FOURTH DIVISION
May 19, 2011

No. 1-10-3438

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IN THE APPELLATE COURT
OF ILLINOIS
FIRST JUDICIAL DISTRICT

In re MAYA B. and MICHAEL B.,	)	Appeal from the
	)	Circuit Court of
Minors-Respondents-Appellees	)	Cook County
	)	
(The People of the State of Illinois,	)	Nos. 06 JA 155
	)	06 JA 156
Petitioner-Appellee,	)	
	)	Honorable
v.	)	Bernard J. Sarley,
	)	Judge Presiding.
Alenka K.,	)	
	)	
Mother-Respondent-Appellant).	)	

JUSTICE STERBA delivered the judgment of the court.
Presiding Justice Lavin and Justice Salone concurred in the judgment.

ORDER

HELD: The circuit court's finding of unfitness for failure to maintain a reasonable degree of responsibility as to the children's welfare and failure to make reasonable progress toward the goal of return home was not against the manifest weight of the evidence. Moreover, the circuit court's finding that termination of parental rights was in the best interests of the children was not against the manifest weight of the evidence.

On November 9, 2010, the circuit court terminated the parental rights of mother-

respondent-appellant, Alenka K., ruling that termination was in the best interests of the minors-respondents-appellees, Maya and Michael B. The court further found Alenka to be an unfit parent for failure to make reasonable progress toward reunification, and for failure to show a reasonable degree of responsibility for the children's welfare. On appeal, Alenka contends that the circuit court erred in finding her unfit where she was participating in or had completed all services requested of her and the Department of Children and Family Services (DCFS) did not provide other services necessary for reunification. She further contends that the State failed to establish that it was in the minors' best interests to terminate her parental rights. For the reasons that follow, we affirm the judgment of the circuit court.

BACKGROUND

Alenka and Donald B.[1] are the parents of Maya, born August 28, 2003, and Michael, born July 5, 2005. In November 2005, DCFS learned of allegations that Michael had burned his wrist on a bathroom heater and had not received medical treatment. A subsequent DCFS investigation found that Alenka was addicted to cocaine and engaging in prostitution to support her addiction and the family, the home and children were filthy, there was not adequate food in the home, there was no heat or plumbing, and the children had not been to a doctor in six months. On or about January 25, 2006, Alenka agreed to place the children in foster care. As of February 24, 2006, neither Alenka nor Donald had visited the children and the parents' whereabouts at that time

[1]Donald B. was a party to the termination proceedings until he voluntarily signed consents for the children to be adopted. He is not a party to this appeal and the parents are no longer together.

were unknown.

On February 27, 2006, the State filed a petition for adjudication of wardship and a motion for temporary custody of the minors. The petition alleged that the minors were abused and neglected because they were subjected to inadequate care and abandonment and an environment injurious to their welfare, and because the conduct of their parents created a substantial risk of physical injury. On March 13, 2006, temporary custody was awarded to DCFS. Alenka's whereabouts were unknown until May 2006 when she was located at Cook County Jail. She was then referred for services and was permitted to visit with the children. On December 13, 2006, the circuit court entered an adjudication order finding that the minors were abused or neglected due to a lack of care and an injurious environment.

The circuit court entered a permanency order on January 29, 2007, with a permanency goal of return home pending a status hearing, noting that neither parent had made substantial progress toward return home of the children and that services were ongoing. On June 27, 2007, the circuit court entered another order with the permanency goal of return home, indicating that Alenka had made "some" progress. On October 9, 2007, the circuit court entered a permanency goal of return home within 12 months, noting that Alenka had made substantial progress. On March 11, 2008, the circuit court again entered the permanency goal of return home, noting that Alenka had made substantial progress. On August 7, 2008, the circuit court once again entered the permanency goal of return home, but this time indicated that Alenka had simply made progress, rather than substantial progress. On November 3, 2008, the circuit court entered a permanency goal of return home within 12 months, indicating that Alenka had made "some"

progress.

On April 7, 2009, the circuit court entered a permanency goal of substitute care pending a determination on termination of parental rights, indicating that Alenka had not made substantial progress and noting that the minors had been in placement for three years. The State filed a termination of parental rights petition for both children on September 1, 2009. The petition alleged that Alenka was unfit for failing to maintain a reasonable degree of interest, concern or responsibility, failing to protect the minors from conditions injurious to their welfare, and failing to make reasonable efforts and/or reasonable progress toward the goal of return home. The time periods for which the State was alleging unfitness for failure to make reasonable efforts and progress were: (1) December 13, 2006 to September 13, 2007; (2) September 14, 2007 to June 14, 2008; and (3) June 15, 2008 to March 15, 2009. The termination proceeding commenced, with the presentation of evidence related to parental fitness first, followed by the presentation of evidence related to the best interests of the minors.

Fitness Evidence

Gina Ciulla is a foster care supervisor at Shelter, Inc., the agency that has supervised the children's cases since March 2006. Ciulla's duties included assessing the parents for services and monitoring their progress. Ciulla testified that in March 2006, Alenka was in need of a substance abuse assessment, a mental health assessment, and individual counseling. In August of 2006, Alenka completed the substance abuse assessment and it was recommended that she attend an outpatient drug treatment program. Ciulla testified that Alenka participated in numerous substance abuse services throughout the entirety of the case and as of October 19, 2010, she had

completed inpatient and outpatient services and was currently undergoing recovery programs.

Ciulla testified that as of April 2009, Alenka was still in need of individual therapy services. She was also in need of housing because she was living in a permanent homeless shelter for women, however, children were not allowed to live there. Ciulla stated that her agency had referred Alenka to the housing advocacy unit at DCFS, but that agency was unable to assist her because she had no income.

Ciulla's duties also included working with the caseworker in order to make recommendations for visitation with the minors. The recommendations were based on reports from other service providers such as therapists, as well as observations of interactions between Alenka and the children during visits. Ciulla testified that at no time since December 2006 had her agency recommended unsupervised visitation because of concerns about Alenka's ability to supervise the children in light of Michael's special needs, and to provide appropriate food in light of the children's food allergies. Ciulla stated that Alenka had been provided with a list of the appropriate foods both children could eat, but she did not always follow it, and Michael, who is lactose intolerant, would sometimes get very sick because of something he had consumed during a visit. On cross examination, Ciulla explained that because of Michael's autism, he would wander off and play on his own, and would constantly leave the visiting room and run out. She said that sometimes the caseworker or foster mother had to go after him and bring him back.

Ciulla also testified that Alenka had completed two parenting classes and her individual therapy was ongoing. The parenting coach wanted to do additional work with Alenka on unsupervised visits, but because the agency was unable to recommend unsupervised visits, Ciulla

testified that the parenting coach felt he could not go further in that service. Ciulla stated that as of October 19, 2010, her agency was still not recommending unsupervised visits because despite the parenting classes and work with the parenting coach, there were ongoing concerns that Alenka had not integrated the things she had learned in order to progress to unsupervised visits. In April 2009, the agency recommended a goal of substitute care pending termination of parental rights. Ciulla explained that she felt that this goal was in the children's best interests because although Alenka was participating in services, she had not made significant progress given the length of time involved.

Jennifer Taepke is employed by Shelter, Inc. and was assigned in October 2008 as the family caseworker to everyone in the family except for Michael. She testified that prior to the goal being changed to termination of parental rights, Alenka met with the children once a week for two hours each week. Alenka's current visitation schedule was one visit a month for one hour. Taepke testified that she created a service plan for Alenka in March 2009, which rated Alenka's progress for the previous six months as unsatisfactory in terms of finding stable employment and housing. Taepke testified that Alenka applied for jobs at which she could not gain employment because of her open DCFS case. Taepke stated that she explained to Alenka that she could not qualify for those jobs because of the open DCFS case and suggested alternative jobs, but Alenka continued to apply for jobs for which she was not qualified. Taepke testified that Alenka was living at a homeless shelter for women that did not allow children to reside there.

During the time that she was assigned to the case, Taepke supervised approximately 20

visits between Alenka and the children. Taepke testified that on numerous occasions Alenka spoke inappropriately to the children about returning home and told them that they would be coming to her apartment. Taepke stated that she consistently reminded Alenka that she was not to discuss returning home with the children, especially with Maya, because it would upset Maya. Maya had a very difficult time before and after visits. She would initially refuse to go and would have an upset stomach and problems sleeping after the visits. Taepke testified that when she talked to Maya about why she was upset, Maya told her that she did not want to move and that she wanted to stay with her foster parents and was afraid that she was going to be taken away. Taepke also stated that there were instances during the visits where Michael would run off on his own and where Alenka would bring inappropriate food to the visits. In one specific incident at a park, Alenka was taking pictures of Maya on the playground and Michael ran off without Alenka realizing it. Taepke testified that Alenka was sometimes able to re-engage Michael and handle both children at the same time, but not always.

In March 2009, the agency had a staffing meeting to discuss its goal recommendation. The recommendation was based on information received from Alenka's therapist as well as reports from the case file. The agency recommended substitute care pending termination of parental rights. Taepke testified that she recommended that goal because of the lack of progress Alenka was making in her services and Alenka's current living situation. She also considered the amount of time the minors had been placed in foster care.

The parties stipulated to the admission into evidence of various documents, including two treatment plan reviews for Alenka. The first treatment plan document, dated December 30, 2008,

stated that Alenka's progress was difficult to assess because she had canceled several appointments without notice and tended to spend her session time discussing spiritual matters and sharing stories that were unrelated to her treatment goals. The other treatment plan review was dated April 1, 2009, and stated that her progress since the last court date had been minimal due to both inconsistent attendance and resistance.

Dr. Rachel Tait testified as an expert in the field of clinical psychology. Dr. Tait worked for the Cook County Juvenile Court Clinic and was assigned to do two clinical evaluations of Alenka. She issued two reports as a result of her evaluations, dated February 7, 2008, and March 16, 2009. Dr. Tait testified that although Alenka had made progress in services in some areas between the time of the two reports, her concern in the March 16 report was that from October 2008 through March 2009, Alenka had only attended six individual therapy sessions. She had canceled a number of appointments and, according to her therapist, had made minimal progress because she was very defensive and resistant to therapy.

Dr. Tait also noted in the March 16 report that if Maya was returned to Alenka, she would face substantial separation issues with her foster parents. For Michael, Dr. Tait's concerns were related to his special needs due to his diagnosis of autism. Additional risk factors were Alenka's unemployment and lack of adequate housing. Dr. Tait testified that these factors were more of a concern at the time of the March 16 report because a year had passed and Alenka still had not secured employment which was a necessary precursor for obtaining housing. Moreover, she considered the impact that staying a year longer with the foster family would have on the children in terms of potential attachment to the foster family.

Dr. Tait testified that in the March 16 report, she concluded that Alenka had the intellectual capacity and the vocational skills to be able to secure employment, identify and address her children's needs, and make gains in therapy. However, she concluded that it was unlikely that Alenka would reach the goal of return home within the near future, given that the case had been in the system for three years, Alenka was still unable to provide adequate housing, she was making minimal progress in therapy, and her openness to change and willingness to make gains in treatment were questionable.

Alenka testified that she completed inpatient and outpatient substance abuse programs for nine months and then continued to attend regular AA and NA meetings. She obtained sign-in sheets from the meetings and also had random urine drops that were negative and were eventually discontinued. She said she had remained sober since the completion of outpatient treatment. She completed two parenting classes and had participated in sessions with a parenting coach.

When asked if anything else helped her development toward the goal of return home, Alenka said she attended church three times a week. She was counseled by Pastor Sean McGee and later visited places like jails and hospitals with him as part of a ministry team. She also completed two courses for Christian social work at the church. Alenka stated that she wanted to work with people so she applied for jobs such as a residential counselor. She said that she tried to go to a cooking training program and was told she had the ability to become a sous chef. However, because she could not lift 50 lbs of frozen chicken as a result of an injury to her arm while she was serving in the Croatian military, she was told that she was not applying herself.

Alenka testified that although she was in this country legally, she had lost the required documents to so indicate, and that affected her ability to find employment.

Alenka stated that all of her friends knew she was looking for housing, so whenever any of them heard about housing they would alert her. She said she applied to a building that had just opened up for CHA Section 8 but that most of the lists for housing were closed, and that was the only building at which she applied. She said she had been living at the homeless shelter for two and a half years, and that children were allowed to visit overnight.

Alenka testified that when her children were removed from her home, Maya was the only one who had a food allergy and she was allergic to tomatoes. Michael did not become lactose intolerant until he was about two years old, and she eventually became aware of it and never intentionally gave inappropriate food to her children. She said that once Michael tried to take food she had brought for Maya.

On cross-examination, Alenka confirmed that she initially went to outpatient treatment for substance abuse but was discharged after her second positive drop for illegal substances. It was then recommended that she continue in inpatient treatment, but it took her three months to get in. Alenka stated that she had a green card but she lost it and it was expensive to get another one. She did not obtain a replacement green card until July 2008.

Sean McGee testified that he is an assistant pastor at the House of Prayers Homeless Ministries. He said that when Donald and Alenka first began attending the church, he noticed that Alenka was dealing with depression and the separation from her children. He testified that he counseled both parents, not on a set schedule, but whenever they would attend services and he

would take them home. He noticed a "great change" in Alenka's behavior since he first met her. He observed her acts of kindness toward a member in their church who has Parkinson's disease. The senior pastor appointed Alenka to be head of the area of providing housing for the homeless and she showed responsibility in her tasks. McGee said that he had never seen her interact with her own children, but that he had seen her interact with other children and she was very good with them.

At the close of the evidence on fitness, the circuit court found that while Alenka made reasonable efforts to correct the conditions that led to the removal of her children, she did not make reasonable progress toward return home of her children within any of the three relevant nine-month periods. Based on the evidence presented, the court concluded that Alenka did not make reasonable progress in the areas of individual therapy, individual living, sufficient income, suitable housing, or unsupervised visitation. The court further found that Alenka failed to maintain a reasonable degree of responsibility necessary to parent a child. The court concluded that the evidence clearly supported a finding of unfitness.

Best-Interests Evidence

Tracie Jacobs testified that she was employed by Aunt Martha's Youth Service Center and was the case manager for Michael. At the time she was assigned to the case in March 2010, she was provided with case notes and spoke with the previous case manager regarding the case. Jacobs met with Cathleen N., Michael's foster mother, in November 2010. Cathleen stated that she and her husband wanted to adopt Michael.

Jacobs testified that Michael had been diagnosed with mild autism and also had asthma.

He needs occupational therapy, speech therapy and physical therapy for his autism. Jacobs stated that the foster parents were providing the services Michael required and transported him to the necessary appointments. Jacobs testified that there had never been issues or concerns regarding the safety of the foster home and she believed Michael was bonded to his foster family. Jacobs stated that she believed it was in Michael's best interests that parental rights be terminated and that her agency would recommend a permanency goal of adoption.

Taepke testified that on October 27, 2010, she met with Cathleen, Maya's foster mother. Cathleen indicated to Taepke that she wanted to adopt both Maya and Michael. Taepke testified that Maya had asthma and had been diagnosed with oppositional defiant disorder and separation anxiety disorder. Maya received individual therapy once a week. Cathleen transported Maya to therapy, communicated regularly with the therapist, and participated in the sessions when necessary. Taepke visited the foster home once a month and observed that Maya appeared to be very bonded to her foster family, especially to her foster mother and an adult daughter who lived in the home.

In September 2010, Taepke spoke with Maya alone and Maya told her that she wanted to stay with her foster family and that she was afraid of being with her mother when Alenka talked about her apartment or about Maya moving in with Alenka. Taepke testified that both Maya and Michael appeared fearful of going to visit Alenka. She stated that while both children interacted with Alenka appropriately during visits, they were also very comfortable leaving visits and would run out to their foster mother. Taepke explained that because of the length of time Maya had been in foster care and the strength of her bond to the foster family, and also due to the lack of

progress Alenka had made in services, she believed that Maya needed permanency and it was in her best interests that parental rights be terminated. Taepke's agency recommended a permanency goal of adoption.

Cathleen testified that she and her husband had been Maya and Michael's foster parents for over four-and-a-half years. In addition to herself and her husband, their 21-year-old daughter and 19-year-old son lived in the home. She stated that they went on family vacations together, did special things together on holidays, and regularly had dinner as a family and attended church together. Cathleen testified that when Michael first arrived, he was not attached to anyone but slowly became attached to the other members of the family, one at a time. She stated that both children were very attached to her husband and would run to greet him at the door when he got home from work. Her husband spent time with Michael on Saturdays while she took Maya to therapy.

Because of Michael's autism, Cathleen stated that he attended an early childhood school in their neighborhood and has excelled at school. He received occupational therapy, speech therapy, physical therapy, and psychological and social interaction. He also attended therapy outside of school one day a week for two hours. Cathleen worked with Michael's service providers on a weekly basis to understand Michael's special needs. Cathleen testified that Maya had been diagnosed with oppositional defiant disorder and was very angry when she first arrived. Cathleen worked closely with the therapist to better understand Maya's special needs and Maya had shown significant improvement with her anger issues.

Cathleen testified that she had behavior issues with the children before and after visits

with Alenka, especially with Maya. She explained that initially, Maya would run around the house when Cathleen tried to get her dressed and into the car, and she would take off her seatbelt while they were driving so Cathleen would have to stop several times and buckle the seatbelt again. The behavior issues improved as time went on and the children came to understand that the visits were something they needed to do. Cathleen stated that she and her husband wanted to adopt both children.

Dr. Christian Straube, a psychologist who worked primarily with Michael, testified that initially, Michael did not respond to anyone. Dr. Straube visited the home approximately three times a month and began a type of play therapy for children with attachment, bonding, and social interaction issues with Michael. He also worked with the foster parents on behavioral strategies for Michael, because he was banging his head frequently. Dr. Straube testified that the foster parents were always open to his suggestions, asked lots of questions, and he observed them implementing some of the strategies and suggestions he had given them.

Dr. Straube described Michael's progress as showing significant improvement over the three years he worked with him. Michael had progressed from being nonverbal to being able to independently state sentences and ask questions. Head banging was minimal and tantrums were manageable and easily redirected to other behaviors. Michael shared, took turns, and reciprocated play. Dr. Straube observed that Michael's interactions with his foster parents were spontaneously natural and nothing was forced or difficult.

Dr. Straube testified that he observed one visit between Alenka and Michael. He stated that Alenka made a substantial effort to engage both children and equally divided her attention

between them. However, it seemed to him that the contact was not spontaneous and that Alenka had to work very hard to get the children to interact with her. He stated that it seemed like more of a teacher-student relationship than a parent-child relationship. In Dr. Straube's opinion, the children were blossoming in their foster home and they would experience significant attachment disruption if they were removed from the home, due to the length of time they had been with the foster family and the fact that they were so bonded and attached to the family.

A psychological report on Maya completed in August 2008 by Dr. Mary Zashin, a clinical psychologist, was admitted into evidence. Maya had been referred for a psychological evaluation because of behavioral difficulties related to visits with Alenka. Maya had difficulty sleeping, would refuse to get dressed, complained of stomach pain before visits, and her negative behavior would increase after the visits. Dr. Zashin conducted an assessment which included behavioral observations, intellectual functioning and adaptive behavior testing.

Dr. Zashin identified Maya's vulnerability to ongoing emotional, behavioral, adaptive and social difficulties due to the disruptions and confusion she experienced in the first years of her life. The disruptions interfered with the background sense of safety and trust Maya needed for healthy psychological development. Dr. Zashin determined that many of Maya's negative behaviors were exacerbated not by the visits themselves, but by her growing perception that her biological mother could represent a threat to her foster placement. She observed that Maya's ability to enjoy interacting with Alenka during visits should not be equated with a desire to form a parent-child relationship with her.

In Dr. Zashin's opinion, Maya was not equipped to negotiate another disruption of her

primary attachments without great difficulty and possible long term harm. Dr. Zashin concluded that because of Alenka's limited progress and ongoing risk factors, combined with Maya's need for continued security and reliable caregiving, it would be in Maya's best interest to remain with her foster parents, preferably through adoption.

Alenka testified that she loved her children, enjoyed visits with them, felt bonded to them, and wanted them to live with her. Alenka told the court that she had done everything she could for her children but that she had limitations and did not receive help from anyone. She stated that no one helped her look for a job or get her health under control. She was on her own and did the best that she could.

On November 9, 2010, the circuit court found that a termination of parental rights was in the best interests of the minors. Based on this finding and on the previous finding of unfitness, the court ordered that Alenka's paternal rights be involuntarily terminated. The court also entered a permanency goal of adoption. This appeal follows.

ANALYSIS

Under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq*. (West 2006)), the involuntary termination of parental rights is a two-step process. *In re C.W.*, 199 Ill. 2d 198, 210 (2002). First, the State must prove by clear and convincing evidence that the parent is unfit, as that term is defined in the Adoption Act (750 ILCS 50/1(D) (West 2006)). *Id*. If the court determines that the parent is unfit, it must then consider whether it is in the best interest of the child to terminate parental rights. *Id*.

We first address Alenka's contention that the circuit court erred in finding her unfit. The circuit court found that Alenka was unfit under section 1D(b) of the Adoption Act for failure to maintain a reasonable degree of responsibility as to her children's welfare, and under sections 1D(m)(ii) and (iii) for failure to make reasonable progress toward the goal of return home for her children. A reviewing court will not reverse a circuit court's finding that there was clear and convincing evidence of parental unfitness unless it concludes that the finding was against the manifest weight of the evidence. *In re C.N.*, 196 Ill. 2d 181, 208 (2001). A finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident. *Id.*

Section 1(D) of the Adoption Act provides, in relevant part:

> "D. '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, ***:
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> * * *
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> (b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare,
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> * * *
>
> (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, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor

> ***, or (iii) to make reasonable progress toward the return of the child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor ***." 750 ILCS 50/1(D) (West 2006).

Alenka contends that the circuit court's findings of unfitness under both grounds (b) and (m) were based on her financial circumstances. She argues that her poverty was the sole cause of her inability to locate suitable housing. She further contends that she made consistent attempts to locate suitable employment. Alenka argues that because she has remained clean and sober since 2007, has completed drug treatment and parenting classes, attended parenting coaching and therapy, and visited her children consistently, she has maintained a reasonable degree of responsibility for her children's welfare and made reasonable progress toward the goal of return home.

The benchmark for measuring reasonable progress encompasses compliance with service plans and court directives, "in light of the condition which gave rise to the removal of the children, and in light of other conditions which later become known and would prevent the court from returning custody of the child to the parent." *In re C.N.*, 196 Ill. 2d at 214. Reasonable progress exists where the evidence supports a court's conclusion that the child will be able to be returned to the parent's custody in the near future. *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991). The completion of required DCFS services alone does not demonstrate reasonable progress toward reunification. *In re C.N.*, 196 Ill. 2d at 214.

As an initial matter, we disagree with Alenka's contention that the circuit court's findings

of unfitness were based solely on her financial circumstances. It is clear from the evidence adduced at the fitness portion of the termination hearing that Alenka's failure to obtain suitable housing was directly related to her failure to obtain steady employment. However, it is also clear that Alenka continued to apply for jobs for which she was not qualified, even after DCFS explained to her that she would not be able to obtain those jobs and suggested alternative jobs for which she could apply. Moreover, the evidence presented at the fitness portion included additional factors such as the length of time the case had been in the system and Alenka's lack of progress in individual therapy.

Alenka notes that in its order, the circuit court did not specify any particular nine-month time period but merely found that she failed to make reasonable progress toward the goal of return home. She contends that for the first two nine-month periods, the court orders from the permanency hearings provide evidence that she was making reasonable progress because the court continued to enter a permanency goal of return home. She argues that for the third nine-month period, she was making progress within the confines of the services the agency was providing. However, she states that the agency did not actually support the goal of return home because it failed to provide services that would educate her regarding the special needs of her children, refused to allow unsupervised visits or more than one visit per week, did not provide access to her children's medical or therapy appointments, and did not provide assistance in locating employment or an additional referral for housing.

The time periods involved that relate to the finding of unfitness pursuant to section 1(D)(m) are: (1) December 13, 2006 to September 13, 2007, the initial nine month period after

the adjudication of abuse or neglect (section 1(D)(m)(ii)); (2) September 14, 2007 to June 14, 2008 (section 1(D)(m)(iii)); and (3) June 15, 2008 to March 15, 2009 (section 1(D)(m)(iii)). The circuit court also found Alenka unfit pursuant to section 1(D)(b) for failure to maintain a reasonable degree of responsibility as to the welfare of the minors. Parental rights may be terminated based upon a finding of unfitness on any single ground set forth in section 1(D) of the Adoption Act. 750 ILCS 50/1(D) (West 2006); *In re C.W.*, 199 Ill. 2d at 217.

Alenka successfully completed substance abuse treatment and has not tested positive for illegal substances since the completion of treatment. However, in every other area, the evidence demonstrates serious concerns with the progress that was made. Even after obtaining a replacement green card and being told that she needed to secure any employment she could find, Alenka continued to apply for jobs that she could not obtain while she had an open DCFS case.

Alenka's argument that the status hearing orders in which the circuit court continued to enter a permanency goal of return home are evidence that she was making reasonable progress is unavailing. Our supreme court has explained that a permanency order is not a final order because "all of the rights and obligations set forth in the permanency order must remain open for reexamination and possible revision until the permanency goal is achieved." *In re Curtis B.*, 203 Ill. 2d 53, 60 (2002). The selection of a permanency goal is an intermediate procedural step taken for the protection of and best interests of the child and not a final determination on the merits with regard to termination of parental rights. *In re D.S.*, 198 Ill. 2d 309, 329 (2001). When a permanency goal of termination of parental rights is entered, DCFS is no longer obligated to provide reunification services to the family. *In re Curtis B.*, 203 Ill. 2d at 60. Thus,

by continuing to enter a permanency goal of return home, the circuit court was allowing DCFS to continue to provide services, thereby providing every opportunity for Alenka to make reasonable progress toward achieving the permanency goal of return home. However, progress toward the permanency goal remains open for reexamination and possible revision, and the permanency goal itself cannot be considered evidence of reasonable progress.

The foster care supervisor testified that despite completing parenting classes and working with a parenting coach, her agency had been unable to recommend unsupervised visits with the children because of concerns about Alenka's ability to supervise the children and provide appropriate food in light of the children's food allergies. The caseworker testified that Alenka continued to talk to the children about returning to live with her, even after she was instructed not to do so because of the negative emotional impact her statements had on Maya. The caseworker also testified that because of his special needs, Michael sometimes ran off on his own and Alenka was not always able to handle both children at the same time. The evidence shows that in spite of the services that were provided to her, Alenka remained unable to integrate and implement what she learned in her interactions with her children. She was thus unable to progress beyond basic services to the point that specialized services could even be considered.

Finally, according to the two treatment plans that were admitted into evidence and the testimony of an expert in the field of clinical psychology, Alenka's progress in individual therapy was minimal due to inconsistent attendance and resistance. The treatment plan review dated December 2008, during the third nine-month period, stated that Alenka's progress was difficult to assess because she had canceled several appointments without notice and tended to spend her

session time discussing spiritual matters and sharing stories that were unrelated to her treatment goals.

The clinical psychologist conducted two separate evaluations of Alenka's progress and noted that she was concerned by the lack of progress in the areas of housing, employment and individual therapy in the time that had passed since the first evaluation. She noted that from October 2008 to March 2009, again during the third nine-month period, Alenka had only attended six individual therapy sessions and her therapist said she was resistant to therapy and had made minimal progress. The clinical psychologist concluded that while Alenka had the intellectual capacity and the vocational skills to be able to secure employment, identify and address her children's needs, and make gains in therapy, it was unlikely that she would reach the goal of return home within the near future, given the lack of progress she had made over time. The psychologist also noted that her openness to change and willingness to make gains in treatment were questionable.

The circuit court's finding of unfitness was based on its conclusion from the evidence presented that Alenka did not make reasonable progress in the areas of individual therapy, individual living, sufficient income, suitable housing, or unsupervised visitation. Moreover, the circuit court concluded that Alenka did not maintain a reasonable degree of responsibility as to the welfare of the minors. We cannot say that an opposite conclusion is clearly evident and thus, the finding was not against the manifest weight of the evidence.

We now turn to Alenka's contention that the State failed to establish that termination of parental rights was in the children's best interests. Once the circuit court has entered a finding of

unfitness, it must then determine whether termination of parental rights is in the child's best interests. *In re D.T.*, 212 Ill. 2d 347, 352 (2004). In making this determination, section 1-3(4.05) of the Juvenile Court Act requires the court to consider factors such as the child's physical safety and welfare; the child's sense of attachments, including where the child feels love, security and familiarity; the least disruptive placement alternative for the child; the child's wishes; the child's need for permanence, including the need for stability and continuity with parental figures and other relatives; the risks related to substitute care; and the preferences of the person available to care for the child. 705 ILCS 405/1-3(4.05) (West 2006).

The State must prove by a preponderance of the evidence that termination of parental rights is in the child's best interests. *In re D.T.*, 212 Ill. at 366. At a best-interests hearing, the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life. *Id*. at 364. A reviewing court will not reverse the circuit court's finding that termination of parental rights is in the best interests of the child unless it concludes that the finding was against the manifest weight of the evidence. *In re Austin W.*, 214 Ill. 2d 31, 51-52 (2005). A finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident. *In re C.N.*, 196 Ill. 2d at 208.

A review of the evidence discloses that the foster parents are able to provide a stable, secure home for the children, are deeply involved in the ongoing treatment for the special needs of both children, and want to adopt the children. Maya, who is able to make her wishes known, has indicated that she wants to be adopted by her foster parents, and Michael has gone from being emotionally detached to responsive and is now very attached to his foster family. Both

children need permanence and it would be emotionally and psychologically disruptive for both children if they were to be removed from the foster family. The home is safe and appropriate, and both children have shown significant improvement since the initial placement and are fully integrated into the family. Thus, we hold that the circuit court's finding that the termination of parental rights is in the best interests of the children was not against the manifest weight of the evidence.

CONCLUSION

For the reasons stated above, we hold that the circuit court's finding of unfitness pursuant to sections 1(D)(b) and 1(D)(m) was not against the manifest weight of the evidence. Moreover, we conclude that the circuit court's finding that the termination of parental rights was in the best interests of the minors was not against the manifest weight of the evidence.

Affirmed.