

and P.J. (born September 16, 2007). Respondent appeals, arguing the trial court erred both in finding her unfit and in terminating her parental rights. The minors' fathers are not parties to this appeal. We affirm.

I. BACKGROUND

On March 9, 2009, the State filed petitions for adjudication of wardship, alleging T.J., O.J., and P.J. were neglected pursuant to sections 2-3(1)(d) and 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Act) (705 ILCS 405/2-3(1)(d), 2-3(1)(b) (West 2008)) in that the minors' environment was injurious to their welfare because the minors' mother (1) "left [them] without supervision for an unreasonable period of time without an adequate plan of care without regard for the mental or physical health, safety or welfare of the minor" (count I) and (2) had engaged in domestic violence (count II).

At the March 10, 2009, shelter-care hearing, Tricia Peoples, an investigator with the Illinois Department Children and Family Services (DCFS) testified she received a call on March 8, 2009, that respondent had left her six children alone from 9 p.m. Saturday night until 3 a.m. Sunday morning. When Peoples went to the residence, 10-year-old Ty.J. (who is not part of this appeal) answered the door and told Peoples his mother was sleeping and that he was not allowed to wake her. Peoples asked him to please wake her up because it was important. Peoples was waiting for approximately 15 minutes when respondent walked up to the residence. Respondent told Peoples somebody was in the house with the children. However, when Peoples entered the house, no adults were present. During the course of the investigation, Ty.J. reported that respondent and her boyfriend had recently been involved in domestic violence. The trial court found probable cause to believe the children had been neglected. Thereafter, the court

entered a temporary shelter-care order placing custody and guardianship of the minors with DCFS.

On June 3, 2009, respondent admitted the allegation in count II, and the trial court entered an adjudicatory order finding the minors neglected. Count I was dismissed.

On June 26, 2009, Lutheran Social Services of Illinois filed a dispositional report. The report indicated respondent was repeatedly untruthful when canceling appointments, claiming at one point she was unable to meet because her mother had died. Respondent had never been formally employed and was receiving disability checks. Other than her infant twins, who are not a part of this appeal, respondent rarely interacted with or showed physical affection toward her other children during visits. (Respondent had eight children in total, two of whom had been adopted by an aunt.) The report also showed respondent often asked Ty.J. to do things for the children instead of doing them herself. The report noted respondent required regular prompting to redirect the children's behavior. The report recommended respondent engage in and complete the following services: (1) parenting classes, (2) a drug and alcohol assessment, (3) random urine screens, (4) a psychological evaluation, and (5) individual counseling.

A second dispositional report prepared by Lutheran Social Services, filed on August 27, 2009, indicated respondent was living with her mother in Wisconsin and was having difficulty returning to Danville for visitations, despite round-trip bus tickets paid for by Lutheran Social Services. Respondent was unemployed and did not pay rent or otherwise pay any bills. Her only source of income was social security benefits. Respondent stated she wanted to attend services if they could be arranged. During the visit, respondent paid little attention to all her children, interacting only with her infant twins. At the advice of the caseworker, however,

during the next visit respondent made an attempt to spend time with each child.

On December 31, 2009, a court-appointed special advocate (CASA) filed a report indicating the minors needed (1) structure, (2) strong and loving parental control, and (3) regular evaluation and monitoring by professionals, none of which respondent could provide. The report recommended the family visitations be "discontinued immediately" because "they served no purpose" and were "disruptive and destructive for the children." The report stated respondent was often either late to visits or did not attend them altogether. When respondent did attend the visits, she was unwilling or unable to provide anything more than superficial attention to the minors. According to the report, respondent did not appear interested in talking with her children. Further, the report stated the first question respondent asks the caseworker concerns how long the visit is supposed to last. The report also noted respondent is eager to leave the visits.

In a permanency report prepared for a January 13, 2010, permanency-review hearing, DCFS recommended respondent obtain a substance-abuse evaluation, individual therapy, domestic-violence education, a psychiatric evaluation and follow-up services, parenting classes, and maintain stable employment and residence.

During the January 13, 2010, permanency review hearing, Christy Thompson, a caseworker for Lutheran Social Services, testified respondent had been late to all of the visits but one. According to Thompson, respondent was usually between 45 minutes to an hour and a half late to the visits. Thompson also testified the visits between respondent and her children were "horrendous." Thompson testified respondent usually completely ignored Ty.J. As a result, Ty.J. would often sit off to the side of the room in a corner, sometimes in the fetal position. T.J., on

the other hand, would become "extremely violent," throwing things at people, swearing, and using sexual language. Thompson testified O.J. was also aggressive, having bit, punched, and kicked Thompson during her last visit. Thompson testified P.J. too had recently become "a little violent during the visits." According to Thompson, respondent did nothing to correct the children when they became violent. Thompson also testified respondent had not participated in any services. At the conclusion of the hearing, the trial court terminated respondent's visitation.

At a June 3, 2010, permanency-review hearing, Thompson testified respondent was supposed to comply with the following services: individual counseling, parenting classes, and both substance-abuse and psychological evaluations and any services stemming from those evaluations. However, arranging services for respondent became difficult because respondent moved to Chicago and then to Wisconsin to live with her mother. Respondent testified she understood the difficulty of coordinating with Lutheran Social Services and getting the services paid for while living out-of-state. However, she felt she needed the support of her family in Wisconsin. Respondent also testified she would be able to obtain the services in Wisconsin. Respondent testified she tried to get involved in a domestic-violence program and a parenting class in Wisconsin. Respondent stated she had transportation and was going to get a psychological test.

On August 12, 2010, the State filed a petition seeking the termination of respondent's parental rights. The State alleged respondent (1) failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare, (2) failed to make reasonable efforts to correct the conditions that were the basis for the removal of the minors within nine months after the adjudication of neglect, and (3) respondent failed to make reasonable progress toward

the return of the minors within nine months after the adjudication of neglect.

In its November 10, 2010, client service plan, DCFS reported respondent was still living in Wisconsin with her mother and was still unemployed. The report indicated respondent "has services arranged for domestic violence, parenting and therapy classes beginning within the next couple weeks." However, she still needed a substance-abuse evaluation and a psychological evaluation.

At the November 10, 2010, hearing on the State's petition to terminate, Thompson testified respondent never asked about the minors or asked to have visitations reinstated, except as to the twins. Rachel Kramer, a supervisor with Lutheran Social Services, testified respondent had been attending parenting classes, which she reportedly completed, individual counseling, and a domestic-violence support group. However, Kramer also testified the support group was unacceptable under the service plan because it was not a class. In addition, respondent had not yet obtained a substance-abuse evaluation. Kramer testified the only time respondent engaged in any services was two months prior to the November 2010 hearing.

At the conclusion of the hearing, the trial court found the State proved respondent was unfit for termination purposes. Specifically, the court found respondent had (1) failed to maintain a reasonable degree of interest, concern or responsibility as to the minors' welfare (750 ILCS 50/1(D)(b) (West 2008)), (2) failed to make reasonable efforts to correct the conditions which were the basis for the removal of the minors (750 ILCS 50/1(D)(m)(i) (West 2008)), and (3) failed to make reasonable progress towards the return of the minors within 9 months after the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2008)).

The December 1, 2010, DCFS permanency report indicated while respondent had

not engaged in any services until August 2010, she was now engaging in individual therapy, domestic-violence support group, general equivalency diploma classes, and parenting classes. The report stated P.J.'s foster parents were willing to provide permanency through adoption. However, the report also indicated T.J. and O.J.'s foster parents were not willing to adopt them at that time because their future needs were unclear. Both children were exhibiting behavioral problems and taking psychotropic medication. However, the foster parents were willing to continue to provide a stable environment for T.J. and O.J. for as long as needed.

At the December 8, 2010, best-interest hearing, Kramer testified T.J. and O.J. were doing well in their foster home and have "definitely attached to the foster parents." Kramer testified T.J.'s and O.J.'s foster parents had not yet committed to making their placement permanent at that time. However, Kramer testified the possibility existed they would be willing to provide permanency in the future once they had a clearer picture of what the future holds for both children. Kramer also testified P.J. was doing well in her placement and was attached to her foster parents and half-siblings. None of the minors had seen respondent in a year. At the conclusion of the best-interest hearing, the trial court found it was in the minors' best interest that respondent's parental rights be terminated.

This appeal followed.

II. ANALYSIS

On appeal, respondent argued the trial court erred in (1) finding her to be an unfit parent and (2) terminating her parental rights.

A. Finding of Unfitness

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 323-24 (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).

In this case, the trial court found respondent unfit for, *inter alia*, failing to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare. Before finding a parent unfit on this ground, the court must "examine the parent's conduct concerning the child in the context of the circumstances in which that conduct occurred." *In re Adoption of Syck*, 138 Ill. 2d 255, 278, 562 N.E.2d 174, 185 (1990). Circumstances to consider may include the parent's difficulty in obtaining transportation to the child's residence, the parent's poverty, the actions or statements of others hindering or discouraging visitation, "and whether the parent's failure to visit the child was motivated by a need to cope with other aspects of his or her life or by true indifference to, and lack of concern for, the child." *Syck*, 138 Ill. 2d at 279, 562 N.E.2d at 185. "Completion of service plan objectives can also be considered evidence of a parent's concern, interest, and responsibility." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1065, 859 N.E.2d 123, 135 (2006). The parent may be found unfit for failing to maintain either interest, concern, or responsibility; proof of all three is not required. *In re Jaron Z.*, 348 Ill. App. 3d 239, 259, 810 N.E.2d 108, 124-25 (2004).

Here, ample evidence was presented concerning respondent's visits and lack thereof, as well as her lack of interest in the children and their behavior during those visits. Thompson testified respondent paid little attention to her children other than the infant twins. Thompson's testimony also established respondent regularly missed visits or was extremely late to them. In addition, the evidence presented showed respondent failed to attend or otherwise engage in *any* of the recommended services during the initial nine-month period following the adjudication of neglect. This failure demonstrates a lack of reasonable interest, concern, or responsibility on her part. See *Jaron Z.*, 348 Ill. App. 3d at 259, 810 N.E.2d at 125 (noncompliance with the service plan may be considered evidence of a parent's lack of concern, interest, or responsibility). When respondent did begin services, it was two just months prior to the fitness determination for the termination hearing. Further, the evidence supported the court's findings with respect to failure to make reasonable efforts and failure to make reasonable progress.

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.

B. Best-Interest Finding

Once a parent has been found unfit for termination purposes, the focus changes to whether it is in the best interests of the child to terminate parental rights. 705 ILCS 405/2-29(2) (West 2008); *In re D.F.*, 201 Ill. 2d 476, 494-95, 777 N.E.2d 930, 940 (2002). The trial court conducts the best-interest hearing using a preponderance of the evidence standard of proof. *In re D.T.*, 212 Ill. 2d 347, 367, 818 N.E.2d 1214, 1228 (2004). When considering whether termination of parental rights is in a child's best interest, the trial court must consider a number of factors within "the context of the child's age and developmental needs." 705 ILCS 405/1-3(4.05) (West

2010). These include the following:

"(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's familial, cultural[,] and religious background and ties; (4) the child's sense of attachments, including love, security, familiarity, continuity of affection, and the least [-]disruptive placement alternative; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child."

Daphnie E., 368 Ill. App. 3d at 1072, 859 N.E.2d at 141.

The trial court's best-interests determination is reviewed under the manifest-weight-of-the-evidence standard. *In re Austin W.*, 214 Ill. 2d 31, 51-52, 823 N.E.2d 572, 585 (2005). A decision will be found to be against the manifest weight of the evidence "if the facts clearly demonstrate that the court should have reached the opposite conclusion." *Daphnie E.*, 368 Ill. App. 3d at 1072, 859 N.E.2d at 141.

In this case, none of the minors had seen respondent in a year. At the time of the hearing, respondent was still unemployed and living in Wisconsin with her mother. The best-interest report indicated T.J. and O.J. were doing well in their placement and were attached to their foster parents. Testimony established that while their foster parents were unwilling to adopt them at this time, the possibility existed for adoption in the future. In the meantime, T.J. and

O.J.'s foster parents were willing to provide a stable environment for them for as long as needed. The evidence also showed P.J. was attached to her foster family. Further, P.J.'s foster parents were willing to provide permanency through adoption.

Based on the evidence presented, we hold the trial court's order finding termination of respondent's parental rights was in the minors' best interest was not against the manifest weight of the evidence.

III. CONCLUSION

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

Affirmed.