

No. 1-19-0029

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

<i>In re</i> V. R-A., J. R-A., Minors,)	Appeal from the
)	Circuit Court of
Appellees-Cross-Appellants,)	Cook County.
)	
(People of the State of Illinois,)	
)	Nos. 14 JA 0503
Petitioner-Appellee,)	14 JA 0504
)	
v.)	
)	
Brian A.,)	Honorable
)	Bernard J. Sarley,
Respondent-Appellant).)	Judge, presiding.

JUSTICE ROCHFORD delivered the judgment of the court.
Justice Lampkin concurred in the judgment. Justice Hall dissented.

ORDER

¶ 1 *Held:* We affirmed the order finding the father, respondent-appellant, unfit to parent his minor sons based on his continued relationship with the mother and his minimalization of the risks posed by the mother's mental health issues and aggressive behavior and the order finding it was in the best interest of the minors to terminate his parental rights as those orders were supported by the manifest weight of the evidence.

¶ 2 Brian A, respondent-appellant, (the father) appeals from orders finding his minor sons, V. R-A., born on April 7, 2012, and J. R-A., born on May 12, 2014, (the minors) were neglected and terminating his parental rights. The mother of the minors, Marie R., (the mother) is not a party to this appeal.¹ We find that the father failed to show that the orders were against the manifest weight of the evidence and affirm.

¶ 3 BACKGROUND

¶ 4 We include facts relating to the mother as relevant to the orders which are being challenged by the father on appeal. Our recitation of the facts is lengthy as the record in this case is extensive.

¶ 5 In early May 2014, the father, the mother, and V. R.-A. were living in a home in Skokie, Illinois. The family first came to the attention of the Illinois Department of Children and Family Services (DCFS) after police visited the home on May 5, 2014. At that time, the mother was pregnant. V. R-A. was taken into limited protective custody.

¶ 6 After the birth of J.R-A., the State filed petitions to adjudicate the minors wards of the court (petitions), which contended that the minors were neglected or abused pursuant to sections 405/2-3(1)(b) [environment injurious] and 405/2-3(2)(ii) [substantial risk of physical injury] of the Juvenile Court Act (Act). 705 ICLS 505/2-3(1)(b), 2-3(2)(ii). The State alleged:

¹ In the mother's appeal (No. 1-18-2669), her attorney filed a motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967); on August 9, 2019, we granted the motion and affirmed the circuit court's orders finding the mother unfit and terminating her parental rights.

“On March 12, 2014, illegal substances and drug paraphernalia were found in the family home. Putative father admitted to using and selling illegal substances.² Putative father was observed to behave in a bizarre manner and was making illogical statements. On May 5, 2014, both parents were observed to be behaving in a bizarre manner. Putative father was observed to be suffering from delusional thoughts and mother was unable to form complete sentences. Mother has been diagnosed with bipolar disorder, manic. Mother has a history of psychiatric hospitalizations. On May 9, 2014, mother was psychiatrically hospitalized due to delusional thoughts and aggressive behaviors. Putative father has been diagnosed with delusional disorder and schizophrenia, paranoid type. Putative father is non-compliant with psychiatric care. Putative father minimizes his mental health issues. Putative father is often observed to have rapid speech and obsessive thought patterns. Parents reside together and paternity has not been established.”

¶ 7 On May 20, 2014, the circuit court made findings of paternity after the father admitted to being the biological father of the minors and appointed the Cook County Public Guardian as guardian *ad litem* (GAL) for the minors. The State was given leave to amend the petitions to add a charge that the minors were dependent based on allegations that they were without proper care due to the physical/mental disabilities of the mother and the father under section 405 2/4(1)(b) of the Act.

¶ 8 Additionally, after an evidentiary hearing on the State’s motions for temporary custody, the circuit court found that the minors were abused/neglected/dependent but ordered that the

² The record shows that the father was criminally charged with production of cannabis and manufacture/delivery of cannabis in March 2014 and was later placed on probation after being found fit to stand trial.

minors remain in the care of the father and the mother under an order of protection, which, in part, required them to undergo substance abuse and mental health treatment.

¶ 9 The State, on June 19, 2014, filed an emergency motion to violate and vacate the order of protection (emergency motion). The State alleged that during unannounced visits to the home, a DCFS intact caseworker discovered the mother was showing signs of severe manic symptoms, was not taking her medication, and acted in a threatening manner toward her. The State also asserted that the father had failed to attend substance abuse counseling, had tested positive for marijuana, was not receiving psychiatric treatment, and was actively delusional. Additionally, the father had not followed a recommendation that he seek psychiatric treatment for the mother.

¶ 10 On that date, the circuit court, pursuant to the emergency motion, entered a temporary custody order finding that probable cause existed that the minors were abused/neglected/dependent and that there was an immediate and urgent necessity supporting their removal from the home. The minors were placed in the guardianship of DCFS. The mother and the father were permitted supervised visits.

¶ 11 On October 20, 2014, the State was allowed to amend the petitions to add additional supporting factual allegations, as follows:

“On June 4, 2014, [the father] was observed to make made [*sic*] delusional statements while in the presence of the [minors]. On or about June 18, 2014, [the mother] made nonsensical statements to DCFS personnel. On or about June 30, 2014, [the minors] were removed from the parent’s care. On or about July 2, 2014, Chicago Police Officers responded to the family’s visit at a DCFS office. On or about July 2, 2014, Chicago Police Officers found [the mother] outside a DCFS office with a knife in her car. Since

May 20, 2014, [the mother] has been psychiatrically hospitalized multiple times. [The mother] and [the father] have been non-compliant with services.”

¶ 12 After an evidentiary hearing on April 6, 2015, the circuit court entered an adjudication order finding the minors were abused or neglected in that they were subject to an injurious environment. The order was based on findings that the mother had ongoing, untreated mental health issues and was not taking needed medication and the father abused marijuana. In a disposition order, the court found the mother and the father were unable for some reason other than financial circumstances alone to care for, protect, train, or discipline the minors and that services meant to preserve the family had been unsuccessful. A permanency order set a goal that the minors return home within 12 months.

¶ 13 On October 8, 2015, the circuit court entered an order finding the mother had not made substantial progress but the father had made “some” progress toward the goal of the minors returning home within 12 months and this goal was set again by the court. A visitation order entered on that day, allowed DCFS the discretion to provide the father supervised or unsupervised day visits at the DCFS office only and required that during the visits, the father was to ensure the minors had no contact with the mother, including by phone or video calls. Subsequently, on November 30, 2015, the court ordered that DCFS had the discretion to begin unsupervised day visits with the father in the community; the father was to ensure the mother had no contact with the minors, during those visits.

¶ 14 In a December 2015 service plan, DCFS cautioned that if the parents did not comply with services, it would request a goal change.³ Recognizing that the mother has a bipolar diagnosis and has had recurrent psychiatric hospitalizations, impacted by her noncompliance with medication, DCFS recommended that she “undergo an extensive evaluation by a psychologist because of concerns over her aggression and violent outbursts which pose a threat to [the minors].” According to the plan, the father was committed to continuing his relationship with the mother and they continue to live together. The father stated that the minors were removed without “provocation” and that the mother’s mental health conditions did not pose a danger to the minors. Because the foster parents were concerned about V. R-A.’s behavior after visits, DCFS recommended a parenting coach for the father.

¶ 15 The court entered visitation orders on December 28, 2015, July 20, 2016, and October 10, 2016. The orders allowed the father unsupervised day visits and each order directed the father that the mother was to have no contact with the minors during his visitations. However, the father’s unsupervised visits were suspended on March 8, 2017.

¶ 16 On April 14, 2017, the circuit court held a permanency hearing. At the outset, the court admitted the following exhibits of the State without objection: the records of the April 6, 2015 permanency planning hearing; the December 16, 2016 service plan; the Cook County Juvenile Court Clinic Evaluation (JCCE) of October 17, 2016; the mother’s reports from the Forensic Clinical Services Division of the Criminal Court from March 2017; a letter from Turning Point as to the father; and two records from Kolleen Blume, V. R-A.’s play therapist.

³ This plan is one of seven service plans which were admitted without objection into evidence at the termination hearing at the request of the State.

¶ 17 Julia Bolden, a child welfare specialist and the DCFS case manager for the minors, since November 2014, testified as follows. The minors have been in a nonrelative foster home, with A.P. and J.P. (the foster parents), which is safe and appropriate. However, Ms. Blume reported that on March 7, 2017, during a therapy session, V. R-A. stated that the father had spanked him and that his former foster mother (A.T.), who was to have no contact with the minors, had been at a visitation with the father.⁴ When asked about this report, A.T. admitted that she had been to the home with gifts for the minors but did not see them. The father denied that he hit V. R-A. and denied knowing that A.T. could not have contact with the minors.

¶ 18 V. R-A. has been receiving special education services for developmental delays and for behavioral issues, which had “recently started up again.” J. R-A. receives speech therapy.

¶ 19 The mother was arrested on March 3, 2017, and was in the Cook County jail.⁵ Her services were “outstanding and necessary.”

¶ 20 The father was in compliance with mental health services, completed parent coaching classes, no longer needed psychiatric medication but was to continue individual therapy. His substance abuse assessment determined that he did not need services; his random urine drops have been negative. The father reported that he obtained an apartment in early 2017. The father’s visits were changed from unsupervised to supervised in March 2017. The father cancelled his scheduled visitation with the minors on March 31, 2017, and was seen at the courthouse for the mother’s appearance in her criminal case on that day.

⁴ On November 21, 2014, the court entered an order directing that the minors be immediately removed from A.T.’s foster home due to risk of harm.

⁵ The record reveals that the mother was charged with aggravated battery to a police officer and battery to a retail employee, on March 2, 2017. After being found fit for trial with medication, she received probation. She also had other arrests in 2015 and 2016.

¶ 21 Ms. Bolden explained that after a DCFS staffing meeting, on March 17, 2017, the recommended goal for the minors was changed to substitute care pending termination of parental rights for several reasons. The mother had not been fully engaged with services for over two years and did not feel she needed them. The father remained in a relationship with the mother which had been ten years in length and “he may have the [minors] still involved with [the mother].” V. R-A. reported that he saw the mother during unsupervised visits with the father; the mother had left a voicemail with DCFS indicating that she had seen the minors. The father acknowledged that the minors may see the mother as she leaves the home when they arrive for visits. Because of the mother’s mental health issues, DCFS feared that the father could not keep the minors safe.

¶ 22 A.P. testified that the minors have lived with him and his husband (J.P.) for over two years. On March 4, 2017, V. R-A. told A.P. that the father had spanked him, while they were in a gas station bathroom and V. R-A.’s pants were down. The next day, during play therapy at the foster home, V. R-A. told Ms. Blume that he was taken to the gas station bathroom and spanked by the father on his bare “butt.” V. R-A. also said that the minors had seen A.T. during a visit with the father. On March 10, 2017, at bedtime, V. R-A., while crying, said that the father told him to say that he and J. R-A. wanted “to move in with [the father] at his new apartment.” V. R-A. told A.P. that he wanted to stay in the foster home.

¶ 23 During the past twelve to eighteen months, after visits with the father, V. R-A. frequently (“three quarters of the time”) reported to the foster parents that he was seeing and interacting with the mother during the visits. In January or February 2017, V. R-A. told A.P. that the father had a new apartment where the mother and the father would live. V. R-A. also told A.P. that

after the father obtained a new apartment, he had been to the family home in Skokie more than two times.

¶ 24 Sara De Leon and Julia White, employees of Passages Alternative Living Programs (Passages), each testified to having supervised the father's visits. Their testimony was that the father did not miss a visit and acted appropriately. He did not raise his voice or use corporal punishment.

¶ 25 The court requested that Ms. Bolden return to the stand. In response to the court's questions, Ms. Bolden confirmed that in 2017, A.P. had expressed concerns that the minors had seen the mother during unsupervised visits with the father. On examination by the State, she testified that when making court-ordered unannounced visits or contacts during the father's unsupervised visitations with the minors, on at least two occasions, she did not find the father or the minors at the designated locations.

¶ 26 As to the documentary evidence, the 44-page October 2016 JCCE was prepared by Sweetie P. Agrawal, Psy. D., a clinical psychologist, after she reviewed the relevant records and conducted interviews. In his interview, the father acknowledged that Ms. Bolden told him that the mother is unsafe. The report noted the father's cooperation with services, his appropriate visitations, and bonds with the minors.

¶ 27 Dr. Agrawal believed that the father's loyalty to the mother has been "highly problematic" throughout the case and that his minimalization of the mother's "difficulties, despite accounts of her aggressive behavior during visits, is concerning." Dr. Agrawal concluded that the father was unlikely to end his relationship with the mother. Thus, if he was allowed to parent the minors independently, the father was likely to permit the mother to have contact with

them and put them “at increased risk.” Dr. Agrawal noted the father’s diagnosis of delusional disorder and that his delusions center in part around “his identity as the second Adam.” She believed the delusions could negatively impact his ability to parent. She explained that a person with delusional disorder may not always have impairments in functions; the father had episodes where that did occur. Dr. Agrawal said it was difficult to both predict when this may happen again and to determine how the father “would interact with school personnel or be able to assist [the minors] with their school and homework, without having his delusional beliefs impair his functioning.” Additionally, the father lacks insight into his disorder and has fervently held his delusions over a long period of time. If he acted on these beliefs, he could place the minors at risk of harm or neglect. Another risk factor was the potential for the father to resume his use of marijuana to self medicate.

¶ 28 The December 2016 service plan reiterated the father’s refusal “to acknowledge that [the mother’s] mental health impacts her ability to parent,” and his commitment to her. He blamed DCFS “for keeping the family apart.” In this plan, DCFS rated the goal of return home unsatisfactory and recommended a goal change to termination of parental rights in order to achieve permanency for the minors.

¶ 29 The Turning Point letter of September 2015 stated the father had a diagnosis of “unspecified schizophrenia spectrum and other psychotic disorders.” It was recommended that he continue with individual services.

¶ 30 In her report of December 4, 2016, Ms. Blume stated she was concerned about the mother having contact with the minors during unsupervised visitations based on her conversations with V. R-A. She concluded that the father “poses a risk of harm” to the minors “if he cannot use

better judgment regarding his unsupervised visits.” Ms. Blume’s report of April 14, 2017 included V. R-A.’s statements of being spanked by the father; seeing A.T. at the father’s home; and visiting the mother’s home during unsupervised visitations.

¶ 31 After considering the evidence, the circuit court made oral findings including a finding that the mother had not cooperated with services to address her mental health issues and poses a danger to the minors. The court also concluded that although the father had been complying with services and loves the minors, “[the father] also loves [the mother],” and was allowing the mother to have contacts with the minors. The court found that it was in the best interest of the minors to set a permanency goal of substitute care pending a determination on termination of parental rights and entered orders consistent with its findings.

¶ 32 The State, on June 19, 2017, filed supplemental petitions seeking the appointment of a guardian with the right to consent to adoption. Thereafter, on October 9, 2018, the trial court commenced a fitness hearing. The State proceeded on the grounds that the mother and the father were unfit under both section 1(D)(b) (750 ILCS 50/1(D)(b) and section 1(D)(m)(ii)) of the Adoption Act in that they had failed to maintain a reasonable degree of interest, concern or responsibility as to the minors’ welfare (ground b) and make reasonable efforts and/or reasonable progress (ground m). The court, at the State’s request, without objection, took judicial notice of the adjudication and disposition orders entered on April 6, 2015, the May 20, 2014 finding of paternity, the State’s supplemental petition filed on June 19, 2017, and the State’s ground (m) pleading filed on August 3, 2018⁶.

⁶ This August 3, 2018 pleading could not be found in the record on appeal.

¶ 33 Ms. Bolden testified that she continues to be the assigned case worker for the family. In this role, she met with the mother and the father, offered them services to achieve reunification, and monitored their compliance. Ms. Bolden identified State's exhibits Numbers 1 through 7 as the family's services plans from June 2015 to June 2018, which were admitted into evidence without objection.

¶ 34 The mother and the father first agreed to services in May 2015. Ms. Bolden informed the mother that to achieve reunification she needed to comply with mental health services (including seeing a therapist and a psychiatrist for medication monitoring) and outpatient substance abuse treatment with random urine drops and undergo a parenting capacity evaluation. The mother's services were outstanding in April 2017 when the permanency goal was changed. The mother participated in therapy while in jail. Since the mother was released from incarceration in 2017, she has been substantially compliant with services.

¶ 35 Ms. Bolden testified to examples of the mother's aggressive behavior during supervised visitations with the minors in 2015. In February, the mother and her parents, who travelled from Canada, were visiting with the minors. During the visit, the mother became angry; with J. R-A. in her arms, she ran from the room. In April, at the end of a visitation, the mother became enraged and was yelling: "I ought to kidnap my children." The mother kicked Ms. Bolden's car as Ms. Bolden was leaving the DCFS office with the minors. At a June visit, while the minors were in the room, the father stopped the mother from hitting Ms. Bolden with a closed fist. Later in the month, DCFS suspended the mother's visitations after she was in an altercation with a DCFS supervisor. Almost three years later, in March 2018, the mother was allowed supervised phone visitations with the minors. The mother's in-person visitations have never been reinstated.

¶ 36 The father was in the Cook County jail from January 2015 until May 2015 and at that time was non-compliant with services.⁷ When the father was released, Ms. Bolden discussed his need to engage in individual therapy, see a psychiatrist, take medication if required and complete a substance abuse program based on his admitted use of marijuana. The father was later rated satisfactory as to his participation in individual therapy and in psychiatric services at Turning Point and his substance abuse assessment determined that he did not need treatment.

¶ 37 In 2016, when he was allowed unsupervised visits, Ms. Bolden told the father that “under no circumstances” was the mother to have any type of contact with the minors or to be present during the visits. In March 2017, the father’s visits were changed back to supervised because of concerns that the mother did have contacts, in person or by Skype, with the minors during unsupervised visits. Ms. Bolden’s testimony as to the basis for these concerns was consistent with her testimony at the April 2017 permanency hearing, which we have previously discussed.

¶ 38 In 2016, the father said to Ms. Bolden that he and the mother were no longer in a relationship and he had moved to his own apartment. In that same time period, the mother told Ms. Bolden that she wanted the minors returned to the father’s custody. However until February 2017, the father presented no other home for his visits other than the home he shared with the mother and DCFS understood they had continued to live together. Ms. Bolden saw the father at two of the mother’s criminal court hearings in 2017. On one of the court dates where he was present, the father had cancelled his scheduled visitation with the minors.

⁷ The record indicates that the father was being housed at the Elgin mental health unit while undergoing an examination to determine his fitness for trial on the March 2014 drug charges.

¶ 39 In February 2017, when the father began unsupervised visits in the new apartment, Ms. Bolden inspected the apartment, including the closets, in order to determine the apartment's appropriateness. She concluded that the father did not have any clothing there.

¶ 40 From the time she was assigned the case, Ms. Bolden regularly discussed the mother's mental health, aggressive behavior, and need for services with the father. He responded that she and DCFS were being unjust and he did not understand why the minors were not returned to the mother's care. The father minimized the mother's mental health issues and believed that the mother could manage the minors. Ms. Bolden told the father that the minors would not be returned to him if the mother's mental health issues were not addressed and he continued his relationship with her. After the goal was changed in April 2017, Ms. Bolden's interaction with the father became more strained. After a court hearing, as Ms. Bolden and the foster parents were leaving the courtroom, the father lunged at her and said "you got what you wanted." Ms. Bolden never recommended that the minors return home because of concerns that the mother would be with the minors without completing the required services, and the father did not recognize the danger.

¶ 41 On cross-examination by the GAL, Ms. Bolden described additional troubling incidents with the mother in 2015. During a supervised visitation in June, the mother took the minors' clothes and did not want to give them back. The mother was also threatening to Ms. Bolden when she visited the Skokie family home while the father was in jail. However, on two occasions, the father also became angry with Ms. Bolden when she talked to him about services or visitation.

¶ 42 On cross-examination by the mother, Ms. Bolden testified that in 2016, V. R-A. told her that “he had seen his mother at the home,” but did not say he had “talked” to her. On cross-examination by the father, she acknowledged that the father’s coaching report was “very positive.”

¶ 43 The admitted service plans are consistent with Ms. Bolden’s testimony as to the mother’s aggressive conduct, her need for services, and her noncompliance with those services. According to the plans, the mother has had numerous psychiatric hospitalizations and a history of not taking her medications. The plans reveal that the father maintains a “committed relationship” with the mother, and the mother and the father do not acknowledge any risks posed by the mother. The father “has stated that he feels [the minors] need their mother” and does not understand why DCFS is keeping her away from them. The plans indicate that the foster parents provide “very good care” of the minors and “are committed to adopting [the minors].” The minors are bonded with the foster parents.

¶ 44 At the request of the State, additional exhibits were admitted without objection including: the mother’s and the father’s records from Turning Point (State Exs. No. 8 and 9); a redacted copy of transcripts from the permanency hearing on April 14, 2017 (State Ex. No. 10) (discussed above); the mother’s records from Elgin Mental Health Center (State Ex. No. 11) and from North Shore Health Center (State Ex. No. 12); the 2016 JCCE (State Ex. No. 13(b)) (discussed above); a 2018 JCCE for the mother (State Ex. No. 13(c)); and the certified records as to the convictions of the mother (State Ex. Nos. 15, 16, 17). The circuit court, without objection, also granted the State’s request to take judicial notice of the transcripts of the temporary custody proceedings of May 20, 2014, and the June 19, 2014, and the September 5, 2014 proceedings as to the

emergency motion. The court granted the GAL's request to take judicial notice of the visitation orders entered on October 8, 2015, November 30, 2015, July 20, 2016, and October 20, 2018⁸ without objection.

¶ 45 The redacted transcript of the May 20, 2014 hearing included the testimony of a DCFS investigator who interviewed the father on May 6, 2014. He told the investigator that the mother had mental health issues and had been hospitalized three times in May. The father also told her that he was Jesus, has received psychiatric treatment, and was not taking his medication.

¶ 46 The transcripts of the hearings on the emergency motion included testimony about the mother's mental health conditions and aggressive conduct during the week of June 13, 2014. The mother was having a psychotic episode and was not taking a proper dosage of medicine. Although the mother's doctor had recommended that the mother go to the emergency room, she refused to do so. The father supported the mother's decision. On June 18, 2014, a caseworker visited the Skokie home and found the mother was in a manic state; the mother exhibited threatening and aggressive conduct toward the caseworker. And the mother was holding J. R-A. in an unsafe manner. Upon leaving the home, the caseworker called the Skokie police with her concerns for the family's well being. The mother was hospitalized on June 19, 2014. The transcripts further reveal that on August 4, 2014, Skokie police officers made another well being visit to the home. Based on their observations, the mother was taken to Skokie Hospital.

¶ 47 Additionally, there was testimony relating to the mother's contacts with DCFS on July 2, 2014. On that day, in the afternoon, during a visit taking place at a DCFS office, the mother made comments about kidnapping the minors, left the room, and from her car, called the police

⁸ It appears the GAL erred as to the date of this visitation order and may have been referring to the visitation order of October 10, 2016.

to come to the office. The resulting police activity upset the minors. Later that evening, police were called to the DCFS office as the mother was causing a disturbance. The mother said she wanted to see the minors but the minors were not there. At that time, the mother had a knife in her car. She was transported to Mercy Hospital.

¶ 48 The mother's Turning Point records from October 2015 to late 2016 reveal: her diagnosis of bipolar disorder and psychosis; her non compliance with medication; and her aggressive behavior during treatment. The father's Turning Point records from May 2015 to December 2016 state that he presented with "delusions of grandiosity and believes himself to be 'the second [A]dam,'" but was currently acting appropriately.

¶ 49 According to the Elgin medical records, the mother was hospitalized there twice in 2015. One of the hospitalizations was court ordered after she was found in the Skokie home at a time when it was uninhabitable due to the mother having turned off the electricity. The Elgin records from July 2017 relate to the mother's admission to determine her fitness for trial on the charges of aggravated battery to a police officer. The notations indicate that she reported that the father "resides in a separate residence per DCFS stipulation." Other notations, however, indicate that she "resides in her own residence with her significant other [the father]." The father had been in contact with her providers at Elgin. The North Shore records show the mother was hospitalized there in 2014, 2015, and 2016 for psychiatric treatment.

¶ 50 The 2018 JCCE disclosed that, at that time, the mother was compliant with her medications and was not showing symptoms of bipolar disorder or psychosis. The report concluded that because she was then in remission, her mental illnesses would not prevent her

from discharging her parental responsibilities. According to the report, however, there were concerns that the mother was in compliance with treatment due to her probation requirements.

¶ 51 The father rested without presenting additional evidence. The mother called Jennie Umana, an individual and relational psychotherapist with North Shore University Health Systems (North Shore).

¶ 52 Ms. Umana began treating the mother in October 2017. The mother was also seeing a psychiatrist at North Shore. According to Ms. Umana, after September 2017, the mother accepted her bipolar diagnosis and she was making “tremendous progress” in keeping up with her treatment. Ms. Umana opined that, at the time of the hearing in October 2018, the mother was stable, her bipolar disorder was in remission, and there were no concerns regarding her medication management or substance abuse. At the beginning of 2018, the father was included at one of the mother’s therapy sessions in order to integrate him into the mother’s treatment.

¶ 53 On cross examination by the GAL, Ms. Umana testified that both she and the mother invited the father to the session, which was about “family planning” because he continues to be one of the mother’s “main supports.” The mother and the father had talked about raising the minors together “if possible.” The treatment at North Shore is a condition of the mother’s probation. During the mother’s initial assessment, she stated that she and the father were no longer in a relationship.

¶ 54 On cross-examination by the father, Ms. Umana testified that based on his participation in the treatment session, she believed the father had good insight into the seriousness of the mother’s mental health condition and understands her need for continuing medication.

¶ 55 After continuing the case to consider the evidence, on November 30, 2018, the circuit court found that the State proved that the mother from the April 6, 2015 adjudication order until her release from custody in August 2017, which encompasses the first four nine-month periods alleged by the State, had made no reasonable efforts and no reasonable progress toward return home (ground m) and was unfit to parent.

¶ 56 The court found the father was unfit under both grounds b and m, because during the period when the mother failed to comply with services, the father continued his relationship with her. The court said that the finding of the father's unfitness "lies for his failure to recognize the detrimental affect of [the mother's] mental illness on [the minors]" and on the fact that they remained a couple.

¶ 57 On that date, the trial court proceeded to the best-interest hearing. The State presented the testimony of Ms. Bolden, Ms. Blume, and A.P. The GAL and the mother did not present witnesses. The father testified on his own behalf.

¶ 58 Ms. Bolden testified that since December 2014, V. R.-A. and J. R.-A. have been in the foster parents' home which is safe and appropriate; there have been no signs of abuse, neglect, or corporal punishment.

¶ 59 V. R.-A., six years old, attends first grade with an Individual Education Plan (IEP) and participates in play therapy. V.R-A. is now doing well in school. When V. R.-A. began attending school, the school warned that his behavior issues may require that he attend a therapeutic day school. The foster parents worked with his school on a behavior management plan so that V. R.-A. could remain there.

¶ 60 J. R-A. does well in a pre-K program. He participated in speech therapy. However, J. R-A.'s communication skills are now excellent and his speech is advanced. The foster parents have placed the minors in extracurricular activities including soccer and camps. They take the minors to those activities and on trips and include the minors in visits and holidays with their families. In October 2017, the foster parents and the minors began family behavioral therapy with Ms. Blume. The foster parents have learned ways to soothe and support the minors, particularly V. R-A.

¶ 61 Both V.R-A.'s and J. R-A.'s medical, dental, and visions requirements are up to date and they are not on any medications. V. R-A. was previously diagnosed with spina bifida occulta, which caused a tethered cord on his spine. When they discovered this diagnosis, the foster parents informed DCFS immediately so that they could get a second opinion; they determined that V. R-A. needed surgery.

¶ 62 In October 2018, the minors reported that Bill Trusty, their driver, from Passages was hitting V. R-A. on the legs, while transporting them to visitations. DCFS has a pending investigation; Mr. Trusty no longer has contact with the minors.

¶ 63 Ms. Bolden now drives the minors to visitations, but the first two visits were cancelled because the father failed to respond to her telephone calls. At the time of the hearing, she had supervised three or four visits with the father. Generally, when it was time to leave for their visits, the boys hugged and said goodbye to the foster parents.

¶ 64 Based on her observations, Ms. Bolden believes the minors have a very loving and trusting relationship with the foster parents. They run to the foster parents and ask them to put their coats on, to get their toys, and to play with them. The foster parents asked V. R-A. to read a

book to Ms. Bolden; when they praised him for doing so, V. R-A. smiled. The minors also like to hug and jump on their foster parents. She also believed that the minors like living with the foster parents.

¶ 65 Ms. Bolden supervises the minors' monthly phone visits with the mother. During the calls, J. R-A. does not talk much, will get distracted, and go to another room. V. R-A., on the other hand, will converse throughout the calls.

¶ 66 Ms. Bolden testified that after a staffing meeting, DCFS determined that terminating parental rights would be in the minors' best interest. The case had been pending for four years and the minors had been with the foster parents for a long period of time. Although the father has complied with services, the mother had not and the father was still willing to stay in a relationship with her. The foster parents are interested in providing permanency for the minors and are willing to pursue adoption.

¶ 67 On cross-examination by the GAL, Ms. Bolden emphasized that although V. R-A.'s diagnosis of spina bifida was made in the past, it was the foster parents that brought the diagnosis to DCFS in order to seek a second opinion. When V. R-A.'s surgery occurred, the foster parents allowed the father to visit with him.

¶ 68 J. R-A.'s medical records also showed a spina bifida diagnosis. After the foster parents obtained a second and third opinion, they found J. R-A. did not have a tethered spine and did not need surgery. The foster parents ensured that J.R-A. received his speech therapy and that he did speech therapy techniques as part of his homework. During his early years, J. R-A. experienced an ear problem, which may have led to his speech issues. The foster parents brought him for an

audiology exam and his follow-up appointments and the issue was resolved. They make sure the problem does not reoccur.

¶ 69 The foster parents have been open to the father's visits and the mother's phone calls. The foster parents update Ms. Bolden as to the minors, including school information and unusual medical conditions and care, so that she can relay this information to the father and the mother. J.P. is teaching V. R-A. French because the mother speaks French.

¶ 70 On cross-examination by the father, Ms. Bolden testified that the children appear happy when they visit the father, and they have a loving relationship. She has also observed that the minors approach the father just as they do the foster parents. She denied that Mr. Trusty told her that V. R-A. said one of the foster parents struck J. R-A. Ms. Bolden agreed that in the middle of July at a visit with the father, V. R-A. had an unusual amount of cash. V. R-A. told Ms. Bolden that he got the money from one of the foster parents.

¶ 71 On cross-examination by the mother, Ms. Bolden agreed that the mother is keeping her appointments with Ms. Umana and her psychiatrist. At the time of the hearing the mother was still on probation; her probation conditions included random drops, keeping her mental health appointments, and taking her prescribed medications. Ms. Bolden was concerned that the mother has been pursuing treatment as a condition of her probation in order to avoid returning to jail.

¶ 72 On redirect, Ms. Bolden explained that V.R-A. brought money to the visitation, which he took without the foster parents' permission. The incident was discussed with Ms. Blume, the foster parents, and V. R-A; he said it would not happen again.

¶ 73 Ms. Blume testified that she holds a master's degree in family therapy and is a licensed clinical psychological counselor. Her weekly family behavior sessions with the minors and the

foster parents address communication, V.R-A.'s negative behavior, V.R-A.'s bond with the father, and other issues relating to "the two families." The foster parents and the minors will participate in a leisure activity while discussing issues with her. The foster parents had some reservations to the therapy advice because "just like any parents, they think they know what's best." They continue to work with Ms. Blume and use the techniques discussed during sessions.

¶ 74 Based on these sessions, Ms. Blume believes that the minors are happy with their visits with the father, V. R-A. more so than J. R-A. The minors would like those visits to continue.

¶ 75 She has also observed that the foster parents and the minors are comfortable in their relationship and the minors are comfortable in the foster parents' home. The minors are bonded and affectionate with the foster parents; the minors call A.P. "Papa" and J.P. "Dada." The minors look to the foster parents for help if they are hurt or need food, or when one of them takes something from the other one. The minors will sit next to the foster parents and want to be hugged. The foster parents do not "want to do anything to hurt [the minors]." They would be open to the continuation of visits with the father and the phone calls with the mother even if parental rights were terminated as long as those contacts are safe for the minors from Ms. Blume's perspective. They would invite the mother and the father to school functions, performances, and sporting events.

¶ 76 On cross-examination by the GAL, Ms. Blume testified that the foster parents are open to the minors having continued contact with the mother and visitations with the father. V. R-A. has a stronger bond with the father than J. R-A. V. R-A. is older and more expressive. V. R-A. is protective of the father and wanted to give the father the money he brought to the visit, which he took from the foster parents. During family therapy, J. R-A. does not mention the father, but he

does have a relationship with the father and would like to continue visits. At the beginning of family therapy, J. R-A. would stay physically close to the foster parents, but he is growing more independent. J. R-A. has a particularly strong bond to the foster parents because he has been in the home since he was very young. Ms. Blume acknowledged that she has never seen the minors with the father.

¶ 77 On cross-examination by the father, Ms. Blume testified that V. R-A. has never said that he does not want to live with the foster parents nor has he said that he does not want to live with his father. V. R-A. “likes visiting and he likes where he lives.”

¶ 78 A.P. next testified for the State. He and J.P. became the minors’ foster parents on December 8, 2014. when V. R-A. was two and a half years and J. R-A. was seven months old.

¶ 79 V. R-A. receives play therapy at their home once a week and has an IEP, for behavioral issues. The foster parents participate in V. R-A.’s IEP meetings. V.R-A.’s behavior issues have progressively improved and he does very well academically. One of his teachers told A.P. that, academically, he is second in his class of 25. V. R-A. had surgery in August 2016 for his spina bifida, and he continues to receive follow up care. V. R-A. plays soccer, chess, and does jujitsu.

¶ 80 J. R-A. is in preschool, does well, and loves school, his friends, and his teachers. J. R-A. also participates in soccer and has expressed an interest in music and art. J. R-A. went to speech therapy, but is no longer in need of those services.

¶ 81 The foster parents assure the minors’ well being. The foster parents get the minors ready and take them to school, their extracurricular activities, and their doctor appointments; they attend PTA meetings. They read to the minors at bedtime. The minors know the foster parents’ families and celebrate holidays with them. J.P.’s parents and brother live nearby and spend

significant time with the minors. The foster parents and the minors have visited A.P.'s family in Indonesia and Singapore. They are all engaged in the weekly family therapy.

¶ 82 The foster parents encourage the minors to participate in the mother's weekly phone visitations and the weekly visits with the father. If parental rights were terminated, the foster parents are willing to continue the minors' contacts with the father and the mother as long as those contacts are safe and appropriate. They would follow a visitation plan, established by individuals with expertise.

¶ 83 Additionally, if parental rights were terminated, the foster parents desire to adopt the minors. A.P. explained that the minors "have been an integral part of our family, we care about them very much." The foster parents "want to make sure [the minors'] best interest and their ability to thrive and flourish and realize [the minors'] full potential are met." He believed the minors also care about the foster parents and see them "as important figures in their lives."

¶ 84 On cross-examination by the GAL, A.P. testified that both minors would like to continue visits with the father. He is also under the impression that V. R-A. would like to continue phone calls with the mother, but is not sure about J. R-A. A.P. would also like the family behavioral sessions and V. R-A.'s play therapy sessions to continue. The foster parents have implemented the techniques learned in family behavior therapy and A.P. believes the techniques have helped the minors' behavior.

¶ 85 On cross-examination by the father, A.P. did not remember a discussion with the father, Mr. Trusty, and V.R-A. about V.R-A. telling Mr. Trusty that J.P. hit V.R-A.

¶ 86 The father was first questioned about his conversation with Mr. Trusty in August 2018. He responded that Mr. Trusty reported to him that V. R-A. told Mr. Trusty that J.P. hit him. The father, Mr. Trusty and V. R-A. discussed the incident with A.P.

¶ 87 The father then was asked to “tell the Judge, what you would like to see happen from this point forward.” In a narrative format, the father recounted his version of the history of the case. He believed the court and others had taken advantage of the mother and the minors should not have been removed from their custody. He believed Ms. Bolden was a “disgrace.” The father asserted that DCFS resources had been wasted on the case, saying “I see you guys as the highers out in my father’s garden.” The father suggested that he was being slandered (“but that is Job talking”) and that his religious beliefs were being questioned, referring to himself as the “last Adam.” He requested that if his parental rights were terminated, his visitations with the minors continue. When asked if he would commit himself to helping the mother, he replied: “I live an example of hope for [the mother] and put that—her hope in.” He then returned to voicing his anger at the process.

¶ 88 After taking time to review the evidence, the circuit court, on December 20, 2018, found that it was in the best interest of the minors to terminate the parental rights of the mother and the father. The court entered orders consistent with its findings as to the fitness and best-interest hearings. The orders terminated the mother’s and the father’s parental rights and appointed DCFS as the minors’ guardian with the right to consent to their adoption. The father appealed.

¶ 89

ANALYSIS

¶ 90 On appeal, the father argues that the State failed to establish, by clear and convincing evidence, that he was unfit and that it was in the best interest of the minors to terminate his parental rights.

¶ 91 The Act provides a “step-by-step” process for deciding whether a child should be removed from his or her parents and made a ward of the court. *In re Arthur H.*, 212 Ill. 2d 441, 462 (2004). Thus after a petition for wardship has been filed and a child has been placed in temporary custody, the circuit court must make an adjudicatory finding of abuse, neglect, or dependence, before it then conducts a dispositional hearing as to wardship. *Id.*; 705 ICLS 405/221 (1), (2) (West 2016).

¶ 92 Parental rights may be involuntarily terminated where: (1) the State proves that a parent is unfit pursuant to one of the grounds set forth in section 1(D) of the Adoption Act and (2) the trial court finds that termination is in the child’s best interest. *In re M.R.*, 393 Ill. App. 609, 613 (2009); 705 ILCS 405/1-1 *et seq.* (West 2016). The State bears the burden of proving by clear and convincing evidence that a parent is unfit under a ground contained in section 1(D) of the Adoption Act. *In re D.F.*, 201 Ill. 2d 476, 494-95 (2002). Any single ground, properly established, is sufficient for a finding of unfitness. *Id.* at 495. “Because the circuit court is in the best position to assess the credibility of witnesses, a reviewing court may reverse a finding of unfitness only where it is against the manifest weight of the evidence. [Citation.] A finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident. [Citation.]” *In re Deandre P.*, 405 Ill. App. 3d 945, 952 (2010). A reviewing court may not substitute its judgment for that of the circuit court regarding credibility of witnesses, the proper

weight to be accorded the evidence, or the inferences to be drawn therefrom. *In re D.F.*, 201 Ill. 2d at 499.

¶ 93 We first consider whether the court’s finding under section 1(D)(b) of the Adoption Act was supported by the manifest weight of the evidence. That section provides that a person may be declared an unfit parent for “failure to maintain a reasonable degree of interest, concern or responsibility as to the child’s welfare.” 750 ILCS 50/1(1)(D)(b) (West 2016). When considering an allegation under this section, “a trial court must focus on the reasonableness of the parent’s efforts to show interest, concern, or responsibility and not necessarily on success of those efforts.” *In re M. J. and A.J.*, 314 Ill. App. 3d 649, 656 (2000) (citing *E.O.*, 311 Ill. App. 3d 720, 727 (2000)). Additionally, a court “must consider any circumstances that would have made it difficult for the respondent to show interest, concern or responsibility for the well-being of the child.” *Id.*

¶ 94 The father argues that the evidence established that he had successfully complied with services including parent coaching and had been attentive and appropriate in visitations with the minors. He contends the evidence shows he is “fully capable of parenting his children” and that there was no basis to find him unfit. We disagree as the manifest weight of the evidence shows the father failed to show a reasonable degree of interest, concern, or responsibility for the minors’ well being.

¶ 95 The family was brought to the attention of DCFS in May 2014 at a time when the mother was pregnant with J. R-A. and having a manic episode and the father was acting delusional. The mother was hospitalized for psychiatric treatment several times during that month. Although the circuit court at the initial court date found the minors were abused/neglected/dependent, the

minors were allowed to remain in their care under an order of protection which required the mother and the father to undergo necessary treatment.

¶ 96 One month later, in June 2014, the minors were removed from the mother and the father pursuant to the emergency motion. At that time, the mother and the father were not in treatment as required by the order of protection. The mother had severe manic symptoms, was not taking her medication, and acted in an aggressive manner toward a DCFS worker who was visiting the home. The father ignored the recommendation of the mother's doctor that she be taken to the emergency room. The mother was hospitalized only after the DCFS worker called the police.

¶ 97 The mother and the father did not agree to engage in services recommended by DCFS, until May 2015, a year after DCFS initially became involved with the family. The mother did not fully cooperate. From that time on, Ms. Bolden continuously warned the father that the mother's untreated mental health issues posed a real danger to the minors and that he could not achieve reunification if the mother did not complete her services and he continued his relationship with her. Despite the admonishments, the father continued to live with the mother in the Skokie home until at least February 2017, almost three years after the minors were removed from him because of the injurious environment caused, in part, by the mother's untreated mental health issues. See *In re H.S.*, 2016 IL App (1st) 161589 ¶ 29 ("Maintenance of a residence with an individual who obviously posed a danger to [the minor] for over three years during the pendency of the case was hardly a demonstrable movement toward reunification."). At that point, the father had obtained an apartment and claimed to be living there without the mother. The extent to which he made the apartment his home was highly questionable as Ms. Bolden found he had no clothes there.

Additionally, V. R-A. stated that he was at the Skokie home after February 2017 during visits with the father.

¶ 98 Although both the mother and the father reported to DCFS and others that they had ended their ten-year relationship by 2016, there was strong evidence that the mother and the father were still involved with each other. Ms. Bolden, as confirmed by the service plans, believed the mother and the father remained committed to each other after 2016. The service plans described the depth of their relationship and the father's continued commitment to the mother throughout the pendency of the case. In 2017, the father attended the mother's criminal court hearings and communicated with her treatment providers, while she was in custody at Elgin. V. R-A. frequently told the foster parents that he saw the mother at the father's visitations. Ms. Umana testified that in 2018 the father remained the mother's primary support system.

¶ 99 Further, the testimony and the documentary evidence demonstrated the father's refusal to recognize the risks posed by the mother's mental health issues and her aggressive behavior. His minimalization of the dangers is particularly troublesome in light of his intimate knowledge of the mother's multiple hospitalizations for psychiatric treatment, noncompliance with medications and aggressive behaviors. The father knew of the mother's criminal charges for aggravated battery to a police officer and the discontinuance of her visitation rights because of her aggressive conduct during visits. He witnessed her disturbing conduct during visitations on at least two occasions; one time when he prevented her from striking Ms. Bolden and the other time when she called the police to the DCFS office.

¶ 100 The father believed that DCFS had unjustly removed the minors from their custody and resented the fact that the mother was not allowed to care for the minors. He blamed DCFS for the

minors' removal and did not take responsibility for his own failures to achieve reunification with the minors. The evidence shows the goal change from return home to termination of the father's parental rights was due primarily to his continued commitment to the mother and his refusal to see her as a danger to the minors.

¶ 101 Each of the court orders for visitations from November 2015 through October 2016, directed the father to ensure that the mother have no contact with the minors during visitations. And Ms. Bolden specifically instructed him that the mother was prohibited from any form of contact with the minors during unsupervised visitations. Nonetheless, there was credible evidence that the mother had contacts with the minors in person or by Skype when the father had unsupervised visitations. Further, on two occasions, Ms. Bolden could not locate the father and the minors at the designated locations for unsupervised visitations. This evidence demonstrates that the father disregarded instructions and prohibitions meant to safeguard the minors. We also note that the father never achieved overnight visitations and lost his unsupervised day visitations with the minors.

¶ 102 Although the mother's bipolar disorder was in remission in 2018, there were questions about whether her compliance with services and medication were due only to her probation requirements and a fear of returning to jail. Ms. Umana believed the father understood the seriousness of the mother's mental health issues but this belief was based on his participation in *one* of the mother's therapy sessions in 2018. On the other hand, after an in depth review of the records and conducting interviews, Dr. Agrawal concluded that the father's loyalty to the mother and his failure to recognize the dangers were problematic and concerning. She believed the father would likely permit the mother to have contacts with the minors should he be allowed to

parent the minors. Dr. Agrawal also believed the father's delusional disorder posed future problems in parenting. This court has recognized that a parent may be unfit under ground b (and ground m) where he or she fails to understand the danger posed by the other parent. See, *e.g.*, *In re S. K. B.*, 2015 IL App (1st) 151249 ¶¶ 37-41, *In re H.S.*, 2016 IL App (1st) 161589.

¶ 103 In conclusion, we find that the State established by clear and convincing evidence that the father failed to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the minors and the circuit court's finding of unfitness under section 50/1(D)(b) of the Adoption Act was supported by the manifest weight of the evidence. Because the ground b finding was supported by the manifest weight of the evidence and is sufficient to support a finding of the father's unfitness to parent the minors, we need not address the second ground which was asserted by the State under section 50/1(D)(m)(ii).

¶ 104 Once a trial court finds a parent unfit under one of the grounds of section 1(D) of the Adoption Act, the court is to consider whether it is in the best interest of the child to terminate parental rights, pursuant to section 1-3(4.05) of the Act (705 ILCS 405/1-3(4.05) (West 2016)). *In re Deandre D.*, 405 Ill. App. 3d at 953. The State has the burden of proving by a preponderance of the evidence that the termination is in the child's best interest. *In re J.V.*, 2018 IL App (1st) 171766, ¶ 249.

¶ 105 In determining whether to terminate parental rights, the court cannot rely solely on the fitness findings, but pursuant to section 1-3(4.05) of the Act must consider a number of factors within "the context of the child's age and developmental needs." *In re D.M.*, 336 Ill. App. 3d 766, 772 (2002). These statutory factors include the physical safety and welfare of the child, including food, shelter, health, and clothing; the development of the child's identity; the child's

background and ties, including the familial, cultural, and religious ties; the child's sense of attachments (which includes where the child actually feels love, attachment, and a sense of being valued; the child's sense of security; the child's sense of familiarity; continuity of affection for the child; and the least disruptive placement alternative for the child); the child's wishes and long-term goals; the child's community ties, including church, school, and friends; the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives; the uniqueness of every family and child; the risks attendant to entering and being in substitute care; and the preferences of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2016).

¶ 106 The court may also consider the nature and length of the minor's relationship with the present caretaker and the effect that a change in placement would have upon the minor's emotional and psychological well-being. *In re Davon H.*, 2015 IL App (1st) 150926 at ¶ 78 (citing *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19). The best-interest hearing does not need to make reference to each factor and the reviewing court does not need to rely on any basis used by the trial court in affirming its decision. *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19. We will reverse the trial court's finding that termination of parental rights is in the minor's best interest only if it is against the manifest weight of the evidence. *In re Tyianna J.*, 2017 IL App (1st) 162306, ¶ 97.

¶ 107 At the time of the best interest hearing, V. R-A. was six years old and J. R-A. was four years old and they had both lived with the foster parents for approximately four years. Ms. Bolden testified that the foster parents' home is safe and appropriate and she has not observed any signs of abuse, neglect, or corporal punishment in the home. Both Ms. Bolden and Ms.

Blume testified that the foster parents and the minors have a comfortable, trusting, and loving relationship. The minors are doing well in school and are participating in extra-curricular activities. The minors' medical, dental, and vision requirements are up to date and neither is on any medication. The foster parents ensured that the minors obtained treatment and follow up appointments for health and behavioral issues. As a result of the foster parents' efforts, J. R-A. received treatment for his ear condition and speech therapy. The foster parents worked with the school and Ms. Blume to correct V. R-A.'s behavioral issues and they obtained the proper treatment for V. R-A.'s spina bifida diagnosis. Ms. Blume and Ms. Bolden have observed that the minors look to the foster parents for their needs and security and that the minors show affection toward the foster parents, calling them Papa and Dada.

¶ 108 A.P. testified to the family life enjoyed by the minors and the foster parents. The foster parents participate in all aspects of the minors' lives. They attend V. R-A.'s IEP meetings, PTA meetings, and the minors' extra-curricular activities. The foster parents get the minors ready for school, read to them at bedtime, and travel with them. The minors have bonded with the foster parents' extended families and enjoy their company, especially during the holidays. The minors have visited AP's family in Indonesia and Singapore. The foster family engages in family therapy and the foster parents implement the therapy techniques. The foster parents wish to continue family therapy and V. R-A.'s play therapy.

¶ 109 The foster parents are interested in providing permanency for the minors and are willing to pursue adoption. A.P. testified that the minors "have been an integral part of our family, we care about them very much" and that he and J.P. "want to make sure [the minors'] best interest

and their ability to thrive and flourish and realize [the minors'] full potential are met.” A.P. also believes that the minors see the foster parents “as important figures in their lives.”

¶ 110 The father’s testimony at the best-interest hearing disclosed his anger and frustration with the proceedings and provided a window into his delusions. He did not offer any testimony as to the best interest factors. The father on appeal contends that the circuit court’s finding that termination was in the best interest of the minors was against the manifest weight of the evidence because there was evidence that he consistently participated in visitations, successfully completed parent coaching, is bonded with the minors, and now has an appreciation of the seriousness of the mother’s mental health conditions. We disagree.

¶ 111 The father relies on the 2016 JCCE which contains a summary of the 2016 reports from the parenting coach, who observed during visitations, that the father was prepared with age appropriate toys and activities, appropriately disciplined the minors, and caused them no harm. When the father completed parent coaching in May 2016, the parenting coach concluded that the father had “demonstrated that he was fully capable of parenting his children.” The clinical summary portion of the 2016 JCCE stated that the minors have a bond with the father, and that a termination of the father’s parental rights would have a more significant impact on V. R-A., as he has “formed an attachment to [the father].”

¶ 112 The 2016 parent coaching report must be considered in light of the fact that the father lost his unsupervised visitations with the minors in 2017 due to his disregard of the minors’ safety. Further, as to the evidence of the minors’ bonds with the father, we have recognized that security and permanency for a minor outweighs any trauma the minor may face upon a termination of the parental rights. *Angela D.*, 2012 IL App (1st) 112887, ¶ 36. In *In re Angela D.*, the appellate

court rejected an argument similar to the one raised by the father. *Id.* In affirming termination, the court noted that while there was evidence of a bond between the minors and the biological mother, the children were also strongly bonded to their foster parents, *Id.* at ¶ 37, and the foster parents were committed to maintaining the children's contacts with their biological family. *Id.* at ¶¶ 40-41. See also *In re Shautae P.*, 2012 IL App (1st) 112280 ¶ 108-09; *In re Julian K.*, 2012 IL App (1st) 112841, ¶¶ 82-84.

¶ 113 Here, as in *In re Angela D.*, the minors, in particular V. R-A., do have a bond with the father. They enjoy visitations with the father and would like them to continue. However, the minors also have a bond and a trusting relationship with the foster parents, which has developed over years spent in the foster home. The foster parents have encouraged the minors to participate in the weekly phone calls with the mother and their visitations with the father. The foster parents are willing to maintain a connection between the minors and the mother and the father. A.P. testified that he and J.P., if they were to adopt the minors, would follow a visitation plan developed by Ms. Blume or other experts.

¶ 114 The father also contends that Ms. Umana's testimony shows he now has an understanding of the seriousness of the mother's mental health issues and in any event, the mother no longer poses a danger to the minors because she is in remission. However, at the best-interest hearing the father, rather than reflect this understanding, testified that the proceedings were based on "lies" and that "you guys have taken advantage of the mother." And the father's argument ignores the mother's long history of aggressive behaviors and noncompliance with medications and his history of refusing to acknowledge the dangers which she posed to the minors. Further, there was evidence that the mother may now be complying with treatment and medication only

because she was on probation. And as argued by the GAL, the father's focus on the mother's "late progress in stabilizing her mental illness" fails to consider the permanency factors. The minors existed in the limbo of foster care for four years while the mother was not engaged in treatment and the father ignored directives of the court and DCFS meant to protect the minors and the father continued his relationship with her.

¶ 115 This court in *In re S.K.B.*, 2015 IL App (1st) 151249, upheld the finding that it was in the best interest of S.K.B. to terminate the father's parental rights under very similar circumstances. The father had consistently engaged in services and visits and had over the course of the case developed an understanding of the mother's mental illness. He presented medical evidence that he was able to parent S.K.B. *Id.* at ¶ 42. The trial court however found the father "still did not adequately accept or understand [the mother's] illness and the impact it has on S.K.B." *Id.* at ¶ 44. In this case, although the father had been compliant with services and visits, the service plans indicated that he did not fully understand or accept the dangers posed by the mother's mental health conditions and that "both parents' mental health issues impact their ability to understand safety threats." Dr. Agrawal agreed that the father minimalized the mother's mental health problems and found he lacked insight into the potential impact on the minors of his own delusions.

¶ 116 The evidence shows that V. R-A. and J. R-A. in the last four years have thrived in an appropriate, loving, and safe environment in the foster home. The minors have developed strong bonds with the foster parents and their families and have ties with the school and the community. The foster parents have made the minors' well being a priority. The foster parents wish to adopt the minors, provide them with permanency, and are willing to allow the minors to continue to

maintain connections with the father as well as the mother. The circuit court's finding that it was in the best interest of the minors to terminate the father's parental rights was not against the manifest weight of the evidence. See *In re H.S.*, 2016 IL App (1st) 161589 ¶¶ 33-34 (where this court affirmed parental termination order where parent had completed services and was bonded with minor, but minor had been in foster care for four years).

¶ 117

CONCLUSION

¶ 118 For the reasons stated, we affirm the orders of the circuit court finding that the father was an unfit parent and terminating his parental rights as supported by the manifest weight of the evidence.

¶ 119 Affirmed.

¶ 120 JUSTICE HALL, dissenting:

¶ 121 I respectfully disagree with the majority's holding in this case.

¶ 122 Parental rights may be involuntarily terminated where the State proves, by clear and convincing evidence, that a parent is unfit under one of the grounds set forth in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2016)) and the circuit court finds that termination is in the child's best interest. *In re M.R.*, 393 Ill. App. 3d 609, 613 (2009). Any single ground, if proven, is sufficient for a finding of unfitness. *In re D.F.*, 201 Ill. 2d 476, 495 (2002). We will reverse a circuit court's finding of unfitness when it is against the manifest weight of the evidence. *In re Deandre D.*, 405 Ill. App. 3d 945, 952 (2010).

¶ 123 Here, the father's parental rights were terminated primarily because of his continued "relationship" with the mother and based on "potential" negative events. I find the evidence in this case to be contradictory and the result unfair.

¶ 124 The evidence adduced at the hearing indicated that there was a potential negative impact on the minors based on the father's delusions even though there was no proof of this finding offered; there was a potential for the father to resume his marijuana use (which behavior is legal effective Jan. 1, 2021), even though the father has remained drug-free throughout the four-five year pendency of the case; and there was concern about the father's contact with the mother, even though they no longer lived together or were in a romantic relationship. The evidence also indicated that although the father was ordered not to allow the mother to have any contact with the minors, the social service agency allowed the mother to have weekly, supervised phone visitation with the minors and that the adoptive foster parents intended to allow the children to see both parents after the adoption.

¶ 125 Cases involving allegations of neglect and adjudication of wardship are *sui generis*, and must be decided on the basis of their unique circumstances. *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004). I find the two cases cited by the majority are factually distinguishable from the facts presented in this case and note also that they were consolidated appeals of both parents.

¶ 126 In *S.K.B.*, 2015 IL App (1st) 151249, ¶¶ 13 -17, 20-21, although neither parent complied with their service plans, both parents had joint visitation with the child; the father did not visit the child when he was initially placed in DCFS custody due to cultural shame; the mother's mental illness and resulting negative behaviors extended to, and negatively affected the child; and the court raised concerns over the father's willingness and commitment to full-time parenting for the child.

¶ 127 Similarly, in *H.S.*, 2016 IL App (1st) 161589, ¶¶ 2-3, both parents were engaged in drug use, there was domestic violence in the parents' relationship, the children were left alone in the

home with illegal drugs and drug paraphernalia and they were unkempt. Additionally, the father was in noncompliance with his service plan and was unwilling to parent the minors without the mother despite her mental issues, the social worker believed he was unable to care for the minor as the sole parent, and he continued to live with the mother. *H.S.*, 2016 IL App (1st) 161589, ¶¶ 6, 14, 26.

¶ 128 Like the two cases it cites, the majority focuses its discussion on both parents' actions as opposed to the father's actions and progress although the mother's parental rights have already been terminated. There is no question that, at the time of the hearing, the father was in compliance with all recommended services as part of his reunification plan, except for his potentially continued contact with the mother. Additionally, on the one hand, while father was admonished by the social service agency to ensure that the mother received treatment, he was also admonished not to continue a relationship with her. While the evidence showed that for a time, the father continued to live in the family home, the evidence also showed that the mother was not present during his visitation with the children, and the father eventually secured his own apartment. There was no evidence presented of the father's income or ability to obtain other housing at an earlier time outside of the family home, nor was there any evidence provided that the social service agency assisted the father in locating other housing sooner.

¶ 129 Most importantly, there was absolutely no evidence whatsoever that either parent ever harmed the minors, despite their various issues. The majority's conclusion that the father continues in his refusal to recognize the mother's mental issues and aggressive behavior is directly contradicted by the testimony of the mother's psychotherapist. Again the mother never showed aggression toward the children but apparently was frustrated with the system and people

who took her children away. I find both parents' reaction to DCFS' involvement and removal of their children in this case to be no different than in many other cases involving upset parents whose family hangs in DCFS' balance.

¶ 130 Reasonable progress towards the return of the child is judged on an objective standard that focuses on the steps that the parent has taken toward reunification. *In re D.F.*, 332 Ill. App. 3d 112, 125 (2002). At minimum, the parent must make demonstrable movement toward the goal of returning the child home. *H.S.*, 2016 IL App (1st) 161589, ¶ 27.

¶ 131 I believe that the father clearly made demonstrable movement toward the goal of returning the minors home and I would find that his unfitness was not supported by the manifest weight of the evidence and remand for further proceedings.