

NOTICE
Decision filed 08/06/20. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2020 IL App (5th) 200051-U

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).

NO. 5-20-0051

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

<i>In re</i> R.D., a Minor)	Appeal from the
)	Circuit Court of
(The People of the State of Illinois,)	Madison County.
)	
Petitioner-Appellee,)	
)	No. 17-JA-156
v.)	
)	
Georgia L. and Christopher D.,)	Honorable
)	Martin J. Mengarelli,
Respondents-Appellants).)	Judge, presiding.

PRESIDING JUSTICE WELCH delivered the judgment of the court.
Justices Moore and Overstreet concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court’s findings that the respondent mother and respondent father were unfit are affirmed where the mother’s service plan tasks were reasonably related to remedying the conditions that gave rise to or which could give rise to a finding of neglect and where the court’s findings of unfitness were not against the manifest weight of the evidence. The court’s best-interest determination was also not against the manifest weight of the evidence.

¶ 2 The respondent mother, Georgia L., and the respondent father, Christopher D., appeal the judgment of the circuit court of Madison County terminating their parental rights to their minor child, R.D. On appeal, Georgia L. argues that the court’s findings that she

was an unfit parent under sections 1(D)(m)(i) and (ii) of the Adoption Act (750 ILCS 50/1(D)(m)(i), (ii) (West 2018)) were erroneous because the State’s evidence did not satisfy the statutory standards for terminating her parental rights. Christopher D. argues that the court’s findings that he was an unfit parent under sections 1(D)(m)(i) and (ii) of the Adoption Act (*id.*) were against the manifest weight of the evidence, and the court’s finding that termination of his parental rights was in R.D.’s best interests was also against the manifest weight of the evidence. For the reasons that follow, we affirm as modified.¹

¶ 3

I. BACKGROUND

¶ 4 R.D. was born on July 18, 2017, to Georgia L. and Christopher D., who were married. Georgia L. also has four other children: C.S., born in February 2011; N.H. and J.H., born in March 2014; and G.D., born in October 2019. Christopher D. was not the father of the other four children. This appeal involves the termination of both parents’ parental rights with regard to R.D.

¶ 5 On July 24, 2017, the State filed a juvenile petition, asserting that R.D. was a neglected minor and was currently placed in foster care through the Illinois Department of Children and Family Services (DCFS). The petition first alleged that R.D. was a neglected minor as defined by section 2-3(1)(a) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(a) (West 2016)) in that her parents did not provide the proper

¹This is an accelerated appeal under Illinois Supreme Court Rule 311(a) (eff. July 1, 2018). With respect to such cases, Rule 311(a)(5) provides in relevant part that “[e]xcept for good cause shown, the appellate court shall issue its decision within 150 days after the filing of the notice of appeal.” Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2018). In this case, the 150-day period to issue a decision expired on July 10, 2020. However, the respondent-appellants filed multiple motions for extension of time to file their briefs. As a result, briefing in this appeal was not completed until June 15, 2020, and the case was submitted July 14, 2020. Under these circumstances, we find good cause to issue our decision after the 150-day deadline.

or necessary support, education, medical or remedial care as they had substance abuse addictions, which impaired their ability to adequately care for R.D., and Georgia L. had untreated mental health issues, which also impaired her ability to adequately care for R.D. The petition also alleged that R.D. was neglected in that her environment was injurious to her welfare in violation of section 2-3(1)(b) of the Juvenile Court Act (*id.* § 2-3(1)(b)) in that Georgia L. tested positive for methamphetamines on June 30, 2017; Christopher D. refused to take a drug test but admitted to using methamphetamines; Georgia L. had untreated mental health issues; they engaged in domestic violence in front of R.D.; and there were multiple police reports of domestic violence in the home.

¶ 6 On that same date, the trial court held a hearing on the State's petition. Before testimony, the court took judicial notice of the juvenile cases involving Georgia L.'s older three children.² Then, the following testimony was presented. Lakya Hill, a child protection investigator with DCFS, was assigned to the case on July 19, 2017, after receiving a hotline report about Georgia L. having another child. Hill completed a background investigation on Christopher D. and Georgia L. and found seven previous investigations of Georgia L.; three of which were indicated. There were three previous investigations into Christopher D.; one of which was indicated for physical abuse to a three-year-old child. Hill also talked with the caseworker on Georgia L.'s previous case and

²Georgia L.'s initial case with DCFS involved her daughter, C.S. C.S. was placed in DCFS care, and Georgia L. was indicated because C.S. was diagnosed with failure to thrive non-organic. In the trial court's December 2016 order, the court noted that Georgia L. had been minimally compliant with services and granted custody and guardianship over C.S. to her father, as he had successfully completed his service plan. N.H. and J.H. were also taken from her care, and their father was granted custody and guardianship over them with Georgia L. receiving supervised visitation.

discovered that custody of her older children was given to their respective fathers. The caseworker said that Georgia L. and Christopher D. had not completed their service plans.

¶ 7 Because of the hotline report, Hill went to the hospital to check on R.D. before determining whether to place her in protective custody. When she arrived at the hospital, Christopher D. would not let her see R.D. He yelled in her face and told her to get the “F” out of their room, that what she was doing was illegal, and that she could not touch the baby. Hill then left the room to get security, and she also called the Maryville Police Department to remove R.D. from the room because Christopher D. was so aggressive and upset. Hill explained that, as part of her job duties, she was required to check on the child within 24 hours of a hotline call. After R.D. was removed from the room, Hill was able to see her and observed a healthy baby girl. Hill also talked with the nursing staff and the nursing director and was told that, in the weeks prior to Georgia L. giving birth, she had a positive drug screen for methamphetamines. However, R.D. did not test positive for methamphetamine; Georgia L. did not test positive upon delivery. It was also reported that Christopher D. snapped at the nurses because they did not fold R.D.’s blanket correctly.

¶ 8 After Hill observed R.D., the nursing staff placed R.D. in the nursery because they were concerned that Christopher D. would try to leave with her. Given the parents’ history with DCFS, Christopher D.’s aggressive behavior, and the parents’ failure to complete their service plan tasks in the previous case, Hill and her supervisor decided to place R.D. into protective care. Hill indicated that in the previous service plan, Christopher D. refused to complete anger management and substance abuse screens. Georgia L. was supposed to complete mental health services because she had a mental health diagnosis and was

noncompliant with medication. She was also supposed to complete a substance abuse screening and parenting classes. Hill explained that she had safety concerns with R.D. remaining with the parents due to Georgia L.'s noncompliance with her medication, her failure to complete necessary services, Christopher D.'s aggression toward the nursing staff, and both parents' previously indicated report of physical abuse.

¶ 9 Georgia L. testified that she had spoken with Hill's supervisor, who said that her previous case had nothing to do with this case. She also testified that she had completed parenting and had the diploma to prove it. She had not been told that she needed to take medication for her mental health. She acknowledged becoming "snippy" with Hill when Hill came into the hospital room but explained that Hill had just entered the room and started talking without showing her badge. Hill then attempted to take R.D. from her arms without asking, even after Christopher D. asked Hill to leave the room. She indicated that she felt threatened, and Christopher D. was trying to protect her and the baby.

¶ 10 Christopher D. also testified that he completed an assessment to determine whether he needed anger management and parenting classes, and it was determined that he did not need anger management. As for parenting, the caseworker told him that they were not going to start his parenting classes.

¶ 11 After the hearing, the trial court entered a temporary custody order, finding that there was an immediate and urgent necessity to remove R.D. from her parents' care and that leaving R.D. in the home was against her health, welfare, and safety. The court found that there was probable cause for the filing of the petition because Georgia L. had substance abuse issues; she had untreated mental health issues; she had recently tested positive for

methamphetamine use; she and Christopher D. had prior indicated findings by DCFS; she was previously found unfit with regard to her three older children, and there had been no subsequent finding of fitness; and she did not cooperate with services in the siblings' cases. Thus, temporary custody of R.D. was placed with DCFS.

¶ 12 Also, on this same date, DCFS prepared an initial service plan, which identified the following services for Georgia L.: (1) complete a mental health assessment and comply with any recommended services; (2) agree to not allow any acts of domestic violence to occur, especially in R.D.'s presence; (3) complete an anger management/domestic violence assessment and comply with any recommended services; (4) complete parenting classes and demonstrate parenting skills in visitation with R.D.; (5) complete a substance abuse assessment and comply with recommended services; (6) agree to comply with any requested drug testing; (7) obtain and maintain employment and appropriate housing; and (8) agree to complete a home safety check to ensure appropriateness of the residence for R.D.

¶ 13 The report identified the following services for Christopher D.: (1) complete an anger management assessment and comply with recommended services, (2) agree to only take medications/substances prescribed by a doctor, (3) complete a substance abuse assessment and comply with recommended services, (4) agree to submit to any requested drug tests, and (5) complete a mental health assessment and comply with recommended services.

¶ 14 On October 13, 2017, an adjudicatory/dispositional report prepared by Hoyleton Youth and Family Services (Hoyleton) was filed, which indicated that both parents were

receiving supervised visitations with R.D. However, the caseworker's contact with Christopher D. had been hostile and noncompliant; both Christopher D. and Georgia L. were defensive with the workers; and although the caseworker had observed Georgia L.'s nurturing abilities with R.D., both Christopher D. and Georgia L. had reported that they were not interested in participating in services.

¶ 15 On January 16, 2018, the trial court held an adjudicatory hearing, and the following testimony was presented. Hill testified that, in the previous DCFS investigation, which occurred around 2015 through 2016, Georgia L. was investigated because C.S. was diagnosed with failure to thrive, the home environment was injurious to her welfare, and it was suspected that C.S. suffered physical injury. There, Georgia L. and Christopher D. had not completed mental health and substance abuse services; Georgia L. had completed other services. Hill explained that she was never able to verify the positive drug test during Georgia L.'s pregnancy because Georgia L. refused to sign a medical records release consent. She further explained that they both denied needing any services.

¶ 16 That same day, the trial court entered an adjudicatory order, finding that R.D. was neglected in that she suffered from a lack of support, education, and remedial care and was in an environment that was injurious to her welfare.

¶ 17 On January 24, 2018, a DCFS service plan evaluation was prepared, which rated Georgia L. unsatisfactory on parenting, domestic violence, and psychiatric care because she had not engaged in those services, but she was rated satisfactory for substance abuse and for completing a mental health assessment. The evaluation also rated her satisfactory for maintaining a legal means of income in that she received social security disability. The

evaluation indicated that she needed to maintain appropriate housing. The evaluation rated Christopher D. unsatisfactory for mental health assessment, psychological testing, parenting classes with a hands-on parenting educator, individual psychotherapy, anger management, and substance abuse.

¶ 18 On February 12, 2018, an adjudicatory/dispositional report was prepared by Hoyleton, which evaluated Christopher D. and Georgia L. on their respective service plan tasks. The report indicated that Georgia L. had completed a mental health assessment, which indicated that her specific problems could be effectively addressed in outpatient services. It was recommended that she participate in individual therapy, individual community support, case management mental health services, and case management client centered consultation to assist her in attaining her recovery goals. As for anger management, the report indicated that Georgia L. had been referred for an anger management/domestic violence assessment, but the caseworker was not aware of any progress being made. The report indicated that Georgia L. had been referred for parenting services and that although she had not attended services yet, she would start classes at the end of February.

¶ 19 With regard to Christopher D., the report indicated that he had been referred for an anger management assessment, but the caseworker had not received any updates from him about this task; he had completed a substance abuse assessment, but he had refused to follow through with the recommendations; and he refused any drug testing. The report also indicated that he had been referred for a mental health assessment, but no progress had been made on that task, and he would start parenting classes at the end of February.

¶ 20 On February 20, 2018, the trial court held a dispositional hearing, at which the following testimony was presented. Corinne Fish, a Hoyleton foster care case manager, testified that she was assigned to this case in July 2017. At this time, R.D. was seven months old, Georgia L. was receiving visitation with her other children, and she was engaged in individual counseling. Fish noted that there were concerns about domestic violence in Georgia L.'s past, but there were no present concerns. Georgia L. could receive her anger management and domestic violence services through Hoyleton counseling services. Fish noted that there were concerns about anger management because anytime Fish or her supervisor had any interactions with Georgia L. and Christopher D., there was yelling, noncompliance with services, and a refusal to complete services. Georgia L. started parenting services on February 1, and those services would go through March. Fish had not yet received any reports from that service provider. Georgia L. and Christopher D. resided together, but Fish had not been to their home because she did not feel safe going there; her concern was based on the previous interactions that she had with them in the foster home.

¶ 21 Fish had not observed any domestic violence from Christopher D., but she was concerned with his anger management; she explained that he had yelled and thrown paperwork in her and her supervisor's face and had come close to her pointing his finger in her face. Christopher D. also started parenting services on February 1, and he completed his substance abuse assessment but did not follow through with the recommendation to complete substance abuse treatment. He was referred to substance abuse counseling and classes, but when he was told about the referral, he hung up the phone and had refused to

participate in services since. Fish explained that substance abuse services were based on his report that he used marijuana for medicinal purposes, but he had failed to provide his medical card when asked. He was unemployed.

¶ 22 Georgia L. and Christopher D. had visitation with R.D. every day from 12 p.m. to 5 p.m. at the foster family's residence. Fish had observed their interactions with R.D. and noted that they had demonstrated basic parenting skills, such as feeding her, playing with her, and changing her diapers. She had also observed angry outbursts in R.D.'s presence, and the foster mother had to remove R.D. from the room at those times. Christopher D. also had to step out of the home to calm himself on occasion. Fish opined that the parents had not corrected the conditions that brought R.D. into care, that they should be found unfit, and that it was in R.D.'s best interest for DCFS to be granted custody and guardianship over her.

¶ 23 Rebecca Jackson, Christopher D.'s mother, testified that she had been R.D.'s caretaker since R.D. was brought into care. Her son and Georgia L. had been in a relationship for about two to three years, and she knew that Georgia L. did not have custody of her other children. She had no concerns about them visiting with R.D., and she had not witnessed them being violent during visits; however, she acknowledged that there had been angry outbursts, especially when Fish was present as they tended to "fuss with her." When they argued with Fish, she would step in and tell them to calm down and listen to Fish. She acknowledged that it was a little bit of a struggle for them to calm down, but they did try to deescalate by going outside and taking deep breaths. She explained that she understood that it was hard for them to remain calm because R.D. was her son's first child, and the

situation was upsetting. She noted that, when there was an argument in R.D.'s presence, either she, her husband, or Georgia L. removed R.D. from the room. She had also been to Georgia L. and Christopher D.'s home and had no concerns about the safety of their house. During visits, she observed them feeding R.D. and changing her diapers. She also observed Georgia L. reading to R.D., playing with her, and singing to her. Georgia L. brought her other children to the visits when the visitations coincided. Jackson never observed Georgia L. and Christopher D. getting angry at the children. She also never observed them doing drugs. She stated that she would not consider them unfit to take care of children. With regard to Christopher D.'s indicated finding with DCFS, Jackson explained that he and his sister were "fussing at one another" while she was holding one of her kids; the child was bruised during the incident but not hurt.

¶ 24 Krista Kerley, Georgia L. and Christopher D.'s friend, testified that she lived in the same trailer park as them and had been friends with them for about eight or nine months. She had been to their home, had never noticed their home being dirty, and had never witnessed any type of violence or arguments between them. She had also observed their interactions with R.D. and noted that they played with her, changed her diapers, and fed her; they did everything that R.D. needed. Kerley observed that Georgia L. took her other children to visits with R.D., that she paid attention to all of the children when they were together, and that she always made sure that all four had what they needed. Kerley never observed Christopher D. smoking marijuana in front of the children, and he did not have a substance abuse problem.

¶ 25 After hearing the testimony, the trial court noted its biggest concern with Georgia L. and Christopher D. were their anger issues. The court noted that they needed to get their anger under control and instructed them to complete anger management services, so that R.D. could return home. The court also noted that, at this time, marijuana was illegal, which meant that Christopher D. was getting it from an illegal source and might be dealing with individuals who were dangerous to his child; thus, the court advised him to get his medical card so that he could obtain it from a legal source and so that DCFS would not have to be concerned about it. The court instructed the parents to comply with services and announced that it was finding them unfit.

¶ 26 That same day, the trial court entered a written dispositional order, finding that Christopher D. and Georgia L. were unfit to care for, protect, train, educate, supervise, or discipline R.D. and that placement with them was contrary to her health, safety, and best interests. In making these findings, the court noted that neither parent had successfully completed their service plan tasks.

¶ 27 On May 29, 2018, a Hoyleton permanency hearing report was filed, which indicated that the caseworker had submitted a referral for psychological services for Georgia L. and was waiting for it to be accepted, that the caseworker was not aware of any progress made in Georgia L.'s services for anger management, and that Georgia L. reported that she had been attending parenting classes but then she had a car accident. The report also indicated that the caseworker had not received any updates about Christopher D. engaging in anger management services; that he refused to follow through with recommendations made from his substance abuse assessment; that he was referred for a mental health assessment, but

no progress had been made on that; that the caseworker had submitted a referral for a psychological assessment and was waiting for it to be accepted; and that Christopher D. refused to participate in parenting services. The report further indicated that the caseworker had consistent, monthly contact with them, and they continued to be hostile and noncompliant.

¶ 28 At the May 29 permanency hearing, Fish testified that, at one point, Georgia L. was engaged in counseling services, but she did not know if Georgia L. was still attending counseling. Georgia L. had begun parenting services but, in January, she was involved in a car accident and no longer had transportation to get there. Fish gave her bus passes for transportation, but she refused to use them because they did not feel safe riding public transportation. The last time that Fish met with them was March 15. She had not attempted to go to their home because it was a potential safety risk due to their previous interactions. Fish testified that Christopher D. indicated that he was going to engage in services, but she had not received any documentation that he was doing so. He completed the substance abuse assessment; the recommendation was that he complete substance abuse treatment, but he refused to comply with that recommendation. He also did not engage in parenting services, claiming a lack of transportation. Fish testified that she had not observed a visitation since about February or March because, in past visits at the foster home, her interactions with them were “very escalated.” Her supervisor moved the meetings to the agency, so that R.D. would not be present during the conflicts. They regularly attended visits.

¶ 29 That same day, the trial court entered a written permanency order, finding that neither parent had made reasonable and substantial progress or reasonable efforts toward R.D. returning home in that they had not successfully completed their service plan tasks. The permanency goal was to return R.D. home within 12 months.

¶ 30 On July 11, 2018, a DCFS evaluation was prepared, which noted that the parents were unable to meet with the caseworker and supervisor because they lacked transportation. The caseworker noted that the meetings could not occur outside of the agency office due to their hostility toward the workers. It was also noted that the parents said that they would not complete services unless court ordered, that they were not making sufficient progress on their service plans, that they both remained in denial as to why R.D. was placed in care, that they did not believe that they should have to do services, and that they had been uncooperative with the agency.

¶ 31 The evaluation rated Georgia L. unsatisfactory for parenting as she attended one parenting session before the car accident and had not attended after. She was rated unsatisfactory on anger management/domestic violence, psychiatric care, and individual psychotherapy but rated satisfactory for completing psychological testing and a mental health assessment. Christopher D. was rated unsatisfactory for individual psychotherapy, psychological testing, parenting, and anger management. He was also rated unsatisfactory for substance abuse; even though he completed his assessment, he refused to follow through with the recommendations.

¶ 32 On November 8, 2018, another permanency hearing report was filed, which indicated that since the May 2018 permanency hearing, Georgia L. had made marginal

progress with her service plan and was rated unsatisfactory. She tested negative for any substances on an October 2018 drug screen, and no additional services were needed regarding substance abuse. Although she completed her mental health assessment on October 5, 2018, she was rated unsatisfactory for mental health as she delayed engaging in this service. She attended two mental health sessions: one on October 12 and one on October 22, 2018. She was referred for a psychological evaluation, and the evaluation was scheduled for December 17, 2018. She was referred to Chestnut Health Systems (Chestnut) for anger management in July 2018, and the next group began on September 17, 2018. Both parents were told about this group and were asked to sign up for it.

¶ 33 Georgia L. was also referred to Chestnut for domestic violence counseling in July 2018 because she had a history of domestic violence in previous relationships, and she was currently in a relationship with a person with anger management issues and past domestic violence charges. She had not yet engaged in any domestic violence counseling and had expressed confusion as to why she was required to engage in this service. She was referred to a one-on-one parenting education program through Help at Home in June 2018. However, during the initial parenting sessions, both Georgia L. and Christopher D. were argumentative and confrontational with staff. They were fixated over the fact that the curriculum referred to parenting as a “job.” Both parents indicated that they did not approve of the Help at Home curriculum and did not want to continue the program. The caseworker then referred them to another parenting education program through Riverbend Family Ministries. The new program was a 10-session group program, and they had completed 8 out of the 10 sessions. The report indicated that both parents continued to be

hostile and confrontational with staff during visitation, and they did not apply the information they learned in parenting sessions.

¶ 34 As for Christopher D., the report rated him as unsatisfactory for progress on his service plan because he had not initiated substance abuse or anger management services. He tested positive for high levels of THC on October 3, 2018. He completed a mental health assessment on August 14, 2018, and from the assessment, a substance abuse assessment was recommended. However, he did not return to Chestnut to complete that assessment or engage in any treatment. During the mental health assessment, he failed to reveal his past history with DCFS or his issues with domestic violence and anger. Although the DCFS integrated assessment report was given to Chestnut, the assessor did not read the assessment before interviewing Christopher D. and, thus, made no recommendation for additional mental health services. He was scheduled to participate in a psychological evaluation on December 10, 2018. He was referred to anger management in July 2018 and was told that the next group sessions would begin on September 17, 2018, but he was not currently participating in treatment.

¶ 35 Regarding visitation, the report indicated that the parents initially had supervised visitations with R.D. at the relative foster home. In July 2018, they attended three visits at the foster home. In August 2018, DCFS had to move R.D. from her relative placement because the foster parents were evicted from their home and did not have suitable replacement housing; they had moved with R.D. into a one-room motel room. R.D. was then placed in a fictive kin home where the caregiver had known R.D. since birth and had previously provided care for her. The report indicated that Georgia L. and Christopher D.

had also been evicted from their home in early September 2018 and had been staying in motels and with friends during that time. They were evicted due to Georgia L. violating an order of protection involving another resident at their trailer park.

¶ 36 The supervised visits were then held at the DCFS office and supervised by Help at Home staff. The visits were scheduled two days per week for two hours per visit. Since the change, they had only attended 50% of the offered visits. During visits, they were focused on the fact that visits were supervised at the DCFS office and repeatedly expressed their dislike of this arrangement. They were not using the time to engage and interact with R.D. Also during visits, they spent a lot of time videotaping and taking pictures of R.D. They were asked to spend more time interacting with her; however, when redirected, they both became agitated and hostile. Although they attended parenting classes, the Help at Home and DCFS staff did not believe that they applied what they were learning in visits.

¶ 37 That same day, the trial court held a permanency hearing, and the following evidence was presented. Deborah Gourdine, a DCFS permanency caseworker, testified that she was assigned to the case in the middle of June 2018. Georgia L. was referred for a mental health assessment in July, she completed that assessment on October 5 (she was required to complete the assessment at Chestnut before she could engage in services), and she was engaged in services for the last month prior to court. She was not engaged in any mental health services between July and October. Georgia L. and Christopher D. never signed up for the September parenting group. She offered them ongoing, 20 hours per month transportation for anything that was requested by DCFS or the court, and as long as they called the day before, there was available transportation.

¶ 38 Gourdine testified that DCFS initially referred Georgia L. and Christopher D. to Help at Home for parenting services because they did one-on-one parenting at the parents' home, the program was individual to the parents' needs, and they observed the parents during visits to make sure the parents applied what they learned in their interactions with the child. There was an initial meeting at the end of July, but after the meeting, the coaches did not feel comfortable going back into the home because it was a hostile meeting. They moved the meeting to a location outside of the home, but that visit did not go well either; the Help at Home supervisor had to show up because Georgia L. and Christopher D. were so hostile to the worker. Gourdine explained that she received several text messages from Georgia L. and Christopher D. about how they did not like the worker or the curriculum. Because Help at Home felt like it would not be a good relationship, she referred them to a different parenting program. She explained that the new program was a 10-session group program; it did not offer one-on-one training and did not observe parent visits. Georgia L. and Christopher D. completed 9 of the 10 sessions; the group coach reported that they were initially hostile the first few sessions, but they eventually improved, started interacting with the other parents, and became cooperative in group. However, the coach noted that, although they were doing the curriculum, she could not say whether they were applying the skills they learned in group because she did not observe visits with R.D.

¶ 39 Gourdine testified that when the placement change happened, the parents' visitation was moved to a DCFS office. Gourdine observed the visitation and noted that there had only been a few visits where they stayed the full two hours; she explained that they would leave anywhere from 15 minutes to 1 hour early. Although they interacted with R.D., they

were more focused on who was supervising the visits and the fact that the visits were supervised. However, she did note that, in the last few weeks, they made more of an effort and were engaging more with R.D.

¶ 40 Gourdine testified that they were both unemployed, and as far as she knew, they did not have housing and were staying in a motel or with friends. Christopher D. cooperated and completed his mental health assessment, but the assessor did not have his complete history, and no mental health services were recommended. The assessor recommended a substance abuse assessment, but Christopher D. had not completed it. He was referred to anger management, but he had not completed that.

¶ 41 Also on November 8, the trial court entered a written permanency order, finding that neither parent had made reasonable progress or efforts toward R.D.'s return home as they had not successfully completed their service plan tasks. The permanency goal remained to return R.D. home within 12 months.

¶ 42 On December 28, 2018, a DCFS evaluation was prepared, which indicated that Georgia L. had attended three mental health sessions, but she was rated unsatisfactory because she had not attended a session since November 30. She was also rated unsatisfactory for anger management and domestic violence because she was not engaging in those services. She was rated unsatisfactory for housing.

¶ 43 Christopher D. was rated unsatisfactory for substance abuse and anger management because he had not completed an assessment or engaged in anger management services. He was also rated unsatisfactory for individual psychotherapy because he had not engaged in therapy. He was scheduled to complete a psychological evaluation in December 2018,

but he would not go without Georgia L. there to act as his interpreter. The caseworker attempted to explain that Georgia L. would not be allowed in the evaluation, but he argued that he was entitled to have her present. He explained that he needed her there so she could loudly repeat what was said; she would not be using sign language or any other interpretative method. The caseworker contacted the doctor, who stated that Georgia L. could not act as an interpreter at the evaluation, and he would not complete the evaluation until Christopher D. had an auditory exam to determine his level of hearing loss. The parents attended 9 out of the 10 parenting sessions and continued making improvements in their engagement with the group.

¶ 44 On April 23, 2019, another permanency hearing report was filed, which indicated that Georgia L. had only made three mental health appointments since her initial assessment and that she had not attended any individual counseling sessions since January. She completed a psychological evaluation on March 5, 2019, which indicated as follows: her IQ score was 71, which fell in the bottom 3% of the population; she was diagnosed with other specified anxiety disorder, post-traumatic stress disorder, obsessive-compulsive disorder (mild), persistent depressive disorder, and other specified personality disorder (characterized primarily by paranoid and secondarily by schizoid features); it was recommended that she be referred to a psychiatrist to determine the need for psychotropic medications and individual mental health counseling; and due to her limited functioning, any services would need to be modified and simplified for her to receive any benefit from them. The evaluation also indicated that:

“consideration of returning the children to [Georgia L.] should be given as indicated by a stable psychological functioning as assessed by her psychiatrist and her therapist, as well as sufficient progress in individual therapy that indicates an awareness of significant issues and risk factors related to potential harm of her children, and her commitment to an uncompromising parenting stance and style, as assessed by her therapist and also with a comprehensive and well-defined support system in place to help reduce [her] stress in her role as a parent.”

¶ 45 The permanency report indicated that Georgia L. and Christopher D. had completed the parenting program, and the assessor indicated that their post-assessment scores improved from their pre-assessment scores. Georgia L. had not engaged in any anger management services or domestic violence counseling. Christopher D. had not completed substance abuse, and his referral was closed. He had not completed the psychological evaluation. He also had not engaged in any anger management services.

¶ 46 The report indicated that Georgia L. had improved with her interactions and engagements with R.D. within the last six months; Georgia L. brought snacks for her, attempted to play with her during visits, focused more on her health and feelings, and paid more attention to her. R.D. did not show any fear of Georgia L. and reached for her during visits. Christopher D. had also improved with his interactions and engagements with R.D., and he played with her during the visits. However, the report noted that Georgia L. engaged more consistently with R.D., and Christopher D. tended to leave the visiting room several times throughout the visit. The report noted that the parents attended 30 out of the 46 scheduled visits, but some visits were missed due to poor weather or R.D. being sick.

¶ 47 The report additionally indicated that during the caseworker’s in-person contact with the parents, they were extremely hostile and verbally aggressive. At the last two meetings, security had to get involved. The January 2019 case review was ended early

because they were verbally aggressive and were yelling threats at the workers. Also, in early January 2019, DCFS suspended both parents' transportation referrals through Help at Home because they were verbally aggressive with several transporters, and Christopher D. was physically aggressive with a female transporter. The DCFS coordinator for Help at Home contacted the caseworker, saying that none of the transporters were willing to transport the parents due to their behavior and that they could not provide transportation for the parents due to safety concerns. When the caseworker contacted Georgia L. about this and offered her bus passes, she responded, "I'm telling you again we do not feel comfortable taking the bus *** so you might as well get helping homes false reports out of your head and get them to provide us with transportation again because now all of a sudden you're coming up with newer and newer accusations and I do not like it."

¶ 48 Also, on April 23, the trial court held a permanency hearing, at which the following testimony was presented. Gourdine testified that Georgia L. had not attended any mental health services since November 30, 2018. She had an appointment on January 3, 2019, but she did not show. She had not engaged in anger management or domestic violence services. During visits, Georgia L. was making efforts to apply the parenting curriculum, and R.D. was more responsive to her because of that.

¶ 49 Gourdine testified that it was recommended that Christopher D. complete outpatient substance abuse treatment, but he had not followed up on that. She believed that they were still living with a friend, but she had not been to that home because she did not feel comfortable seeing them outside of a DCFS office or without another staff member present. She explained that at the December meeting, Christopher D. got aggressive when they told

him that Georgia L. could not act as his interpreter during his psychological evaluation. During this incident, he balled up the paperwork that she had given him, and two security guards had to get involved. During another incident, Christopher D. and Georgia L. both became upset because they felt like DCFS kept adding services to their plans. She explained that the reviewer was trying to talk, but Christopher D. was speaking over her. Then, it escalated, and he got verbally aggressive with them. Georgia L. tried to calm him down, but he would not, and they were asked to leave by security. Gourdine explained that the DCFS caseworkers could not have a conversation with them about their service plans if they continued to question how things were done and claim that they did not need to complete services.

¶ 50 That same day, the trial court entered another written permanency order, finding that neither parent had made reasonable progress or efforts toward R.D.'s return home as they had not successfully completed their service plan tasks. The permanency goal remained to return R.D. home within 12 months.

¶ 51 A DCFS June 27, 2019, service plan indicated that R.D. was doing well in her current placement, that her health needs were up-to-date, that she was engaged in an early childhood education program, and that the foster parent had signed a permanency commitment to adopt her. The plan indicated that Christopher D. and Georgia L. needed to actively engage in all service plan tasks and that, if one parent was making progress but the other was not, then the return home goal would be rated unsatisfactory until both parents were making progress. The plan noted that, currently, Georgia L. had engaged in several of her service plan tasks, but Christopher D. refused to engage in key services and refused

to allow DCFS access to his records. Because the parents were married and desired to have R.D. return to their household, they were both rated unsatisfactory for the six-month recording period (January through July 2019).

¶ 52 On July 18, 2019, a permanency hearing report was prepared, which indicated that in mid-May 2019, the caseworker referred Georgia L. to Alternatives Counseling to engage in trauma counseling; that she completed an intake on June 13, 2019; that she had attended at least one follow-up appointment; and that she cancelled her next scheduled appointment. Her domestic violence counseling was going to be integrated into the trauma counseling, so she had not successfully completed either one. She had not engaged in any individual counseling sessions since January. On June 21, 2019, a Chestnut employee completed a telephone intake with Georgia L. for anger management group, and during this conversation, Georgia L. was told that she would need to complete an in-person intake prior to enrolling in the next session. The caseworker contacted Chestnut and learned that Georgia L. never completed the required in-person intake and was not enrolled in the upcoming session.

¶ 53 The report indicated that Christopher D. had not completed his substance abuse assessment and refused to sign any consents allowing DCFS access to his information or records. Christopher D. had reported that he had seen his primary care physician for a referral to get a hearing screening, but he refused to sign any consents so that the caseworker could obtain those records. In June 2019, the caseworker contacted Christopher D. about the hearing screening, and he became hostile, stating that he could not be forced to sign any consents or complete anger management, and he hung up on her.

Christopher D. had not attended anger management group and told a DCFS worker that they could not force him to do anger management, that he would have them arrested, that he had asked for the caseworker to be removed from the case, and that DCFS was trying to force their “agenda” on him without the “proper psych evaluation.”

¶ 54 The report indicated that the caseworker had not observed any visits since the April permanency hearing due to the parents being hostile while the worker was present. The caseworker had in-person contact with both parents on May 23, 2019, and they were cooperative and discussed their service plans. However, after the meeting, they both texted her that they did not want to meet with DCFS again.

¶ 55 On July 23, 2019, the trial court held another permanency hearing, and the following testimony was presented. Gourdine testified that Georgia L. was referred to trauma counseling, and she had started the intake process, but she recently cancelled two appointments and had not completed the intake. She was also referred for domestic violence services, which would be integrated with her trauma counseling, and the intake would cover both. Neither she nor Christopher D. had engaged in anger management services. He had not completed his psychological evaluation. She did not believe that he had completed his audiological evaluation because he had not given her any paperwork on that, and he refused to sign a medical records release.

¶ 56 Gourdine testified that the parents had visitation with R.D., but she was unable to observe those visits because her presence in the room created hostility in front of R.D., so she decided not to attend. However, the case aide was present during visits, and Gourdine had spoken to her about them. The case aide reported that Christopher D. and Georgia L.

did fairly well in visits, especially Georgia L.; they brought food for R.D.; they tried to do activities with her; and they attempted to redirect her when she misbehaved. Although Gourdine was not present during the last visit, she was in the DCFS building at the time, and she was called to check on the visit because voices were raised. When she got there, the case aide was outside of the building with the security guard while the parents were inside the room with R.D. The case aide reported that Christopher D. had gotten upset and was yelling because she had provided the wrong brand of diapers for R.D.; R.D. was allergic to the brand that the case aide brought to the visit, and Christopher D. was upset about that. He was asked to calm down, but he did not, and he was using profanity in front of R.D., so Gourdine ended the visit. Gourdine recommended that the permanency goal be changed to substitute care pending a termination of parental rights.

¶ 57 That same day, the trial court entered another permanency order, finding that neither parent had made reasonable progress or efforts toward R.D.'s return home as they had not completed their service plan tasks. The permanency goal was changed to substitute care pending determination on the termination of parental rights.

¶ 58 On August 20, 2019, the State filed a petition for termination of parental rights and for appointment of a guardian with power to consent to adoption, asserting that both parents were unfit to have R.D. under section 1(D)(m)(i) of the Adoption Act (750 ILCS 50/1(D)(m)(i) (West 2018)) in that they failed to make reasonable efforts to correct the conditions that were the basis for R.D.'s removal during any nine-month period after the adjudication of neglect and under section 1(D)(m)(ii) of the Adoption Act (*id.* § 1(D)(m)(ii)) in that they failed to make reasonable progress toward R.D.'s return during

any nine-month period after the adjudication of neglect. The State contended that it was in R.D.'s best interests that the parents' rights be permanently terminated and that R.D. be placed in DCFS guardianship. The petition identified the relevant period as January 16, 2018, through the date of the filing of the petition.

¶ 59 At the January 16, 2020, fitness hearing, the trial court took judicial notice of the fact that Georgia L. had prior juvenile cases in which she was found unfit at disposition and the children were returned to their fathers. Then, the following testimony was presented. Dr. Breitmeyer, a clinical psychologist, testified that he conducted Georgia L.'s psychological evaluation. During the evaluation, he concluded that her cognitive functioning was limited, and she suffered from post-traumatic stress disorder and mild depression. He evaluated her ability to parent and determined there were no significant findings that would rule out her parenting ability. He opined that she was likely able to parent with some caveats, as she needed mental health assistance with parenting. He recommended that someone regularly check to see how she was doing with parenting. He also recommended that she engage in simplified therapy.

¶ 60 Fish testified that she was the caseworker from July 2017 through July 2018. During that time, Georgia L. completed a substance abuse assessment, and there were no concerns about her misusing illegal substances. She completed a mental health assessment, and it was recommended that she engage in individual therapy and other community support systems. She was in contact with her therapist, but Fish did not know if she had completed her individual therapy. She was not engaged in those services at the time that Fish ceased being the caseworker. She was also referred for parenting services and attended a few

sessions, but she stopped going after the car accident. She did not complete parenting classes during this time. She was also referred for domestic violence counseling, but she never completed the assessment.

¶ 61 Fish testified that Christopher D. had completed a mental health and substance abuse assessment, but he did not follow through with the recommendation to engage in substance abuse treatment. He did not complete the anger management evaluation; he expressed that he did not need anger management. Fish explained that, during the meetings with the parents to discuss the service plans, they were only able to get to a certain point because there was always an explosive outburst, angry remark, or an objection directed toward Fish and her supervisor. Christopher D. attended a few sessions of parenting classes but also stopped going after the car accident.

¶ 62 Fish testified that she was able to observe the parents' interactions with R.D. at least every other month. During visits, Fish noted that Christopher D. got down on the ground to play with R.D., engaged with her, fed her, and changed her diaper. Georgia L. was usually holding R.D., so Fish did not see any playful interaction between them. She observed appropriate parenting between the two of them. She did not observe any safety issues with their behavior toward R.D., but there was one incident where Christopher D. became angry with her and her supervisor, and he threw paperwork at her supervisor while in R.D.'s presence. R.D. had to be removed from the room, and they ended the visit early. She acknowledged that Christopher D. did leave the room to calm down, which was an appropriate coping mechanism.

¶ 63 Fish testified that the parents had not made progress in their service plan tasks or efforts to correct the conditions that brought R.D. into care. She explained that they never demonstrated that they were able to progress to unsupervised visitation and were never rated satisfactory on their plans.

¶ 64 Lori Stover, the DCFS coordinator with Help at Home, testified that Help at Home took referrals from DCFS and subagencies to provide visitation, habilitation, and transportation to the parents. She noted that Help at Home began working with Christopher D. and Georgia L. on July 23, 2018; they supervised their visitations with R.D., provided transportation to services and visits, and provided parenting services. She testified that although they were currently supervising the visits, they stopped providing transportation services in December 2018; they decided it was unsafe because of Christopher D. and Georgia L.'s anger and how they treated the workers and the vehicles. She explained that there were reports of Christopher D. slamming the vehicle doors, kicking the back of the seats, and kicking the vehicles. She noted that six different workers were assigned to provide transportation for them; typically, only two transportation workers were assigned to a family. She explained that none of the workers wanted to work with them because of their attitudes and lashing out at the workers, and as the supervisor, she determined that it was unsafe to continue providing transportation for them. During one incident, a worker reported that Christopher D. got upset with her, used foul language, and lunged at her vehicle. The worker contacted Stover during the incident because she was scared to have Christopher D. in her vehicle, and Stover told her to leave. There was another incident

where they had two workers assigned to provide transportation for him because the driver did not feel comfortable having him sit behind her in the vehicle.

¶ 65 Regarding parenting services, Stover testified that the agency offered to provide its parenting coaching program to Christopher D. and Georgia L. They missed the first three scheduled sessions, but they attended the fourth session. However, they did not engage in the coursework because they were upset over the curriculum. During the incident, the worker contacted Stover, and Stover talked with the parents, who told her that they would not continue with the program until the word “job” was changed to “responsibility” in the curriculum. Stover explained that the program was a national program, and she could not change the curriculum, but they still refused to participate unless the wording was changed. As everyone was leaving, Christopher D. continued to yell profanities at the workers, and as Stover was driving away, he flipped her off and yelled profanities at her. She acknowledged that he was the person who was really upset, but Georgia L. defended him and also raised her voice at the workers. There was another incident where Christopher D. was describing his form of parenting and said that “[y]ou tell a child once; you tell a child twice” and then he put his hand in front of the coach’s face and slapped his hands together; the coach thought he was going to hit her. They eventually completed a 10-session parenting program through Riverbend Family Ministries.

¶ 66 As for visitation, Stover testified that the agency had provided visitation supervision for Christopher D. and Georgia L. since July 2018, but they only did the visitation at a facility with a security guard. She reviewed the case notes after every visit. The same person supervised the visits for a while, but when things began to escalate with the parents,

that person was changed. She had been called for incidents that occurred during the visits; she explained that when the case first started, she received a call every visit but recently things had improved, and she received fewer calls. On one occasion, she had to go to the visit to deescalate the situation. She explained that Christopher D. confronted the worker about the rule that phones could not be used during visits, which was in place so that parents focused on the child. She attempted to talk to him about the rule, but he did not listen. She also described the incident involving the diapers where he became aggressive with the caseworker while R.D. was present. While the caseworker was in the doorway, Christopher D. picked up R.D., walked over to the worker, and pulled the door out from behind her, which caused her to fall backward. He was screaming and yelling profanities, and security had to intervene. Stover acknowledged that it was obvious that they loved R.D., but their bickering with each other and their attitudes toward the caseworker took away from the visit time.

¶ 67 Gourdine testified that she was assigned to the case in June 2018. She noted that the tasks on the parents' service plans never changed because they had not made any substantial progress where the agency could move past those initial services and determine any other needs. Georgia L. was recommended for individual counseling, but she was unsuccessfully discharged because she had not attended a session since January 2019. She was also referred to trauma counseling and for a psychiatric assessment to determine whether there was any need for medication and monthly monitoring. She was referred to Alternatives Counseling, and she completed the assessment and attended two intake appointments and two additional appointments, but she did not attend any appointments

after that and was discharged in August 2019. She explained that her lack of attendance was because she did not feel comfortable going to a facility that treated sex offenders. She was never referred for psychiatric services because she needed to engage in other services first. Gourdine testified that Georgia L. was also referred to anger management and domestic violence services, but she never engaged in those services. Gourdine explained that throughout the case, anger was an issue for Georgia L. Georgia L. was extremely hostile, argumentative, and resistant to services even when in her best interests; Gourdine explained that there was a level of confrontation that made it difficult for the service providers and DCFS staff to work with Georgia L. and provide her with services. She also explained that domestic violence services were on Georgia L.'s service plan because Georgia L. had reported a past history of domestic violence and that combined with Christopher D.'s attitude put her at risk for being in a domestic violence relationship.

¶ 68 Christopher D. was referred for a substance abuse assessment, which he completed, but he never engaged in the recommended outpatient treatment. Gourdine then rereferred him to Chestnut for these services, but he never completed the assessment there. He did complete a mental health assessment, and there were no recommendations made based on that assessment. However, Gourdine explained that the decision to not recommend further services was based on an incomplete assessment. She did not refer him for another mental health assessment because the substance abuse assessment would reveal whether he needed any further mental health services. He was also referred for anger management services, but he never engaged in those services.

¶ 69 Gourdine testified that there were several anger management incidents with Christopher D. She described an incident in the December 2018 meeting where they had to have security guards present because Christopher D. was so volatile and verbally aggressive. They had to end the meeting because he would not calm down. She noted another incident on R.D.'s birthday where she was called into the visit because there were issues between Christopher D. and the case aide. She attempted to deescalate the situation because R.D. was there and so that Christopher D. and Georgia L. could continue with the visit, but Christopher D. would not stop talking about what made him upset. She eventually had to end the visit because he would not calm down. She explained that it was difficult to redirect Christopher D. once he was upset. There was another incident that she did not witness, which led to Christopher D. and Georgia L. not being allowed to return to the Granite City DCFS office.

¶ 70 Christopher D. was referred for a psychological assessment, but he refused to do the assessment unless Georgia L. could be present to act as his interpreter. When he was told that she could not be in the room with him, and he needed a hearing test, he became upset and balled up the paperwork that he was given. Between December 2018 and May 2019, there was no progress on Christopher D. completing a hearing evaluation. On July 22, 2019, he finally completed the test, and it was determined that he had hearing loss and hearing aids were recommended. In August 2019, Gourdine rereferred him for a psychological evaluation, but he never completed it.

¶ 71 Gourdine acknowledged that she had never witnessed Christopher D. or Georgia L. direct their anger toward R.D.; she only observed their anger being directed toward the

service provider workers. She also acknowledged that it was not uncommon for a parent to show anger at DCFS and the system, but she noted that the anger usually lessened at some point; she explained that the anger typically did not last 2½ years.

¶ 72 Gourdine testified that Christopher D. and Georgia L. had not been rated satisfactory the entire time she was their caseworker. The current visitation plan was one hour per month; this plan had been in place since the trial court changed the permanency goal. They attended visits regularly, and if they were not going to attend, they let her know why and had never just not shown up for a visit. She acknowledged that there were visitation reports that indicated that Christopher D. engaged with R.D. during visits, but there were also reports that stated he was lying on the floor a lot during the visit. Gourdine explained there was a point where she could no longer observe visits because it was clear that her presence was not conducive to a good visit; the parents wanted to talk with her about the case, and their focus was not fully on R.D. However, she noted that there was a case aide in the room to supervise the visits. She had to change the case aide worker several times because of incidents during the visits.

¶ 73 Gourdine opined that Georgia L. should be found unfit because R.D. had been in care for 2½ years, and Georgia L. had not made any significant progress with her recommended services; she explained that they were at a place where they just kept referring and doing intakes, and she was concerned that Georgia L. would never complete services. She also opined that Christopher D. should be found unfit because he had also made no significant progress on his services; she noted that his services had been the same

since the beginning of the case, and he still had not made any progress to mitigate any of the safety concerns.

¶ 74 Jackson testified that she was R.D.'s foster parent for the first year of R.D.'s life, that R.D. came to her home when R.D. was a few days old, and that she supervised the parents' visits with R.D. She explained that they visited R.D. five days per week the entire time that R.D. was living in her home; the visits were usually five hours. There were never any problems during visits, and she never feared for her safety. During visits, she observed normal behavior between the parents and R.D. Jackson observed that Georgia L. spent as much time as she could with R.D. and that she loved R.D. She did not remember how often Fish was at the visits, but she noted that it was not often. She acknowledged that Christopher D. and Georgia L. had gotten "a little loud on occasion" with Fish, but she was never worried about R.D.'s safety. She acknowledged that there was an incident where she had to remove R.D. from the room because Christopher D. had gotten upset and raised his voice and that he did get "a little angry at times." Although she testified that she was not afraid for R.D.'s safety at that time, she agreed that children should not be around loud disputes.

¶ 75 Robert Perigo, Georgia L.'s father, testified that he had attended visits with Georgia L. and Christopher D. and observed them feeding R.D., bathing her, and doing her laundry. He explained that they did everything that they were supposed to do, and they knew how to take care of R.D. He noted that R.D. had a bond with Georgia L. He never witnessed them doing anything that might harm R.D. or anything that would make him concerned for R.D.'s safety. He also never witnessed any yelling or verbal escalations during the visits.

¶ 76 After hearing the testimony, the trial court announced its finding that the State had proven, by clear and convincing evidence, that Georgia L. was unfit to have R.D. under section 1(D)(m)(i) of the Adoption Act (*id.* § 1(D)(m)(i)) in that she failed to make reasonable efforts to correct the conditions that were the basis for R.D.'s removal during any nine-month period after the adjudication of neglect, and under section 1(D)(m)(ii) of the Adoption Act (*id.* § 1(D)(m)(ii)) in that she failed to make reasonable progress toward R.D.'s return during any nine-month period after the adjudication of neglect. In making this finding, the court noted that it was clear that Georgia L. loved R.D. but that was not the issue. The court found that she completed her parenting classes, but she did not complete substance abuse,³ anger management, and domestic violence services. The court indicated that the anger management issue was the most concerning issue.

¶ 77 As for Christopher D., the trial court found that the State had proven, by clear and convincing evidence, that he was unfit to have R.D. under section 1(D)(m)(i) of the Adoption Act (*id.* § 1(D)(m)(i)) in that he failed to make reasonable efforts to correct the conditions that were the basis for R.D.'s removal during any nine-month period after the adjudication of neglect, and under section 1(D)(m)(ii) of the Adoption Act (*id.* § 1(D)(m)(ii)) in that he failed to make reasonable progress toward R.D.'s return during any nine-month period after the adjudication of neglect. The court also noted there was no doubt that Christopher D. loved R.D. but again that was not the issue. The court found that

³This finding was not supported by the evidence and will be addressed later in this decision.

the biggest issues were anger management and mental health, and the fact that Christopher D. had not completed those services.

¶ 78 On January 23, 2020, a best interest hearing report was filed, which indicated the following. On August 6, 2018, R.D. was placed in the fictive kin home of Shannon Holmes. Holmes had known R.D. since birth and previously provided care for her. R.D. was current on her medical well-child examinations and immunizations; was receiving weekly physical and speech therapy; had atypical chewing skills, which required therapy to correct; and had balance issues related to her gait. She was currently enrolled in an early education program where a teacher visited her home weekly; she was making progress in this program and meeting her academic milestones.

¶ 79 Since being placed in Holmes's home, R.D. had bonded with Holmes and Holmes's family; she expressed spontaneous affection with Holmes through hugs, kisses, and climbing on her lap. Holmes was devoted to R.D.'s care and well-being; was attentive to all of R.D.'s emotional needs; and ensured that R.D.'s medical, mental health, developmental, and educational needs were met. Holmes requested a developmental screening due to concerns that she had with R.D.'s balance and eating behaviors, and R.D. was now receiving physical therapy and speech therapy. R.D. was secure and attached to Holmes; although she engaged in her visits with her parents, she transitioned readily to her home environment once visits were over; she did not demonstrate any separation anxiety or distress when she returned home; and she had not exhibited any behavioral problems, stress, or physical changes since visits were reduced. R.D. also had visits twice per month for two hours at the foster home of her younger sibling, who had resided in a traditional

foster home since birth (October 28, 2019), and she enjoyed these visits. She did not have any contact with her three older siblings, who were not in DCFS care and resided with their fathers. She was too young to verbalize her opinion on being adopted.

¶ 80 The report indicated that Georgia L. had attended almost all of her scheduled visits with R.D.; that Georgia L. engaged with R.D. during visits; that R.D. responded to Georgia L.'s efforts to play with her and care for her; that R.D. was active during visits and showed affection to Georgia L.; and that when the visits were over, R.D. hugged Georgia L. and waved to her. However, there were several visits where Georgia L. discussed the DCFS case in R.D.'s presence, became angry during the discussions, and the visits eventually had to be moved to the Madison County courthouse due the parents' aggressive behavior. Christopher D. had also attended almost all of his scheduled visits with R.D.; he engaged with her; he showed her affection through hugs, kisses, and sitting her on his lap; she responded to his efforts to play with her and care for her; she showed affection to him; and she hugged him when visits were over. Georgia L.'s ability to parent R.D. remained significantly impaired because of her unresolved issues with mental health, anger management, and domestic violence, and Christopher D.'s ability to parent was also significantly impaired by his failure to fully engage in services related to substance abuse, mental health, and anger management.

¶ 81 At the best-interest hearing on the same day, the following testimony was presented. Gourdine testified that she was R.D.'s caseworker and that R.D. was currently 2½ years old. A home safety inspection was completed on the foster home, and it met the minimum DCFS standard. R.D. lived in a four-bedroom home with her foster mother and the foster

mother's two sons, who were 13 and 11 years old. Gourdine observed R.D. in the home once per month; she noted that the home was appropriate for a child, that R.D. had a safe place to sleep, that she had appropriate clothing and educational toys, and that all her needs were being met. Gourdine also observed that R.D. was integrated into the family, that R.D. freely interacted with the other children and the foster mother, that she showed spontaneous affection to them by sitting on her foster mother's lap and giving her hugs and kisses, that she showed no fear of anyone in the house, that she was responsive when asked things, and that she was bonded with her foster mother. Gourdine noted that everyone catered to R.D.'s needs, and there were no limitations put on her that would affect her being able to play, move around, and develop in the home.

¶ 82 Gourdine testified that R.D. was doing at-home physical therapy because of balance, coordination, and gross motor issues. The foster mother participated in the sessions because R.D. had homework between sessions. The physical therapist reported that the homework was being done and that R.D. had made improvements. R.D. also recently started speech therapy. The foster mother was employed as a nurse, and her knowledge and professional background helped her recognize R.D.'s developmental issues. The foster mother signed a permanency commitment and was willing to adopt R.D.

¶ 83 Gourdine opined that although R.D. had a relationship with her parents and they loved her, it would not be detrimental to her if Christopher D. and Georgia L.'s parental rights were terminated. Gourdine explained that although R.D. had regular visits with her parents, and she participated in those visits, she easily transitioned back into her role in the foster home when the visits were over. R.D. did not exhibit any anxiety while going to and

from visits, and her emotional and physical needs were met in the foster home. Gourdine believed that it would be detrimental for R.D. to remain in care and allow her parents to continue to work on services. Currently, R.D. did not know that she was in care, but as she got older, she would become aware of having the structured sibling and parents' visits. Gourdine explained that the longer children were in care, the more knowledgeable they become about their situation, which could have a negative impact. She explained that getting a child out of care in the early developmental stages was less traumatic for the child. She opined that it was in R.D.'s best interest for parental rights to be terminated, so that R.D. could achieve permanency in another home. R.D. had been in care almost her entire life, and there had not been any significant progress for reunification with her parents. Based on the parents' lack of engagement and interest in completing services, she was concerned that this case would continue indefinitely, and R.D. would remain in care without any progress toward reunification.

¶ 84 Gourdine testified that R.D. had a younger biological sister, who was placed in care, and the permanency goal was currently to return her home to Christopher D. and Georgia L.; Gourdine acknowledged that the sister could be returned home if the parents successfully completed their services. However, she explained that the infant sister's return home goal did not change her recommendation for R.D. because they had two different goals and were at different stages in the proceedings; she noted that R.D. was older and had been in care longer. She also did not believe that Christopher D. and Georgia L. would be able to adequately advocate for R.D.'s special needs because they had demonstrated difficulty in working with professionals and service providers.

¶ 85 Georgia L. testified that when R.D. initially saw her and Christopher D. at visits, she would run up to them smiling and say mommy and daddy. During visits, she engaged with them. There were a few times after visits where R.D. would cry and reach for them. Georgia L. did not know the foster mother well, but she requested that DCFS drug test the foster mother because Georgia L. believed that she had substance abuse issues. DCFS refused to drug test her. Georgia L. testified that she purchased items for R.D. and gave them to the foster mother. She loved R.D. and did not think that her parental rights should be terminated. She acknowledged that she did not have custody of her other children, but she noted that she had visitation with them.

¶ 86 The guardian *ad litem* (GAL) testified and recommended that the trial court find that it was in R.D.'s best interests for the parental rights to be terminated, so that R.D. could be free for adoption.

¶ 87 After hearing the testimony and the GAL's recommendation, the trial court found that it was in R.D.'s best interests for parental rights to be terminated. In making that decision, the court stated as follows:

“In evaluating the child's best interest, the Court uses the factors set forth in 705 ILCS 405/1-3 (4.05). I'm not going to go through all the factors here, but the ones that jump out most are Factor A and Factor G.

Factor A is the physical safety and welfare of the child. Unfortunately, the parents here have anger issues that they refuse for some reason to address. Anger on a child is bad. One, it *** might blow up and physically hurt the child. But even if you didn't hurt the child, studies have shown time and time again that the child is in a situation where there's anger issues going on it affects them emotionally, physically. They can't concentrate in school. There's problems that affect them their entire lives. And there's no doubt that both of you have anger issues which you refused to address.

And the next one is G, which is the child's need for permanency. The case has been going on for two and a half years, and there's no *** evidence that things are going to change, and I can't let the child go on like this.

So, based upon the evidence presented to the Court, the recommendation of the Guardian *ad litem*, the Court finds that the State has proved by a preponderance of the evidence that it is in the best interest and welfare of the minor and the public that all parental rights and residual parental rights going to and through the Respondents Georgia [L.] and Christopher [D.] with respect to the minor are hereby permanently terminated.”

¶ 88 That same day, the trial court entered a written order, finding that termination of parental rights was in R.D.'s best interests. In making this decision, the trial court noted that the current foster parent had a previous relationship with R.D.; that she wished to adopt R.D. and had signed permanency commitments; that R.D. had bonded with the foster family; that R.D.'s physical, emotional, psychological, and financial needs were being met in the foster home; that the foster parent adequately advocated for R.D.'s developmental and educational needs to be met; that R.D. would not be negatively impacted by the parental rights termination decision; that R.D.'s parents had issues with anger management that had not been corrected in the 2½ years that the case was pending, which created a safety risk for R.D.; and that R.D. was in need of permanency. Thereafter, Christopher D. and Georgia L. appealed.

¶ 89

II. ANALYSIS

¶ 90

A. Fitness Determination

¶ 91 Georgia L. argues that the trial court erred in finding her unfit because the evidence did not satisfy the statutory standard for termination. Christopher D. argues that the trial court's fitness determination was against the manifest weight of the evidence.

¶ 92

1. *The Applicable Law and Standard of Review*

¶ 93 Termination of parental rights proceedings are governed by the Juvenile Court Act (705 ILCS 405/1-1 *et seq.* (West 2018)) and the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 2018)). *In re D.F.*, 201 Ill. 2d 476, 494 (2002). A petition to terminate parental rights is filed under section 2-29 of the Juvenile Court Act, which delineates a two-step process in seeking to terminate parental rights involuntarily. 705 ILCS 405/2-29(2) (West 2018). The State must first establish, by clear and convincing evidence, that the parent is an unfit person under one or more of the grounds of unfitness enumerated in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2018)). 705 ILCS 405/2-29(2), (4) (West 2018); *D.F.*, 201 Ill. 2d at 494-95. Because each of the statutory grounds of unfitness is independent, the trial court's finding may be affirmed where the evidence supports a finding of unfitness as to any one of the alleged grounds. *In re C.W.*, 199 Ill. 2d 198, 217 (2002).

¶ 94 Our courts have recognized that parental rights and responsibilities are of deep importance and should not be terminated lightly. *In re C.P.*, 191 Ill. App. 3d 237, 244 (1989). Thus, parental rights may be terminated only after a finding of unfitness that is supported by clear and convincing evidence. *In re Gwynne P.*, 346 Ill. App. 3d 584, 590 (2004). A finding of parental unfitness will not be disturbed unless it is against the manifest weight of the evidence. *In re R.L.*, 352 Ill. App. 3d 985, 998 (2004). A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or the determination is unreasonable, arbitrary, or not based on the evidence presented. *D.F.*, 201 Ill. 2d at 498. A trial court's finding of unfitness is given great deference because it

has the best opportunity to view and evaluate the parties and their testimony. *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064 (2006). A reviewing court, therefore, does not reweigh the evidence or reassess the credibility of the witnesses. *In re M.A.*, 325 Ill. App. 3d 387, 391 (2001).

¶ 95 Here, the trial court found Georgia L. and Christopher D. unfit for the following two grounds: (1) under section 1(D)(m)(i) of the Adoption Act, they failed to make reasonable efforts to correct the conditions that were the basis for R.D.'s removal during any nine-month period after the adjudication of neglect, specifically between January 16, 2018, through August 20, 2019; and (2) under section 1(D)(m)(ii) of the Adoption Act, they failed to make reasonable progress toward R.D.'s return during any nine-month period after the adjudication of neglect, specifically between January 16, 2018, through August 20, 2019.

¶ 96 Reasonable efforts and reasonable progress are two distinct grounds of unfitness under section 1(D)(m). *Daphnie E.*, 368 Ill. App. 3d at 1066. Reasonable efforts relate to the goal of correcting the conditions that caused the removal of the child and are judged by a subjective standard based upon the amount of effort that is reasonable for that particular parent. *R.L.*, 352 Ill. App. 3d at 998. The court must determine whether the parent has made earnest and conscientious strides toward correcting the conditions that led to the removal of the minor from the home. *In re L.J.S.*, 2018 IL App (3d) 180218, ¶ 24. In contrast, reasonable progress is judged using an objective standard that focuses on the steps the parent has taken toward the goal of reunification. *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. The standard by which progress is measured is the parent's compliance with

the court's directives and the service plans in light of the conditions that gave rise to removal and other conditions that later become known and would prevent the court from returning custody of the child to the parent. *Id.* "Reasonable progress exists when the trial court can conclude that it will be able to order the child returned to parental custody in the near future." *Daphnie E.*, 368 Ill. App. 3d at 1067.

¶ 97 The State identified the relevant nine-month period for reasonable efforts and progress as the first nine months immediately following the January 16, 2018, adjudication of neglect. The trial court found that reasonable efforts or reasonable progress had not been made between January 16, 2018, through August 20, 2019.

¶ 98 *2. Georgia L.*

¶ 99 Georgia L. contends that the evidence did not satisfy the statutory standard for termination of her parental rights, *i.e.*, that the requisite services must be reasonably related to remedying the conditions that gave rise to the finding of neglect. See 705 ILCS 405/2-28(2) (West 2018) (any task the court requires of the parents must be reasonably related to remedying the conditions that gave rise to or which could give rise to any finding of child abuse or neglect). Specifically, she argues that services for anger management and domestic violence should not have been part of her plan because those services were not part of her previous plans concerning her older children, there was no evidence presented that supported the need for these services, and these services did not reasonably relate to remedying the conditions that brought R.D. into care. She also argues that she successfully completed two of the tasks on her service plan, parenting and substance abuse, and that

mental health was not mentioned in the court's announcement of its order, so the court did not find that it supported a finding of parental unfitness.

¶ 100 In response, the State initially acknowledges that Georgia L. completed substance abuse service and requests that this court, pursuant to Illinois Supreme Court Rule 615(b)(2) (eff. Jan. 1, 1976), correct the trial court's order where it indicated that Georgia L. had not completed these services. However, the State contends that, even with that modification to the court's order, the court's findings that Georgia L. had failed to make reasonable progress or reasonable efforts were not against the manifest weight of the evidence.

¶ 101 Initially, we agree with Georgia L. and the State that although the trial court's finding her unfit was partly based on the fact that she had not completed substance abuse services, the record reveals that she had successfully completed those services. Thus, we modify the court's January 23, 2020, order finding Georgia L. unfit and terminating her parental rights to reflect that she had successfully completed substance abuse services. However, even with this modification, we conclude that the court's findings that she had failed to make reasonable efforts or reasonable progress following the adjudication of neglect were not against the manifest weight of the evidence.

¶ 102 The record reveals that R.D. was brought into care at birth as there was a risk of harm because Georgia L. had previously indicated findings with DCFS in which her oldest child was found to be neglected due to environmental neglect and failure to thrive, and this resulted in the older children being taken from her care and their respective fathers being granted custody. Hill, the DCFS investigator, who testified that she was mandated to check

on R.D. within 24 hours of a report concerning possible abuse or neglect, noted that both Christopher D. and Georgia L. responded with hostility and aggression when she attempted to check on R.D.; the parents were so hostile that she had to involve the Maryville Police Department and hospital security so that she could observe R.D. as required. Although she did not observe any signs of abuse or neglect, DCFS ultimately determined that R.D. needed to be placed in protective custody because of the prior indicated reports, Christopher D.'s previous indicated reports, the parents' prior court involvement, the parents' aggressive behavior, and the parents' failure to complete mental health and substance abuse services in the previous case. Hill testified that the parents could have avoided R.D. being placed in protective care by engaging in mental health and substance abuse services. However, because they refused to cooperate and denied needing any services, R.D. was placed into care.

¶ 103 Georgia L.'s service plan identified the following services: substance abuse, mental health, parenting, anger management, and domestic violence. At the unfitness hearing, the State presented testimony from Georgia L.'s caseworkers, which outlined her unsatisfactory efforts and lack of compliance with the service plan and with the providers and showed her unwillingness to address the issues that were raised in her service plan. During the time period identified by the State, the nine months following the January 2018 adjudication of neglect, Georgia L. did complete her mental health assessment, but she did not engage in any of the recommended mental health services. She also did not engage in domestic violence or anger management services. Throughout the life of this case, 2½ years, she was never rated satisfactory for her service plan, she never followed through

with the recommendations from the mental health assessment to engage in individual counseling, she never engaged in anger management or domestic violence services, and she never reached the point where she was given unsupervised visits with R.D. Although she did start individual counseling, she was unsuccessfully discharged from that program due to lack of attendance. Despite having three opportunities to engage in anger management services, she failed to register for the classes in September 2018, May 2019, and July 2019. She completed her parenting program, but only after she was referred to a different program because of her and Christopher D.'s hostility toward the program workers and argumentativeness over the course curriculum. Throughout these 2½ years, there were several instances where Georgia L. was unable to control her frustration and anger with the service providers, and her confrontational attitude did not seem to abate. Most importantly, in some instances, her hostility occurred in R.D.'s presence, and she was not able to deescalate so that she could continue visits. Since the adjudication of neglect, Georgia L. has failed to make a conscientious effort to correct the conditions that brought R.D. into care and has failed to make reasonable progress toward R.D.'s return.

¶ 104 Although Georgia L. contends that anger management and domestic violence should not be included in her service plan, we find that there was plenty of support in the record for those services to be recommended. As stated above, there were several instances of hostility and aggression directed toward caseworkers and service providers as well as reports of bickering between her and Christopher D. during visits. Although this anger and hostility was not directed toward R.D., it did occur in her presence. As noted by the trial court, even if a parent does not physically harm their child, witnessing a parent's anger

issues can have an emotional effect on that child. The evidence reveals that Georgia L. lacked anger management skills and was unable to deescalate at a time when there were drastic consequences to her loss of control, *i.e.*, termination of parental rights. Thus, the record demonstrates that anger management services were reasonably related to remedying the conditions that gave rise to or which could give rise to a finding of child neglect. Moreover, it was reported that the domestic violence services were in her plan because she self-reported past domestic violence issues, and she was married to someone who had his own issues with anger management.

¶ 105 Based on the evidence presented at the fitness hearing, the trial court properly concluded that during any nine-month period following the adjudication of neglect, Georgia L.’s efforts or progress were not reasonable. R.D. was no closer to a return home at the end of the 2½ years than at the beginning.

¶ 106 *3. Christopher D.*

¶ 107 The record reveals that R.D. was also brought into care because Christopher D. had previously been investigated for physical abuse to his niece, and he was indicated for “cuts, welts, and bruises.” The report indicated that he had gotten into an argument with his sister while she was holding his niece, and his niece had bruising as a result of the incident. His service tasks were substance abuse assessment, mental health assessment, parenting, and anger management. During the specific time identified by the State, nine months after the January 2018 adjudication of neglect, Christopher D. had not engaged in substance abuse treatment or anger management services. Despite several instances in the record where he was unable to control his anger, he indicated that he did not need anger management

services. Although he eventually completed parenting and a mental health assessment, he never engaged in anger management or the recommendation to engage in substance abuse treatment. Throughout the case, he exhibited aggressive and hostile behaviors, specifically directed at the DCFS caseworkers and service providers, and many service providers refused to work with him because they felt threatened and unsafe. There were even a few instances of physical aggression directed toward the providers, one of which resulted in physical injuries to a worker. His hostile and aggressive behavior was also displayed in front of R.D. Based on the evidence presented at the fitness hearing, his unresolved anger issues, unwillingness to engage in services, lack of cooperation with service providers, and lack of engagement in services, we conclude that the trial court's findings that Christopher D. had not made reasonable efforts or progress were not against the manifest weight of the evidence.

¶ 108

B. The Best-Interest Determination

¶ 109 If the court finds that the parent is unfit, the matter proceeds to a second hearing, at which the State must prove that termination of parental rights is in the best interests of the child. 705 ILCS 405/2-29(2) (West 2018); *D.F.*, 201 Ill. 2d at 495. Following a finding of parental unfitness, the focus shifts entirely to the child. *In re D.T.*, 212 Ill. 2d 347, 364 (2004). At the best-interest stage, all considerations must yield to the best interest of the child and the parent's interest in maintaining a parent-child relationship yields to the child's interest in a stable, loving home life. *Id.* At this point, the State must prove by a preponderance of the evidence that termination of parental rights is in the child's best interest. *Id.* at 366.

¶ 110 In reaching a best-interest determination, the trial court must consider, within the context of the child's age and developmental needs, the following factors: (1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's familial, cultural, and religious background and ties; (4) the child's sense of attachments, including love, security, familiarity, continuity of affection, and the least disruptive placement alternative; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child. *In re Dal. D.*, 2017 IL App (4th) 160893, ¶ 52; see also 705 ILCS 405/1-3(4.05) (West 2018).

¶ 111 Here, the trial court found that termination of Christopher D. and Georgia L.'s parental rights was in R.D.'s best interests. In so deciding, the court found that the current foster parent had a relationship with R.D. prior to R.D. being placed in her care; that she wished to adopt R.D.; that R.D. was bonded with her; that R.D.'s emotional, psychological, and financial needs were being met; that the foster mother adequately advocated for R.D.'s developmental and educational needs; that R.D. would not be negatively impacted by termination; that Christopher D. and Georgia L. had anger issues that they refused to address; that even if the child was not physically harmed, their anger would have an emotional effect on R.D.; and that R.D. needed permanency as the case had been ongoing for 2½ years. We conclude that Christopher D. and Georgia L. have not established that the court's best-interest finding was against the manifest weight of the evidence. At the

best-interest hearing, Gourdine testified that R.D. was 2½ years old, that she had been in care since birth, and that she was placed in a foster home with a foster mother who had known her since birth. She was attached to her foster mother, all of her needs were being met in the home, she was integrated into the family, and she freely interacted with the other children in the house. Her foster mother was taking the appropriate steps to improve her balance and coordination issues and her speech therapy issues. Her foster mother was a nurse, which assisted the mother in providing for her needs, and she was the person who identified R.D.'s swallowing issues and advocated for her to start speech therapy intervention. The foster mother had signed a permanency commitment and was willing to support R.D. having contact with her biological siblings. Gourdine also noted that R.D. loved her foster family, showed spontaneous affection to them, and showed no fear to anyone in the home. Although R.D. also had a loving relationship with her parents, Gourdine noted that she easily transitioned back into the foster home after visits with them.

¶ 112 As for permanency, Gourdine noted that, currently, R.D. did not realize that she was in care but that would change as she got older and became more aware of having structured sibling and parent visits; Gourdine explained that the longer R.D. was in care, the more likely that it would have a negative impact on her. Also, in the 2½ years that R.D. had been in care, there had not been any significant progress toward services by her parents to reach a reunification with them. Although the record revealed that both Christopher D. and Georgia L. loved and cared for R.D., their lack of engagement or interest in engaging in services made it likely that services would continue indefinitely if R.D. remained in care and that no progress would be made toward reunification (they never reached a point where

they could have unsupervised visits with R.D.). Gourdine and the GAL both recommended that their parental rights be terminated. Given the above evidence, we conclude that, after considering the statutory factors, the trial court's findings that it was in R.D.'s best interests to terminate Christopher D. and Georgia L.'s parental rights are not against the manifest weight of the evidence.

¶ 113

III. CONCLUSION

¶ 114 For the foregoing reasons, we affirm as modified the judgment of the circuit court of Madison County.

¶ 115 Affirmed as modified.