

from, the trial court's finding of unfitness on grounds not alleged in the State's petition in one of the child's cases, she forfeited review of the error on appeal.

(4) Where the State sufficiently proved that termination of both respondent's parental rights was in the children's best interests, the trial court did not err in entering a judgment of termination.

In these consolidated appeals, respondent mother, Staci Pirtle, and respondent father, Tillman Walter, challenge the trial court's judgment terminating their parental rights to their minor children. Each parent separately claims that the court's orders, one finding them unfit and another finding that termination was in the children's best interests, were against the manifest weight of the evidence. We affirm.

I. BACKGROUND

In August 2008, the Illinois Department of Children and Family Services (DCFS) received a hotline call from Decatur Memorial Hospital reporting that the youngest of Staci's children was admitted to the hospital due to (1) a severe, bleeding diaper rash, (2) her sleep apnea machine was filled with cockroaches and cockroaches's feces, and (3) a lesion on her neck from improper hygiene. The treating physician did not want the child to return home under those conditions. When DCFS investigators arrived at Staci's home, they found old food and garbage strewn about. The home was infested with cockroaches, and it smelled "strongly" of urine. At the time, Staci had six children, ranging in age from 5 months to 11 years old. The State filed a petition for adjudication of neglect in six separate juvenile cases on behalf of each of Staci's minor children: (1) A.P., a boy, 11 years old, born December 27, 1996 (case No. 08-JA-139); (2) K.P., a girl, 9 years old, born April 27, 1999 (case No. 08-JA-140); (3) T.W., a boy, 4 years old, born December 30, 2003 (case No. 08-JA-144); (4) A.W., a boy, 3 years old, born May 20, 2005 (case No. 08-JA-142); (5)

S.W., a girl, 2 years old, born August 1, 2006 (case No. 08-JA-143); and (6) T.P., a girl, 5 months old, born March 18, 2008 (case No. 08-JA-141). Respondent father Tillman Walter is the biological father of T.W., S.W., and T.P. Daniel Metzger is the father of A.P. and Tavian Dennis is the father of A.W. The latter two fathers are not parties to this appeal. K.P.'s father is unknown.

All six children were taken into protective custody and placed in four separate relative placements. According to Staci's case plans, she was required to attend the children's medical appointments, complete a parenting course, participate in supervised visits with the children, participate in a mental-health assessment, participate in an alcohol and drug assessment, participate in domestic-violence counseling, engage in individual counseling, and maintain a clean, healthy, and safe home.

On February 6, 2009, the trial court entered (1) an adjudicatory order, finding the children neglected and (2) a dispositional order, (a) finding Staci unfit and unable, and Tillman unfit, unable, and unwilling to parent the children and (b) making the children wards of the court. The court appointed DCFS as temporary guardian and custodian of the children. DCFS contracted with Lutheran Child and Family Services (LCFS) to work with the family.

In May 2009, the caseworker, Marissa Dawson, learned Staci was pregnant, expecting a child with Tillman in September 2009. In June 2009, Staci had completed a psychological assessment, and the same month was awarded an order of protection against Tillman due to several violent incidents between them and several threats made by him against her. Tillman had broken into Staci's home. In a September 2009 permanency order, the trial court described Staci's progress as "one step forward, then two steps back." Tillman was not involved in services at all.

On September 28, 2009, D.W. was born. He was taken from the hospital into

protective custody based on the removal of the other children. The State filed a separate petition for adjudication of neglect in his favor against Staci and Tillman (case No. 09-JA-121). On November 18, 2009, Staci stipulated to an adjudication of neglect. The court then conducted a dispositional hearing. The court entered a dispositional order and made D.W. a ward of the court. (Apparently, the written orders were prepared but never filed. This error was realized at the fitness hearing on October 29, 2010.)

In March 2010, the State filed a petition to terminate Staci's and Tillman's parental rights to the older children (in the cases filed in 2008), alleging each parent was unfit due to his or her failure to (1) maintain a reasonable degree of interest, concern, or responsibility as to the children's welfare (750 ILCS 50/1(D)(b) (West 2010)); (2) make reasonable efforts to correct the conditions which were the basis for the removal of the children (750 ILCS 50/1(D)(m)(i) (West 2010)); and (3) make reasonable progress toward the return of the children in the initial nine-month period following adjudication (750 ILCS 50/1(D)(m)(ii) (West 2010)). However, in A.W.'s case, the State did not allege the latter two grounds. In that case, the State alleged Staci was unfit only for failing to maintain a reasonable degree of interest, concern, or responsibility as to A.W.'s welfare (750 ILCS 50/1(D)(b) (West 2010)). (We question whether the final page of the petition, which would have contained the remaining allegations, was inadvertently omitted from the filed document. Our supposition is supported by the fact that the petition in A.W.'s case does not contain a prayer for relief similar to those filed in the other children's cases. This discrepancy will be discussed below.) According to the permanency reports, neither parent had made progress nor was cooperating with LCFS. Tillman had not engaged in any services.

Beginning in June 2010 and extending over the course of six hearings through

October 15, 2010, the trial court conducted a fitness hearing in the 2008 cases. First, the LCFS caseworker between August 2008 and February 2010, Marissa Dawson, testified as to Staci's progress. She said in May 2009, Staci had successfully completed a parenting course after her second attempt. Thereafter, she was allowed to have unsupervised visits with the children. In June 2009, she participated in a psychological evaluation performed by Dr. Michael Trieger, who found that Staci functioned at a mental capacity of a third- or fourth-grade level. In his opinion, Staci was unable to comprehend what she had learned in her parenting course. As a result of Dr. Trieger's opinion, LCFS performed in-home parenting for Staci during visitation. Dawson said that, for the most part, Staci "did very well" with visitation, missing only a "couple."

Dawson testified that, although Staci knew from the beginning that she was required to participate, she did not begin domestic-violence counseling until after she obtained an order of protection against Tillman in June 2009. She attended the group meetings consistently between August and December 2009.

In April 2009, Staci had moved into a three-bedroom home that Dawson described as "pretty appropriate." However, she was unable to afford the \$450 monthly rent. She had recently started a job at Subway, but within a few months, she was fired because she was caught stealing food for Tillman.

According to Dawson, Staci was very deceitful throughout the case. For example, Dawson repeatedly asked Staci about her relationship with Tillman in an attempt to ensure they were not living together due to the domestic-violence issues. Staci assured Dawson they were not living together. Dawson eventually learned that the only time they did not live together was when Tillman was in jail. Dawson caught Tillman and Staci exiting Staci's mother's house. Staci's mother was a

foster parent for two of the children. Even though more than one worker saw her, Staci insisted it was not her coming out of her mother's home. She said Tillman had a new girlfriend that looked just like her.

Dawson said Staci had also lied about Tillman not attending unsupervised visits with her and D.W. In December 2009, the case aide caught the three together during a visit. The supervisor subsequently terminated Staci's unsupervised contact with the children. When confronted, Staci said she was with Tillman's brother, not Tillman. She told Dawson they look exactly alike. Later she admitted it was Tillman and she had run into him by chance on the bus. They planned to walk together to Tillman's mother's house to get money for diapers. In yet another explanation, Staci admitted she had not "run into" Tillman "by chance," but she had arranged to obtain money from Tillman's mother for diapers, but his mother demanded that Tillman accompany Staci to her house. Staci suggested to the case aide that she could just pretend that she had not seen them at all.

In Dawson's opinion, Staci did not progress toward reunification with the children. Though she regularly attended visits, she did not do well controlling the children. The case aide assisted Staci with disciplinary techniques, providing healthy snacks, and organizing activities. Dawson testified that Staci "absolutely loves her kids," but she has made no progress on improving her parenting skills.

With regard to Tillman, Dawson testified that his case plan required that he complete a parenting course, individual counseling, a domestic-violence course, and a drug and alcohol assessment. He was also required to participate in visits and obtain employment. During Dawson's tenure as caseworker, Tillman did not complete any of his tasks and he "did not visit often." Tillman

told Dawson that he was receiving substance-abuse counseling as a condition of his probation, but he refused to sign the releases to allow LCFS to obtain the records.

Dawson said that when Tillman attended visits, he did "really well" by being very attentive with all four of his children. However, she said he "was pretty much gone through most of the case." He did not keep in contact with her. During a meeting in the fall of 2008, Dawson told Tillman that he needed to maintain contact with her and to have regular visits with the children. During the course of that meeting, Staci and Tillman angrily walked out because they felt the children should not have been taken "over a couple of bugs." Dawson said she was unable to gather any further information from Tillman in order to assess what services would be required.

Tillman attended the next family team meeting in December 2008, though he walked out of that meeting angry as well. Dawson said she did not see Tillman again until February 2009. He still refused to sign consents, so Dawson just referred him for services. When asked whether she had discussed with Tillman the effect of his failure to perform services, Dawson testified that Tillman had "actually stated that he was not interested in the kids returning home to him; however, he was going to do what he could to help mom have the kids return home to her and that was what he wanted."

Decatur police detective Jim Atkinson testified that he had investigated Staci for a case of identity theft. He did not mention, nor was he asked, when his investigation took place. He said Staci admitted she had used another person's identifying information to obtain an account with the electric company. She also admitted she had previously used her children's identifying information to obtain accounts with the electric and cable companies.

Roxanne Miller, a therapist at Heritage Behavior Health Center with a "doctorate of

minister and pastor counseling and psychotherapy," testified that she counseled Staci between October 2008 and July 2009. Staci missed some appointments, but generally "made up most of the ones that she would miss." Their sessions ended when Miller's position was terminated from Heritage. Miller testified that Staci "tended to minimize why the children were taken out of the home." They spoke of issues related to (1) transportation and Staci's ability to get the children to a doctor when necessary, (2) cleaning the home, and (3) domestic-violence incidents with Tillman. As their counseling sessions ended, Miller was frustrated because Staci maintained contact with Tillman though it meant she could not regain custody of her children when he was present in her life. Miller's "major concern" was that Staci would not tell the truth about her contact with Tillman.

Liz McGarry, an addiction counselor at Heritage, testified that she worked with Tillman on "a couple of occasions." He had been referred for level-two substance-abuse treatment on July 31, 2008. His attendance was inconsistent through November 2009 when he was unsuccessfully terminated. In January and March 2009, Tillman had drug screens, both of which were positive for marijuana. He had not reenrolled or attempted contact since he was terminated.

Annette Mandeville, Staci's counselor at LCFS, testified that Staci was referred for individual sessions in December 2009. Staci first participated in February 2010. Mandeville identified the following as issues that would be addressed: (1) Staci's reported symptoms of stress and depression, (2) managing the children's behavior during visits, and (3) finding a healthy support system. Staci attended three sessions with the last being on March 31, 2010. She was unsuccessfully terminated due to "inconsistent participation," as she attended only 3 of 14 scheduled sessions. Mandeville had no further contact with Staci until the day before she testified (August 11, 2010) when Staci asked for another referral. During their three sessions, Staci admitted her relationship

with Tillman was "unhealthy," though she remained with him "off and on."

DeLois Conner, a case aide with LCFS, testified that she and another aide supervised Staci's visits with the children. Typically, she said, visits were chaotic when all of the children were present. Staci had difficulty controlling them, as they frequently fought with each other. Conner said she often intervened, giving Staci suggestions and instructions on how to control them. Staci generally gave more of her time to S.W. by always carrying her around. Conner had to instruct her that she would need to put S.W. down and distribute her time and attention equally among the children. Conner said this type of problem occurred at every visit. Conner would have to prompt Staci five or six times during a visit on various things they had spoke of previously, from providing nutritious snacks to not paying particularly close attention to only one child. Staci's retention of important points never improved.

Conner testified that in November and December 2009, she had one or two visits with Tillman and his three children (the record is not clear as to which of his four children was not included). The visits went well. He interacted well with the children, he provided appropriate snacks for them, he had toys out on the floor for them, and he changed D.W.'s diaper. After December 2009, Conner said she was unable to contact Tillman.

Heather Storm, a child-welfare specialist with LCFS, testified that she was the caseworker after Dawson beginning in March 2010. When she began as caseworker, Staci's case had passed legal screening for termination. However, Storm advised Staci that until "the judge with the gavel says your rights are terminated[,] you should be working towards your kids coming home." She said she told Tillman the same thing, as he had contacted Storm in late April 2010, indicating that he wanted to begin services. She said that was the last time she spoke with him. She would call

and stop by his house but was never able to make contact with him.

Storm testified that Tillman was to participate in (1) domestic-violence counseling, in which was terminated unsuccessfully in March 2010 due to lack of attendance and his failure to sign releases; (2) a parenting course, which he failed to attend; (3) a substance-abuse assessment, which he failed to attend; and (4) visitation with the children, which he stopped attending in March 2010. He told Storm he was employed at R.R. Donnelley. She called to verify his employment at the end of July 2010 and discovered he was no longer employed. Storm testified that two weeks prior to her testimony, she had mailed to Tillman the required releases for him to sign. She knew he had received them because when she spoke to Staci, Staci told her that Tillman had brought them to her to "look at." However, Tillman had neither signed them nor spoken with Storm about them.

Staci was to (1) participate in individual counseling, which had been terminated in April or May 2010 due to lack of attendance; (2) maintain stable employment, which she had done until June 2010, when she lost her job at Burger King; (3) visit with the children, which she regularly attended; (4) allow Storm into her home to inspect, which she had not allowed since May 2010; and (5) participate in parenting, which she completed, though she had difficulty in applying what she had learned. Storm said Staci had admitted that she was not ready to have her children returned, but she was working toward that goal. Storm said Staci had not improved on the environmental issues in the home. She recalled that at a visit at Staci's home in April 2010, Storm saw a cockroach crawl across the kitchen table and two of the children had a cockroach in his or her hair after the visit. After that, visits were conducted outside of the home.

Storm said that Staci admitted she and Tillman continued to have a relationship, saying he was "in and out." Storm recalled that when Dawson was the caseworker in February 2010,

she had advised Staci and Tillman that because Tillman had not participated in services and because the two were still together as a couple, Staci would be unable to regain custody of the children. As of the date of Storm's testimony, in her opinion, neither parent was in a position to obtain custody of the children. In May 2010, Staci was evicted from her home for owing more than \$3,000 in rent. She had moved into a new home but would not allow Storm to visit.

Lisa Boliard, a supervisor with Webster-Cantrell Hall, testified that she supervised Cathy Shaw, who led Staci's parenting class. In reviewing her records, she noted that in May 2009, Staci successfully completed the parenting course, a 17-week program, covering 27 topics. After comparing Staci's pretest and posttest scores, Boliard said Staci was initially ranked as a "moderate to high risk." However, her posttest score indicated her risk had been lowered and she was deemed to be "more appropriate with her children." The State rested.

In the midst of the fitness hearings, in September 2010, the State filed a petition to terminate Staci's and Tillman's parental rights to D.W., alleging each parent was unfit due to his or her failure to (1) make reasonable efforts to correct the conditions that were the basis for the removal of the child (750 ILCS 50/1(D)(m)(i) (West 2010)); and (2) make reasonable progress toward the return of the child in the initial nine-month period following adjudication (750 ILCS 50/1(D)(m)(ii) (West 2010)).

On October 14, 2010, the fitness hearing related to the older six children resumed with the presentation of Staci's case in chief. She testified on her own behalf that she had moved into a new home approximately four months prior. When asked by her attorney what brought the case to DCFS's attention, she responded: "Because I had roaches, and I was missing office appointments." She said the only thing she was "required like to do by a certain period of time was [her] parenting

classes," which she successfully completed in May 2009. She said she was still attending counseling. In October 2008, she started with Roxanne Miller at Heritage until Miller got laid off in July 2009. She then met with DeLois Gibson at Heritage for approximately five months. After Gibson, she met with Annette Mandeville, who she said she still meets with "off and on." She had contacted Mandeville in August 2010 to restart sessions, and had attended "one or two" since then.

Staci said she was also required to participate in domestic-violence classes, though there was "nothing to complete. *** [She] was just supposed to go. It wasn't no set thing." She stopped going on her own and no one told her she should continue. Staci said she was also required to attend medical appointments, which she did, and to obtain employment. She obtained a job at Burger King in January 2010, but got "laid off" in July 2010 because she had a warrant out for her arrest. She has been trying to find other employment. She said she "clean[s] up houses, but it's just \$20 to \$25."

Staci testified that she had not allowed anyone to inspect her current home "because it's not really right for [her] to stay there." She said she chooses to stay there "because [she has] nowhere to go." She said the domestic-violence center DOVE was helping her move into a new home.

Staci admitted there had been domestic-violence incidents between her and Tillman. She said she did not know, until she received the latest case plan, that she should not live with or have contact with Tillman. She said though, "they verbally told" her last year she should "not be around him." She said she currently has no contact with him, though, at the same time, she admitted she sees him "all the time." She said she was in the process of serving a sentence of two years' probation for the identity-theft case. After her testimony, Staci rested her case in chief.

Finally, Tillman testified on his own behalf that the last time he saw his four children was over a year ago. He said he loves his children and he "used to" check on their welfare. He said he frequently asks Staci how they are doing. In his opinion, he should not be found unfit because he is their father and he has been with them since birth. He currently is working as a carpenter "under the table." He said he wants his children and believes he could take care of them. He has not completed any services because he "felt that [he] didn't have to do it"; he did not need the services because he was already a good parent. Tillman rested.

After closing arguments on October 15, 2010, on October 22, 2010, the trial court entered a combined written order finding Staci and Tillman unfit for failing to make reasonable efforts (750 ILCS 50/1(D)(m)(i) (West 2010)) and failing to make reasonable progress during the first nine-month period following adjudication (750 ILCS 50/1(D)(m)(ii) (West 2010)). The court found Tillman unfit for failing to maintain a reasonable degree of interest, concern, or responsibility toward the care of his children (750 ILCS 50/1(D)(b) (West 2010)). However, the court found the State had failed to prove that Staci was unfit under this latter ground. Each of the six older children, including A.W. and excluding D.W., were referenced in the caption of this combined order. Thus, the court held Staci was an unfit parent to A.W. on grounds that were not alleged in the State's petition to terminate her rights to that child. However, Staci did not object to that procedural defect.

On October 29, 2010, the trial court conducted a fitness hearing in D.W.'s case. After realizing the adjudicatory and dispositional orders had not been entered and filed in November 2009 as expected, the court entered them *instanter*. The State asked the court to take judicial notice of the 2008 case files related to the other six children. The court entered a default judgment against Staci and Tillman, as they failed to appear at the hearing.

The State presented the testimony of Marissa Dawson, who testified that she was the LCFS caseworker at the time of D.W.'s birth on September 28, 2009, through March 1, 2010. She said she had nothing to add to the testimony that she gave during the prior fitness proceedings.

Annette Mandeville, Staci's counselor at LCFS, testified that, prior to her court appearance in August 2010, Staci had asked to resume counseling. Mandeville agreed. However, Staci attended only two appointments on August 19 and 26, 2010, and then stopped without successful completion.

Lisa Boliard, a supervisor at Webster-Cantrell Hall, testified that she had not had any contact with Tillman since August 2010. She again confirmed that Staci had successfully completed the course.

DeLois Conner testified that she, as a case aide, supervised visits. Since August 12, 2010, she has supervised visits with Staci but not Tillman. Staci had attended all visits, but "as always[,] they were chaotic."

Vicki Henderson, the other case aide, also testified about visits with D.W. Upon D.W.'s birth, Staci had unsupervised visits. Henderson would deliver D.W. to Staci's home for visits between Thursday and Monday. On December 24, 2009, Henderson saw Staci, who had D.W. in her arms, with Tillman. Henderson telephoned her supervisor, who advised her to "take the baby." Henderson took custody of D.W. and returned him to his foster parent. After this incident, Staci was allowed to visit with D.W. for only four hours a month in addition to the weekly visits with all of the children. Henderson said Staci "pretty much quit coming" to visits with D.W. for the next several months. When she did attend, the workers had to tell her when to change, feed, and burp him.

Heather Storm testified that she became the caseworker on March 1, 2010, after Dawson had accepted another position with LCFS. When asked if anything had changed since the last time she testified, Storm said only that Staci's attendance at the visits with D.W. was "lacking." Storm spoke with Staci a few days before the hearing, asking to inspect her residence, but Staci said no. Staci admitted to Storm that she was living with Tillman. Tillman had not attended any visits with the any of the children since she became the caseworker. Neither Staci nor Tillman had done anything further on their required services since the last hearing.

Pursuant to Tillman's case plan as it related to D.W., Tillman was to (1) make himself available to LCFS and follow all recommendations, (2) complete a parenting course, (3) sign releases, (4) participate in a drug and alcohol assessment, and (5) participate in both individual counseling and domestic-violence counseling with Staci. Storm said that Tillman had acknowledged that he received the case plan, though he had neither participated in any services nor attended visitation. The State rested.

The trial court determined that the State had proved by clear and convincing evidence that Staci and Tillman were unfit parents as alleged in the petition. The court did not enter a written order upon its oral finding of unfitness.

On January 7, 2011, the trial court conducted a combined best-interest hearing for all seven children. First, Heather Storm testified as the LCFS caseworker. She said that all seven children had been placed in seven different adoptive placements and all were happy. T.W. was the only child that had been moved from the immediate area. He was placed with his godparent in DeKalb, Illinois. Though Storm admitted that separating all of the children was "not necessarily" ideal, it was necessary due to some of the children's behavioral problems and resulting anxiety for

others. The relative and nonrelative placements were as follows: A.P. with his maternal uncle; K.P. in traditional placement; T.W. with his godparent; A.W. with his paternal grandmother; S.W. in traditional placement; T.P. with her aunt; and D.W. in traditional placement.

Storm said some of the children have behavior problems and others have disabilities. For example, T.P. is a "medically specialized child" due to her history of seizures. A.W. has hydrocephalus and was beginning to display some behaviors linked to that disorder. However, all of the children were in stable homes where they receive constant care and where their physical, emotional, and social needs are being met. She said the children that were in school were doing well. A.P. "struggles back and forth." He is currently receiving tutoring and has received passing grades in his classes. K.P. is "doing excellent in school." A.W. is "doing about average for kindergarten." He receives services due to a speech impediment. S.W. is in two prekindergarten programs and is doing "very well." T.W. "does well academically" and has "caught up" since being somewhat behind.

Storm testified that the only "progress" that had been made since the last hearing was that Staci "did finally get a house," but Storm had not seen inside the home. Staci was reportedly living with "a couple other people" and was to begin a new employment at Little Caesars in the next few days. Storm said Staci has always attended visits fairly regularly, as "she very much does love her children." When asked if there was a possibility that Staci could get her children back in the next six months, Storm replied that the "problem is stability." Staci had in the past reported that she had obtained employment and appropriate housing but it "did not pan out." Her longest term of employment has been approximately two months.

Storm said Tillman had attended the last two monthly visits. The first visit, he was

"a little late" but then interacted "somewhat" with the children. The second visit, he was approximately 30 minutes late and there was not "a whole lot of interaction." Storm said Tillman and Staci are "together a lot." She could not affirm that they lived together but, according to Storm, "he's there quite a bit."

Vicki Brown testified that Staci has attended the two visits since the last hearing and "loves on her children." The visits were with six of the children because T.W. lives out of town. She said all of the children seem happy in their placements with no problems experienced during visitation exchanges. No one is reluctant to return to his or her foster placement.

Marissa Dawson testified that the longest employment period that she was able to verify for Staci was six months when she worked at Burger King. At the close of Dawson's testimony, the prosecutor indicated that other than the best-interest report, it would present no further evidence.

Staci testified on her own behalf that she was currently residing at 1270 North Church Street in Decatur in a two-bedroom house for \$400 per month. She asked her friend and her friend's boyfriend to live with her to share the rental expense. She said she did not believe that it would be in her children's best interests to terminate her parental rights, as she was working toward establishing a stable lifestyle. She said: "right now I'm not stable, so I don't think the kids should come home right now, but *** I'm not going to make poor choices, but I don't think my rights should be terminated. No, I don't."

Staci admitted that "sometimes [visits are] chaotic. A lot of times they're chaotic, but there's seven children, and they don't get to see each other but once a week or once a month for two hours." She said she had a difficult time disciplining them during visitation because she "didn't want

to treat [her] kids like that during the time [she] get[s] to see them." She admitted that before now, she did not try as hard as she should have. She said: "I really should have, and I regret everything I did, but right now I'm trying to do everything I can to get them back."

Staci also presented the testimony of her mother, Zoethel Ignozzi, who testified that she attended most visits between Staci and the children. She described the visits, not as chaotic, but as "just seven children in a small room" vying for the attention of their mother. She said Staci loves her children and she "deserves a chance." Staci rested her case in chief.

Tillman testified on his own behalf that he has lived with his mother for the past six years. He denied living with Staci. He said he was "go[ing] today to get [his] job" at Liberty Tax Services, where he would work approximately 30 hours a week at \$8.25 per hour. He said he last saw his children, except T.W., yesterday. Prior to that, he saw them at Christmas. Prior to that, it was a "little over a year." He said he would be financially able to care for his children within the next few months. He thought they could live with him at his mother's house. He then changed his testimony to state that the children should be returned to Staci, not him. Tillman rested.

After considering the evidence, the statutory factors, and recommendations of counsel, the trial court found:

"that all of these children are now in stable placements. They're all basically doing well. We have some medical issues, some behavioral issues, but those issues are being addressed by foster parents. The important thing is that the children are in stable and nurturing environment. These environments, at least what I've been able to glean from the testimony and from the written report, these

environments are healthy for their emotional, social, and physical growth. It's unfortunate to have to terminate parental rights, especially when I think the parents do love the children, but the case has been going on as Ms. Bolton [assistant State's attorney] indicated since August 15th of 2008. It's time to bring the case to a close. I do find the State has met its burden of proving by a preponderance of the evidence that it is in the best interest of the children that the parental rights be terminated. It's time to get the case finished and give these children some stability."

On January 10, 2011, the court entered a written order in each of the above designated cases, finding both parents unfit and that termination would be in each child's best interest. These consolidated appeals followed.

II. ANALYSIS

Staci and Tillman both argue that the trial court erred in finding them unfit for failing to make reasonable efforts or progress toward the return of the children. In particular, Staci claims "she did what was required of her," whereas Tillman claims he cannot be held unfit when it was not clear whether he "was completely aware of what he exactly needed to do."

A. Unfitness Findings

When considering the State's petition to terminate parental rights, the trial court must first determine whether any of the statutory grounds of unfitness alleged in the petition have been proved by clear and convincing evidence. *In re D.C.*, 209 Ill. 2d 287, 296 (2004). "A parent's rights may be terminated if a single alleged ground for unfitness is supported by clear and convincing

evidence." *D.C.*, 209 Ill. 2d at 296. A reviewing court will not overturn a trial court's finding of unfitness unless it is against the manifest weight of the evidence presented. *In re D.F.*, 201 Ill. 2d 476, 495 (2002).

The State alleged both parents were unfit for failing to make reasonable efforts and reasonable progress toward reunification with the children. Though both elements are included under section 1(D)(m) of the Adoption Act (750 ILCS 50/1(D)(m) (West 2010)), a "lack of reasonable efforts and reasonable progress are separate and distinct bases for a finding of unfitness." (Emphasis omitted.) *D.F.*, 201 Ill. 2d at 505.

"Reasonable efforts" is based on a subjective standard and is judged on the amount of effort that would be reasonable for that particular respondent. *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1066-67 (2006). "Effort" is defined as "[a]n attempt; an endeavor; a struggle directed to the accomplishment of an object. To try." Black's Law Dictionary 515 (6th ed. 1990). Therefore, in determining a parent's fitness under section 1(D)(m)(i), a trial court must evaluate any attempts or endeavors made by the particular respondent to correct the condition that was the basis for the child's removal. See 750 ILCS 50/1(D)(m)(i) (West 2010).

In this case, the primary condition that was the basis for the children's removal was the "filthy" condition of the home. This unsanitary and unsafe condition posed a significant health risk to each child. As the caseworkers discovered, the condition of the home was likely caused and exacerbated by three primary factors. First, as discovered in her psychological assessment conducted in June 2009, Staci did not have the mental capacity to care for six children. Second, she was involved in an abusive relationship with Tillman. And third, she was without the financial resources to maintain a clean and healthy home. It is apparent that these factors combined led to the state of

her living conditions. Thus, in order to correct the primary condition that led to the children's removal, Staci would need to address each individual factor. To do so, DCFS recommended that Staci participate in a parenting course, individual counseling, and domestic-violence counseling. Though Staci successfully completed a parenting course, the clinical psychologist who conducted her mental-health assessment opined that it was unlikely, given her mental capacity, that she could retain and apply the skills learned during the course. The caseworkers, Marissa Dawson and Heather Storm, worked with Staci to improve her parenting skills. Though her skills did not greatly improve, she had done what she was capable of. She attended the parenting course and the majority of visits. Given these facts, we find Staci's efforts on correcting her parenting skills would be considered reasonable.

However, Staci's efforts toward correcting the two remaining factors cannot be described as reasonable. She continued to maintain a relationship with Tillman despite the caseworkers' and counselor's insistence that she not do so. According to the testimony, in June 2009, she obtained an order of protection against Tillman and thereafter, began domestic-violence counseling. However, she soon resumed a relationship with him and failed to successfully complete the domestic-violence counseling program. She voluntarily stopped attending. She repeatedly lied to the caseworkers about the status of her relationship even after the caseworker told her she had seen them together. Staci repeatedly lied about whether Tillman had attended her unsupervised visits with the children. Eventually, she was caught with Tillman during her visit with D.W. The case aide, Vicki Henderson, took custody of the baby and Staci's visits were changed to supervised. This was but one example of how Staci suffered negative consequences solely as a result of her relationship with Tillman. In the spring 2009, Staci had lost her job at Subway for stealing food for

him.

Both caseworkers testified they had explained to Staci that because (1) Tillman had not engaged in services, (2) the couple had a history of domestic violence, (3) she had not completed her domestic-violence counseling, and (4) she continued to maintain a relationship with him, she would be unable to regain custody of her children. Despite these admonishments, Staci remained "off and on" with Tillman and either refused or was unable to recognize the significance of the problematic relationship.

Additionally, Staci did not put forth a reasonable effort to maintain stable employment. Since the time the children were taken into protective custody in August 2008 through January 2011, her longest term of employment was up to six months. And, in that time frame, she had only two or three jobs. Without stable employment, Staci was unable to afford appropriate housing. In April 2009, she moved into what Marissa Dawson described as a "pretty appropriate" home, but she was unable to afford the rent when she lost her job at Subway. She was eventually evicted from the home.

Both caseworkers also testified, and the trial court ultimately found, that Staci had failed to make reasonable efforts to correct the environmental conditions of her home. The evidence demonstrated that when one home got bad, she moved into another. Heather Storm testified that in April 2010, cockroaches remained a problem in Staci's home, as two children had them in their hair after a visit. Eventually, Staci would not allow Storm into her home. Without the ability to inspect, Storm was unable to evaluate Staci's efforts or progress.

Whether it was due to Staci's mental capacity, her abusive relationship with Tillman, her inability to secure stable employment, or a combination of all factors, Staci failed to make a

reasonable effort to correct the environmental condition of her home. Thus, based on the totality of the evidence presented at the hearings in this matter, we find the trial court's decision that Staci was an unfit parent based upon her failure to make reasonable efforts was not against the manifest weight of the evidence. The environmental conditions of Staci's home remained unsatisfactory and unimproved after two years so as to prohibit the return of the children to her care.

As to Tillman, the evidence demonstrated that he failed to participate in any of his recommended services. He attended visits with the children sporadically but, for the majority of the time, as Marissa Dawson testified, he was "pretty much gone through most of the case" in terms of his contact with the children. In his brief, he claims he was not notified or made "completely aware" of the services he was expected to complete.

The record before us belies his assertion. As early as the fall of 2008, Dawson discussed with Tillman the importance of his cooperation with the services he was required to complete. He failed to make himself available to the caseworkers; he failed to sign the required releases; and he failed to participate in any of his required services. He twice prematurely walked out of the team meetings angry about the proceedings. And he put forth no effort toward visiting his children. As such, we find the trial court did not err in finding Tillman was an unfit parent for failing to maintain a reasonable degree of interest, concern, or responsibility toward the welfare of all four of his children.

B. Staci's Unfitness as to A.W.

Staci claims the trial court erred in finding her unfit as to A.W. on grounds that were not alleged in the State's petition to terminate. The State alleged Staci was an unfit parent to A.W. in that she failed to maintain a reasonable degree of interest, concern, or responsibility as to the

minor's welfare (750 ILCS 50/1(D)(b) (West 2010)). No other grounds of unfitness were alleged. However, as we stated above, it is reasonably clear from the common-law record that the second page of the State's petition (the page which presumably would have included further allegations of unfitness on other grounds) was inadvertently omitted at the time of filing. Our assumption is supported by the following facts.

First, the State's petitions in each of the 2008 cases, related to the remaining five older children, A.P., K.P., T.P., T.W., and S.W., all alleged Staci was unfit under three grounds: (1) failing to maintain a reasonable degree of interest, concern, or responsibility toward the welfare of the minor (750 ILCS 50/1(D)(b) (West 2008)); (2) failing to make reasonable efforts to correct the conditions that caused the removal of the minor (750 ILCS 50/1(D)(m)(i) (West 2008)); and (3) failing to make reasonable progress toward the return of the minor within nine months following adjudication (750 ILCS 50/1(D)(m)(ii) (West 2008)). Each petition contained multiple pages of allegations. And each petition contained a prayer for relief. The petition filed in A.W.'s case contained only one allegation at the bottom of the page and contained no prayer for relief. The prosecutor's signature appears on a page by itself. We can ascertain nothing from the record to reveal why A.W.'s petition would be distinctly different than those filed in the remaining five 2008 cases.

Staci's attorney was present at the series of fitness hearings and thereafter, at the best-interest hearing. He, at no time, objected to the issue Staci now raises on appeal. "[A]ll defects in pleadings, either in form or substance, not objected to in the trial court are waived." *In re J.R.*, 342 Ill. App. 3d 310, 315 (2003) (quoting 735 ILCS 5/2-612(c) (West 2000)). Because this issue is raised for the first time on appeal, we agree with the State that Staci has forfeited review of the same. Indeed, she has failed to demonstrate that she was prejudiced by the error. She does not contend that

she was misled or relied to her detriment upon the fact that her parental rights to A.W. were not terminated when her parental rights to her remaining children were terminated. See *J.R.*, 342 Ill. App. 3d at 317. The record before us does not reveal any previous confusion relating to this issue. We therefore reject Staci's claim, as we find it has been procedurally defaulted.

C. Best-Interest Determination

Courts will not lightly terminate parental rights because of the fundamental importance inherent in those rights. *In re M.H.*, 196 Ill. 2d 356, 363 (2001). Once the trial court finds the parent unfit, the parent's rights are no longer of concern. The parent's rights must yield to the best interest of the child. *In re Tashika F.*, 333 Ill. App. 3d 165, 170 (2002). The court's best-interest finding will not be reversed unless it is against the manifest weight of the evidence. *In re H.D.*, 343 Ill. App. 3d 483, 494 (2003).

The evidence produced during the best-interest hearing demonstrated that all seven children were in homes where they were loved, secure, and well-cared for. Each child was happy and thriving. Though it is unfortunate that the siblings cannot remain together, they each have an opportunity in their separate homes to grow in a permanent, stable, and healthy environment. Staci admittedly was not prepared to regain custody and Tillman asserted outright that the children not be placed with him. Based on the evidence presented to the trial court, we find it was in the children's best interests to allow them to remain in their current placements permanently. For these reasons, we find that the court's order terminating Staci's and Tillman's parental rights was not against the manifest weight of the evidence.

III. CONCLUSION

For the foregoing reasons, we affirm the trial court's judgment as it relates to both

parents.

Affirmed.