

A.S. was a neglected minor under section 2–3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act), in that her environment was injurious to her welfare as evidenced by her sibling being adjudicated neglected and respondent's failure to make reasonable progress toward having the child returned to her care and the child remaining in the care of the Wyoming Department of Family Services (DFS) (705 ILCS 405/2–3(1)(b) (West 2008)). At a June 10, 2010, adjudicatory hearing, respondent admitted the State's allegations in its petition for wardship. After accepting the State's evidence, the trial court entered an order adjudicating A.S. a neglected minor.

¶ 5 On July 6, 2010, respondent's caseworker, Brianna Bailey-Hill, filed a dispositional hearing report. Respondent recently lived in Wyoming. She lost custody of her first child in May 2008, and surrendered her parental rights on March 5, 2009. She moved to Illinois during the third trimester of her pregnancy with A.S. She had been offered nine visits with A.S. and attended two visits for the entire hour of allotted visitation time. Respondent did not attend four visits. Following the dispositional hearing, the court entered an order adjudicating A.S. a ward of the court and appointed the Department of Children and Family Services (DCFS) as her guardian.

¶ 6 On June 23, 2011, the State filed a motion for termination of parental rights alleging respondent was an unfit parent in that she failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to A.S.'s welfare (750 ILCS 50/1 (D)(b) (West 2008)); (2) make reasonable efforts to correct the conditions which were the basis for the removal of A.S. from her (750 ILCS 50/1 (D)(m)(i) (West 2008)); and (3) make reasonable progress toward the return of A.S. to her within nine months after an adjudication of neglect, specifically June 10, 2010, to March 10, 2011 (750 ILCS 50/1 (D)(m)(ii) (West 2008)).

¶ 7 The evidence at respondent's fitness hearing showed the following. A.S. was removed from respondent's care because respondent had her parental rights terminated to another child in the state of Wyoming. Bailey-Hill established a client service plan covering June 2010 through October 2010. The plan addressed parenting, visitation, housing, counseling, and money management. Respondent did not attend parenting classes and had moved multiple times. She was offered the opportunity for 23 visits with A.S. and attended 10 or 11. She did not attend counseling and was fired from her job because she failed to report to work when scheduled.

¶ 8 Bailey-Hill established a new client service plan covering October 2010 through May 2011. Respondent did not complete a parenting program and continued to miss visits with A.S. She did not attend counseling. Respondent moved to Wyoming in approximately April or May. Respondent had attended 18 out of 63 scheduled visits before moving to Wyoming. The agency offered to help respondent with transportation. The fitness hearing took place in July and respondent last visited A.S. in January. Respondent had the parental rights to one of her children terminated in Wyoming.

¶ 9 After considering the evidence and counsel's arguments, the trial court entered a written order, finding respondent was unfit as alleged in the motion for termination of parental rights.

¶ 10 Respondent failed to appear at the best interest hearing on August 18, 2011. The hearing was continued to September 14, 2011, and respondent failed to appear. The hearing was continued to October 13, 2011, and respondent failed to appear. Bailey-Hill stated that respondent was sent a bus ticket for the hearing on October 13, 2011. The trial court stated:

"For the purpose of the record, Court finds that mother has been

given many opportunities to appear in court. I will accept the State's representation that she has not been there for the past two court appearances. That has been verified. She's not here this morning. Her notice is for 10:30 this morning. It is now 10:50, and she is not present in the court."

¶ 11 Bailey-Hill testified that A.S. was almost 18 months old. She was placed with a traditional foster parent, Carol Andrews, and had been there since birth. It was an adoptive placement. A very strong bond existed between A.S. and Andrews. No bond existed between respondent and A.S. She had seen the baby once in the preceding six months.

¶ 12 After considering the evidence and counsel's arguments, the trial court terminated respondent's parental rights.

¶ 13 This appeal followed.

¶ 14 Respondent argues that the trial court's fitness findings were against the manifest weight of the evidence. We disagree.

¶ 15 "Parental rights may be involuntarily terminated where (1) the State proves, by clear and convincing evidence, that a parent is unfit pursuant to grounds set forth in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2006)) and (2) the trial court finds that termination is in the child's best interests." *In re M.R.*, 393 Ill. App. 3d 609, 613, 912 N.E.2d 337, 341-42 (2009).

¶ 16 Section 1(D)(m)(ii) of the Adoption Act provides, in pertinent part, as follows:

"The grounds of unfitness are any *** of the following ***:

(m) Failure by a parent *** (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 under Section 2-3 of the Juvenile Court Act of 1987 *** ." 750 ILCS 50/1(D)(m)(ii) (West 2008).

¶ 17 In *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001), the supreme court discussed the following benchmark for measuring "reasonable progress" under section 1(D)(m) of the Adoption Act:

"[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."

¶ 18 In *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991), this court discussed reasonable progress under section 1(D)(m) of the Adoption Act and held as follows:

" 'Reasonable progress' *** exists when the [trial] court *** can conclude that *** the court, in the *near future*, will be able to order the child returned to parental custody. The court will be able to order the child returned to parental custody in the near future

because, at that point, the parent *will have fully complied* with the directives previously given to the parent ***." (Emphases in original.)

¶ 19 "The State must prove parental unfitness by clear and convincing evidence, and the trial court's findings must be given great deference because of its superior opportunity to observe the witnesses and evaluate their credibility." *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 604 (2004). A reviewing court will not reverse a trial court's fitness finding unless it was contrary to the manifest weight of the evidence, meaning that the opposite conclusion is clearly evident from a review of the record. *Jordan V.*, 347 Ill. App. 3d at 1067, 808 N.E.2d at 604.

¶ 20 Respondent argues that she is appropriately caring for a third child (born June 9, 2011) in Wyoming, and points to the opinion of a Wyoming caseworker and nurse who give "glowing reports as to her care, concern and progress for the third child." However, they qualified their remarks by stating that "as long as [respondent] lives with her sister and family, that [the third child] will be well cared for." While it is true that respondent takes care of her third child, the record indicates that it is with the aid of considerable services provided by the Wyoming DFS and others. As to A.S., respondent received an overall unsatisfactory evaluation on two separate client service plans spanning a time period from June 2010, through May 2011, based on her continued failure to participate sufficiently in the services offered by DCFS with regard to A.S. The court's unfitness finding was not against the manifest weight of the evidence.

¶ 21 Because we have concluded that the trial court's finding that respondent failed to make reasonable progress toward the return of her child within nine months after an adjudication

of neglect (750 ILCS 50/1 (D)(m)(ii) (West 2008)) was not contrary to the manifest weight of the evidence, we need not consider other findings of parental unfitness. See *In re Katrina R.*, 364 Ill. App. 3d 834, 842, 847 N.E.2d 586, 593 (2006) (on review, if sufficient evidence is shown to satisfy any one statutory ground, we need not consider other findings of parental unfitness).

¶ 22 Respondent also argues that the trial court's best-interest findings were against the manifest weight of the evidence. We disagree.

¶ 23 After a finding of parental unfitness, the trial court must give full and serious consideration to the child's best interest. *In re G.L.*, 329 Ill. App. 3d 18, 24, 768 N.E.2d 367, 372 (2002). At the best-interest stage of termination proceedings the State bears the burden of proving by a preponderance of the evidence that termination is in the child's best interest. *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004). When determining whether termination is in the child's best interest, the court must consider, in the context of a child's age and developmental needs, the following factors: (1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's background and ties, including familial, cultural, and religious; (4) the child's sense of attachments, including love, security, familiarity, and continuity of affection, and the least-disruptive placement alternative; (5) the child's wishes; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parental figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the persons available to care for the child. 705 ILCS 405/1-3(4.05) (West 2008).

¶ 24 We will not reverse the trial court's best-interest determination unless it was against the manifest weight of the evidence. *In re Tiffany M.*, 353 Ill. App. 3d 883, 890, 819

N.E.2d 813, 819 (2004). A decision is against the manifest weight of the evidence only if the facts clearly demonstrate that the court should have reached the opposite result. *In re D.M.*, 336 Ill. App. 3d 766, 773, 784 N.E.2d 304, 310 (2002).

¶ 25 In this case, the evidence presented at the best-interest hearing showed that respondent (1) had not maintained any independent parental relationship with A.S. and (2) had left A.S. in the care of DCFS while relocating to Wyoming. Alternatively, since birth, A.S. has been thriving in a loving, caring environment with her foster parent who had (1) provided for the health, welfare, and emotional needs of A.S. and (2) expressed a sincere interest in adopting A.S.

¶ 26 Our review of the record shows that the trial court appropriately applied this evidence to each of the statutory factors under section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2008)), finding that, in addition to other applicable factors, the current home environment, familiarity, sense of security, and continuity of affection afforded A.S. warranted termination of respondent's parental rights.

¶ 27 Given our standard of review, we conclude that the court's finding that it was in the best interest of A.S. to terminate respondent's parental rights was not against the manifest weight of the evidence.

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

¶ 29 Affirmed.