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## BACKGROUND

¶ 4 This case originated on August 24, 2007, when the State filed a petition for adjudication of wardship for A.B. after A.B. was hospitalized for psychiatric care, and upon her release, respondent refused to come to the hospital to pick her up. At the time, A.B. was 8 years old, M.B. was 7, and E.B. was 5. The Department of Children and Family Services (Department) was called to help make arrangements for A.B.'s care. Unfortunately, both respondent and her husband essentially disappeared, and ultimately, the State was awarded temporary custody of not only A.B. but also E.B. and M.B.

¶ 5 On November 26, 2007, all three minors were adjudged abused or neglected based upon the fact that between August 21, 2007, and September 4, 2007, respondent had not provided for a care plan for the minors and the whereabouts of the father were unknown. A dispositional hearing was scheduled for January 14, 2008, after which all three minors were adjudged dependent. Custody and guardianship were awarded to the Department, and supervised visitation was awarded. Respondent and the father were admonished that they must cooperate with the Department or risk termination of their parental rights.

¶ 6 Following the adjudicatory order, the Department gave respondent several tasks to complete before the minors would be returned home. The goals included maintaining regular employment, providing a safe home, completing a mental health evaluation, and participating in and completing community service programs, such as parenting classes. Several progress reports were introduced into evidence which showed that, at least initially, respondent was on her way to the ultimate goal of reunification. For example, respondent was able to secure a job and adequate housing. At a permanency hearing on June 9, 2008, testimony was presented that respondent was working as a full-time CNA at Franklin Care Nursing in West Frankfort and was living in a three-bedroom home. She was also having one-hour weekly

supervised visits with the minors.

¶ 7 The record also shows that respondent participated in counseling through Catholic Social Services and that some of the tasks could not be completed because the programs which the Department wanted her to complete did not have room for her, thereby requiring her to be placed on a waiting list. She also completed a psychological evaluation that was required of her. However, a progress report filed June 17, 2009, showed that respondent was no longer making significant strides and stated that respondent was actually planning to surrender her rights to the children at the next court hearing.

¶ 8 The June 17, 2009, progress report specifically states as follows:

"Over the last six months [respondent] has had adequate housing and employment. Last week [respondent] packed up all of her belongings and quit her job to move to Washington."

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[Respondent] attended counseling at CSS over the last 6 months. Counselor reports that [respondent] does not follow her recommendations. [Respondent] stated last week that she will no longer be participating in services.

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Psychiatrist recommended that [respondent] participate in parenting class. Referral to Project 12 was made and Project 12 Ways set up an assessment for 1/27/09 however last week [respondent] stated that she will no longer be participating in services."

Lucille Smith, a foster care case manager with Catholic Social Services, was assigned respondent's case on January 23, 2008. There have been four different caseworkers assigned to this case since its inception. Smith testified that respondent visited with the minors on January 12, 2009, but signed papers surrendering her parental rights to all three children on

January 23, 2009.

¶ 9 Thereafter, respondent refused to sign the surrender papers in front of a judge. Respondent called the Department at the end of February 2009 seeking to reestablish visitation. Visitation was scheduled for March 18, 2009. Respondent appeared. According to Smith, the visitation took place at a McDonald's. Upon her arrival, respondent asked the children if they wanted to go home with her. E.B. was the only one who said she did. The other two minors did not want to go home with respondent. Smith said that respondent then said something to the effect: "[W]ell, I know they won't let me separate you, so, you go on back to your foster home. I am done." Respondent was then out of her children's lives for approximately three or four months. Smith did not know where respondent was during that time. Smith testified that respondent gave her a phone number for Idaho, but she did not know if respondent was there or not.

¶ 10 Respondent was rated unsatisfactory during this time on her agreement to utilize community resources. Smith testified why respondent was rated unsatisfactory: "Because she wasn't in the area to use the resources. She didn't use anything." Respondent was also rated unsatisfactory on housing and counseling because no one knew where she was living and because she did not participate in counseling.

¶ 11 It was later determined that respondent had never actually left the area or quit her job. Respondent told coworkers to tell the Department she was no longer employed at her employer. She did not attend any counseling sessions after January 2009 or utilize any community resources until after she resumed contact in June 2009. The Department assessed the situation as follows: "[Respondent] has been in and out of the children's lives and does not realize that this is traumatizing to her children." Smith summed up the situation by stating that respondent just did not understand the effects of her repeatedly leaving the reunification program but that her children perceived her behavior as desertion.

¶ 12 Smith testified that while there were times respondent would show improvement in parenting skills, she simply was not consistent. While the initial goal had been to return the children home, the goal on the service plan dated August 8, 2010, changed to substitute care pending termination of parental rights due to respondent's inconsistencies and stated desire to surrender her parental rights in January 2009.

¶ 13 Smith testified that she does not believe that respondent has corrected the conditions which caused her children to be taken in the first place. Smith said respondent "shows little affect in talking about the children" and when she is with the children, she does not often display good parenting skills. Smith believes the children need permanency and noted that all three of the children have exhibited problems while in foster care. After visits with respondent, A.B. does not bathe, brush her teeth, or comb her hair. She gets insolent with her foster parent. Smith was specifically asked whether respondent has maintained a reasonable degree of interest or concern or responsibility toward the minors, to which she replied: "She has, but there have been several instances where she has just up and disappeared. You can't keep doing that to children. And this has been for a significant amount of time."

¶ 14 Betsy Viececi, a counseling supervisor at Catholic Social Services, testified that she counseled respondent beginning in August 2008. Viececi has a master's degree in rehabilitation counseling and a Ph.D. in educational psychology. Her last session with respondent was on September 15, 2010. There was a seven-month gap in sessions between January 2009 and August 2009. Viececi said the gap occurred because respondent left the area. According to Viececi, respondent had difficulty accepting responsibility for losing her children and respondent had been traumatized in some way during her own childhood. Initially, respondent made some slight progress, but she could not empathize with her children for being upset when she left them. She blamed others and refused to take

responsibility for her actions. Viecele opined that respondent did not make any significant progress towards the goals that were set for her with regard to her children during her time in counseling. Viecele said it would be a very long time before respondent would make reasonable progress in counseling, "a matter of years, as opposed to months."

¶ 15 Respondent testified on her own behalf. She testified that she received conflicting advice from Catholic Social Services and she felt as though from the beginning of the case their goal was never to reunite the family. She said they made her feel like a terrible parent and told her only what she was doing wrong but did little to rectify the situation. She said that the only time she disengaged from services was in December 2009 when all she was receiving was negative feedback and Catholic Social Services told her that her children loved their foster homes and did not want to be reunited. She said she never left the area, remained employed, and did some soul-searching. After approximately 10 weeks, she decided she wanted her children back and reinitiated contact. She said she never missed a court appearance. The record supports this assertion. Respondent admitted that she disengaged in services in December 2009 and did not have any counseling sessions with Dr. Viecele for a period of time.

¶ 16 The trial court took the matter under advisement. It issued a written order on January 18, 2011, in which it found the State failed to prove that respondent failed to make reasonable progress during the initial nine-month period after adjudication, but the State did prove by clear and convincing evidence that respondent failed to make reasonable progress toward the goal of return home during the nine-month period from January 22, 2009, until October 22, 2009, and that she failed to maintain a reasonable degree of interest, concern, or responsibility as to her children's welfare. The trial court further found that her efforts to be reunited with her children were not reasonable and that the goal of return home is not possible in the foreseeable future and, thus, respondent failed to make reasonable efforts to

correct the conditions that were the basis for the removal.

¶ 17 A best-interest hearing was conducted on March 28, 2011. Dr. Vieceli testified that she counseled the children beginning in 2008 up until four months prior to the hearing. She is the supervisor of the counselor who was currently counseling the children. All three of the children expressed their desire to be adopted by their respective foster parents. She said E.B. has some "mixed feelings" and is the child most attached to the biological parents. She believed it was in all three children's best interests that the rights of the respondent be terminated based upon respondent's inability to provide continuous stable care and the response of the children to the respondent. She said two of the children fear their mother and the other one is very angry to this day. She said she worked with the children to make them less fearful of respondent, but that has not happened, and she does not think they will respond to treatment in the future.

¶ 18 The minors are all placed in separate foster homes. The foster parents testified that the minors have been living with them in their homes for approximately four years and all are doing well in school. All the foster parents expressed their desire to adopt their respective foster children and promised to continue visitation between the minors who are biologically related.

¶ 19 Britte Garrett, the caseworker appointed to the family case and the supervisor of E.B.'s and M.B.'s cases, testified that E.B. and M.B. are thriving in their foster homes and are attached to their foster parents. She believes it is in the minors' best interests that they be allowed to be adopted by their foster parents. She testified that the minors have advised her that it is their wish that they be adopted by their foster parents. Lucille Smith, who supervises A.B.'s case, also testified that she believed it is in A.B.'s best interests that respondent's parental rights be terminated and that A.B. be allowed to be adopted by her foster parents.

¶ 20 Respondent testified that she did not believe it was in the best interests of her children that her parental rights be terminated. She said the children should have been returned years ago, the case was "dragged out," and matters were handled inappropriately. She said the case essentially revolves around the "month-and-a-half, two months, where [she] stopped seeing the children." She said the problems started long before this, however, when the family lived up north and her husband, the children's father, was involved with drugs. They moved to southern Illinois to get him away from drugs, but he abandoned them in a hotel room. From that point on, they moved seven times in four years. Respondent said that she placed E.B. and M.B. with their respective foster parents and none of the children were ever in danger. She testified that her children were not the only ones traumatized, she was, too, but she has learned a lot through counseling and does not believe her rights should be terminated. Respondent would like to have more visitation with her children and more counseling and, ultimately, have the children returned to her.

¶ 21 After hearing all the evidence, the trial court found it was in the best interests of the minors that respondent's parental rights be terminated. Respondent filed a timely notice of appeal.

¶ 22 ANALYSIS

¶ 23 The issues raised in this appeal are whether the trial court erred in finding respondent unfit and in terminating her parental rights. We are well aware that termination of parental rights is an extraordinary measure in light of the superior right of parents, against all others, to raise their children. *In re Adoption of Syck*, 138 Ill. 2d 255, 274, 562 N.E.2d 174, 184 (1990). A parent's right to raise his or her children cannot be revoked in the absence of clear and convincing evidence of a parent's unfitness, which must be determined prior to the consideration of the child's best interest. *In re Adoption of Syck*, 138 Ill. 2d at 273-74, 562 N.E.2d at 184. A reviewing court will not disturb a trial court's finding of unfitness unless

it is against the manifest weight of the evidence, which means that the record clearly demonstrates that the result opposite to the one reached by the trial court was the proper result. *In re T.B.*, 215 Ill. App. 3d 1059, 1062, 574 N.E.2d 893, 896 (1991).

¶ 24 The Act defines an unfit person as one "whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following \*\*\*:

\* \* \*

(b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.

\* \* \*

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor \*\*\*." 750 ILCS 50/1(D)(b), (D)(m)(i), (D)(m)(ii) (West 2008).

Whether a person makes "reasonable efforts" is a subjective standard, associated with the goal of correcting the conditions that caused the removal of the child, and focuses on the amount of effort reasonable for that particular parent. *In re J.A.*, 316 Ill. App. 3d 553, 565, 736 N.E.2d 678, 688, 89 (2000).

¶ 25 Once a trial court has found a parent unfit as defined in section 1(D) of the Act, the State's interest in protecting the child is sufficiently compelling to allow a hearing to determine whether termination of parental rights is in the best interests of the child. 705 ILCS 405/2-29(2) (West 2008); *In re R.C.*, 195 Ill. 2d 291, 308, 745 N.E.2d 1233, 1244 (2001). During a parental rights termination hearing, the focus shifts from the parent's past conduct to the child's welfare and whether termination would improve the child's financial

future, social, and emotional atmosphere. *In re Adoption of Syck*, 138 Ill. 2d at 276, 562 N.E.2d at 183-84. In cases involving termination of parental rights, each case is *sui generis* and must be decided upon the particular facts and circumstances presented. *In re D.D.*, 196 Ill. 2d 405, 422, 752 N.E.2d 1112, 1121 (2001). Because each termination of parental rights case is unique, factual comparisons to other cases is inappropriate. *In re A.B.*, 308 Ill. App. 3d 227, 240, 719 N.E.2d 348, 358 (1999).

¶ 26 After carefully reviewing the record before us, we conclude that the trial court's findings are supported by the evidence. The record supports respondent's contention that her ex-husband was involved with illicit drugs, which caused numerous hardships on the family. However, while respondent would like us to believe that this case boils down to a six- or eight-week lapse in judgment, the record shows that the problems are much more substantial than that.

¶ 27 The instant case originated after A.B. was hospitalized for psychiatric care and, upon her release, neither parent came to pick her up. The Department was called in and all three children were placed in foster care. Initially, respondent made progress toward the goal of reunification by completing such tasks as obtaining adequate employment and housing. Lucille Smith testified that while there were times respondent showed improvement in her parenting skills, she simply was not consistent and, in her opinion, respondent has not corrected the conditions which caused the children to be taken in the first place. Smith also testified that after visits with her mother, A.B. does not brush her teeth or bathe and becomes insolent with her foster parents.

¶ 28 Betsy Vieceli, a counseling supervisor at Catholic Social Services, testified that she began counseling respondent in August 2008. However, between January 2009 and August 2009, there was a gap in counseling sessions because respondent said she left the area. During that time, respondent signed unofficial papers surrendering her parental rights.

Thereafter, respondent attempted to reinitiate contact with the children, but during her first visit with the children following her unofficial surrender, she asked the children if they wanted to go home with her, and when they did not show enthusiasm, she said she was done and then was out of the picture for another three or four months. According to Vieceli, respondent refuses to take responsibility for the loss of her children. Vieceli said it would be "a matter of years, as opposed to months" before there could be any expectation of respondent making reasonable progress in counseling.

¶ 29 The record before us shows that respondent is simply not ready to parent her children and will not be ready to do so for a significant amount of time, if ever. While she never missed a court date, we do not believe she maintained a reasonable degree of interest, concern, or responsibility as to the children's welfare, nor did she make reasonable efforts to correct the conditions that were the basis for their removal or make reasonable progress toward the return of her children. Respondent unofficially surrendered the rights to her children, and when she attempted to reestablish contact, she made a mess of the visit and left them at McDonald's after claiming she was done with them. She stopped counseling sessions for seven months, and even when counseling sessions were reestablished, she did not make significant progress. Under these circumstances, we find that there was clear and convincing evidence of respondent's parental unfitness and, thus, we find that the trial court's order is not against the manifest weight of the evidence.

¶ 30 Furthermore, at the time of the best-interests hearing, all of the children had been in foster care for approximately four years and were doing well in their respective placements. Respondent testified that she was instrumental in finding the placements for E.B. and M.B. Nevertheless, those foster parents testified that they believed it was in the children's best interests that respondent's parental rights be terminated. All three sets of foster parents were ready and willing to adopt. While respondent made some progress and showed some interest

in the children, it is simply not enough to show that she is able to provide a stable and loving environment for any of the children. Based upon the record before us, the trial court's finding that it is in the children's best interest to terminate respondent's parental rights is supported by the record.

¶ 31 For the foregoing reasons, the judgment of the circuit court of Franklin County is affirmed.

¶ 32 Affirmed.