

infection. Thereafter, M.W.'s mother missed consecutive doctor appointments for M.W., which resulted in a medical neglect report to the Department of Children and Family Services (DCFS) on September 2, 2008. M.W. was located at her grandmother's home. Respondent is a sex offender and registered as living at M.W.'s grandmother's home. M.W.'s grandmother admitted knowing respondent was not to be around the minor. M.W. was taken into protective custody.

¶ 5 On September 4, 2008, the State filed a petition for adjudication of wardship with respect to M.W. The petition alleged the minor was neglected pursuant to section 2-3(1) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1) (West 2008)) because she was "not receiving the proper care and supervision necessary for her well being in that the mother failed to make an appropriate care plan for the minor." We note M.W.'s mother is not a party to this appeal.

¶ 6 At the September 4, 2008, shelter-care hearing, the State explained the allegations underlying the shelter-care petition involved respondent's status as a registered sex offender. According to the State, respondent was not to have access to M.W. However, respondent was living at the same address as M.W. Respondent appeared and stipulated probable cause existed to believe the minor was neglected. The trial court found probable cause to believe M.W. was neglected as alleged and an immediate and urgent need existed for shelter care. The court placed M.W.'s temporary custody with DCFS.

¶ 7 On April 16, 2009, the trial court adjudicated M.W. neglected.

¶ 8 The May 11, 2009, dispositional report indicated respondent was to participate in a domestic-violence program, a substance-abuse assessment, parenting classes, and sex-offender counseling.

¶ 9 In its May 14, 2009, dispositional order, the trial court made M.W. a ward of the court and placed her custody and guardianship with DCFS.

¶ 10 The August 10, 2009, permanency review report filed by Lutheran Child and Family Services indicated respondent had not made significant progress toward any of the tasks on the service plan. The report showed respondent still needed to complete parenting classes, a domestic-violence program, sex-offender counseling, and a drug-abuse assessment.

¶ 11 On October 15, 2009, the State filed a petition seeking the termination of respondent's parental rights. The State's petition alleged respondent was unfit where (1) he had failed to maintain a reasonable degree of interest, concern, or responsibility as to M.W.'s welfare, (2) he had abandoned M.W., and (3) he had deserted M.W. for more than three months preceding the commencement of the motion.

¶ 12 On April 29, 2010, the State filed an amended termination petition, alleging, in addition to the grounds stated in the October 15, 2009, petition, respondent was unfit where he had "failed to make reasonable progress towards the return of the said minor to him within 9 months after an adjudication of [n]eglect."

¶ 13 On August 26, 2010, respondent executed a "Final and Irrevocable Consent to Adoption by a Specified Person or Persons," in which respondent gave his consent to his niece, Kaneathia Harold, to adopt M.W.

¶ 14 On September 29, 2010, the trial court terminated M.W.'s mother's parental rights.

¶ 15 According to the February 22, 2011, permanency report prepared by Lutheran Child and Family Services, M.W. was removed from Harold's home on January 27, 2011, due to safety concerns. M.W.'s physician determined M.W. had failed to gain weight during the time

she was in Harold's care because she was not being fed properly. After the removal, M.W. was placed with her uncle, Darnell Molton. The report also indicated respondent was arrested on February 11, 2011, for stabbing M.W.'s mother in the hand.

¶ 16 On February 23, 2011, the State filed a second supplemental petition for the termination of respondent's parental rights. The State's petition alleged respondent was unfit because he had (1) failed to maintain a reasonable degree of interest, concern or responsibility as to M.W.'s welfare, (2) failed to make reasonable efforts to correct the conditions which were the basis for the removal of M.W., (3) failed to make reasonable progress towards the return of M.W. within nine months after the adjudication of neglect (April 16, 2009, to January 16, 2010), and (4) failed to make reasonable progress towards the return of M.W. during any nine month period following the adjudication of neglect (January 16, 2010, to October 16, 2010).

¶ 17 At the May 29, 2011, hearing on the State's petition to terminate respondent's parental rights, Kathy Andring, a Lutheran Child and Family Services caseworker, testified on behalf of the State. Respondent did not appear at the hearing.

¶ 18 Andring testified on August 26, 2010, respondent executed a final and irrevocable consent to adoption, giving his consent to Kaneathia Harold to adopt M.W. However, according to Andring's testimony, the State removed M.W. from Harold's care in January 2011 because of "some concerns of the safety in the home." Andring testified respondent's service plan goals were to attend a domestic-violence program, a substance-abuse assessment, parenting classes, and complete sex-offender treatment. Andring testified respondent never made satisfactory progress toward completing any of the services during any nine-month period. Andring testified respondent began sex-offender treatment, but he failed to complete it.

¶ 19 At the close of the State's case, respondent's counsel moved to dismiss the State's termination petition on the ground it was "procedurally infirm" because of the existence of respondent's directed consent to adoption. The trial court denied respondent's motion and found the following:

"Based upon the evidence, then, I find by clear and convincing evidence that [respondent] has failed to maintain a reasonable degree of interest, concern, or responsibility as to his daughter as well as failed to make reasonable effort to correct the conditions for the basis of the removal of his daughter from him, he failed to make reasonable progress of the return of his daughter to him after nine months after his daughter was adjudicated neglected as defined by statute and that he has failed to make reasonable progress for his return of his daughter to him during any nine-month period following the adjudication of neglect and that based upon those findings, I do determine he is unfit."

¶ 20 After finding respondent unfit, the trial court proceeded to the best-interest determination. During the best-interest hearing, Heather West, M.W.'s Lutheran Child and Family Services caseworker, testified on behalf of the State. West testified M.W. had been in an adoptive placement with her uncle, Darnell Molton, since January 2011. West testified she observed the minor in her placement and believed M.W. was doing well and her daily needs were being met. West also testified M.W. had a "very tight bond" with her uncle and that she was "very close to him." West opined it was in the minor's best interest that respondent's

parental rights be terminated.

¶ 21 At the close of the State's case, respondent's counsel stated because of respondent's absence from the hearing, he had no evidence to present and would waive argument.

¶ 22 Following the termination hearing, the trial court found it in the minor's best interest to terminate respondent's parental rights.

¶ 23 This appeal followed.

¶ 24 II. ANALYSIS

¶ 25 On appeal, respondent argues the trial court erred in (1) finding him to be an unfit parent and (2) terminating his parental rights where the State failed to first invalidate his directed consent to adoption.

¶ 26 A. Finding of Unfitness

¶ 27 The State must prove unfitness by clear and convincing evidence. *In re M.H.*, 196 Ill. 2d 356, 365, 751 N.E.2d 1134, 1141 (2001). A trial court's finding of unfitness will be reversed only if it is against the manifest weight of the evidence. *In re A.W.*, 231 Ill. 2d 92, 104, 896 N.E.2d 316, 323 (2008). " 'A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident.' " *A.W.*, 231 Ill. 2d at 104, 896 N.E.2d at 223-24, quoting *In re Arthur H.*, 212 Ill. 2d 441, 464, 819 N.E.2d 734, 747 (2004). "As the grounds for unfitness are independent, the trial court's judgment may be affirmed if the evidence supports the finding of unfitness on any one of the alleged statutory grounds." *In re H.D.*, 343 Ill. App. 3d 483, 493, 797 N.E.2d 1112, 1120 (2003).

¶ 28 In this case, the trial court found respondent unfit for, *inter alia*, failing to make reasonable progress during the nine-month period following the adjudication of neglect (April

16, 2009 to January 16, 2010). Reasonable progress is an objective standard which focuses on the amount of progress toward the reunification goal that can reasonably be expected. *In re C.M.*, 305 Ill. App. 3d 154, 164, 711 N.E.2d 809, 815 (1999); *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991) (reasonable progress is an objective standard by which the trial court can conclude the parent's progress in complying with the directives given for the minor's return is sufficiently demonstrable and of sufficient quality the court will be able to order the minor's return in the near future).

¶ 29 The trial court's finding respondent failed to make reasonable progress during the nine-month period following the adjudication of neglect was not against the manifest weight of the evidence. According to Andring's testimony, respondent's service plan goals included attending a domestic-violence program, a substance-abuse assessment, parenting classes, and completing sex-offender treatment. Andring testified there was never a nine-month period where respondent made any progress toward completing those services. Andring testified while respondent began sex-offender treatment, he failed to complete it. As a result, respondent was no closer to having M.W. returned at the time of the hearing than he was when M.W. was adjudicated neglected. Accordingly, respondent failed to make reasonable progress toward M.W.'s return home.

¶ 30 Based on the evidence in the record, we conclude the trial court's finding of unfitness was not against the manifest weight of the evidence.

¶ 31 B. Consent to Adoption

¶ 32 Respondent argues the trial court erred in terminating his parental rights where the State failed to first invalidate his directed consent to adoption. We note respondent is not

arguing for the ability to control the adoption of M.W. and no petition to adopt was pending before the trial court. Instead, on appeal, respondent argues only that the trial court's decision terminating his parental rights was erroneous because the State failed to first invalidate respondent's directed consent to adoption. However, respondent's initial brief cites no authority in support of his argument and respondent did not file a reply brief. As a result, the State argues respondent forfeited this issue. We agree with the State and find the issue forfeited.

¶ 33 " 'A reviewing court is entitled to have issues clearly defined with pertinent authority cited and cohesive arguments presented [citation], and it is not a repository into which an appellant may foist the burden of argument and research [citation]; it is neither the function nor the obligation of this court to act as an advocate or search the record for error.' " *People v. Williams*, 385 Ill. App. 3d 359, 368, 895 N.E.2d 961, 968 (2008) (quoting *Obert v. Saville*, 253 Ill. App. 3d 677, 682, 624 N.E.2d 928, 931 (1993)).

Bare contentions without citation to supporting authority do not merit consideration on appeal. *People v. Clinton*, 397 Ill. App. 3d 215, 224, 922 N.E.2d 1118, 1127 (2009).

By not citing *any* pertinent authority in support of his argument, respondent has forfeited review of this issue on appeal. See *In re H.D.*, 343 Ill. App. 3d at 489, 797 N.E.2d at 1118 ("[t]he principles of forfeiture apply to proceedings conducted pursuant to the Juvenile Court Act").

¶ 34 Forfeiture aside, respondent's argument fails on the merits. In this case, M.W. had been made a ward of the court on May 14, 2009, prior to respondent's execution of his directed consent. Respondent executed the consent to adoption by his niece on August 26, 2010, after the

State had filed its initial October 15, 2009, and amended April 29, 2010, petitions seeking the termination of his parental rights. A parent whose parental rights are to be terminated may not execute a consent to adoption in favor of relatives to attempt to control the placement of the minor, where the minor is a ward of the court. *In re L.R.B.*, 278 Ill. App. 3d 1091, 1094, 664 N.E.2d 347, 348-49 (1996).

¶ 35 Nevertheless, respondent's consent may have been honored had the minor not been removed from Harold's care. Andring testified the adoption "fell through" when M.W. was removed from the placement because of safety concerns. Thus, M.W. was not available for adoption by the person to whom respondent had signed the consent. M.W. was removed from Harold's care on January 27, 2011. The record indicates respondent had notice and was aware of the removal. Respondent had ample time prior to the termination hearing to direct his consent elsewhere. He did not do so. As a result, the consent is void. See *In re Taylor D.*, 368 Ill. App. 3d 854, 858, 858 N.E.2d 961, 965 (2006); *L.R.B.*, 278 Ill. App. 3d at 1093-94, 664 N.E.2d at 348. Accordingly, the trial court did not err in terminating respondent's parental rights without first requiring the State to invalidate the directed consent.

¶ 36 III. CONCLUSION

¶ 37 For the foregoing reasons, we affirm the trial court's judgment.

¶ 38 Affirmed.