

NOTICE
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2013 IL App (4th) 130423-U

NO. 4-13-0423

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
October 18, 2013
Carla Bender
4th District Appellate
Court, IL

In re: K.L. a Minor,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Champaign County
v.)	No. 11JA43
SHELLY LATIFOSKI,)	
Respondent-Appellant.)	Honorable
)	John R. Kennedy,
)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justice Harris and Justice Holder White concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court properly found respondent mother unfit and terminated her parental rights.

¶ 2 Respondent mother, Shelly Latifoski, appeals the orders finding her an unfit parent of K.L. (born December 22, 2004) and terminating her parental rights to him. Shelly argues the trial court's rulings are against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In August 2011, the State filed a petition for adjudication of neglect, alleging K.L. was a neglected child. The State alleged K.L. was neglected in that his environment was injurious to his welfare because, when he resided with Shelly, he was exposed to substance abuse and domestic violence.

¶ 5 In October 2011, the trial court entered an adjudicatory order, finding K.L.

neglected because he was in an environment injurious to his welfare due to Shelly's substance abuse. Specifically, the court found Shelly had a history of abusing prescription medication, suffered from anxiety disorder, and did not have a stable residence. The court further found respondent father, Zija Latifoski, who is not a party to this appeal, physically abusive.

¶ 6 In September 2012, the State filed a motion seeking a finding of unfitness and the termination of Shelly's parental rights to K.L. The State alleged Shelly was unfit in that she failed to (1) make reasonable efforts to correct the conditions that were the basis for K.L.'s removal from her (750 ILCS 50/1(D)(m)(i) (West 2010)); (2) make reasonable progress toward K.L.'s return within 9 months of the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2010)); and (3) maintain a reasonable degree of interest, concern, or responsibility as to K.L.'s welfare (750 ILCS 50/1(D)(b) (West 2010)). The relevant nine-month period spanned October 20, 2011, through July 20, 2012.

¶ 7 At the fitness hearing, Jolene Watson, a therapist at Crosspoint Human Services (Crosspoint) from March 2009 to July 2012, testified Shelly was her client. Shelly's attendance in counseling was sporadic. The two had five sessions between October 2011 and March 30, 2012. At times, Shelly would call and cancel in advance. On other occasions, Shelly would not show for the sessions.

¶ 8 According to Watson, the treatment goals included decreasing the stressors in Shelly's life, particularly the loss of K.L., and developing coping skills. Shelly made no progress toward the goals. Watson attributed this to Shelly's failure to attend the sessions.

¶ 9 Watson testified she knew Shelly had been diagnosed with bipolar disorder. Shelly believed she was misdiagnosed. Watson knew Shelly was prescribed Suboxone, a drug

used to prevent opiate withdrawal.

¶ 10 On cross-examination, Watson testified Shelly participated in an intake process before counseling began. Shelly attended two intake sessions. As a result of these sessions, it was recommended Shelly participate in counseling "at least biweekly." Watson believed, after March 30, 2012, Shelly "was trying" to attend more sessions. At this time, Watson recommended Shelly complete another psychiatric evaluation. Watson believed Shelly completed that evaluation, but Watson did not see it.

¶ 11 Sherry Sanford, a mental-health therapist with Crosspoint from August 2006 until August 2012, testified she met with Shelly once, on August 16, 2012. During the meeting, Shelly told Sanford what she had been working with Watson. Shelly reported she received group and individual therapy from a doctor not affiliated with Crosspoint. Shelly was not interested in participating in additional individual counseling because it overlapped with the counseling she was receiving. When asked if she believed additional therapy at Crosspoint would have benefitted Shelly, Sanford testified it was difficult to say. Sanford reiterated the two only met once.

¶ 12 On cross-examination, Sanford testified she believed it was fair to say Watson transferred Shelly to her because Watson believed Shelly continued to need therapy. It did not concern Sanford that Shelly was not continuing counseling at Crosspoint because Shelly was receiving services elsewhere. However, Sanford believed Shelly would benefit from Crosspoint's services. She "left the door open" for Shelly to return.

¶ 13 Timothy Revello testified he worked as the case manager in this case. In approximately August 2011, Revello participated in an integrated assessment with Shelly. At an

integrated assessment, the participants, including the parents, discuss the reasons the child came into care and the tasks the parents need to complete. Revello recalled discussing with Shelly her relationship with Zija Latifoski, the respondent father who is not a party to this appeal. Shelly reported Zija was jealous and controlling from the beginning and Zija became physically abusive within the first six months of their relationship. Shelly further reported the domestic violence intensified after she became pregnant with her other son. At the time of the integrated assessment, Zija resided in Alaska. Shelly resided at a women's homeless shelter, Your Family Resource Connection (YFRC), in Danville. Shelly reported before YFRC, she resided in a domestic-violence shelter in Tuscola.

¶ 14 According to Revello, at the integrated assessment, Shelly reported she was receiving treatment since 2009 for her addiction with Recovery Options, a treatment center for individuals addicted to narcotics located in Urbana. Through Recovery Options, Shelly was prescribed Suboxone. She also reported she had previously participated in a methadone program for approximately three or four years. Shelly did not call the methadone program a recovery program "because she got high off" it. Revello suggested Shelly participate in a substance-abuse evaluation at Prairie Center. Shelly seemed open to this suggestion because Prairie Center had an inpatient program and she wanted to stop taking Suboxone. Shelly was apprehensive about the change. Shelly had been taking Suboxone and had worked with Recovery Options for a long time. She believed "that was at one time her best option for recovery."

¶ 15 Revello testified Shelly completed an initial substance-abuse assessment with him in November 2011. An appointment for an assessment at Prairie Center was subsequently scheduled. Shelly did not complete the assessment until March 2012, after participating in

another assessment with Revello in February 2012.

¶ 16 Revello testified, at the integrated assessment, Shelly also reported symptoms of depression and panic attacks. He recommended she complete a mental-health assessment. In October 2011, Shelly completed the assessment with Dr. Gary Teigland, a psychiatrist. Dr. Teigland diagnosed Shelly with bipolar disorder. Shelly did not agree with his determination and was unwilling to participate in Dr. Teigland's recommendations. Revello then referred Shelly for another psychiatric evaluation with Dr. Surinderpal Kahlon, a psychiatrist. Dr. Kahlon diagnosed Shelly with depressive disorder and opiate-type dependence. Dr. Kahlon recommended Shelly continue treatment with Recovery Options.

¶ 17 As of March 8, 2012, Shelly was not employed. She stayed at YFRC until April 2012. During her stay at YFRC, Shelly was to complete the services offered at that shelter, but she did not do so. After Shelly left YFRC, she resided with a friend named Brad Corbin. Revello attempted to speak with Corbin and Shelly regarding Corbin's background. He needed to run a background check to ascertain whether Corbin was safe for K.L. Neither Shelly nor Corbin provided Revello with the necessary information for that check. Shelly lived with Corbin about four months until she moved to Restoration Urban Ministries in Champaign.

¶ 18 Revello testified he had one telephone conversation with Dr. John Peterson from Recovery Options. Revello believed he received maybe three reports from him during the pendency of the case. Revello testified, after his conversation with Dr. Peterson, he believed Shelly would be on Suboxone until she had some stability in her life. Revello believed it would be detrimental to be removed from the Suboxone.

¶ 19 On cross-examination, Revello testified all of Shelly's visits with K.L. were

supervised. There was, at no time, a period of unsupervised visits or visits supervised by a third party.

¶ 20 After the initial integrated assessment, Revello recommended Shelly complete substance-abuse treatment and domestic-violence counseling and participate in a mental-health assessment and follow the recommendations resulting from that assessment. It was recommended Shelly complete a course of individual counseling.

¶ 21 Revello testified he learned from Watson that Shelly cancelled a number of appointments from October 2011 through February 2012. Because Shelly was then in danger of being dropped from that service, Revello had to rerefer her in February 2012 to allow Shelly to reengage in counseling with Watson.

¶ 22 Regarding Shelly's residency at YFRC, Revello received a report Shelly had been given permission to leave the shelter overnight on April 4, 2012. Shelly was supposed to return the following day but did not. Individuals from the shelter met with her again and told her she could reengage their program if she returned. Shelly, however, did not return and in April 2012, her residency was officially terminated. Revello was told she would not be permitted to rejoin the program.

¶ 23 Revello testified he attempted on multiple occasions to get records from Dr. Peterson. One of Revello's concerns was there did not appear to be an end-date for Shelly's Suboxone treatment. Dr. Peterson did not provide Revello with any sort of plan for Shelly's treatment. Revello was concerned because when he had clients enrolled in substance-abuse treatment, he would usually receive monthly reports as to his clients' progress. This would allow him to follow up with services, like granting extended visitation or reducing visitation. Revello

had difficulty in helping Shelly progress when he had no reports other than that she was participating. Revello did not know how many drug screens Shelly completed or if they were positive or negative. Revello testified it would be fair to say Shelly's substance-abuse treatment was not progressing.

¶ 24 According to Revello, he told Shelly to follow Dr. Peterson's recommendations after Shelly decided to stay with Recovery Options and to not participate in treatment at Prairie Center. Revello left "several messages" for Dr. Peterson on his voicemail. He also sent letters "on a regular basis" asking for monthly progress reports. Revello spoke to another individual at the facility as well.

¶ 25 Regarding her bipolar diagnosis, Revello testified Shelly not only disagreed with the diagnosis but also was adamant about the medication prescribed for her. Shelly was concerned, because she was an addict and on Suboxone, the medication would be counterproductive to her treatment. Revello talked to Shelly about meeting with Watson to discuss these concerns and Watson could further discuss the issue with Dr. Teigland. Revello believed Dr. Teigland could take a different approach.

¶ 26 Revello testified, after the assessment from Prairie Center, it was recommended that Shelly participate with Recovery Options, which is where Shelly stated she wanted to be treated. Prairie Center reported Shelly had made a decision to seek treatment at a different facility. Prairie Center did not opine whether it agreed or disagreed with that decision. Revello spoke with someone from Prairie Center regarding the assessment. He was told Shelly was happy with Recovery Options. Prairie Center determined it would not interfere with Shelly's participation there.

¶ 27 According to Revello, Shelly went to YFRC for assistance because she had domestic violence in her history and had been chronically homeless. YFRC allowed her to stay at the facility to work with her on domestic-violence classes. The goal at YFRC was to have the women live on their own productively and not return to an abusive relationship. Shelly successfully completed the domestic-violence classes at YFRC. There she also participated in individual counseling on domestic-violence issues. Until the time of her discharge from the facility, Shelly attended all of the individual-counseling sessions.

¶ 28 Regarding Shelly's mental-health treatment, Revello testified Shelly received mental-health treatment through Recovery Options as well. Revello had received Corbin's social security number to do a background check after a court hearing. Corbin stated he was hesitant sharing the number because he had been a victim of identity theft.

¶ 29 Revello testified, when the case first opened, Shelly had a difficult time focusing and was very lethargic. After she stopped taking Flexeril, Shelly became more understandable and "was able to stay on task a little bit better." Her ability to focus had improved "[f]or the most part." Shelly, however, had left some voicemails for Revello in which "she sounded like she was back to some incoherentness in her speech, in her thought pattern."

¶ 30 On redirect examination, Revello testified when Shelly left YFRC she had not completed individual counseling. Regarding visitation, Revello testified he had observed probably 20 or 25 visits. Shelly missed only two visits and those were excused. Shelly was "a loving mother." Shelly gave K.L. 100% of her attention and, at times, tended to "baby him." Shelly was very affectionate. Shelly's parenting skills were appropriate.

¶ 31 On re-cross, Revello testified he talked to Watson about speaking to Dr. Teigland.

Dr. Teigland, at that point, refused to see Shelly "if she was going to remain noncompliant with his medication change."

¶ 32 Angela Ferpotto, an intake assessor at Prairie Center from September 2003 until November 2012, testified, in her role, she assessed individuals, made treatment recommendations, determined whether mental-health and medical referrals were necessary, and assigned individuals to counselors. Ferpotto received an intake assessment referral from Department of Children and Family Services (DCFS) for Shelly. Ferpotto performed the intake assessment on March 12, 2012. Ferpotto determined Shelly met the criteria for opioid dependence. Ferpotto recommended Shelly continue receiving services at Recovery Options. Shelly had been treated by Dr. Peterson for opioid maintenance. Shelly reported attending group sessions there and being monitored by Dr. Peterson on her Suboxone prescription.

¶ 33 Ferpotto testified she recommended Ferpotto see Watson at Crosspoint and to continue with her prescription for Klonopin.

¶ 34 On cross-examination, Ferpotto testified she met with Shelly only once. Shelly reported seeing Dr. Peterson for services and was satisfied with his treatment.

¶ 35 Shelly testified on her own behalf. According to Shelly, she attended counseling at Crosspoint. Watson was her first counselor. After Watson left, Shelly met with Sanford once. Shelly also had contact with Tom Pollock, the director of the YFRC shelter. Shelly met with Watson every two weeks. She did not know how many sessions she attended. Shelly did not attend some because of the bus schedule. Watson scheduled "a lot of late counseling sessions" and the buses did not run from YFRC to Crosspoint during that time. A "couple of times," a YFRC staff member took her. Shelly asked Watson and Pollock to move the appointments to

earlier times, but that did not happen.

¶ 36 Shelly testified the main treatment goal when she worked with Watson was to deal with the anxiety and depression following K.L.'s removal. Shelly testified she "went into a complete depression" and Watson attempted to work with her. The anxiety medication Shelly was taking did not help. Shelly started treatment for her anxiety at age 18, but her anxiety "got really bad" after K.L. was taken.

¶ 37 According to Shelly, she told Watson and Revello she would stop taking Suboxone if that would help her get her son back. Shelly testified "they were making it all seem that the Suboxone was making me this sedated zombie with my child, and it was not." Shelly made the statements as a point of frustration. In addition, she had been to a Narcotics Anonymous (NA) convention, where "everybody was kind of knocking the medication." To be in NA, an individual should not be taking any mood-altering medications. Shelly testified, in addition to Suboxone, she was taking Flexeril, a muscle relaxer. Flexeril was counterreacting with the Suboxone. Shelly stated she did look sedated, but she did not agree that made her a bad mother. Shelly no longer took the Flexeril. Dr. Peterson had prescribed the Flexeril. Shelly believed the Flexeril "very well could have been" causing her disorganized thoughts—the ones about which Watson testified. Shelly stopped working with Watson when Watson left Crosspoint.

¶ 38 Shelly testified, when she met with Sanford, Sanford looked to her computer for information on Shelly "and everything was blank." Watson left no report of Shelly's progress. Sanford told Shelly they would have to redo a progress report. Sanford asked Shelly to tell her why she was seeing Watson and about the DCFS case. Sanford asked Shelly about Dr. Peterson

and her other support systems. Shelly told her about the YFRC and NA groups she attended. Sanford asked Shelly if she wanted to continue counseling. Shelly stated she did, but then Sanford said that was her last day. Sanford did not know who would next counsel Shelly.

¶ 39 Shelly testified regarding Dr. Peterson's program. Every two weeks, Shelly attended one-on-one therapy with Dr. Peterson for 35 minutes, one hour with a counselor, and a two-hour group session. The group meeting was like a NA meeting. In that group, the participants also talked about Suboxone. Shelly thought Sanford believed Shelly received enough counseling through YFRC and Dr. Peterson.

¶ 40 According to Shelly, YFRC provided various services. On Tuesdays, the shelter offered a two-hour life-skills group session. On Thursdays, 2 1/2 hour sessions were held addressing domestic violence. There were other mandatory meetings in addition to the Tuesday and Thursday group meetings. Those addressed domestic violence and life skills and lasted from one to three hours. Crosspoint employees were aware of the types of counseling she was receiving. After Shelly met with Sanford, she received letters from Pollock and from Sanford telling her not that she was terminated from the program but that she no longer needed counseling. Shelly spoke to Revello about the letters and told him she needed a referral packet. Revello said he would prepare one, but she had not seen it. He left in November 2012, about the same time the termination petition was filed.

¶ 41 Shelly testified the only time Revello sent her the service plans was during a three-hour interview that occurred before the dispositional hearing. Shelly called Revello weekly to update him about what was happening at the shelter. Shelly asked about K.L. Revello was timely about making referrals for the services he wanted her to attend, but not timely in

responding for the services she requested. Shelly testified she asked for the Prairie Center assessment and to go to New Direction, a treatment center. Shelly asked to have K.L. attend counseling six times after K.L. lied about seeing his father at McDonald's, while he was with Shelly during a supervised visit, and K.L. reportedly began acting out in his foster home.

¶ 42 Regarding Dr. Teigland, Shelly testified she did not deny being bipolar. Shelly told Revello what Dr. Teigland had done and his treatment plan. Shelly testified Dr. Teigland asked her 13 questions and told her she was bipolar. He then wrote "scrips for very sedating medication"—Depakote and Abilify. Shelly testified she took Depakote in 1996 and "it knocked [her] out." Shelly took a month's worth of Abilify. She did not return to Dr. Teigland. Shelly explained she did not like Dr. Teigland's bedside manner. Dr. Teigland "was a very overbearing doctor" and was "very intimidating." She stated "it's his way, take the meds or you get out." Shelly asked to see the other psychiatrist at Crosspoint, but was told "it would be a conflict of interest with the doctors."

¶ 43 Shelly testified the life-skills class at the shelter had a beginning and an end, and she completed the class. In contrast, the domestic-violence classes were ongoing. Those who resided in the shelter were mandated to attend the domestic-violence classes while they stayed there.

¶ 44 Shelly explained her reason for leaving YFRC on April 8, 2012. Shelly told two individuals, Shanae Beasley and Linda McClellan" there was drug use on the third floor, where Shelly stayed. Residents "were getting high in their rooms." Shelly believed her "sobriety was at stake." At that time, she was attending four meetings a day at "ACES" and the Tuesday meetings at Prairie Center. After she met Amber and Brad Corbin, she believed it would be better for her

to move. Shelly met Amber Corbin, a nursing student, at the shelter. Amber was taking a class on dispensing medication. Brad Corbin is Amber's father. Shelly stayed at their residence approximately six months. Shelly left after Brad began having feelings for her. From there, Shelly moved to Urban Restoration Ministries. Shelly reported her change in residence to Revello.

¶ 45 Shelly testified she had two administrative case review meetings during her time with Revello. Revello did not go over a service plan with her. Despite the case being "about a year and a half old," Shelly had received just one service plan. After Revello, "Taffi" was Shelly's caseworker. But Taffi left. A day before Shelly testified, she learned she was receiving a new caseworker.

¶ 46 Shelly received treatment from Dr. Kahlon. He prescribed Paxil, a mood stabilizer, for her bipolar diagnosis. Shelly had an appointment the following Saturday regarding lithium. Shelly continued to participate in the drug-treatment program with Dr. Peterson. Dr. Peterson told Shelly she would be on her medication for the rest of her life. Dr. Peterson had prescribed Klonopin, on which she had been "weaned * * * down." Regarding Suboxone, Dr. Peterson stated Shelly would always take it.

¶ 47 Shelly testified Revello had not referred her to a domestic-violence program that had a definite end date. Shelly testified she was employed at a Rich's Restaurant in Westville part-time. A new location was opening closer to Shelly's home. At this location, Shelly anticipated working full-time. Shelly's responsibilities at the new restaurant would be taking care of the front of the restaurant, "hostessing, waitressing, the scheduling of the girls, hiring, firing."

¶ 48 Regarding K.L.'s father, Shelly testified she described K.L.'s father to the agency

employees and provided the photograph, a side view on a cell phone, to the agency. Shelly warned the agency K.L.'s father would grab his son if he saw him. K.L.'s father was in Illinois, but Shelly testified he was not in McDonalds.

¶ 49 On cross-examination, Shelly testified she talked to Pollock about her transportation problems and the difficulty she had in attending the shelter's services and conflicting counseling appointments at Crosspoint. Pollock responded she had to attend the shelter's meetings and he would see what he could do.

¶ 50 Shelly testified she took Flexeril off and on until 13 months before her testimony. She talked to Dr. Peterson about Flexeril and how it made her feel after they noticed her slurred speech. Shelly acknowledged she did not have copies of the letters she received regarding the end of her individual counseling. She stated the papers were destroyed in the house fire that delayed the fitness hearing. Shelly testified she told Pollock, via letter, about the drug use in his shelter. She told Revello about it as well.

¶ 51 Shelly testified her oldest son, Matthew, and K.L.'s father were in Rantoul. Matthew visited Shelly in Danville and stayed with her one night. Shelly saw K.L.'s father for 20 minutes in Rantoul. The two then returned to Alaska. The week K.L. reported seeing his father in McDonald's was the week after that.

¶ 52 According to Shelly, after April 2012, when she left the shelter, she was no longer attending the groups there. While she resided with the Corbins, from April until August 2012, she attended NA groups and support groups. She continued to attend the groups at Dr. Peterson's office and go to Crosspoint, but she did not attend a domestic-violence class. In this time period, Shelly met with Watson twice.

¶ 53 Shelly stated, as of December 2012, she resided at Restoration Urban Ministries. She left that shelter because of her environment. Shelly explained she was fighting for her sobriety and could not stay there: "As I am with my sobriety, I have to live that every day and fight for it, and I cannot be living around it, and letting people—when I'm going, and going to the pastors, and I'm going to the people and I'm telling them what is happening, and they say that they will take action, and they don't." Shelly then resided at Jessica Long's house in Veedersburg, Indiana. She stayed there until the fire. Shelly, at the time of her testimony, resided by herself in an apartment in Danville.

¶ 54 On redirect examination, Shelly testified Revello did not make a referral for a domestic-violence class while she resided with the Corbins. Before the trip to McDonalds, K.L. had been told his father was in town by his foster mother. K.L. wanted to see him.

¶ 55 In March 2013, the trial court found Shelly unfit. The court found the State proved by clear and convincing evidence Shelly failed to make reasonable efforts and reasonable progress toward K.L.'s return.

¶ 56 In May 2013, the best-interests hearing was held. The trial court began the hearing by noting it would consider the best interest reports submitted by David Millar of court-appointed special advocates (CASA) and by Kristen Larkin, a foster-care caseworker from the Center for Youth and Family Solutions Danville. According to CASA'S report, K.L. resided in two foster homes during the case. He was placed in his first foster home on October 9, 2011, where he stayed until April 22, 2013. Millar reported K.L.'s behavior drastically changed in the recent months. K.L.'s teacher twice contacted Millar regarding K.L.'s defiant and uncooperative attitude. During the April 11, 2013, visit at the foster home, K.L. refused to get out of the car

after school. Millar tried to meet with K.L. at another location. K.L. would not respond to Millar but laid on the floor under the table with his T-shirt pulled over his face. Counseling was initiated for K.L. He changed foster homes on April 22, 2013, due in part to his foster father's health issues. Since then, K.L.'s "demeanor was greatly improved."

¶ 57 Millar stated the second set of foster parents had known K.L. for some time. They had baby-sat K.L. on occasion. Before K.L. was placed with them, he had stayed overnight in their home and was a friend to their six-year-old son. Millar observed K.L.'s attitude and behavior improved as he spent more time in his new home. K.L. behaved well and seemed happy. The new foster parents expressed their love for K.L. and their desire to make him part of their family. K.L. interacted "splendidly" with his foster brother. K.L. liked his new home. Millar recommended the goal for K.L. be changed to adoption.

¶ 58 According to Larkin's report, Shelly was no longer taking Suboxone. Shelly's caseworker reported Shelly had been "kicked out" of the Recovery Options program. Shelly denied this fact. Shelly stated she tested positive for cocaine on March 25, 2013. Dr. Peterson told Shelly he could prescribe methadone but would not prescribe her Suboxone. Shelly refused the methadone and tried to get services at New Directions, but she lacked the money needed for the assessment.

¶ 59 Larkin reported Shelly was psychiatrically hospitalized on April 2, 2013, and tested positive for cocaine. A hospital worker reported Shelly "was brought in by her paramour, with whom she resided." The paramour reported Shelly was acting erratically. She was walking outside in the middle of the night with no shoes and carrying a stuffed animal wrapped in a blanket. Shelly told the social worker she had been attending Recovery Options with Dr.

Peterson "but was kicked out." She reported to Larkin she started a new medication and believed it helped her.

¶ 60 Larkin further reported she was told by Shelly she lived with a cousin and two other adults in Westville, Illinois. Larkin told Shelly she needed information on the adults to do background checks. Shelly had not yet provided that information.

¶ 61 Regarding visits, Larkin reported Shelly met with K.L. once each week for a two-hour supervised visit. The visits generally occurred in the community based on what K.L. wanted to do. Larkin expressed concern that Shelly tended "to baby" K.L. and had difficulty following through with punishment.

¶ 62 Larkin opined Shelly's parental rights to K.L. be terminated. Larkin summarized Shelly's case opened in 2011 due to instability in her residence and life. Larkin emphasized Shelly's hospitalization due to "a substance induced psychosis" and she recently changed residence again. Larkin further noted Shelly was not, at that time, engaged in substance-abuse treatment.

¶ 63 At the hearing, Shelly testified on her own behalf. Regarding her hospitalization, Shelly reported she was dual diagnosed as bipolar and having an addiction to pain pills. Her psychiatric medication was not working, causing her to go "into psychosis." She was prescribed a mood stabilizer.

¶ 64 Shelly explained the reason she was no longer receiving treatment from Recovery Options. Dr. Peterson wanted to put her on methadone. She refused, stating she had been on it "years ago" and "you just get stoned off of it." Shelly stated Suboxone was different as it stopped cravings. Shelly stated she did not resume taking opiates. Shelly testified regarding the "dirty

drop" for cocaine on March 25, 2013. She did not recall taking cocaine.

¶ 65 Shelly stated she resided with friends in Westville. She paid her share of the rent and believed the home was suitable for K.L. Shelly described her visits with K.L. as "good." She and K.L. looked forward to them and they shared a bond. Shelly asked the court not to take her son away. She testified she "need[ed] a little bit more time."

¶ 66 On cross-examination, Shelly testified the three individuals with whom she resided were family friends, not relatives. She was working at Rich's Restaurant three or four days each week. She was anticipating the opening of another location, where she would work full-time.

¶ 67 Shelly, when asked about the March 25, 2013, cocaine positive that led to Dr. Peterson's recommendation to stop the Suboxone treatment, responded as follows: "That is wrong. He has to send everything to a lab. If you go back into his records there, because of the other medications that I'm on, I have false positive tests, and he has to send it to [a lab] before he gets the correct drug drop." Shelly acknowledged, upon her admission to the hospital on April 2, 2013, she was told she tested positive for cocaine.

¶ 68 The trial court found the termination of Shelly's parental rights was in K.L.'s best interests and granted the State's motion.

¶ 69 This appeal followed.

¶ 70 II. ANALYSIS

¶ 71 A. Fitness Determination

¶ 72 A parent will be deemed unfit if the State proves, by clear and convincing evidence, one or more of the grounds of unfitness enumerated in section 1(D) of the Adoption

Act (750 ILCS 50/1(D) (West 2010)). See *In re A.L.*, 409 Ill. App. 3d 492, 500, 949 N.E.2d 1123, 1129 (2011). At the hearing on parental fitness, because the trial court views witnesses and their demeanor at trial, the fitness decision of the court is entitled to great deference. *Id.* This court will not overturn a finding of parental unfitness unless the finding is against the manifest weight of the evidence, meaning "the correctness of the opposite conclusion is clearly evident from a review of the evidence." *In re T.A.*, 359 Ill. App. 3d 953, 960, 835 N.E.2d 908, 913 (2005).

¶ 73 In this case, Shelly was found unfit on two grounds listed in section 1(D): (1) she failed to make reasonable efforts to correct the conditions that were the basis for K.L.'s removal from her (750 ILCS 50/1(D)(m)(i) (West 2010)); and (2) she failed to make reasonable progress toward K.L.'s return within nine months of the neglect adjudication (750 ILCS 50/1(D)(m)(ii) (West 2010)).

¶ 74 We begin with Shelly's argument the trial court erroneously found her unfit for failing to make reasonable progress toward the return of K.L. within nine months of the adjudication of neglect. Shelly maintains her progress was reasonable. Shelly argues she attended "an NA conference and shar[ed] information she learned with her doctor," "was compliant with her doctor's medical directives aimed at curing her substance dependency," and "suffer[ed] from mental illness that made it difficult * * * to comply with the service[-]plan goals." We note Shelly, in her brief, also argues the court should have found she maintained a reasonable degree of interest, concern, or responsibility as to K.L.'s welfare, despite the fact the court ruled in her favor on this ground.

¶ 75 This court judges reasonable progress according to an objective standard. See *In*

re Jordan V., 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 605 (2004). For a court to find progress was reasonable, the record must show, at a minimum, measurable or demonstrable movement toward the goal of returning the child to the parent. See *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067, 859 N.E.2d 123, 137 (2006). The benchmark for this decision includes the parent's compliance with court directives and service plans in light of the condition giving rise to the removal of the child and of other conditions later known that would prevent the court from returning the child to the parent's custody. *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001). A court will find progress to be reasonable when it can conclude it will be able to return the child to parental custody in the near future because the parent will have fully complied with the court's directives. *A.L.*, 409 Ill. App. 3d at 500-01, 949 N.E.2d at 1129 (quoting *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991)).

¶ 76 The trial court's decision is not against the manifest weight of the evidence. Shelly had not shown reasonable progress toward the return of K.L. The relevant time period is October 20, 2011, through July 20, 2012. In that time, Shelly was to participate in services at YFRC. Although there is testimony Shelly participated in life-skills and domestic-violence classes, she left the shelter on April 8, 2012. The record does not show Shelly completed the services required of her. From April 2012 through July 20, 2012, during which time she resided with the Corbins, Shelly did not receive domestic-violence services. The record further shows no demonstrable movement in regard to Shelly's mental-health issues, employment, and stability of residence. Shelly's attendance in counseling with Watson was sporadic. Shelly refused to follow treatment plans for her mental health. We will not overturn the court's finding as the correctness of the opposite conclusion is not clearly evident. See *T.A.*, 359 Ill. App. 3d at 960, 835 N.E.2d at

913.

¶ 77 Because we find the trial court did not err in concluding Shelly was an unfit parent on one ground listed in section 1(D) (see 750 ILCS 50/1(D)(m)(ii) (West 2010)), we need not address the other fitness findings. The State need only prove one statutory ground to establish parental unfitness. *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006).

¶ 78 B. Best-Interests Finding

¶ 79 After a parent is found unfit, the trial court shifts its focus in termination proceedings to the child's interests. *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004). At the best-interests stage, a "parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *D.T.*, 212 Ill. 2d at 364, 818 N.E.2d at 1227. Before a parent's rights may be terminated, a court must find the State proved, by a preponderance of the evidence, it is in the child's best interests those rights be terminated. See *D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228. We will not disturb a decision terminating parental rights unless it is against the manifest weight of the evidence. *T.A.*, 359 Ill. App. 3d at 961, 835 N.E.2d at 914.

¶ 80 Shelly argues the trial court's order is against the manifest weight of the evidence. Shelly maintains, considering her efforts toward the service-plan goals, the court should have found reunification of K.L. with her was possible in the foreseeable future.

¶ 81 The trial court's decision is not against the manifest weight of the evidence. Shelly's conduct during the case shows she cannot provide any stability or permanency for K.L. in the near future. Shelly continued to struggle with substance abuse and was no longer receiving treatment from Recovery Options. Shelly moved into yet another residence—a home she shared

with three other adults. In contrast, K.L. was in a loving foster home with a family who offered him stability and security. We find no error in the trial court's decision to terminate Shelly's parental rights.

¶ 82

III. CONCLUSION

¶ 83

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

¶ 84

Affirmed.