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2011 IL App (3d) 110025-U

Order filed December 13, 2011

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2011

<i>In re</i> F.W.,)	Appeal from the Circuit Court
)	of the 10th Judicial Circuit,
a Minor)	Peoria County, Illinois,
)	
(The People of the State of Illinois,)	
)	
Petitioner-Appellee,)	Appeal No. 3-11-0025
)	Circuit No. 09-JA-174
v.)	
)	
John W.,)	Honorable
)	Richard D. McCoy,
Respondent-Appellant).)	Judge, Presiding.

JUSTICE HOLDRIDGE delivered the judgment of the court.
Justices McDade and O'Brien concurred in the judgment.

ORDER

¶ 1 *Held:* The present case was not closed prematurely, and the respondent had reasonable time to remedy his status of "unable" to parent. The trial court's closure was not against the manifest weight of the evidence.

¶ 2 The respondent, John W., appeals the trial court's order that closed the case and found him unable to parent the minor, F.W. On appeal, the respondent argues that the trial court's finding was against the manifest weight of the evidence. We affirm.

FACTS

¶ 3

¶ 4 On June 24, 2009, the Department of Children and Family Services (DCFS) received a hotline call that alleged the respondent had a six year sexual relationship with his biological sister which resulted in the conception of F.W. The call also alleged that there were concerns about the respondent's intellectual functioning and judgment. On July 1, 2009, DCFS took protective custody of F.W.

¶ 5 On July 2, 2009, the State filed a shelter care petition that alleged that: (1) the respondent had engaged in sexual relations with his biological sister, Tami P., for several years; (2) Tami P. previously had two children removed from her care while she resided in Texas; (3) the respondent reported that he was schizophrenic and bipolar; and (4) F.W.'s sisters were aware that the respondent and Tami P. were brother and sister and slept in the same room. On July 6, 2009, the court granted temporary custody to DCFS.

¶ 6 On September 24, 2009, the court adjudicated F.W. neglected. On October 22, 2009, the court found the respondent unfit to parent as a result of his failure to recognize the detrimental relationship he had with his biological sister, not recognizing the harm the exposure of the incestuous relationship was to the minor children, his mental health issues, and failure to take his prescribed medication. The court then ordered the respondent to correct the conditions that led to the adjudication by performing the following tasks: executing all authorizations for release of information, cooperating fully with DCFS, submitting to a psychological examination, successfully completing counseling, successfully completing a domestic violence course, maintaining stable housing, notifying his caseworker of any household changes, attending scheduled visitations, and refraining from intimate relations with Tami P.

¶ 7 On November 16, 2010, the respondent's caseworker filed her report in advance of the permanency review hearing on December 9, 2010. The report indicated that the respondent was attending his counseling sessions, but had failed to make significant progress. The respondent was also living with his aunt and a registered sex offender. As a result, he asked that the caseworker not conduct visitation at his residence. The caseworker noted that although the respondent loved F.W., she was concerned about his long-term parenting abilities. Consequently, the caseworker recommended that the case be closed, Tami P. be named guardian of F.W., and the court find that the respondent remained unable to parent.

¶ 8 The respondent's therapist report further noted that respondent remained unable to identify the challenges of parenting and he focused their discussions on his success in parenting his older child. The therapist indicated that the respondent continued to act as Tami P.'s provider and a father figure to her older daughters. This raised concern about whether the respondent was maintaining proper boundaries and exercising good insight in his relationship with Tami P. The therapist expressed concern with the respondent's abilities to internalize and apply the skills he had learned in counseling in a meaningful way.

¶ 9 On December 9, 2010, the court held a permanency review hearing. The respondent argued that he had made reasonable progress. On the recommendations of the respondent's caseworker, the court found that it was no longer in F.W.'s best interest to be a ward of the court. The court awarded sole guardianship to Tami P., the wardship was terminated, and the case was closed. The respondent appeals.

¶ 10

ANALYSIS

¶ 11 The respondent argues that the goals in his service plan were not reasonably calculated to facilitate the return home of F.W. The respondent contends that the central issue in this case, his fathering a child with his biological sister, has no remedy. As a result, the respondent submits that the court's decision to find him unable to parent is against the manifest weight of the evidence and the case was closed prematurely.

¶ 12 We will reverse a trial court's decision to terminate a child's wardship only if the court's findings were against the manifest weight of the evidence or if the trial court committed an abuse of discretion by selecting an inappropriate dispositional order. *In re Bettie Jo R.*, 277 Ill. App. 3d 401 (1995). A trial court's decision is against the manifest weight of the evidence if the record demonstrates that the result opposite to the one reached by the trial judge was the proper result. *Id.*

¶ 13 We find that the record does not support the respondent's argument. The respondent learned of his service plan on October 22, 2009. He had over one year from the implementation of the service plan until the permanency review hearing to satisfy the requirements. The record indicates that the respondent attempted to comply with the requirements, but had difficulty implementing the lessons he learned. The respondent's caseworker acknowledged that respondent loved F.W., but the caseworker had concerns about his long-term parenting abilities. The respondent's therapist specifically noted that respondent was unable to identify the challenges he would face while parenting F.W. and focused their discussions on his alleged successes in parenting his older child. The therapist also expressed concern about the respondent's ability to maintain appropriate boundaries in his relationship. This evidence demonstrates that the respondent had not fully complied with the terms of his service plan.

¶ 14 Additionally, we note that the respondent had not maintained stable housing. In particular, he exercised poor insight when he chose to live in a home with a registered sex offender. We commend his efforts in notifying his caseworker of this issue, but agree with the caseworker that this living condition was not appropriate for visiting or parenting F.W. Consequently, we find that the trial court's decision was not against the manifest weight of the evidence.

¶ 15 We further find that the trial court's decision was not an abuse of discretion because, contrary to the respondent's argument, the service plan was properly crafted to remedy the issues that gave rise to the wardship. In particular, we note that the respondent had to attend counseling to learn to set appropriate boundaries in his relationship with Tami P., and to handle his psychological issues. The trial court's decision was not an abuse of discretion.

¶ 16 **CONCLUSION**

¶ 17 For the foregoing reasons, the judgment of the circuit court of Peoria County is affirmed.

¶ 18 Affirmed.