

NOTICE
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2012 IL App (4th) 111140-U

Filed 5/11/12

NO. 4-11-1140

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: I.D., a Minor,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Logan County
v.)	No. 09JA21
CATTRINA HOPPER,)	
Respondent-Appellant.)	Honorable
)	Charles M. Feeney,
)	Judge Presiding.

JUSTICE McCULLOUGH delivered the judgment of the court.
Justices Steigmann and Pope concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court committed no error in terminating respondent's parental rights where neither the court's determination that respondent was unfit nor its best-interest finding were against the manifest weight of the evidence.

¶ 2 Respondent, Cattrina Hopper, appeals the trial court's termination of her parental rights to I.D., born May 29, 2009. She argues the court erred by finding she was unfit and that termination was in I.D.'s best interests. We affirm.

¶ 3 The record shows respondent (born October 20, 1993) and I.D.'s father, Jacob Dickson (born September 19, 1992), were both minors at the time of I.D.'s birth in May 2009. Following I.D.'s birth, respondent, Dickson, and I.D. lived in a home with respondent's parents and siblings. In September 2009, when I.D. was four months old, she came to the attention of the Illinois Department of Children and Family Services (DCFS) after having been taken to a

hospital emergency room and found to have multiple bruises on her body, two broken ribs, two broken bones in her left leg, a broken bone in her right arm, and several fractures that were in various stages of healing. Upon investigation in to I.D.'s injuries, the family's home was found to have excessive garbage, dirty clothing, broken furniture and appliances, spoiled food, and clutter. Additionally, the home had peeling lead paint and no heat. I.D. was taken into protective custody. Ultimately, Dickson admitted causing injury to I.D. and was convicted on charges stemming from those injuries and sentenced to a term of imprisonment in the Illinois Department of Corrections.

¶ 4 On October 6, 2009, the State filed a petition for adjudication of wardship, alleging I.D. was neglected due to an environment injurious to her welfare and abused due to physical injury and excessive corporal punishment inflicted upon her by Dickson. On October 29, 2009, the trial court entered an adjudicatory order, finding I.D. to be an abused and neglected minor as alleged in the petition. On December 10, 2009, the court entered a dispositional order, adjudicating I.D. neglected and abused, making her a ward of the court, and placing custody and guardianship of I.D. with DCFS.

¶ 5 On July 6, 2011, the State filed a motion to terminate both respondent and Dickson's parental rights to I.D. The State alleged respondent was unfit because she failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to I.D.'s welfare; (2) make reasonable efforts to correct the conditions that were the basis for I.D.'s removal; (3) make reasonable progress toward I.D.'s return within nine months after the neglect and abuse adjudication, specifically October 29, 2009, to July 29, 2010; and (4) make reasonable progress toward I.D.'s return within any nine-month period after the neglect and abuse adjudication, specifically

July 29, 2010, to April 29, 2011. The State further alleged that termination was in I.D.'s best interests.

¶ 6 On August 4, 2011, Dickson executed a final and irrevocable surrender of his parental rights. The same date, the trial court entered an order terminating his parental rights to I.D. Dickson is not a party to this appeal.

¶ 7 On September 15, 2011, the trial court conducted a hearing with respect to respondent's fitness. Kelley Brooks testified she was the family's DCFS caseworker from October 2009 to February 2011. In November 2009, a service plan was developed that required respondent to obtain services and complete tasks, including counseling, parenting classes, regular visitation, maintaining an appropriate home environment, obtaining an education, and cooperating with DCFS. Brooks stated DCFS made all necessary referrals for respondent except for a referral for counseling services because respondent's parents insisted upon finding their own counselor.

¶ 8 In April 2010, the first service plan was reviewed and respondent was given an overall unsatisfactory rating. Brooks noted respondent had not begun counseling by that time, failed to utilize the parenting skills she had been learning, and failed to maintain a safe and appropriate home environment. In particular, Brooks testified respondent wore inappropriate and dirty clothing to visitations and dressed I.D. in dirty, smelly clothing that was too tight and difficult to remove. Respondent talked about the case to I.D., then an infant, so others in the room could hear what she was saying. She also lived in a chaotic environment with her parents, who exhibited threatening behavior toward individuals involved with the case, including I.D.'s foster parent and Brooks. Brooks acknowledged that respondent received a satisfactory rating

with respect to her educational requirements, noting respondent attended school every day and received good grades.

¶ 9 A second service plan in the case covered March 2010 through September 2010. It contained the same requirements as the previous plan and additionally required respondent to obtain a psychological assessment. In connection with that second service plan, Brooks referred respondent for counseling services because respondent and her parents had failed to set up counseling for respondent.

¶ 10 In October 2010, respondent also received an unsatisfactory rating with respect to her second service plan. Brooks testified that, although respondent was attending counseling, the counselor felt she was passive aggressive and did not want to take responsibility for "anything that had happened," nor did respondent feel she had done anything wrong. The counselor did not believe respondent was gaining anything from counseling services. Brooks acknowledged respondent received a satisfactory rating with respect to parenting classes and visitation, noting she had completed her classes and there were no major issues with visits. However, respondent did not satisfactorily cooperate with DCFS. Brooks testified that, during the time period the second service plan was in effect, respondent moved to St. Louis, Missouri, and her compliance with DCFS tapered off. Brooks stated that, while respondent kept in contact DCFS, she failed to timely provide it with materials it needed, including respondent's educational records; copies of guardianship papers, establishing that respondent's grandparents had guardianship over her; and records showing respondent's participation in parenting classes.

¶ 11 After the second service plan was reviewed in October 2010, Brooks developed a third service plan for respondent with the same tasks. Brooks testified she remained as respon-

dent's caseworker until February 2011. During that time frame, respondent continued counseling but, per the counselor, made no progress. Further, although respondent's cooperation with DCFS improved, DCFS continued to have difficulty getting information from respondent. Brooks acknowledged, however, that the parenting and educational aspects of respondent's tasks were satisfactory and respondent consistently visited with I.D. even after moving to St. Louis.

¶ 12 Brooks testified that, during the time frame she worked on the case, there was never a time that I.D. was to be returned to respondent. She stated respondent's home environments were never considered safe for I.D. Brooks noted, in January 2011, DCFS received information from Missouri's Department of Social Services that respondent's parents had also moved to St. Louis and respondent was living with them. Further, DCFS learned respondent's youngest sibling was injured in the home, sustaining a skull fracture and being hospitalized. Brooks acknowledged that Missouri officials performed an investigation into the injury and determined it was unsubstantiated for abuse.

¶ 13 A report from the Missouri Department of Social Services was submitted into evidence by the guardian *ad litem*. The report showed an investigation into the incident revealed a family member threw a coffee mug at respondent's mother and hit respondent's minor sibling in the head, causing a depressed parietal skull fracture with intraparenchymal hemorrhage. The injury was described as being "caused by accidental means" and not the result of discipline. Although two children in the home were initially placed in state custody due to inconsistencies in the family's explanation about the incident, the abuse report was deemed unsubstantiated and the children were returned home. The report noted the children remained in the legal custody of the state of Missouri.

¶ 14 Jessica Starkey testified she was a foster care caseworker for Catholic Charities and, in February 2011, became I.D.'s caseworker. In April 2011, she participated in reviewing the third service plan developed by Brooks. Starkey acknowledged that respondent received a satisfactory rating with respect to her parenting classes, educational tasks, home environment, and cooperation with DCFS. Nevertheless, respondent received an overall unsatisfactory rating on her service plan. Starkey noted respondent's counseling task was rated unsatisfactory because she was not very cooperative during counseling, was not eager to talk about her own personal issues, and displayed a lack of empathy. Additionally, respondent received the overall unsatisfactory rating based on the content of her psychological evaluation. Starkey testified as follows:

"The psychological stated that [respondent] presented with antisocial personality traits, borderline personal [*sic*] traits, a severe and concerning lack of empathy and remorse for what happened to [I.D.] and [respondent's younger sibling]. It said that she displayed impulsivity, irritability, and irresponsibility with her previous actions.

It also stated that since she's young, she's still quite impressionable by her parents which is concerning due to the circumstances surrounding her parents, and it stated that it is doubtful that she would be able to raise [I.D.] on her own unless she was able to establish appropriate boundaries with her parents."

¶ 15 Starkey identified a psychological report regarding the evaluation performed on respondent through DCFS. She also testified respondent and her parents sought out their own

psychological evaluation which was neither paid for by DCFS nor performed by one of its providers. Starkey identified that report and noted the two psychological evaluations made opposite recommendations. The report obtained by respondent and her parents failed to indicate that the evaluating psychologist "had any of the past history" concerning respondent's case with DCFS. To Starkey's knowledge, DCFS was not asked to provide, nor did it provide, any information to the psychologist obtained by respondent and her family.

¶ 16 Starkey further testified that, at no time during her involvement in the case would she have felt comfortable returning I.D. to respondent. She did not believe respondent made sufficient progress in her individual counseling.

¶ 17 Respondent testified on her own behalf. Since June 2010, she lived in St. Louis with her grandparents. She recalled getting service plans in the case and stated she understood the need to complete each task listed in the plan. Respondent acknowledged her delay in beginning counseling, explaining that her parents wanted to find a counselor for her on their own but could not find one. She testified DCFS made a referral for counseling and she "showed up in counseling everyday," answered questions, and tried to stay on topic. Respondent believed she had been successful in participating in counseling and parenting classes and stated her visitations with I.D. had been great. She acknowledged that she took "quite a bit of time" in getting certain documents to DCFS, stating she had to wait until she received things in the mail and then wanted to read through each document to make sure everything was correct. Respondent asserted she usually provided material to DCFS within two weeks of when she received it.

¶ 18 Respondent further stated she understood the severity of the injuries I.D. sustained before she was taken into care and accepted the circumstances under which those injuries

occurred. She agreed that, at that time, she was immature but asserted she had made improvements and would be a great parent. Respondent further agreed she did not receive proper support from her parents and it was not until she went to live with her grandparents that she received any support about becoming a better parent. She believed that any denial she exhibited surrounding I.D.'s injuries was due to her parents' influence. Respondent agreed that she did not make appropriate progress in the case from October 2009, when I.D. was adjudicated, to June 2010, when respondent moved in with her grandparents and stated she did not fully have her "act together" within the nine-month period after I.D.'s abuse and neglect adjudication. Finally, she testified her parents lived approximately 15 minutes from her home in St. Louis and she saw them about once a month.

¶ 19 At the conclusion of the hearing, the trial court found respondent unfit as alleged in the State's petition. Specifically, it determined respondent failed to (1) maintain a reasonable degree of responsibility as to I.D.'s welfare; (2) make reasonable efforts to correct the conditions which were the basis for I.D.'s removal; (3) make reasonable progress toward I.D.'s return within nine months after the abuse and neglect adjudication, specifically October 29, 2009, to July 29, 2010; and (4) make reasonable progress toward I.D.'s return within any nine-month period, specifically July 29, 2010, to April 29, 2011.

¶ 20 On November 10, 2011, the trial court conducted the best-interest hearing in the matter. Evidence showed I.D. was two years old and had been living in the same foster home since December 2009, when she was seven months old. I.D.'s foster mother, Tammy Callaway, identified herself as being I.D.'s godmother and noted she had previously been married to I.D.'s great uncle. Also in the home were Callaway's fiancé, Randy Hill, and her six children, ranging

in age from newborn to 18 years old. Callaway testified I.D. called her "mommy" and Hill "daddy." She referred to the other children in the home as "sisters" and "bubby." Callaway further stated that she was committed to providing I.D. with a permanent placement and wanted to adopt her as soon as she became available for adoption. Hill also testified at the hearing, stating he and Callaway had been together for seven years and he knew he could provide I.D. with a good home.

¶ 21 Additionally, the trial court noted its receipt of the best-interest report. The report referenced respondent's initial lack of compliance with her service plan and a finding by her therapist that she had "immature expectations as to what parenting involve[d]." The report further noted the severe head injuries respondent's younger sibling suffered in the home in which respondent was living and concerns by respondent's therapist regarding respondent's reaction to those injuries. The therapist reported that respondent "tends to minimize and makes excuses for the perpetrators and *** shows little affect or empathy."

¶ 22 The best-interest report also referenced respondent's psychological evaluation, which also showed concerns regarding respondent's lack of empathy and failure to accept responsibility for her actions. The evaluation found respondent (1) displayed "impulsivity, irritability, and irresponsibility with previous actions, and a current lack of remorse" and (2) presented with difficulties in controlling her anger and minimizing family dynamics.

¶ 23 The trial court determined termination of respondent's parental rights was in I.D.'s best interests and entered an order terminating her parental rights. On November 15, 2011, respondent filed a motion for reconsideration. On December 8, 2011, the court denied her motion.

¶ 24 This appeal followed.

¶ 25 On appeal, respondent challenges both the trial court's unfitness and best-interest findings. She argues the court's findings were against the manifest weight of the evidence.

¶ 26 Involuntary termination of parental rights is permitted where a trial court (1) finds, by clear and convincing evidence that a parent is unfit as defined in Section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2010)), and (2) concludes termination is in the child's best interests. *In re J.L.*, 236 Ill. 2d 329, 337-38, 924 N.E.2d 961, 966 (2010). "Although section 1(D) of the Adoption Act sets forth numerous grounds under which a parent may be deemed 'unfit,' any one ground, properly proven, is sufficient to enter a finding of unfitness." *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006). A reviewing court will not disturb the trial court's unfitness finding unless it is against the manifest weight of the evidence. *In re Gwynne P.*, 215 Ill. 2d 340, 354, 830 N.E.2d 508, 516-17 (2005). "A court's decision regarding a parent's fitness is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent." *Gwynne P.*, 215 Ill. 2d 340, 354, 830 N.E.2d 508, 517.

¶ 27 The State alleged, and the trial court found, respondent unfit based upon four different grounds. However, as discussed, this court need only find that a single ground was properly proved to sustain the trial court's unfitness finding. Here, the evidence presented was more than sufficient to support the State's allegation that respondent was unfit because she failed to make reasonable progress toward I.D.'s return within nine months after the neglect and abuse adjudication. See 750 ILCS 50/1(D)(m)(ii) (West 2010).

¶ 28 In October 2009, I.D. was adjudicated neglected and abused. Respondent readily admitted that, during the following nine months, she did not have her "act together" and that she

failed to take appropriate action in the case until moving in with her grandparents in June 2010. Evidence presented by the State supports her statement, showing she received an unsatisfactory rating on her service plan during the relevant time frame. Specifically, Brooks testified respondent failed to begin counseling after her parents insisted upon finding their own counselor, failed to utilize the parenting skills she was learning, acted inappropriately during visitations, and did not have a safe home environment. As the trial court noted, respondent agreed "she did basically nothing in that first nine[-]month period and certainly nothing that [could] be categorized as reasonable progress."

¶ 29 The State proved its allegation that respondent failed to make reasonable progress during the initial nine months after the adjudication by clear and convincing evidence. As a result, the trial court's unfitness finding was not against the manifest weight of the evidence. We need not address the remaining grounds alleged by the State and found proved by the court.

¶ 30 Respondent next argues the trial court erred by finding termination was in I.D.'s best interests. Again, she maintains the court's decision was against the manifest weight of the evidence.

¶ 31 "After a finding of parental unfitness, the trial court must give full and serious consideration to the child's best interest." *In re Jay H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 290 (2009).

"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." *Jay H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at 291, citing 705 ILCS 405/1-3(4.05) (West 2008).

The court's best-interest determination will not be reversed unless it was against the manifest weight of the evidence. *Jay H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at 291.

¶ 32 Here, the evidence presented showed I.D. was two years old and had been living in the same foster home since December 2009, when she was seven months old. Her foster family wanted to provide her with permanency through adoption. Additionally, she had bonded with her foster family, referring to her foster parents as "mommy" and "daddy" and knowing the other children in the home as her siblings. Alternatively, respondent was slow to cooperate with DCFS, exhibited a concerning lack of empathy toward I.D., placed blame for her own situation upon others, and maintained an unsafe home environment in which a second child sustained severe injury. Given this evidence, the trial court's finding that termination was in I.D.'s best interests was not against the manifest weight of the evidence.

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

¶ 34 Affirmed.