

terminating his parental rights. We affirm.

¶ 5

I. BACKGROUND

¶ 6 In January 2009, the State filed a petition for adjudication of wardship, alleging P.H., born in November 2007 to respondent and Amber Hatfield, was a neglected minor pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2008)) because her environment was injurious to her welfare based on Amber's issues with domestic violence and mental health. The petition also alleged P.H. was an abused minor pursuant to section 2-3(2)(ii) of the Juvenile Court Act (705 ILCS 405/2-3(2)(ii) (West 2008)) because Amber's mental-health and domestic-violence issues placed P.H. at a substantial risk of harm. The trial court found probable cause to believe P.H. was neglected and abused and there was an immediate and urgent necessity to remove her from the home.

¶ 7 In March 2009, the trial court found the minor was neglected in that her environment was injurious to her welfare based on Amber's mental-illness and domestic-violence issues, along with respondent's enabling of Amber. In its dispositional order, the court found it in the minor's best interest that she be made a ward of the court and placed custody and guardianship with DCFS.

¶ 8 In October 2010, the State filed a motion to terminate respondent's parental rights. The State alleged respondent was unfit because he (1) failed to make reasonable efforts to correct the conditions that were the basis for the minor's removal from her parents (750 ILCS 50/1(D)(m)(i) (West 2010)); (2) failed to make reasonable progress toward the return of the minor within nine months after the adjudication of neglect or abuse (750 ILCS 50/1(D)(m)(ii) (West 2010)); (3) failed to make reasonable progress toward the minor's return during any nine-

month period after the end of the initial nine-month period following the adjudication of neglect or abuse (750 ILCS 50/1(D)(m)(iii) (West 2010)); and (4) has evidenced an inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness, or mental retardation (750 ILCS 50/1(D)(p) (West 2010)). The State made the same allegations against Amber. She signed a final and irrevocable surrender and consent to adoption in November 2010.

¶ 9 In April 2011, the trial court conducted a hearing on the motion to terminate parental rights. Dr. Richard Kujoth, a licensed clinical psychologist, testified he performed a psychological examination on respondent in February 2010. When asked whether respondent was diagnosed with any kind of specific mental illness or disorder, Dr. Kujoth responded "neglected child." He also stated respondent had "partner relational" problems and had trouble adjusting to new situations. Dr. Kujoth opined there was a concern that the risk of abuse was high when respondent encounters stressful situations because "he sometimes loses control." To have the minor safely returned to respondent, Kujoth believed he needed "at least a couple of years of supported counseling."

¶ 10 Michelle Niesman, a child-welfare worker with Lutheran Child and Family Services, testified she had been P.H.'s caseworker since January 2009. P.H. was taken into care after Amber kicked at a chair at a clinic. While P.H. was given to respondent, a safety plan required him to move out and have no contact with Amber until she was able to get her medication stabilized. Respondent moved back in with Amber and left P.H. with family members without her medication.

¶ 11 Niesman stated respondent's service plan required him to complete a mental-

health assessment and a drug-and-alcohol assessment, undergo domestic-violence counseling, and obtain housing and employment. Respondent obtained the assessments for mental health and substance abuse. He completed mental-health counseling. He had to have services for domestic violence extended because of an incident with Amber. Although they are divorced, respondent still lives with Amber. Niesman stated there has been an "ongoing pattern" of domestic violence between respondent and Amber, and the police have been called to their house on eight occasions from November 2008 to October 2010. Although respondent completed the domestic-violence course, Niesman believed "he hasn't shown that he has learned anything."

¶ 12 Niesman stated respondent lives in Amber's house but moves out sporadically. He has stayed with Amber's mother in her one-bedroom apartment and slept on the couch. Niesman described respondent's housing situation as unstable. She also stated respondent did not have stable employment. Given respondent's lack of progress, Niesman did not believe P.H. could be returned to him within the next three to six months. Along with housing and employment, respondent needed to stay away from Amber for at least six months but had repeatedly failed to do so over the last two years.

¶ 13 Respondent presented no evidence. The trial court found respondent unfit on all four grounds. By agreement of the parties, the court then called an immediate best-interest hearing. Considering the evidence from the unfitness hearing, the court found it in the minor's best interest that respondent's parental rights be terminated. This appeal followed.

¶ 14 II. ANALYSIS

¶ 15 A. Unfitness Findings

¶ 16 Respondent argues the trial court's unfitness findings were against the manifest

weight of the evidence. We disagree.

¶ 17 Because termination of parental rights is a serious matter, 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 determination of parental unfitness involves factual findings and credibility assessments that the trial court is in the best position to make.' " *In re Richard H.*, 376 Ill. App. 3d 162, 165, 875 N.E.2d 1198, 1201 (2007) (quoting *In re Tiffany M.*, 353 Ill. App. 3d 883, 889-90, 819 N.E.2d 813, 819 (2004)). A reviewing court accords great deference to a trial court's finding of parental unfitness, and such a finding will not be disturbed on appeal unless it is against the manifest weight of the evidence. *In re Veronica J.*, 371 Ill. App. 3d 822, 828, 867 N.E.2d 1134, 1139 (2007). "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).

¶ 18 In the case *sub judice*, the trial court found respondent unfit, *inter alia*, for failing to make reasonable progress toward the return of the minor within nine months following adjudication (750 ILCS 50/1(D)(m)(ii) (West 2010)) and during any nine-month period after the end of the initial nine-month period following adjudication (750 ILCS 50/1(D)(m)(iii) (West 2010)). "Reasonable progress" is an objective standard that "may be found when the trial court can conclude the parent's progress is sufficiently demonstrable and of such quality that the child can be returned to the parent in the near future." *In re Janine M.A.*, 342 Ill. App. 3d 1041, 1051, 796 N.E.2d 1175, 1183 (2003).

"[T]he benchmark for measuring a parent's 'progress toward the return of the child' under section 1(D)(m) of the Adoption Act

encompasses the parent's compliance with the service plans and the court's directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later become known and which would prevent the court from returning custody of the child to the parent." *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001).

"At a minimum, reasonable progress requires measurable or demonstrable movement toward the goal of reunification." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067, 859 N.E.2d 123, 137 (2006).

¶ 19 The evidence in this case shows respondent failed to make reasonable progress toward the minor's return to him during the initial nine-month period, which ran from March 19, 2009, until December 19, 2009, and any nine-month period thereafter. To his credit, respondent did obtain assessments related to mental health and substance abuse. He completed mental-health counseling. However, part of the reason P.H. was removed from the home was the domestic-violence issues between him and Amber. Although respondent completed the domestic-violence course, Niesman found respondent had not shown he learned anything from it because he continued to engage in an abusive relationship with Amber. Niesman noted the police had been called to the home on several occasions and four orders of protection had been filed between the parties during the preceding two years.

¶ 20 Respondent also needed to obtain stable housing, but he continued to live with Amber and/or move sporadically. He needed to obtain stable employment, but Niesman stated respondent had never done so while she was the caseworker. Because he failed to make progress

in finding a stable home and job, respondent could not provide a safe and suitable home environment for P.H.

¶ 21 Here, nothing indicates the progress respondent did make was of such a quality to lead one to conclude the minor could be returned to him in the near future. Thus, the trial court's findings of unfitness on the reasonable-progress grounds were not against the manifest weight of the evidence. Because of our conclusion on these grounds of unfitness, we need not analyze the court's findings on the remaining grounds.

¶ 22 B. Best-Interest Hearing

¶ 23 Respondent argues the trial court failed to hold a separate best-interest hearing and only considered evidence that had been presented earlier at the unfitness hearing. The State argues respondent cannot make this argument on appeal since he acquiesced to that course of action. We agree with the State.

¶ 24 Under the invited-error doctrine, a party "may not request to proceed in one manner and then later contend on appeal that the course of action was in error." *People v. Carter*, 208 Ill. 2d 309, 319, 802 N.E.2d 1185, 1190 (2003). Action taken by a trial court at the request of a party precludes that party from claiming on appeal that the requested course of conduct constituted error. *People v. Pryor*, 372 Ill. App. 3d 422, 432, 865 N.E.2d 279, 289 (2007); see also *In re Kenneth D.*, 364 Ill. App. 3d 797, 803, 847 N.E.2d 544, 550 (2006). "Thus, when a party 'procures, invites, or acquiesces' to a trial court's evidentiary ruling, even if the ruling is improper, he cannot contest the ruling on appeal." *LaSalle Bank, N.A. v. C/HCA Development Corp.*, 384 Ill. App. 3d 806, 820, 893 N.E.2d 949, 963 (2008) (quoting *People v. Bush*, 214 Ill. 2d 318, 332, 827 N.E.2d 455, 463 (2005)).

¶ 25 After the trial court found respondent unfit, the trial court asked respondent's counsel whether the matter should be continued for a best-interest hearing or whether the court should make the decision based on the evidence. Respondent's counsel responded that "under the circumstances, Judge, considering the evidence you've already heard would be sufficient." The court asked if anyone disagreed and no one did. Given counsel's acquiescence to the procedure, respondent cannot now claim on appeal that he did not have the opportunity to have a separate best-interest hearing at a later date or that the court erred in considering the evidence already presented.

¶ 26

III. CONCLUSION

¶ 27

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

¶ 28

Affirmed.