2024 IL App (1st) 231407-U

SECOND DIVISION
March 19, 2024

THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(A)

No. 1-23-1407

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

In re S.E.,	)	Appeal from the
a Minor	)	Circuit Court of
	)	Cook County.
(THE PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Petitioner-Appellee	)	
	)	
v.	)	No. 13 JA 109
	)	
B.H.,	)	Honorable
	)	Shannon P. O'Malley,
Respondent-Appellant).	)	Judge Presiding.

PRESIDING JUSTICE HOWSE delivered the judgment of the court.
Justices McBride and Ellis concurred in the judgment.

ORDER

¶ 1 *Held*: The judgment of the circuit court of Cook County terminating respondent's parental rights is affirmed; any error in the admission of respondent's service plans was harmless beyond a reasonable doubt because the finding of unfitness is supported overwhelmingly by other evidence.

¶ 2 Respondent, B.H., is the mother of S.E., a minor born January 8, 2011. On August 7, 2023, the circuit court of Cook County entered a Termination Hearing Order finding B.H. neglected. Subsequently, the trial court found that the father's parental rights were terminated on August 17, 2017. (The father is not a party to this appeal.) On August 7, 2023, the trial court

terminated respondent's parental rights. The court appointed a guardian with the right to consent to the adoption of S.E.

¶ 3 On appeal respondent does not argue the sufficiency of the evidence to terminate her parental rights. Instead, respondent argues the trial court erred in admitting certain documents into evidence and therefore the finding of unfitness should be reversed and the cause remanded for a new fitness hearing. For the following reasons, we affirm.

¶ 4 BACKGROUND

¶ 5 On January 30, 2013, the State filed a petition for the adjudication of wardship as to S.E., a minor born January 8, 2011, after her mother, respondent, B.H., went to the hospital on January 24, 2013, reporting she was homeless, had nowhere to go, and respondent was severely intoxicated. On August 13, 2013, pursuant to a stipulation by respondent, the trial court found S.E. neglected; and on January 28, 2014, the trial court found respondent unable to care for S.E. The court placed S.E in the custody of the Illinois Department of Children and Family Services (DCFS) and set a permanency goal of return home in 12 months. On January 23, 2015, the trial court entered a permanency order setting a goal of return home.

¶ 6 However, on August 25, 2016, the trial court entered a permanency order with a goal of substitute care pending termination of parental rights. The order states the reasons for selecting this goal and for ruling out the preceding goals are that "the parents have not cooperated with DCFS and have not made progress in services. The foster parent wants to adopt [S.E.]" On October 18, 2016, the State filed a supplemental petition for the appointment of a guardian with the right to consent to the adoption of S.E. The supplemental petition alleges, in part, that the parents are unfit because they "failed to make reasonable efforts to correct the conditions that

were the basis for the removal of the child from the parent during any 9-month period following the adjudication of neglected or abused minor."

¶ 7 On April 21, 2017, the trial court entered another permanency order with a goal of substitute care pending court determination on termination of parental rights. The April 21, 2017, order stated "the mother did not complete services. The foster parent wants to adopt [S.E.]"

¶ 8 On June 21, 2017, the State filed its pleading specifying the nine-month periods relied upon to terminate respondent's parental rights. As to respondent, the nine-month periods were August 13, 2013, to May 13, 2014; May 13, 2014, to February 13, 2015; February 13, 2015, to November 13, 2015; November 13, 2015, to August 13, 2016; and August 13, 2016, to May 13, 2017.

¶ 9 On August 17, 2017, respondent signed a consent for adoption for S.E. by her then foster parent, T.T, thereby voluntarily terminating respondent's parental rights. The consent states it will be void if DCFS places the minor with someone other than the specified person and respondent's parental rights will be restored. On December 1, 2021, the trial court entered an order vacating the order voluntarily terminating respondent's parental rights because on May 14, 2021, DCFS removed S.E. from the placement with the person specified in the voluntary termination. Respondent's voluntary consent to adoption became void and her parental rights were restored. The December 1, 2021, order states the order does not affect the father and his parental rights remained terminated.

¶ 10 On July 21, 2022, the State filed a second petition to terminate respondent's parental rights. In March, July, and August 2023, the trial court conducted an unfitness hearing. Dr. Joel Savoy testified, and based on his testimony, the trial court admitted certain documentary evidence that is at issue in this appeal. Dr. Savoy testified, in pertinent part, that he was the

program manager for the child welfare department of Association House of Chicago and he supervised S.E.'s case. Dr. Savoy explained how a case is passed from one agency to the next. According to Dr. Savoy, the transferring agency sends its records to the new agency through DCFS. The entire case file was assigned a DCFS identification number. The records included service plans, case notes, and other miscellaneous reports. All documents are identified by the DCFS identification number. Dr. Savoy testified the documents in the case file were kept in the normal course of business.

¶ 11 Specifically, the State offered 13 documents into evidence. Dr. Savoy testified generally that the documents were made and kept in the normal course of business. He also testified that caseworkers are trained to make their records contemporaneously. Respondent objected to the admission of some of the documents as lacking a proper foundation.

¶ 12 Dr. Savoy testified that a different agency, one previously assigned to this case, created the State's exhibit 1, titled Integrated Assessment. The document described respondent's issues related to parenting and what she needed to do to address them. The State's exhibit 2 is another, later, Integrated Assessment. These assessments are reviewed and updated every 6 months with updated information. The exhibit 2 assessment stated that respondent was participating in services and completed some of them but respondent needed to be more consistent.

¶ 13 Exhibit 3 is an August 25, 2015, transfer document titled ChildServ Transfer Summary. The transfer was due to downsizing at the agency. The exhibit states respondent had not engaged in services since May 2015 and recommended a permanency goal of return home pending status and that respondent should reengage in her services.

¶ 14 The trial court also admitted the State's exhibits 4 through 9. Exhibits 4 through 9 are respondent's Service Plans from April 23, 2013, until July 19, 2017. Dr. Savoy testified that a

Service Plan is a legal document to assess the respondent's and the minor's well-being and the family's progress, and they are created every six months. Service plans discuss the goals of each case. The first Service Plan is from April 2013. The plan stated respondent's needs and the services that would be provided to respondent (the details of which are not necessary for an understanding of our disposition in this case).

¶ 15 In Service Plans dated January 28, 2014 (exhibit 5), and July 13, 2015 (exhibit 6), both created by the agency ChildServ; the agency documented respondent's progress through services including which services she completed, which she did not, and respondent's conduct and consistency in participating in services. Similarly, Service Plans dated July 7, 2016 (exhibit 7), January 12, 2017 (exhibit 8), and July 19, 2017 (exhibit 9), each created by another agency, Association House, continued to document respondent's participation in services. Association House was Dr. Savoy's agency. Dr. Savoy testified that Service Plans were done "within the normal course of business, and they [were] made regularly." Dr. Savoy testified that caseworkers were trained to try to keep their case notes and service pans as contemporaneously as possible. Each successive Service Plan included some information from prior Service Plans. Service Plans created by Association House documented respondent's participation in some services but also her failure to participate in other services. Each successive Association House Service Plan rated respondent's progress as unsatisfactory.

¶ 16 Dr. Savoy testified that during the time he had the case, respondent was never granted unsupervised visits because:

> "[Respondent] was not active in the case. She was not coming forward to be assessed for services. She was not participating in services. She was not visiting with the child. She did have some phone contact with the child very

> occasionally, not frequent. And that was primarily the reasons why we never assessed her for unsupervised visits, because she didn't present herself."

¶ 17 Dr. Savoy testified as to how participants' ratings are selected. A rating of "unsatisfactory" meant the participant had not successfully completed recommended services. Dr. Savoy testified that before a caseworker rated a participant's progress, the caseworker met with Dr. Savoy to review the records. The ratings in the Service Plans are largely dependent upon reports from the actual service providers. The evaluation is then subjected to an administrative case review (ACR). Between July 7, 2016, (exhibit 7) and July 19, 2017, (exhibit 9), respondent's progress was rated unsatisfactory and Dr. Savoy never recommended unsupervised visits or a goal of return home due to respondent's lack of progress. Specifically, when asked about whether Dr. Savoy's agency ever recommended return home to respondent, Dr. Savoy testified the reason it did not was "with our conversations with [respondent,] she did not believe she could care for the child, so she wanted the child to stay with [T.T.]"

¶ 18 The State's exhibits 10 through 13 are not Service Plans. The State's exhibit 10 is a report from JCAP, a substance abuse program for people involved in DCFS. The report states that respondent met the criteria for substance abuse treatment and that she did begin treatment. The State's exhibit 11 is a report created by a Court Appointed Special Advocate (CASA) and is dated April 29, 2015. The CASA report states the date the CASA representative spoke to respondent (December 8, 2014). The report contains information provided to the CASA representative by respondent's caseworker. The caseworker reported to the CASA representative that respondent had not been compliant with services.

¶ 19 The State's exhibit 12, dated August 13, 2015, is a contact case note created by DCFS. The contact case note contains information from respondent's caseworker noting respondent's

condition, and her progress with services. Exhibit 13 is a report dated April 29, 2015, to the court from the agency ChildServ. Exhibit 13 states that respondent acknowledges not visiting S.E., respondent disengaged from services, and respondent self-reported suffering from depression.

¶ 20 Dr. Savoy testified that during his personal participation in the case he worked with multiple caseworkers. He also testified that while he was supervising the case respondent never had unsupervised visitation with S.E. Dr. Savoy characterized respondent as not active in the case, not presenting for services, and having limited contact with S.E.

¶ 21 When respondent testified at the trial, she testified to conversations she had with T.T., the party to whom respondent granted consent to adopt S.E., and her attorney regarding respondent's participation in S.E.'s life. The trial court admitted into evidence the text of a text message conversation between respondent and T.T. (respondent exhibit 1) and one email between respondent and her attorney (respondent exhibit 2). Defendant's medical records from Nystrom and Associates (exhibit 14), which provided substance abuse and mental health treatment, were also admitted into evidence.

¶ 22 Respondent began testimony on March 14, 2023. Respondent, in pertinent part, described the services recommended to her. Respondent has taken multiple medications for mental health issues. Respondent testified she did present for some mental health and substance abuse issues. Respondent testified she did not recall some information about her mental health and substance abuse issues contained in her medical records, including thoughts of suicide. Respondent had last seen S.E. in May 2015 and spoke to her by telephone in December 2018. Respondent testified she stopped seeing S.E. because she was told her service provider could no longer facilitate visits. Respondent opined that between 2013 and 2015 she consistently visited S.E. at the foster home or at an agency and that she participated in some services, which respondent described. In

2016 S.E. was placed with T.T., the foster parent S.E. consented could adopt S.E. Respondent testified that from 2013 until 2015 she had regular contact and saw S.E. Respondent testified that she communicated with T.T. and attempted to see and be involved in S.E.'s life through co-parenting but was rebuffed by T.T. Respondent testified that the January 2014 death of her son, who was S.E.'s twin, affected her ability to participate in services. In 2016, respondent moved to Minnesota so that she could receive more services than were available in Illinois, which she voluntarily sought out in Minnesota.

¶ 23 Other testimony at the trial was that after S.E was removed from T.T. and respondent's parental rights were restored, respondent's caseworker from another agency, Hephzibah Children's Association, attempted to reengage respondent with recommended services. The caseworker delayed in contacting respondent because the caseworker did not know if the removal of S.E. from T.T. would be permanent, and because of respondent's consent to adoption. Thereafter, when S.E. received a different placement, respondent did not know and had no way to contact S.E. from May 2021 until February 2023. During that time period respondent expressed a desire to see S.E. The caseworker told respondent what services were needed. At that time, DCFS was not required to pay for services but continued to recommend that respondent complete specified services. The new caseworker was communicating with respondent in 2022, and some assessments needed to be re-done due to the passage of time. Respondent participated in mediation but mediation failed to produce a method by which respondent could communicate with S.E. Respondent could not obtain a clinical staffing due to personnel shortages and the Covid-19 pandemic. A clinical staffing was required to determine if visitation was appropriate. One reason for respondent's inability to have visitation with S.E. was the fact respondent did not have a consistent therapist. The lack of a consistent therapist was not attributable to respondent.

¶ 24 The agency continued to recommend that S.E. not be returned to respondent in part because respondent had last seen S.E. when S.E. was four-years old and S.E. was then 12-years old. During the entire period the case was assigned to Hephzibah, respondent never had unsupervised visitation and the agency never recommended a goal of return home.

¶ 25 On August 7, 2023, the trial court found respondent unfit based on failure to make progress between 2013 and 2016. The case proceeded to a best interest hearing.

¶ 26 A different caseworker testified for the State at the best interest hearing. This caseworker was also from Hephzibah. In sum, as it pertains to this appeal, this caseworker testified positively about the conditions of S.E.'s placement with her then foster parent. The caseworker opined that it was in S.E.'s best interest to appoint a guardian with the right to consent to adoption. S.E.'s then foster parent also testified to the positive impacts and conditions of S.E.'s placement with the foster mother and her desire to adopt S.E. Respondent testified at the best interest hearing that she could care for S.E. and that respondent wanted S.E. home with her mother.

¶ 27 The trial court found that it was in S.E.'s best interest to terminate respondent's parental rights and appoint a guardian with the right to consent to adoption. In making this ruling, the trial court stated it relied, in part, on the failure of reunification attempts.

¶ 28 This appeal followed.

¶ 29 ANALYSIS

¶ 30 This is an appeal from a judgment terminating parental rights.

> "The Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2020)) sets forth a two-step process to involuntarily terminate a parent's rights. [Citation.] First, the State must prove, by clear and convincing evidence, that a parent is 'unfit' as defined by one of the grounds in section 1(D) of the Adoption

Act. 705 ILCS 405/2-29(2) (West 2020); 750 ILCS 50/1(D) (West 2020). If the court finds a parent unfit, it must determine whether it is in the child's best interest to terminate that parent's rights. 705 ILCS 405/2-29(2) (West 2020).

The Adoption Act lays out numerous grounds by which a parent can be found unfit, two of which are relevant here: grounds (b) and (m) ***. [Citation.] When addressing this question, the parent's past conduct under the then-existing circumstances is the only thing under scrutiny; we do not examine the best interests of the child at this juncture. [Citation.] ***

A finding of unfitness will not be reversed unless it is against the manifest weight of the evidence because the trial court's opportunity to view and evaluate the witnesses and evidence is superior to that of a reviewing court. [Citation.] A decision is against the manifest weight only when the opposite conclusion is clearly evident ([citation]) or where the finding is unreasonable, arbitrary, or not based on the evidence. There is a strong and compelling presumption in the trial court's favor in child custody cases. [Citation.]" *Interest of Y.F.*, 2023 IL App (1st) 221216, ¶¶ 28-30.

¶ 31 Under the Adoption Act:

" 'Unfit person' means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following ***

(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare ***,

* * *

> (m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent during any 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, or (ii) to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act." 750 ILCS 50/1(D) (West 2020).

¶ 32 Respondent argues the trial court erred in admitting certain exhibits into evidence and that because of this error, the finding of unfitness should be reversed and the cause remanded for a new fitness hearing that does not include the contested evidence. The State responds the trial court properly admitted the evidence but, regardless, the allegedly erroneous admission of that evidence, in this context, is subject to a harmless error analysis; and any error in this case was harmless, therefore, the finding of unfitness should be affirmed. The State also notes that respondent does not challenge the determination that termination of her parental rights is in S.E,'s best interest and, therefore, respondent has forfeited any argument in that regard.

¶ 33 The State correctly states that any error in this case is subject to a harmless error analysis. *In re A.S.*, 2020 IL App (1st) 200560, ¶ 28 (applying harmless error test to statements in medical records in appeal from finding that minor was abused), *In re Zariyah A.*, 2017 IL App (1st) 170971, ¶ 90 (applying harmless error analysis in appeal from adjudicatory hearings under the Act). The test for harmless error "is whether it appears beyond a reasonable doubt that the error at issue did not contribute to the [judgment] obtained at trial. [Citation.] When determining whether an error is harmless, a reviewing court may, '(1) focus on the error to determine whether

it might have contributed to the conviction; (2) examine the other properly admitted evidence to determine whether it overwhelmingly supports the conviction; or (3) determine whether the improperly admitted evidence is merely cumulative or duplicates properly admitted evidence.' [Citation.]" *In re Brandon P.*, 2014 IL 116653, ¶ 50.

¶ 34 The State is also correct that respondent has forfeited any review of the best interest determination. *People v. Franklin*, 2023 IL App (1st) 200996, ¶ 103 ("Generally, points not argued in the opening brief are forfeited and cannot be raised for the first time in the reply brief. Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020).").

¶ 35 For the following reasons, we agree with the State that any error that may have occurred in this case was harmless.

¶ 36 The alleged error in this case is the admission into evidence of certain documents. In this context, the admission of documentary evidence is controlled by section 2-18(4)(a) of the Juvenile Court Act (Act) (705 ILCS 405/2-18(4)(a) (West 2020)). "We review the admission of evidence pursuant to section 2-18(4)(a) for an abuse of discretion." (Internal quotation marks omitted.) *In re M.H.*, 2020 IL App (3d) 190731, ¶ 17 (quoting *In re J.Y.*, 2011 IL App (3d) 100727, ¶ 13). Respondent argues the trial court erroneously admitted the State's exhibits 1 through 13. The trial court admitted the documents as business records, an exception to the rule against the admission of hearsay, on the strength of testimony by Dr. Savoy that the records are kept in the ordinary course of business and are created as contemporaneously as possible to the events stated in them.

¶ 37 Section 2-18(4) (a) reads, in pertinent part, as follows:

> "Any writing, record, *** of any *** public or private agency, whether in the form of an entry in a book or otherwise, made as a memorandum or record of

> any condition, act, transaction, occurrence or event relating to a minor in an abuse, neglect or dependency proceeding, shall be admissible in evidence as proof of that condition, act, transaction, occurrence or event, if the court finds that the document was made in the regular course of the business of the hospital or agency at the time of the act, transaction, occurrence or event, or within a reasonable time thereafter. *** All other circumstances of the making of the memorandum, record, photograph or x-ray, including lack of personal knowledge of the maker, may be proved to affect the weight to be accorded such evidence, but shall not affect its admissibility." 705 ILCS 405/2-18(4)(a) (West 2020).[1]

¶ 38 Respondent argues the exhibits at issue "were documents that would have been prepared before [Dr. Savoy's] agency was assigned the case in 2016," such that Dr. Savoy could not testify competently that "these records were made in the ordinary course of business because he has no idea as to what was done by another agency." Both in the trial court and on appeal, respondent admits respondent "did not object to records 'from 2016 and forward,' when Dr. Savoy's agency was assigned." In support of her position that the State failed to provide a proper foundation to admit the contested documents as business records, respondent further relies on our sister district's decision in *In re M.H.*, which construed compliance with section 2-18(4)(a) of the Act in that case. In *M.H.*, the respondents argued the trial court erred in admitting certain documentary evidence (service plans) under section 2-18(4)(a) without a proper foundation. *In re M.H.*, 2020 IL App (3d) 190731, ¶ 14. The *M.H.* court found that:

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[1] Section 2-14(4)(a) contains a provision that would find *prima facie* evidence that the facts stated in the document satisfy the requirements of this section with a proper certification that is not an issue in this appeal because the records at issue do not include said certification.

> "to be admissible as a business record under [this section], the proponent must establish a foundation showing that the writing was (1) made as a memorandum or record of the event, (2) made in the ordinary course of business, and (3) made at the time of the event or within a reasonable time thereafter. [Citation.] The author of the writing does not need to testify. *Id.* Instead, anyone familiar with the business and its procedures may testify about how the writing was prepared." (Internal quotation marks omitted.) *Id.* ¶ 17.

¶ 39 In *M.H.*, the court found that "the State failed to satisfy the requirements of section 2-18(4)(a) because it failed to elicit any testimony regarding the production of the service plans." *Id*. ¶ 18. In that case, the State's only witness "did not provide any information regarding the production of DCFS service plans." *Id*. Nor did the witness "claim any familiarity with the procedures for creating service plans." *Id*. The *M.H.* court found that, "[i]n fact, [the witness] did not discuss the service plans at all." *Id*. In this case, respondent argues that "Dr. Savoy did not so testify for all records, for example, the CASA report, or specify that any particular exhibit was made in the regular course of business of any agency." Respondent notes that "Dr. Savoy did not testify to the procedures for creating [the documents,] certainly not by another agency." Respondent argues that "[t]estifying how records are typically transferred and normally kept, and that service plans are regularly kept, or how a service plan is defined, is not the same as testifying how they were actually created by the other agency."

¶ 40 We have no need to make a determination as to whether respondent is correct, and that Dr. Savoy's testimony was insufficient to provide a foundation for the admission of the contested documents as business records under section 2-18; or whether respondent is merely "splitting hairs" and the trial court in this case correctly found that Dr. Savoy provided competent

testimony that the documents are business records because "he was the caseworker. He knows how they do it. He knows the routine course." We are relieved of that task because, even if the trial court erred in admitting the exhibits, that error was harmless beyond a reasonable doubt, and any decision we make about the sufficiency of the testimony in this case could be construed as an advisory opinion on the quality of evidence needed to satisfy the requirements of section 2-18(4)(a), which we should avoid. *In re Commitment of Montilla*, 2022 IL App (1st) 200913, ¶ 94 ("Generally, reviewing courts do not rule upon moot questions, render advisory opinions, or consider issues where the outcome will not be affected regardless of how those issues are decided."), *Benz v. Department of Children & Family Services*, 2015 IL App (1st) 130414, ¶ 31 ("The court also generally avoids issuing an advisory opinion ***.").

¶ 41 As previously stated, in this context, any error in the admission of evidence is subject to a harmless error analysis. Indeed, as the *M.H.* court (respondent's primary authority on appeal) found, "we need not remand for a new fitness hearing if other evidence submitted was 'sufficient to establish at least one ground of parental unfitness by clear and convincing evidence.' " *In re M.H.*, 2020 IL App (3d) 190731, ¶ 21. We find that in this case, the State did present sufficient evidence to establish at least one ground of parental unfitness by clear and convincing evidence. To reach that conclusion, this court applies the manifest weight of the evidence standard to the trial court's findings. *People v. Pitts*, 2024 IL App (1st) 232336, ¶ 21. This is because where the "legislature has mandated that the State's burden *** is clear and convincing evidence *** [w]e have consistently attached a manifest weight of the evidence standard of review to findings made by the trial court under that burden of proof." *Id.* "[I]n parental rights cases, parental unfitness must be shown by clear and convincing evidence; thus, the standard of review is whether the trial court's finding was against the manifest weight of the evidence." *Id.* (citing *In re C.N.*, 196 Ill. 2d

181, 208 (2001)). Accord *People v. Whitaker*, 2024 IL App (1st) 232009, ¶ 49 ("in parental rights cases, proof of parental unfitness must be proven by clear and convincing evidence, and, on review, this court considers whether the trial court's finding was against the manifest weight of the evidence"). "A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented." *Id*. ¶ 47.

¶ 42 First, the relevant time periods during which the State claimed that respondent was unfit were the nine-month periods between August 13, 2013, to May 13, 2014; May 13, 2014, to February 13, 2015; February 13, 2015, to November 13, 2015; November 13, 2015, to August 13, 2016; and August 13, 2016, to May 13, 2017.

¶ 43 Second, the trial court in this case relied on nine-month time periods in 2013 *and in 2016* (a time period for which there is no challenge to Dr. Savoy's live testimony) to find respondent unfit. The trial court ruled, in pertinent part, as follows:

> "[B]ased upon clear and convincing evidence considering Ground B: 'failure to maintain a reasonable degree of interest, concern, or responsibility of the child's welfare and failure to make reasonable efforts to correct the conditions that were [the] basis of the removal of the child from the parent[,] *** making reasonable progress towards return of the child with a nine month period of, with the nine months after adjudication.' *** All right 2013, 2016, mother could have done more services. She didn't. It does show lack of responsibility. *** Mother leaves Illinois in 2016. *** She goes to Minnesota. She can't see her child.
>
> It's hard to see your child if you are living in Minnesota when your child is in Illinois. *** She didn't' get her psychiatric assessment—2011; caseworker

> even mailed the list to the mother about the services she had to do. She disagreed.
>
> ***
>
> There's all kinds of problems here: problems with the mother 'trying to jump off a bridge. Mother trying to cut herself.' She didn't want to remember any of that stuff. She did remember some of the things. She doesn't remember that. No; I don't find the mother to be credible. All right; so based on clear and convincing evidence, I'm making a finding of unfitness: Ground (B) and (M)."

¶ 44 The State argues that Dr. Savoy provided enough testimony from "first-hand, personal knowledge based on working with the assigned caseworkers and respondent personally for 4 years from 2016 to 2020" to establish by clear and convincing evidence that "at least one ground of parental unfitness had been [proven]" in that Dr. Savoy's testimony established that respondent failed to maintain a reasonable degree of interest, concern, or responsibility of the child's welfare and failed to make reasonable efforts to correct the conditions that were the basis of the removal of the child from the parent or to make reasonable progress towards return of the child. See 750 ILCS 50/1(D) (West 2020).

¶ 45 As previously stated, Dr. Savoy testified he took over the case in 2016 and that during his participation in the case he worked with multiple caseworkers. He also testified that while he was supervising the case respondent never had unsupervised visitation with S.E. Dr. Savoy characterized respondent as not active in the case, not presenting for services, and having limited contact with S.E. Dr. Savoy testified respondent never "made progress while the case was with me, so all of the Service Plans are rated unsatisfactory." Dr. Savory testified respondent was rated unsatisfactory and that the basis for that was "[l]ack of progress and services, lack of visitation with the child, and she just generally was not involved in this case."

¶ 46 There was also evidence independent of the challenged exhibits that after S.E was removed from T.T. and respondent's parental rights were restored, respondent's caseworker from another agency, Hephzibah, attempted to reengage respondent with recommended services. During the entire period the case was assigned to Hephzibah, respondent never had unsupervised visitation and the agency never recommended a goal of return home. Respondent testified she moved away from S.E. to Minnesota. Absent respondent's medical records, respondent testified that she sought substance abuse and mental health treatment in Minnesota. Respondent testified she did not have any unsupervised visits with S.E. through February 2016.

¶ 47 We find that the trial court's fitness determination is amply supported by clear and convincing evidence that is independent of the challenged documentary evidence. The opposite conclusion, that respondent is fit to parent S.E., is not clearly evident; and the court's finding of unfitness is reasonable, it is not arbitrary, and it is based on the evidence presented at the fitness hearing. Therefore, the trial court's decision is not against the manifest weight of the evidence. *Interest of Y.F.*, 2023 IL App (1st) 221216, ¶¶ 28-30. In light of the evidence and Dr. Savoy's testimony about his personal involvement in the case, and the relevant time period, there is sufficient evidence of record to find that the outcome of the unfitness hearing would have been the same even had the contested documents been omitted. We find that any error in the admission of the challenged exhibits was harmless beyond a reasonable doubt because other properly admitted evidence overwhelmingly supports the determination respondent was unfit. *In re Brandon P.*, 2014 IL 116653, ¶ 50. Because any error in the admission of evidence was harmless beyond a reasonable doubt, the trial court's finding of unfitness is affirmed. See *People v. Tolliver*, 2021 IL App (1st) 190129, ¶ 68 ("We may affirm only if, after considering all of the other evidence, we can conclude that the error was harmless beyond a reasonable doubt.").

¶ 48 CONCLUSION

¶ 49 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 50 Affirmed.