



¶ 3 Respondent appeals, asserting (1) the State failed to prove her unfit by clear and convincing evidence and (2) the trial court's best-interest findings were against the manifest weight of the evidence. For the following reasons, we affirm the judgment of the trial court.

¶ 4 I. BACKGROUND

¶ 5 A. Initial Proceedings

¶ 6 In July 2017, the State filed a petition for adjudication of wardship, alleging T.P. and A.P. were neglected, pursuant to the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1) (West 2014)), in that (1) their environment was injurious to their welfare as evidenced by respondent's drug use, and (2) they were not receiving the care or supervision necessary for their well being in that respondent failed to make a proper care plan. In November 2017, the parties stipulated the minors' environment was injurious to their welfare as evidenced by respondent's drug use and the trial court entered an adjudicatory order finding the minors neglected as alleged in the petition. In December 2017, the court entered a dispositional order (1) finding respondent unfit and unable to care for T.P. and A.P., (2) making the minors wards of the court, and (3) placing custody and guardianship of the minors with the Department of Children and Family Services (DCFS).

¶ 7 B. Termination Proceedings

¶ 8 In September 2018, the State filed a petition to terminate respondent's parental rights. The petition alleged respondent failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare; (2) make reasonable efforts to correct the conditions that were the basis of removal within nine months of an adjudication of neglect, specifically November 16, 2017, to August 16, 2018; and (3) make reasonable progress toward

the return of the minors within nine months after an adjudication of neglect, specifically November 16, 2017, to August 16, 2018.

¶ 9 *1. Fitness Hearing*

¶ 10 Over the course of three nonconsecutive days, the trial court heard the following evidence.

¶ 11 a. Ryan Watkins

¶ 12 Ryan Watkins testified he previously worked as a child welfare specialist with Lutheran Child and Family Services (LCFS). Watkins was the assigned caseworker from August 2017 to March 2018. According to Watkins, T.P. and A.P. were removed from respondent's care due to "methamphetamines being manufactured in a hotel room." Respondent completed an integrated assessment and Watkins identified the following tasks: (1) maintain sobriety, (2) complete random toxicology screenings, (3) complete a domestic-violence program, (4) individual counseling, (5) a parenting course, and (6) a psychological evaluation. Watkins testified respondent's involvement was sporadic.

¶ 13 According to Watkins, respondent began taking parenting classes. In October or November 2017, Watkins provided respondent with a substance-abuse assessment but she failed to complete and return the assessment. Watkins referred respondent for individual counseling and domestic-violence services but the clinical supervisor informed him respondent needed to complete substance-abuse treatment before those services could begin.

¶ 14 In January 2018, respondent was rated unsatisfactory for the parenting service because, although she completed the parenting classes, she failed to complete the parent-coaching portion of the program. In February 2018, The Parent Place dropped respondent from the parenting program after The Parent Place made multiple attempts to engage her in parent

coaching. Between November 2017 and February 2018, respondent's substance-abuse task was unsatisfactory because she missed seven toxicology screens and had three positive screens for amphetamines and methamphetamines. Respondent's mental-health counseling and domestic-violence tasks were unsatisfactory because she failed to address the substance-abuse issues and she could not begin those services. From August 2017 through January 2018, respondent was not cooperating with LCFS. During this time, respondent visited the children without issue. According to Watkins, respondent did not send the children cards, gifts, or letters, but she occasionally brought gifts, food, and activities to visits.

¶ 15 Between January and March 2018, respondent failed to make progress with substance-abuse treatment and missed another toxicology screening. During that time, respondent failed to make progress on mental-health counseling or domestic-violence services. Watkins testified he was unaware of respondent's whereabouts during this time, but he attempted to contact her weekly by telephone and never received a response. Watkins stated, "They—they've never had a residence. And the residence that they said they were—were staying from here to here, or at a friend's house this night. It's not—it wasn't a whole—they never had a residence for me to visit." According to Watkins, respondent said she did not have a home.

¶ 16 b. Apple Glover

¶ 17 Apple Glover, a supervisor with LCFS, testified she was the assigned supervisor in the case beginning in March 2018. Glover testified she personally handled the case until May 2018, when it was assigned to Michelle Flores. According to Glover, respondent failed to cooperate with the agency and service providers had difficulty contacting respondent.

Although respondent completed parenting classes, she failed to complete the parent-coaching

portion of the program. Respondent failed to complete a substance-abuse assessment. In June 2018, respondent tested positive for amphetamines and methamphetamines.

¶ 18 c. Michelle Flores

¶ 19 Michelle Flores, a caseworker with LCFS, testified she was assigned the case in May 2018. When Flores first took over the case, she did not have contact information for respondent. Toward the end of May, Flores met with respondent during one of her visits with the children. During that meeting, Flores went through the services respondent needed to complete and obtained contact information. Approximately two weeks after the first meeting, Flores provided respondent with in-depth information regarding services and a copy of the service plan. Flores testified the main point of discussion was respondent's substance abuse, which needed to be addressed before re-engaging in services. According to Flores, she would text respondent and "sometimes she would respond and sometimes she wouldn't. Sometimes she would go one month, two months without responding."

¶ 20 In July 2018, LCFS held an administrative case review. Flores hand delivered a letter notifying respondent of the July case review, but respondent failed to attend. Flores sent respondent a text message a few days before the case review and another on the day of the review, but she received no response. Although respondent completed parenting classes, she failed to complete parent coaching. In January 2018, respondent was unsuccessfully discharged because the service provider could not get in touch with respondent. Flores testified she did not make a new referral to re-engage in parent coaching because respondent failed to address her substance-abuse issues. In late June 2018, respondent tested positive for methamphetamines, amphetamines, and tetrahydrocannabinol (THC). At that time, Flores spoke with respondent

about obtaining a substance-abuse assessment through Family Guidance, but respondent failed to do so.

¶ 21 At the July case review, LCFS rated respondent unsatisfactory for her mental-health and domestic-violence tasks. Respondent's visitation task was rated satisfactory. Overall cooperation was rated unsatisfactory because it was so difficult to contact respondent. LCFS also rated respondent's parenting task unsatisfactory. Following an August 2018 court hearing, respondent tested positive for amphetamines and methamphetamines.

¶ 22 In September 2018, Flores put in referrals for mental-health and domestic-violence services. In November 2018, respondent completed a substance-abuse assessment, began outpatient treatment and group counseling, and "tested negative for everything." In December 2018, respondent stopped attending the substance-abuse treatment.

¶ 23 Flores testified she hand delivered a letter informing respondent of a January 2019 administrative case review. Respondent failed to attend the review. LCFS rated respondent unsatisfactory for substance-abuse treatment, parenting, mental-health counseling, domestic-violence services, and overall cooperation. Respondent was rated satisfactory for visits.

¶ 24 According to Flores, respondent brought the children Christmas gifts in 2018, including tablets and toys. Respondent brought dinner for the family to share every week. If the children made requests, respondent would bring the requested items the following week. Flores agreed respondent had a reasonable level of interest and concern for the children.

¶ 25 Flores testified she was never close to returning the minors to respondent due to the lack of cooperation, lack of engaging in services, and the ongoing substance-abuse issues. According to Flores, respondent still lived with respondent father and the agency had concerns for respondent's safety based on previous incidents of domestic violence.

¶ 26

d. Trial Court's Ruling

¶ 27

The trial court noted the case was opened after a police investigation into the respondent parents' manufacturing of methamphetamines in their hotel room. The court further noted that, beyond the substance-abuse issues that led to DCFS involvement, other issues were identified, including mental health, parenting, and domestic violence. With respect to substance abuse, the court found respondent failed to complete the assessment until November 2018 and her attendance in treatment decreased the following month.

¶ 28

The trial court stated counselors attempted to contact respondent but received no response. There were long periods of time where respondent would not respond to attempted contact and Flores would track respondent down during a visit with the minors. The court pointed to evidence of sporadic housing and the difficulty in contacting respondent to complete drug tests. The court also noted the positive drug tests in June and August 2018 and stated, "So throughout the entire nine-month time period, the parents were still not just not going to treatment, they were still using drugs, the same drugs which led to the case coming into the system." Finally, the court rejected the argument that respondent did not complete services because the agency refused to refer her for mental-health counseling and domestic-violence treatment until she addressed the substance-abuse issues. The court noted respondent failed to complete the initial substance-abuse assessment and could not be reached to engage in other services.

¶ 29

The trial court found the State proved, by clear and convincing evidence, that respondent failed to make reasonable efforts to correct the conditions which led to DCFS involvement and failed to make reasonable progress toward having the children returned to her care. During the relevant nine-month period, the court was not remotely close to placing the

children with respondent. The court further found respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare, stating, "Visiting is one thing, but parenting requires much more, and [respondent] did not do those things."

¶ 30 *2. Best-Interest Hearing*

¶ 31 Immediately following the fitness hearing, the trial court held a separate best-interest hearing. The trial court heard the following evidence.

¶ 32 a. Flores

¶ 33 Flores testified A.P. and T.P. were currently placed with their aunt and uncle—relatives of respondent—in Edinburg, Illinois. According to Flores, there were concerns about the minors' weight and the consistency with which they were given medications. Flores testified the minors were doing well in school and their health had improved. The placement attended to the educational needs of the minors and the foster parents kept up with an individualized education plan for A.P. Flores testified the boys shared a room. The foster parents also had two daughters who lived in the home. The children generally got along well.

¶ 34 According to Flores, the foster parents "explained that if it were to come to that point, they were willing to adopt the boys." Flores testified she talked with the minors about the possibility of staying in the foster home. Flores stated, "They are kind of indifferent about it. Like they would like to see Mom a little more often, but they are not opposed to staying with their aunt and uncle."

¶ 35 Flores testified the relationship between respondent and the foster parents was "strained" and "there ha[d] been a lot of hurt on both ends of this relationship." However, the foster parents were willing to allow respondent to be involved in the minors' lives as long as the respondent father was not involved. According to Flores, "[the foster parents] believe that



[respondent father] is essentially a bad influence on [respondent], and they don't want that bad influence to rub off on the kids." When asked how respondent father influenced respondent, Flores testified that when respondent and respondent father "get back together, everything goes downhill," meaning "substance abuse and stability." According to Flores, respondent was still in a relationship with respondent father.

¶ 36 The children were more attached to respondent than to respondent father because he was inconsistent with visitation. Despite the minors' bond with respondent, Flores believed it was in the children's best interest to terminate respondent's parental rights. Flores testified, "These boys need some form of stability, and there hasn't really been any of it with either [respondent] or [respondent father]."

¶ 37 Flores testified respondent brought appropriate activities and snacks to visits. The minors asked on two occasions when they could return to respondent's care. The children also frequently asked to increase visits with respondent. According to Flores, severing the relationship between respondent and the children would be somewhat harmful given their close bond. Flores testified, "Aunt is willing to have [respondent] be involved in the kids' life, as long as, you know, that separation between [respondent] and [respondent father] occurred. I mean, if that's something that they are willing to work out on their own, then that harm per se isn't going to be there."

¶ 38 b. Respondent

¶ 39 Respondent testified her romantic relationship with respondent father ended approximately three weeks earlier. According to respondent, she tried to keep in contact with respondent father when he missed visits but he did not contact respondent. Respondent father

missed three visits in the prior month. Respondent testified she missed only one visit when she was sick.

¶ 40 According to respondent, the children were aware she wanted to separate from respondent father. Respondent testified she had been trying to leave respondent father but a lack of funds and places to go prevented her from doing so. Respondent shared a home with respondent father until he left three weeks earlier.

¶ 41 According to respondent, A.P. was her “protector” who always looked out for her needs. If respondent had a bad day, A.P. would hug her and tell her, “don’t do anything stupid. You’ll get through it.” According to respondent, T.P. was very smart. Respondent stated, “He knows how to get me, because he’s at that age where he wants everything.” Respondent testified she would do anything for A.P. and T.P.

¶ 42 Respondent’s sister was the minors’ foster mother. Prior to the case opening, respondent and her sister had a good relationship. Sometime after 2017, respondent’s sister “got into it” with respondent father. Respondent stated, “And then we don’t talk.” According to respondent, there was not an open line of communication with her sister.

¶ 43 According to respondent, the children asked if they could live with her, although she acknowledged she was “working on” getting independent housing. Respondent believed terminating her parental rights would be devastating to the children. Respondent testified, “They know what’s going on. They know how much I love them, how much I care, and they have known that prior to this, I was the one that took care of them. I did everything. I just got lost.” Respondent further testified terminating her rights would prevent her from having a relationship with the children in the future even though the foster mother said she was willing to allow

respondent's involvement. Respondent stated, "I've been told otherwise by her, so what she has told Miss Flores and what she has told me is two totally different things."

¶ 44 Respondent testified she attended the Family Guidance Center to address her substance-abuse issues, but stopped attending in December 2018 after a house fire. Respondent also contacted other agencies to get help and to obtain domestic-violence treatment. According to respondent, she called for an appointment for domestic-violence courses but she had not received a return call. Respondent acknowledged she disclosed increased domestic violence to the caseworker several months earlier. The caseworker offered respondent assistance but respondent felt it was not in her best interest to pursue help at that time.

¶ 45 c. Trial Court's Ruling

¶ 46 The trial court began by stating it was considering the best interest factors as set forth in the statute. The court found it troubling that respondent described her nine-year-old son as her "protector" and found A.P. should not be put in a position where he needed to look out for respondent's needs. The court agreed with respondent's assessment that she "got lost" and concluded respondent father "played a big role in getting her lost." However, the court went on to note that throughout the case, respondent knew there were resources available "but was choosing [respondent father] and trying to help him, despite being in the midst of this case, knowing what the results might be." The court further noted the relationship between respondent and respondent father ended just three weeks earlier.

¶ 47 The trial court found respondent failed to make reasonable efforts or progress. Although respondent reached out to start classes after the relevant nine-month time period, no services had begun and respondent had no stable place to live. The court acknowledged

termination of respondent's parental rights could be harmful but it noted the uncertainty of lingering in foster care was also harmful.

¶ 48 The trial court considered the minors' foster placement with their aunt and uncle and found the minors felt they were a part of the family. The court determined the minors felt love, attachment, a sense of being valued, and a sense of security in their foster placement. The court also considered permanence for the minors and noted respondent was not in a position to offer permanence in the near future. In making its determination, the court noted the foster mother was willing to allow respondent contact with the minors so long as she was not involved with respondent father. The court concluded that contact would be healthy if respondent could stay separate from respondent father. The court found it was in the minors' best interest to terminate respondent's parental rights because the minors needed a home that would provide security and stability. Accordingly, the court entered an order terminating respondent's parental rights.

¶ 49 This appeal followed. We docketed Sangamon County case No. 17-JA-106 as case No. 4-19-0224 and Sangamon County case No. 17-JA-107 as case No. 4-19-0225. We have consolidated the cases for review.

¶ 50 II. ANALYSIS

¶ 51 On appeal, respondent asserts (1) the State failed to prove respondent unfit by clear and convincing evidence and (2) the trial court's best-interest findings were against the manifest weight of the evidence. We turn first to the fitness finding.

¶ 52 A. Fitness Finding

¶ 53 In a proceeding to terminate parental rights, the State has the burden of proving parental unfitness by clear and convincing evidence. *In re Jordan V.*, 347 Ill. App. 3d 1057,

1067, 808 N.E.2d 596, 604 (2004). In making such a determination, the court considers whether the parent's conduct falls within one or more of the unfitness grounds described in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2016)). Evidence of unfitness based on any ground enumerated in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2016)) is enough to support a finding of unfitness, even where the evidence may not be sufficient to support another ground. *In re C.W.*, 199 Ill. 2d 198, 210, 766 N.E.2d 1105, 1113 (2002). A reviewing court will not overturn the trial court's finding of unfitness unless it is against the manifest weight of the evidence. *Jordan V.*, 347 Ill. App. 3d at 1067. The trial court's decision is given great deference due to "its superior opportunity to observe the witnesses and evaluate their credibility." *Id.*

¶ 54 The trial court found respondent unfit on three different grounds: (1) respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare; (2) respondent failed to make reasonable efforts to correct the conditions that were the basis of removal within nine months of an adjudication of neglect, specifically November 16, 2017, to August 16, 2018; and (3) respondent failed to make reasonable progress toward the return of the minors within nine months after an adjudication of neglect, specifically November 16, 2017, to August 16, 2018. On appeal, respondent contends the trial court's finding of unfitness was against the manifest weight of the evidence. We may affirm on any basis in the record and we need not review all the grounds for a finding of unfitness if we uphold the trial court's findings as to one ground of unfitness. See *In re D.H.*, 323 Ill. App. 3d 1, 9, 751 N.E.2d 54, 61 (2001). As we find the trial court's finding as to reasonable progress dispositive, we begin there.

¶ 55 The trial court's finding that respondent failed to make reasonable progress toward the return of the minors within nine months after an adjudication of neglect, specifically November 16, 2017, to August 16, 2018, was not against the manifest weight of the evidence. Reasonable progress is measured by an objective standard that considers the progress made toward the goal of returning the child to the parent. *In re M.A.*, 325 Ill. App. 3d 387, 391, 757 N.E.2d 613, 617 (2001). Specifically, reasonable progress includes a parent's compliance with service plans and court directives, in light of the condition that gave rise to the removal of the child. *In re C.N.*, 196 Ill. 2d 181, 216, 752 N.E.2d 1030, 1050 (2001).

¶ 56 In this case, the children came into DCFS care based on issues with substance abuse and some history of domestic violence. During the nine-month period at issue here, respondent failed to successfully complete substance-abuse treatment, mental-health counseling, or domestic-violence services. The evidence showed respondent failed to complete the initial substance-abuse assessment or take any steps to address her substance-abuse issues. Indeed, respondent tested positive for amphetamines and methamphetamines three times between November 2017 and February 2018. Respondent also tested positive for amphetamines and methamphetamines in June and August 2018. The trial court's conclusion that respondent failed to make reasonable progress was not against the manifest weight of the evidence. The evidence clearly showed respondent failed to make any progress whatsoever to address her substance-abuse issues during the relevant nine-month period.

¶ 57 Respondent contends the most important tasks in her service plan were those involving the children. Respondent argues she completed the parenting classes and regularly attended visits. While respondent completed a portion of the parenting program, she failed to complete the parent-coaching portion and was unsuccessfully discharged because the agency

could not contact her. We acknowledge respondent attended visits and provided the children with appropriate gifts and food. However, we disagree that the tasks involving the children were the most important, particularly in light of the fact that the children entered care due to substance-abuse issues. Respondent failed to address her substance-abuse issues and failed to make reasonable progress on her other services.

¶ 58 As the trial court noted, respondent had many opportunities to complete the services. Although respondent completed parenting classes, she never progressed to a point where the caseworkers were close to returning the children. Given respondent's failure to begin her substance-abuse services—the primary area of concern leading to DCFS involvement—we cannot say the trial court's determination respondent failed to make reasonable progress toward having the minors returned to her care was against the manifest weight of the evidence.

¶ 59 B. Best-Interest Finding

¶ 60 Once the trial court determines a parent to be unfit, the next stage is to determine whether it is in the best interest of the minor to terminate parental rights. *In re Jaron Z.*, 348 Ill. App. 3d 239, 261, 810 N.E.2d 108, 126 (2004). The State must prove by a preponderance of the evidence that termination is in the best interest of the minor. *Id.* The trial court's finding will not be overturned unless it is against the manifest weight of the evidence. *Id.* at 261-62.

¶ 61 The focus of the best-interest hearing is to determine the best interest of the child, not the parent. 705 ILCS 405/1-3(4.05) (West 2014). The trial court must consider the following factors, in the context of the child's age and developmental needs, in determining whether to terminate parental rights:

“(a) the physical safety and welfare of the child, including  
food, shelter, health, and clothing;

- (b) the development of the child's identity;
- (c) the child's background and ties, including familial, cultural, and religious;
- (d) the child's sense of attachments \*\*\*[;]
- \* \* \*
- (e) the child's wishes and long-term goals;
- (f) the child's community ties, including church, school, and friends;
- (g) 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;
- (h) the uniqueness of every family and child;
- (i) the risks attendant to entering and being in substitute care; and
- (j) the preferences of the persons available to care for the child." *Id.*

¶ 62 The trial court in considering the relevant best interest factors concluded that the evidence showed the minors felt they were part of their foster family. The children were doing well in their foster placement, as evidenced by the minors' success at school and their improved physical health. Moreover, the foster mother was the children's maternal aunt and she expressed willingness to provide permanency for A.P. and T.P. through adoption. Additionally, the foster mother expressed her willingness to allow respondent to be involved with the minors if she was no longer in a relationship with respondent father. The court found that limitation reasonable



and determined contact with respondent would be healthy so long as she was no longer involved with respondent father. While the caseworker acknowledged that terminating respondent's parental rights might cause some harm, the possibility of a continued relationship remained available and counseling services were available to help the children. The evidence established the children were in a stable, loving home with foster parents who were willing to provide the children with permanency.

¶ 63           Conversely, respondent cannot provide stability and permanence for the minors in the near future. Although the evidence showed respondent loved her children, she failed to show she could provide, in the near future, permanency for the children. Respondent failed to make reasonable progress toward the children's return in the time the case was pending. The trial court noted that if parental rights were not terminated, there was no indication that respondent would maintain stability. The court noted respondent did not have stable housing and, although she initiated substance-abuse treatment in November 2018, she stopped attending treatment in December 2018. The court further noted respondent had only been separated from respondent father for three weeks. The court determined the children's need for permanence, stability, and security outweighed any harm from terminating respondent's parental rights. Accordingly, the court determined it was in A.P.'s and T.P.'s best interest to terminate respondent's parental rights.

¶ 64           Given the extent to which the children were thriving in their foster placement and the possibility of permanence and stability in the near future through adoption, we conclude the trial court's finding it was in the children's best interest to terminate respondent's parental rights was not against the manifest weight of the evidence. Accordingly, we affirm the judgment of the court.

¶ 65

### III. CONCLUSION

¶ 66

For the foregoing reasons, we affirm the trial court's judgment.

¶ 67

Affirmed.