

NOTICE
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2013 IL App (4th) 130642-U
NO. 4-13-0642
IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
December 11, 2013
Carla Bender
4th District Appellate
Court, IL

In re: the Adoption of C.G., a Minor,)	Appeal from
RENEE WESLEY and JAMES WESLEY,)	Circuit Court of
Petitioners-Appellees,)	Sangamon County
v.)	No. 12AD100
CHRISTOPHER GRIBBINS,)	
Respondent-Appellant.)	Honorable
)	John Schmidt,
)	Judge Presiding.

JUSTICE STEIGMANN delivered the judgment of the court.
Justices Turner and Harris concurred in the judgment.

ORDER

- ¶ 1 *Held:* The appellate court affirmed the trial court's finding that respondent was unfit as a parent and its decision to terminate his parental rights.
- ¶ 2 In November 2012, petitioners, Renee and James Wesley, filed a petition for adoption of Renee's biological daughter, C.G. (born July 6, 2009). As part of their petition, petitioners sought an order terminating the parental rights of respondent, Christopher Gribbins, who was C.G.'s biological father and Renee's ex-husband. Following an April 2013 hearing, the trial court entered an order finding respondent unfit and terminating his parental rights.
- ¶ 3 Respondent appeals, arguing that the trial court's fitness findings were against the manifest weight of the evidence. We disagree and affirm.

¶ 4

I. BACKGROUND

¶ 5

A. The Petition for Adoption

¶ 6 In their petition for adoption, petitioners alleged that respondent was unfit because he (1) abandoned C.G.; (2) deserted C.G.; and (3) failed to maintain a reasonable degree of interest, concern, or responsibility for C.G.'s welfare. Petitioners sought an order finding respondent unfit as a parent and terminating his parental rights.

¶ 7

B. The Hearing on the Petition

¶ 8 In April 2013, the trial court held a hearing on the issue of respondent's parental fitness, at which the parties presented the following evidence.

¶ 9

1. *Petitioners' Evidence*

¶ 10 Respondent testified that he was present at C.G.'s birth. Respondent became upset during the birth because Renee elected to proceed with the delivery in a manner at odds with an agreement she made with respondent beforehand regarding medical treatment. Immediately after C.G.'s delivery, security guards escorted respondent out of the hospital because he refused to leave C.G.'s side. Respondent testified that his refusal was based on his fear that hospital personnel would switch C.G. with another baby. After being escorted out of the hospital, respondent called Renee "every hour" until she answered and told him that she wanted to kill herself. Respondent told Renee to notify the hospital staff. The next time respondent called, hospital staff informed him that Renee had been discharged. Respondent testified that he became hysterical and called the police, who notified him that Renee had obtained an order of protection against him. Shortly thereafter, respondent and Renee were granted a dissolution of marriage.

¶ 11

Pursuant to the order of dissolution of marriage, respondent's visitation schedule

permitted three hours of visitation with C.G. each Sunday at the home of C.G.'s paternal grandfather. Within less than a year of the dissolution order, respondent's supervised visitation with C.G. was switched to the home of C.G.'s maternal grandmother, Beverly Pierson.

Respondent testified that he attended less visitations after Pierson became the host because Pierson denied him visitations. He wrote letters to Renee and C.G. every Sunday until he learned that Pierson was throwing the letters away. Respondent candidly admitted that he wrote these letters to Renee in violation of the order of protection, which later resulted in his arrest and conviction.

¶ 12 Respondent testified that he last saw C.G. during late January or early February 2012. He stopped paying child support in December 2011 when it became apparent that he would need to pay for the services of a lawyer to get increased visitation with C.G. However, respondent never hired a lawyer, nor did he seek modification of visitation in the trial court. Respondent last sent a letter to C.G. in approximately October 2011 and he estimated that he last sent her a gift in approximately November 2011.

¶ 13 Renee testified that before C.G.'s birth, she made an agreement with respondent regarding the medication that C.G. would receive at the hospital. She entered into the agreement because she was afraid of the way respondent would act otherwise. Following C.G.'s birth, respondent "went irate" at the hospital because he did not want hospital personnel to administer eyedrops to C.G. or stamp her footprints on a calendar for Renee. After being discharged from the hospital, Renee and C.G. spent the night at Renee's cousin's house. Thereafter, they stayed in a community shelter in Springfield, and Renee never returned to respondent's home.

¶ 14 Renee testified that respondent last saw C.G. on April 4, 2010, and that he had

never been denied visitation. C.G. had not received any gifts from respondent since 2010. Respondent had not requested any visitation with C.G. in the year preceding the hearing.

¶ 15 James testified that he met Renee in May 2010 and married her in October 2011. According to James, respondent had not seen C.G. since April 2010.

¶ 16 Pierson testified that she took over as the visitation supervisor in August or September 2011. Since April 2010, respondent had not (1) seen C.G., (2) requested visitation with C.G., or (3) sent cards or gifts to C.G. Pierson testified that she never denied respondent visitation with C.G.

¶ 17 The trial court admitted into evidence a list prepared by Pierson documenting the dates that respondent (1) attended scheduled visits with C.G., (2) failed to attend scheduled visits, and (3) failed to notify Pierson that he would miss a scheduled visit. That list indicated that between October 2009 and September 2010, respondent attended 12 scheduled visits and missed 47. Of the 47 scheduled visits that he missed, respondent called Pierson to inform her that he would miss the visit on only one occasion. On the other 46 occasions, respondent simply failed to show up for the visit and did not call Pierson to explain his absence.

¶ 18 *2. Respondent's Evidence*

¶ 19 John Powers and Jennifer Maxwell, friends of respondent, both testified that in the years preceding the hearing, respondent talked about C.G. often and was very upset over his lack of contact with C.G. Wilson Douglas, the pastor at respondent's church, testified that respondent loves C.G. and talks about her often.

¶ 20 At the conclusion of the hearing, the trial court ordered the parties to submit written arguments.

¶ 21

B. The Trial Court's Findings of Unfitness

¶ 22

In May 2013, after receiving arguments from the parties, including the report of the guardian *ad litem* that recommended granting the petition to terminate respondent's parental rights, the trial court entered a written order finding respondent unfit as a parent. Specifically, the court found that petitioners proved by clear and convincing evidence that respondent was unfit for (1) failing to maintain a reasonable degree of interest, concern, or responsibility as to C.G.'s welfare (750 ILCS 50/1(D)(b) (West 2012)); (2) deserting C.G. for more than three months next preceding the commencement of the adoption proceedings (750 ILCS 50/1(D)(c) (West 2012)); and (3) evidencing an intent to forgo his parental rights as manifested by a failure for a period of 12 months to visit or communicate with C.G. (750 ILCS 50/1(D)(n)(1)(i), (ii) (West 2012)).

¶ 23

Later in May 2013, the trial court held a hearing to determine whether granting the petition for adoption was in C.G.'s best interest. Following the testimonies of James and Renee, the court entered an order granting the petition for adoption.

¶ 24

This appeal followed.

¶ 25

II. ANALYSIS

¶ 26

On appeal, respondent argues that the trial court's fitness findings were against the manifest weight of the evidence. We disagree.

¶ 27

A. The Applicable Statute and Standard of Review

¶ 28

The Adoption Act sets forth the method by which a party may petition to adopt a child who is either related or unrelated to the petitioner. *In re A.S.B.*, 381 Ill. App. 3d 220, 223, 887 N.E.2d 445, 448 (2008). "Section 8(a)(1) of the Adoption Act provides that a parent's

consent to adoption is not required when, among other reasons, the parent is found by the court to be an unfit person." *A.S.B.*, 381 Ill. App. 3d at 223, 887 N.E.2d at 449; 750 ILCS 50/8(a)(1) (West 2012). If the trial court finds the parent unfit, the second issue is whether the adoption is in the minor's best interest. *In re Adoption of G.L.G.*, 307 Ill. App. 3d 953, 963, 718 N.E.2d 360, 368 (1999).

¶ 29 Those petitioning for adoption must prove a parent's unfitness by clear and convincing evidence. *In re Adoption of H.B.*, 2012 IL App (4th) 120459, ¶ 18, 976 N.E.2d 1193. The trial court's factual findings regarding respondent's fitness and credibility assessments are reviewed under the manifest weight of the evidence standard and will be reversed only where the opposite conclusion is clearly apparent. *In re M.R.*, 393 Ill. App. 3d 609, 613, 912 N.E.2d 337, 342 (2009). "As the grounds for unfitness are independent, the trial court's judgment may be affirmed if the evidence supports the finding of unfitness on any one of the alleged statutory grounds." *In re H.D.*, 343 Ill. App. 3d 483, 493, 797 N.E.2d 1112, 1120 (2003).

¶ 30 B. Reasonable Degree of Interest, Concern, or Responsibility

¶ 31 The trial court found respondent unfit under section 1(D)(b) of the Act for failing to maintain a reasonable degree of interest, concern, or responsibility as to C.G.'s welfare. 750 ILCS 50/1(D)(b) (West 2012). Specifically, the court found that respondent "failed to contact, send a card, or make any effort to be a part of [C.G.'s] life for well over a year."

¶ 32 Before finding a parent unfit under section 1(D)(b) of the Act, the trial court must "examine the parent's conduct concerning the child in the context of the circumstances in which that conduct occurred." *In re Adoption of Syck*, 138 Ill. 2d 255, 278, 562 N.E.2d 174, 185 (1990). The court may find the parent unfit for failing to maintain either interest, or concern, or

responsibility; proof of all three is not required. *In re Richard H.*, 376 Ill. App. 3d 162, 166, 875 N.E.2d 1198, 1202 (2007). "If personal visits with the child are somehow impractical, letters, telephone calls, and gifts to the child or those caring for the child may demonstrate a reasonable degree of concern, interest and responsibility, depending upon the content, tone, and frequency of those contacts under the circumstances." *Syck*, 138 Ill. 2d at 279, 562 N.E.2d at 185.

¶ 33 The fitness hearing in this case took place in April 2013. Respondent testified that he last saw C.G. during late January or early February 2012, last sent her a letter in approximately October 2011, last sent her a gift in approximately November 2011, and last paid child support in December 2011. Although the testimonies of Renee, James, and Pierson contradicted respondent's testimony and indicated that a much longer period of time had elapsed since respondent last visited or communicated with C.G., we need not question respondent's credibility to affirm the trial court's finding of unfitness on this ground. Respondent's own testimony showed that, for at least 14 months preceding the hearing, he had made absolutely no effort to be a part of C.G.'s life in any way.

¶ 34 Although respondent claimed that he decided to stop paying child support so that he could hire a lawyer to help him increase his visitation with C.G., he admitted that he never hired a lawyer nor did he seek modification of visitation in the trial court. After determining that he could not afford to hire a lawyer, respondent did not resume paying child support, nor did he remit the back payments that he owed.

¶ 35 Further, although respondent testified that Pierson thwarted his attempts to visit or communicate with C.G., the trial court, which was in the best position to weight the credibility of respondent's testimony (see, e.g., *Stapp v. Jansen*, 2013 IL App (4th) 120513, ¶ 17, 988 N.E.2d

234), found that claim "completely incredible" and noted that "[r]espondent's demeanor while testifying indicated a lack of candor."

¶ 36 We conclude that the trial court's finding of unfitness under section 1(D)(b) of the Act was not against the manifest weight of the evidence. Having so concluded, we need not consider the court's other findings regarding respondent's fitness as a parent. 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 fitness).

¶ 37 Because respondent offers no argument in his brief challenging the trial court's finding that termination of respondent's parental rights was in C.G.'s best interest, we affirm that aspect of the court's judgment without discussion.

¶ 38 III. CONCLUSION

¶ 39 For the foregoing reasons, we affirm the trial court's judgment finding respondent unfit and terminating his parental rights.

¶ 40 Affirmed.