deemed fit in the eyes of the law; the parent's demonstration of interest, concern, or responsibility must be objectively reasonable. *B'yata I.*, 2014 IL App (2d) 130558-B, ¶ 31. Accordingly, we hold that the trial court's determination that respondent had failed to maintain a reasonable degree of interest, concern, or responsibility as to the welfare of the minor was not against the manifest weight of the evidence. We therefore affirm the trial court's judgment on that ground.

¶ 46 B. Failure to Protect the Minor from an Injurious Environment

¶ 47 Respondent next contends that the State failed to prove, by clear and convincing evidence, that she had failed to protect the minor from conditions within the environment injurious to the minor's welfare. We again note that respondent's presentation of this issue once again suffers from the same problems of brevity and superficiality noted in respondent's

previous argument. This time, however, respondent's factual representations are directly related to the correction of the injurious conditions, and thus, there is a better developed logic to the argument, although the citation to pertinent authority is much more problematic. We again admonish counsel about his duty to develop a coherent and legally sound argument. See *Marriage of Knoll*, 2016 IL App (1st) 152494, ¶ 69.

¶ 48 Section 1(D)(g) of the Adoption Act provides that a finding of unfitness may be based on the parent's "[f]ailure to protect the child from conditions within his environment injurious to the child's welfare." 750 ILCS 50/1(D)(g) (West 2016). We first note that the same standards that governed our review in the previous section apply to our review here. This section has been authoritatively interpreted to mean that the conditions causing the child's initial removal can still provide the basis for a finding of unfitness. *In re C.W.*, 199 Ill. 2d 198, 212-217 (2002). Here, the episodes of domestic violence between respondent and Edward Brown were copiously and painstakingly documented. Those episodes are both unchallenged and unrebutted. The trial court's determination, then, cannot be said to be against the manifest weight of the evidence.

¶ 49 Respondent argues that she successfully completed domestic violence counseling, and this fact should serve to counteract the initial conditions of domestic violence that caused the minor's removal. Moreover, there were no more incidents of domestic violence during the pendency of the case. We cannot agree with respondent that this evidence is pertinent to the determination at hand, as counterintuitive as that may be. See *id.* at 213-14 (evidence of either the persistence or the correction of injurious conditions that led to the removal of the child are irrelevant to an unfitness finding under section 1(D)(g)). Rather, the evidence would be pertinent to whether respondent had made progress correcting the conditions that led to the child's removal under section 1(D)(m) (750 ILCS 50/1(d)(m) (West 2016)). See *C.W.*, 199 Ill. 2d at 214

(evidence of the persistence or the correction of injurious conditions that led to the removal of the child are relevant to unfitness findings based on other provisions, such as section 1(D)(m)).

¶ 50 We also note that respondent relies on *In re L.N.*, 278 Ill. App. 3d 46 (1996) for the propositions that, after the minor had been removed, "respondent could not have failed to protect the minor from such an environment," and that, "[w]hile the initial removal could be based on such failure to protect[,] that allegation is not relevant in the subsequent termination proceeding." However, our supreme court expressly rejected the reasoning of *L.N.* on those points. *C.W.*, 199 Ill. 2d at 219. Therefore, respondent's reliance on *L.N.* is misplaced.

¶ 51 Accordingly, we cannot say that the trial court's judgment on the ground of failure to protect the minor from conditions within the minor's environment injurious to his welfare was against the manifest weight of the evidence.

¶ 52 C. Reasonable Efforts

¶ 53 Respondent next argues that the State did not prove, by clear and convincing evidence, that she had failed to make reasonable efforts to correct the conditions that caused the minor's removal in each of two nine-month periods, August 25, 2017, to May 25, 2018, or December 10, 2017, to September 10, 2018. As an initial matter, we note that the same standards apply to our review of this contention as applied above. We also repeat our criticism of respondent's argument, again noting it is terse to the point of impediment. As before, however, the argument's kernel is there sufficiently to avoid forfeiture under Rule 341, if only barely.

¶ 54 Section 1(D)(m)(i) provides that the court may make a finding of unfitness if a parent fails to "make reasonable efforts to correct the conditions" that were the basis for the child's removal. 750 ILCS 50/1(D)(m)(i) (West 2016). "Reasonable efforts" are those related to the goal of correcting the conditions that caused the removal of the child. *In re L.J.S.*, 2018 IL App

(3d) 180218, ¶ 24. We assess whether a parent's efforts are reasonable by a subjective standard based upon the amount of effort that is reasonable for the particular person. *Id.* Specifically, we must determine whether the parent has made earnest and conscientious progress toward correcting the conditions that led to the minor's removal. *Id.* However, parental deficiencies that are collateral to the conditions that were the basis for the child's removal, even if they are serious enough to prevent the child's return, are irrelevant as being outside the scope of the inquiry. *Id.*

¶ 55 Respondent argues that, when the minor was removed, she had issues involving substance abuse, domestic violence, and her mental health. During the relevant nine-month periods, she successfully completed domestic violence counseling and nearly completed the parental counseling services. She also complied with her psychiatric treatment regimen and made all her psychiatric appointments. Respondent also notes that in addition to domestic violence counseling, she extended the order of protection against her abuser to the maximum two-year period, and her urine tests had all been negative for illegal substances. Based on this, respondent concludes that she made "significant efforts to resolve the situation that gave rise to her problems." We disagree.

¶ 56 Respondent fails to acknowledge that, in addition to domestic violence counseling services, she was required to complete parenting educational services, substance abuse counseling services, and procure individual psychological counseling along with her psychiatric services. The evidence further showed that the Department was consistently most concerned about respondent's problems with alcohol, and these problems initially caused her expulsion from the nearly completed parenting class. Moreover, while we commend respondent for consistently testing negative for illegal substances when submitting urine samples, we note that,

apparent from the record, the substances tested for were not respondent's substance of choice, namely alcohol. It was alcohol use that caused her expulsion from the initial parenting class, and this led the Department to require that she enroll in and complete substance abuse counseling (specifically for alcohol). Respondent scheduled intake interviews into several programs, but did not consistently attend leading to her expulsion from each of the programs. Indeed, the Department appears to have emphasized to respondent the priority that she complete substance abuse counseling as well as to have consistently represented that it was her biggest roadblock to attaining the goal of reuniting with her child.

¶ 57 Moreover, the trial court, based on the caseworker's reports and testimony, made specific findings that respondent had not made reasonable efforts to correct the conditions that caused the removal of her child at the conclusion of three permanency review hearings: November 13, 2017, May 7, 2018, and August 2, 2018. These individual findings are not against the manifest weight of the evidence in light of the complete record. We note that respondent completed only one of the required services, domestic violence counseling. We recognize this achievement and its importance to respondent and her family. We cannot say, however, that this achievement, which stands alone in the record, constitutes, by itself, a reasonable effort to correct the circumstances that led to the removal of the minor in light of the vital services that respondent did not complete. While she took one important step, she did not take the other steps during the two-and-a-half years this case was pending.

¶ 58 We further note that there are troubling lapses in visitation, with the caseworker reporting that, in the six to nine months preceding the termination hearing, respondent had been missing visits with the minor for reasons that were, apparently, unrelated to her employment. Moreover, during many of the visits, respondent was unable to demonstrate that she could care for a young

child without the assistance or reliance upon the older children. Likewise, respondent consistently refused to allow the Department's personnel to inspect her home and could thus not demonstrate that she had an appropriate and safe environment prepared for the minor.

¶ 59 Considering the evidence adduced in this matter, we cannot say that the trial court's determination that, in the two nine-month periods of August 25, 2017, to May 25, 2018, and December 10, 2017, to September 10, 2018, respondent did not make reasonable efforts to correct the conditions that caused the minor's removal was against the manifest weight of the evidence.

¶ 60 D. Reasonable Progress

¶ 61 Respondent next contends that the State did not prove, by clear and convincing evidence, that she had not made reasonable progress toward the return of the minor during the two nine-month periods. Our review of this contention proceeds as outlined above. And once again, the exposition of the legal principles and development of the argument is brief nearly to the point of absence. Yet, we cannot say that it is so insubstantial as to merit forfeiture under Rule 341; counsel is again cautioned about the knife's edge he is treading. See *Marriage of Knoll*, 2016 IL App (1st) 152494, ¶ 69.

¶ 62 Section 1(D)(m)(ii) provides that the court may make a finding of unfitness if a parent fails to "make reasonable progress toward the return of the child to the parent" during any nine-month period after the adjudication of neglect or abuse. 750 ILCS 50/1(D)(m)(ii) (West 2016). "Reasonable progress" is measured under an objective standard considering the amount of progress from the conditions existing at the time of the child's removal from the parent. *In re D.T.*, 2017 IL App (3d) 170120, ¶ 17. Key in the determination of reasonable progress is the parent's compliance with service plans and court directives in light of the circumstances that

gave rise to the removal of the child as well as other conditions occurring later that would prevent the court from reuniting the child with the parent. *Id.* In order to find reasonable progress, the trial court must conclude that progress being made by the parent to comply with the directives given for the return of the child is sufficiently demonstrable and of such a quality that the trial court will be able to order the return of the child to the parent's custody in the near future. *Id.* On the other hand, failure to make reasonable progress 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." *Id.*

¶ 63 Respondent argues that she demonstrated reasonable progress toward the return of the minor because she completed domestic violence counseling and remained current in her psychiatric care. Respondent concludes that, "[b]ased on the starting point of where [she] began the process there had been clear and objective effort that showed reasonable progress toward the return of her child." We disagree.

¶ 64 As noted in the previous section, in addition to domestic violence counseling, respondent was directed to complete parenting classes (or later, direct parenting coaching), substance abuse counseling, and individual psychological counseling. Respondent began parenting classes, but was expelled from the program without completing it due to her alcohol consumption. She was then directed to complete substance abuse counseling before she would be allowed to complete the parenting class. Respondent undertook substance abuse counseling, arranging intake interviews into several programs, but, in each case, she was expelled for nonattendance. Finally, respondent's insurance caused difficulty in finding a personal psychological counselor, but she never began individual counseling. The upshot is that respondent did not complete the necessary services that were a prerequisite to the return of the minor to her custody. We cannot say that

respondent substantially fulfilled her obligations under her service plans to correct the conditions that caused the minor's removal. See *id.* Moreover, the trial court made specific findings in three permanency review hearings that respondent had not made reasonable progress, based on the facts just discussed. Therefore, we conclude that the trial court's determination that respondent failed to make reasonable progress was not against the manifest weight of the evidence.

¶ 65 E. Best Interests

¶ 66 Respondent last argues that the State did not prove, by a preponderance of evidence, that it was in the minor's best interests that respondent's parental rights be terminated. To illustrate our judgment, we reproduce respondent's argument on this point in full:

> "The Court found that it was in the best interest of the minor to terminate the parental rights of [respondent].
>
> In determining whether the termination of rights is in the minor's best interests the court is to consider a variety of factors including (a) the physical safety of the child, (b) the development of the child's identity and (d) the child's sense of attachments, including (iii) the child's sense of familiarity and (iv) continuity of affection for the minor. 705 ILCS 405/1-3(4.05) [(West 2016).]
>
> In regards to (a), the physical safety of the minor, [respondent] had successfully completed domestic violence counseling. (Citation.) She had obtained a two[-]year Order of Protection against the person that had assaulted her at the outset of the case. (Citation.)
>
> In terms of (b)[,] his identity, the minor was well aware that [respondent] was his mother and called her 'mom.' (Citation.) Further, [respondent] was visiting with [the

minor] regularly and was familiar to him and during these visits brought him gifts or items the minor could use."

¶ 67 This argument is plainly insufficient. While respondent cites to the correct statute, she quotes only selectively from it. Section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2016)) sets forth some 15 factors to be considered in the context of the child's age and developmental needs when making a best-interests determination, of which respondent mentions but five, and the first of those is misleadingly truncated to dovetail with respondent's only successfully completed service plan. Respondent's four-sentence analysis then most cursorily and incompletely discusses only two of the five factors mentioned. This time, we cannot discern even the merest kernel of an argument without, essentially, fully making it ourselves. Accordingly, because the appellate court is entitled to have the issues clearly defined with pertinent authority properly cited and coherent arguments presented, and because it is not a repository onto which the appellant may foist the burden of research and argument, we deem her best-interests contention forfeited. *Marriage of Knoll*, 2016 IL App (1st) 152494, ¶ 69.

¶ 68 III. CONCLUSION

¶ 69 For the foregoing reasons, we affirm the judgment of the circuit court of Winnebago County.

¶ 70 Affirmed.