



¶ 3 Stacey and Sarah each appeal. Stacey argues the trial court's finding that he was unfit is against the manifest weight of the evidence because the trial court erred by finding the Department of Children and Family Services (DCFS) made reasonable efforts. Sarah asserts (1) the State failed to prove by clear and convincing evidence that she was unfit, and (2) terminating Sarah's parental rights was not in the minors' best interests.

¶ 4 We affirm.

## ¶ 5 I. BACKGROUND

### ¶ 6 A. Events Leading to DCFS Involvement

¶ 7 On November 9, 2009, police responded to a domestic dispute between Stacey and Sarah at their home. Sarah reported Stacey had been drinking and "was acting crazy," cursing and calling her names. Sarah followed Stacey down the hallway, at which point she tripped on clothing, fell to the floor, and Stacey started kicking her. Sarah called out for help and Z.D. responded, but Stacey pushed him. Z.D. hit his head on the doorknob, sustaining a knot and a scratch. Stacey continued "pushing on" Sarah until Sarah was eventually able to run to her neighbor's home to call the police. Sarah later told a DCFS worker that she and Stacey had been involved in four physical incidents, the last of which was on November 9, 2009. Sarah also reported on another occasion, when she was pregnant, Stacey struck her. After that occasion, Sarah obtained an emergency order of protection but did not follow through with seeking a plenary order.

¶ 8 Z.D. told the DCFS worker that Stacey was no longer living in Sarah's home because Stacey was "mean to his mom and him." Z.D. said Stacey argued, yelled at his mother, stepped on her, pushed her into walls, and threw phones and keys at her. Further, Z.D. said when

he yells at Stacey, Stacey hits him. After Sarah left the home to call the police during the November 2009 incident, Stacey slapped Z.D. in the face, then ran out of the house and drove away in his van.

¶ 9 B. Hearings on the State's Petition for Adjudication of Neglect and Shelter Care

¶ 10 On November 9, 2009, DCFS authorized protective custody of the minors. On November 10, 2009, the State filed an amended petition for adjudication of neglect and shelter care as to the three minors, alleging the minors were neglected in that (1) their environment was injurious to their welfare when they lived with Sarah and Stacey because they were exposed to domestic violence (count I), and (2) their environment was injurious to their welfare when they lived with Sarah and/or Andre King (the putative father of Z.D.) because the parents failed to correct the conditions that resulted in a prior adjudication of parental unfitness with respect to Z.D. (count II). 705 ILCS 405/2-3(1)(b) (West 2008).

¶ 11 On November 10, 2009, a shelter-care hearing commenced. The trial court found probable cause existed to believe the minors were abused or neglected and immediate and urgent necessity existed to remove the minors from their home. Accordingly, the court awarded temporary custody and guardianship to DCFS. Stacey did not attend the shelter-care hearing. DCFS made several unsuccessful attempts to notify Stacey of a subsequent renewal hearing. Following the November 18, 2009, hearing, the court renewed the temporary custody order. On November 19, 2009, DCFS attempted to notify Stacey of a December 11, 2009, admonition hearing by publication. Stacey did not attend the hearing, and the court entered a default judgment against him.

¶ 12 In January 2010, the trial court held an adjudicatory hearing. Sarah admitted and

stipulated to counts I and II of the State's petition, and the court accepted Sarah's stipulation. Later that month, the court held a second adjudicatory hearing as to the minors' fathers, finding against the putative fathers of Z.D. and J.H., Jerry Harris (who was not named in the State's amended petition) and King, and entering a finding that the minors were neglected due to an injurious environment. Stacey did not attend either adjudicatory hearing.

¶ 13 In February 2010, DCFS filed a home and background report prepared by Lutheran Social Services, the agency assigned to the minors' case. In the report, Sarah described Stacey as "really good" with her children and "very open and honest about his violent past." Sarah believed Stacey's honesty "was a sign that he had changed." Stacey moved in with Sarah in February 2009 and helped out financially "here and there," becoming violent only when he drank. Sarah said she did not keep alcohol in her home, and most of her fights with Stacey took place late at night or early in the morning after he returned home from drinking. Stacey and Sarah's relationship ended after Stacey hurt Z.D. and DCFS became involved.

¶ 14 Stacey was not interviewed for the report because the caseworker was unable to obtain contact information for him. The caseworker checked the Champaign County circuit clerk's web site on February 1, 2010, which indicated a warrant for Stacey's arrest was outstanding for domestic battery and aggravated battery of a child. Bond was set at \$60,000.

¶ 15 On February 17, 2010, a dispositional hearing commenced. The trial court, after reviewing the home and background report, found Sarah unfit and Stacey unfit, unable, and unwilling to care for, protect, train, and discipline the minors. The court adjudged the minors neglected, making them wards of the court and placing custody and guardianship with DCFS.

¶ 16 C. Subsequent Permanency Hearings

¶ 17 On December 7, 2011, the minors' caseworker located Stacey for the first time after searching the Illinois Department of Corrections (DOC) web site and finding Stacey was residing at East Moline Correctional Center and scheduled for release on January 13, 2012. The report stated Stacey was originally placed at Statesville Correctional Center (Statesville) in March 2010. The caseworker sent a letter to Stacey, and Stacey responded by letter indicating he was interested in participating in services to be involved in his son's life. He also stated he was completing parenting classes while in prison.

¶ 18 Following a January 2012 permanency-review hearing, the trial court changed the permanency goal from "return home" to "return home within 12 months." In May 2012, DCFS filed an updated permanency report, indicating a caseworker met with Stacey the week of his January 2012 release from East Moline Correctional Center, but Stacey failed to follow through with the caseworker's referrals. Stacey also failed to return calls to the caseworker or other providers. On April 13, 2012, the caseworker received notice that Stacey was taken to Statesville due to his failure to comply with parole and his absconder status.

¶ 19 A September 2012 report reflected Stacey was released from Statesville in July 2012 and met with a caseworker to discuss his service plan and service referrals; however, police arrested Stacey for an "old charge of driving on a suspended and/or revoked license," and Stacey was scheduled for court on September 27, 2012, at which point Stacey believed he would be sentenced to 60 days in the county jail but he would only be required to serve 30 days. As of the report date, Stacey had participated in two parent-child visits with J.M., with each visit lasting two hours and being described as appropriate by the caseworker.

¶ 20 Stacey entered his first appearance in the matter at an October 9, 2012,

permanency hearing. The trial court granted Stacey's motion for appointment of counsel and continued the hearing to October 16, 2012.

¶ 21 D. Motion To Terminate Parental Rights

¶ 22 On October 9, 2012, the minors' GAL filed a motion seeking a finding of unfitness and the termination of the parental rights of all parents. The motion alleged (1) Stacey was unfit because he failed to make reasonable efforts to correct the conditions that were the basis for the minors' removal (750 ILCS 50/1(D)(m)(i) (West 2012)) (count I); (2) Stacey was unfit because he failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare (750 ILCS 50/1(D)(b) (West 2012)) (count II); (3) Stacey was unfit because he failed to make reasonable progress toward the return of the minors within nine months after the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2012)) (count III); (4) Stacey and Sarah were unfit because they failed to make reasonable progress toward the return of the minors during any nine-month period following the adjudication of neglect, specifically from October 28, 2010, through July 28, 2011 (750 ILCS 50/1(D)(m) (iii) (West 2012)) (count IV); and (5) Stacey and Sarah were unfit because they failed to make reasonable progress toward the return of the minors during the nine-month period of July 28, 2011, and April 28, 2012 (750 ILCS 50/1(D)(m)(iii) (West 2012)) (count V).

¶ 23 On October 16, 2012, the trial court advised Stacey and Sarah of the allegations and possible consequences of the GAL's motion. Both parents entered a general denial. The court changed the permanency goal to substitute care pending determination of termination of parental rights.

¶ 24 E. Termination of Parental Rights Hearings

¶ 25

1. *Fitness Hearings*

¶ 26 A hearing on the GAL's motion seeking finding of unfitness and termination of parental rights commenced in February 2013 and was continued to two additional dates in May 2013. Meghan McHaney Telliers testified she was assigned as case manager for the minors' case in July 2011. Stacey first contacted Telliers by letter in December 2011, and after his January 2012 release from prison, Stacey provided Telliers with certificates of parenting and anger management classes he completed in prison. Telliers and Stacey were unable to complete paperwork for domestic violence therapy and substance abuse assessments because Stacey was re-incarcerated in April 2012. Upon Stacey's release in July, "he began to actually make progress[.]" Specifically, he went to the agency and told Telliers he wanted to be rereferred for services, then subsequently followed through with attending domestic violence counseling. Stacey did not, however, follow through with other service referrals. Telliers also arranged two visits between Stacey and J.M. before Telliers left the agency in September 2012.

¶ 27 With respect to Sarah, Telliers testified Sarah cooperated with individual counseling and completing drug drops, which were always clean during the time that Telliers had the case. In May 2011, the agency learned through police reports of a 2011 incident in which Sarah was drinking, so in June 2011 the agency decreased Sarah's visitation to two hours of supervised visitation per week. Later, unsupervised visits took place at the agency and then at Sarah's home. During these visits, Sarah demonstrated responsible parenting skills.

¶ 28 Deborah Crandall testified that she began working as Sarah's counselor at the Champaign County Mental Health Center on October 15, 2009, prior to Sarah becoming involved with DCFS. Initially, Sarah "started out really well," regularly attending her sessions,

but by the end of January, "she began having issues with the attendance policy" and demonstrated ambivalence toward treatment. In Crandall's opinion, Sarah had not successfully completed treatment by March 2010, when Crandall decided to close Sarah's case.

¶ 29 George Cook, a therapist and group facilitator at Cognition Works, testified that Sarah was initially referred to Cognition Works for individual counseling and then, later, for participation in the Impact Program, a program designed to help nonoffending parents understand the impact of domestic violence on children. Sarah successfully completed the Impact Program and seemed to understand, internalize, and benefit from the information that was covered. With respect to individual counseling, Cook testified he established Sarah's treatment goals as looking at (1) her history of domestic violence and understanding it, (2) her parenting in light of the domestic violence situation for which she was referred to therapy, and (3) the mental issues Sarah experienced and the stresses and challenges that come with a DCFS case. Counseling was "overwhelming" and "challenging" for Sarah initially, although Cook questioned whether Sarah was negatively affected by the presence of an intern during therapy sessions. Later, Sarah "seemed to really settle in" and demonstrated a better understanding of the information, holding herself more accountable for past choices.

¶ 30 Sarah continued to make progress in therapy until Cook stopped working with her in July 2012. Cook testified it was "really unclear" whether Sarah successfully completed the treatment goals that Cook had established, explaining that Sarah reported to him that Lutheran Social Services was shifting her to an in-house therapist due to contract changes. The agency sent Cook a letter stating it was switching her therapist because Sarah was no longer making progress in her case. Cook said Z.D. and Sarah attended one counseling session together, which



Cook opined "went really well." Cook "had always been impressed with the language [Sarah] had used in regard to her children," demonstrating a clear understanding of the minors' developmental progress, their personalities, and Sarah's relationship with the minors. On the day Z.D. attended counseling, Cook observed him to be "quite comfortable with Sarah." During therapy, Cook learned from Sarah and the agency that Sarah's children were demonstrating behavioral problems; thus, Cook and Sarah "worked to set up a safety plan" to prepare for situations when the children acted out.

¶ 31 During counseling, Sarah informed Cook that her caseworker had told her the agency suspected Sarah was in contact with Stacey. Sarah denied having contact with Stacey and demonstrated fear when she became aware of Stacey's release date. According to Cook, Sarah recognized her relationship with Stacey was unhealthy and unsafe.

¶ 32 On cross-examination, Cook explained that in the June 2011 progress report he submitted to the trial court, he indicated the focus and frequency of Sarah's therapy sessions changed due to Sarah's report of a sexual assault. According to Heidi Vanantwerp, a City of Champaign police officer, on February 20, 2011, Sarah reported that she became separated from her friends at a bar. While searching for her friends in the parking lot, Sarah ran into an individual she had previously dated, Kevin, who was with another individual named Charles. Sarah went with Kevin and Charles to Kevin's home. Once there, Charles and Sarah went to get something to eat, at which point Charles attempted to kiss her while driving and placed his hand on her thigh. Sarah told Charles "that's not what she wanted." When they returned to Kevin's home, Kevin took his food to his bedroom, leaving Sarah with Charles. Sarah stated that "she was trying to sober up so that she could go home," but she could not get away from Charles, who

subsequently raped her. Sarah told Vanantwerp that she knew Kevin "used to deal powder" and was associated with the Gangster Disciples.

¶ 33 Sarah did not immediately report the assault to her caseworker, and she delayed telling Cook about the assault for "a matter of weeks, if not a month and a half or maybe two months." Cook "wasn't surprised" about Sarah's decision not to share, explaining as follows:

"Here I am, an older white guy, and she herself has had a history of sexual abuse from way back at the beginning. This isn't unusual for victims not to report. We got into the discussions about why and so forth, she was pretty clear and it's consistent with other victims who have had experiences like this, especially when they are involved with the social service agency, there is quite a lot of pressure on moms to make sure everything looks good, right, and everything is going well. She understood clearly that—I think she understood clearly that any kind of situation like this could impact the custody or progression of her case in terms of the children. The other thing, though, that is common is that she, being a victim of sexual assault in the past, didn't want to—has a lot of shame still and still had shame over that incident as well as those past incidents, and so there is quite an internal need not to talk or look at that, that shame or that hurt or that embarrassment that had taken place[.]"

¶ 34 Cook credited Sarah for choosing to press charges against the perpetrator, saying

"there was a shift in her mind" about not being a victim any longer. Due to the assault, Cook recommended increasing the frequency of counseling. To focus on Sarah's individual issues, and because DCFS decided to limit Sarah's contact with her children based on the assault, Cook discontinued family counseling sessions.

¶ 35 Christine Johnson testified that she provided counseling services to Sarah from July 2012 to January 2013. Johnson described Sarah's attendance as "[e]xcellent" and said she was cooperative and shared things that were difficult. Rachel Kramer, who worked as the family's caseworker from November 2009 to July 2010, testified Sarah was cooperative and open.

¶ 36 Lashonna Taylor assumed case-management duties in September 2012. While Taylor had the case, Stacey was unsuccessfully discharged from domestic violence classes because he had to report back to jail. He did not complete a substance abuse assessment or individual counseling. Stacey was cooperative in signing releases for referrals.

¶ 37 Taylor said that in November 2012, J.H. was hospitalized for a month because he was acting "homicidal and suicidal, threatening to hurt himself and others" and physically fighting his teacher and the principal. Taylor said J.H. displayed similar behaviors during visits. When he did, Sarah was "open to criticism or comments" on how to handle J.H.'s outbursts. During Taylor's time on the case, Sarah was cooperative, attended her services, advocated for her boys, and frequently called to see how J.H. was doing.

¶ 38 The trial court took judicial notice of the following prior court cases: (1) three orders of protection Sarah took out against Stacey; (2) Stacey's prior conviction for unlawful possession with intent to deliver a controlled substance; (3) Stacey's three prior convictions for

aggravated battery; and (4) Stacey's two convictions of domestic battery with a prior domestic battery. The court also took judicial notice of the orders entered in the 2004 juvenile case against Sarah regarding Z.D.

¶ 39 Lisa Little, a court advocate with the Center for Women in Transition, testified Sarah was a strong advocate for herself and "even more" of an advocate for her children. Sarah consistently kept her appointments and did everything Little asked of her. Sarah was "very cooperative" in renewing her order of protection against Stacey. Little said that, in her work with rape victims, it is uncommon for victims to contact the police right away.

¶ 40 On this evidence, the trial court found against Stacey on counts I through V. The court also found against Sarah on counts IV and V. With respect to count IV, which alleged Sarah failed to make reasonable progress toward the minors' return between October 28, 2010, and July 28, 2011, the court found that Sarah's assault was a "huge step backwards" in that, through counseling and services, Sarah had the opportunity to learn "to protect herself from these types of events" but nonetheless chose to overconsume alcohol and leave the bar with people she knew were "not good people to be with." Due to the assault, counseling services had to be refocused and unsupervised visitation needed to be withheld, resulting in "a major step backwards."

¶ 41 With respect to count V, which alleged Sarah failed to make reasonable progress between July 28, 2011, and April 28, 2012, the trial court found that although Sarah was engaged in individual counseling, "it was unclear that she had really taken in and completed the goals of therapy." Further, Sarah "was not demonstrably closer to the goal of reunification."

¶ 42

## *2. Best-Interest Hearing*

¶ 43 A best-interest hearing commenced in July 2013 and was continued to August 2013 to obtain counseling reports. Stacey testified he was in custody and had not attempted to stay in contact with the caseworker. Stacey believed Sarah was the best person to provide care for his son in the future. A report prepared for the hearing indicated Z.D. continued to live with his maternal aunt, who was able to meet Z.D.'s needs and expressed willingness to provide permanency for him. Z.D. had been living with his aunt since 2009 and reported that he enjoyed living in the home. J.H. and J.M. continued to live together in the same home in which they had lived since 2009. J.H. and J.M.'s foster parents were willing to provide permanency for the minors.

¶ 44 The trial court found it was in the minors' best interests to terminate the parental rights of Stacey and Sarah. Specifically, the court reasoned the children could not live with Stacey in the near future, nor could they live with Sarah long term because the record showed "for whatever reasons, [Sarah] relapses into unsafe relationships, puts herself at serious risk, and thereby makes her unable to parent children safely, and provide for their future in a long-term sense." The court also noted the children needed stability and continuity, which neither Sarah nor Stacey could offer.

¶ 45 Sarah and Stacey each filed a notice of appeal. This court docketed Stacey's case as case No. 4-13-0671 and Sarah's case as case No. 4-13-0674. On our own motion, we consolidated the cases for review.

¶ 46

## II. ANALYSIS

¶ 47 On appeal, Stacey argues the trial court's finding that he was unfit is against the

manifest weight of the evidence because the trial court erred by finding that DCFS made reasonable efforts. In turn, Sarah asserts (1) the State failed to prove by clear and convincing evidence that she was unfit, and (2) terminating Sarah's parental rights was not in the minors' best interests. We address the parties' arguments separately.

¶ 48                                   A. Stacey's Argument (Case No. 4-13-0671)

¶ 49                                   Stacey asserts the trial court erred by finding DCFS made reasonable efforts because the case progressed over two years before DCFS ultimately found Stacey in December 2011 by searching the DOC web site. According to Stacey, DCFS's failure to find him earlier, when he was in state custody since March 2010, showed DCFS did not make "reasonable efforts" and, accordingly, the court's finding that Stacey was unfit was against the manifest weight of the evidence.

¶ 50                                   The record indicates the State and DCFS made the following efforts to locate Stacey. In November 2009, the State requested summons for Stacey to be directed to three known addresses, attaching to each summons an affidavit for service by publication averring that multiple Champaign County records, a telephone directory, and DOC records had all been searched. That same month, a child-protection worker filed an affidavit stating the worker completed a diligent search for Stacey's address, which included speaking with Sarah, who said she did not know of Stacey's whereabouts. In December 2009, the News-Gazette certified that it published notice.

¶ 51                                   Stacey's January 2010 service plan required Stacey to turn himself in on a warrant that was outstanding for his arrest. The service plan tasked Lutheran Social Services (Lutheran) with completing routine Child Abuse and Neglect Tracking System (CANTS) and Law

Enforcement Agencies Data Systems (LEADS) checks in addition to jail checks. A February 2010 dispositional report reflected that a diligent search was completed in January 2010 and Stacey's warrant was still outstanding. According to the report, the circuit clerk web site indicated Stacey's bond was set at \$60,000. The report stated Stacey had not contacted Lutheran staff regarding his whereabouts, services, or visitation.

¶ 52 According to an August 2010 permanency report, Lutheran searched the circuit clerk's records that month, which revealed a warrant was still outstanding for Stacey's arrest in case No. 09-CF-1934, in which Stacey was charged with domestic battery with a prior domestic battery and aggravated battery of a child based on the November 2009 incident. Likewise, a December 2010 permanency reported reflected Lutheran again searched the circuit clerk's records that month and learned Stacey's arrest warrant for the November 2009 domestic battery and aggravated battery charges remained outstanding.

¶ 53 The December 2011 permanency report indicated Lutheran found Stacey at East Moline Correctional Center via a December 7, 2011, search of the DOC web site. The report stated Stacey was "originally placed at Statesville Correctional Center in March of 2010 and was later transferred to East Moline."

¶ 54 The trial court took judicial notice of the court file in case No. 09-CF-1934. Docket entries from that case show a warrant was issued on November 13, 2009, and defendant was not arraigned on the charges until January 14, 2011. DOC's web site lists January 14, 2011, as Stacey's "custody date" for domestic battery with a prior domestic battery. See *People v. Mitchell*, 403 Ill. App. 3d 707, 709, 936 N.E.2d 659, 661 (2010) (courts may take judicial notice of DOC's web site because it is an official public record of DOC).

¶ 55 Thus, the record as a whole indicates that, although the December 2011 permanency report stated Stacey was "originally placed at Statesville Correctional Center in March of 2010," defendant was not, in fact, in DOC custody until January 2011. Thus, Stacey's assertion that "it apparently never occurred to DCFS workers to consult the major (available-to-the-public) web sites maintained by the State's major institutions" is unavailing. Rather, the record shows DCFS and the State conducted numerous searches for Stacey but were unable to locate him because he remained at large until January 2011.

¶ 56 Moreover, Stacey suffered no prejudice as a result of the 11-month delay in locating him. The trial court found the State proved each count of its unfitness petition, including count II, which alleged Stacey was unfit because he failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare (750 ILCS 50/1(D)(b) (West 2012)). "In determining whether a parent has failed to maintain a reasonable degree of interest, concern, or responsibility as to a child's welfare, the 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 H.B.*, 2012 IL App (4th) 120459, ¶ 42, 976 N.E.2d 1193 (quoting *In re Adoption of Syck*, 138 Ill. 2d 255, 278, 562 N.E.2d 174, 185 (1990)).

¶ 57 Here, Stacey ran from the couple's home in November 2009, leaving J.M., and proceeding to remain at large until January 2011. During this time, Stacey made no effort to contact DCFS about J.M. We acknowledge Stacey was trying to avoid arrest and imprisonment on the outstanding warrant; however, failing to visit or show concern for a minor due to fear of being arrested does not demonstrate "a *reasonable* level of interest, concern and *responsibility*" for the minor. (Emphases in original.) *In re S.J.*, 233 Ill. App. 3d 88, 114, 598 N.E.2d 456, 472-



73 (1992). Further, the record indicates that after Stacey became incarcerated in January 2011, he likewise made no attempt to inquire through DCFS about J.M.'s well-being. It was not until the Lutheran caseworker contacted Stacey in December 2011 that Stacey expressed interest in J.M. In addition, even after Stacey came into contact with J.M.'s caseworker, Stacey's efforts were mixed. Stacey did participate in two two-hour visits with J.M. Nonetheless, upon his January 2012 release from prison, Stacey failed to follow through with the caseworker's referrals and failed to return calls to the caseworker or other providers. He then was reincarcerated because he violated conditions of his parole.

¶ 58 Based on the foregoing, we conclude the trial court's finding that Stacey failed to maintain a reasonable degree of interest, concern, or responsibility as to J.M.'s welfare was not against the manifest weight of the evidence. Accordingly, we affirm the trial court's finding of unfitness with respect to Stacey.

¶ 59 B. Sarah's Assertions (Case No. 4-13-0674)

¶ 60 On appeal, Sarah contends (1) the State failed to prove she was unfit by clear and convincing evidence and (2) the State failed to prove that termination of Sarah's parental rights was in the minors' best interests. We address these contentions in turn.

¶ 61 1. *The Findings of Unfitness*

¶ 62 Sarah first argues the State failed to prove by clear and convincing evidence that she was unfit. " '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 A.L.*, 409 Ill. App. 3d 492, 500, 949 N.E.2d 1123, 1129 (2011) (quoting *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d

596, 604 (2004)). A trial court's fitness determination will not be disturbed on review unless it is contrary to the manifest weight of the evidence, meaning the opposite conclusion is clearly evident from the record. *Id.*

¶ 63 Here, the trial court found Sarah was unfit in that she failed to make reasonable progress during (1) the nine-month period of October 28, 2010, through July 28, 2011 (count IV), and (2) the nine-month period of July 28, 2011, through April 28, 2012 (count V). 750 ILCS 50/1(d)(m)(iii) (West 2012). We may affirm on any one of the statutory grounds on which the trial court found Sarah unfit. *In re Richard H.*, 376 Ill. App. 3d 162, 165, 875 N.E.2d 1198, 1201 (2007).

¶ 64 "[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." *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001). This court has defined "reasonable progress" as existing "when the court, based on the evidence before it, can conclude that the progress being made by a parent to comply with directives given for the return of the child is sufficiently demonstrable and of such a quality that the court, in the *near future*, will be able to order the child returned to parental custody" because "at that point, the parent *will have fully complied* with the directives previously given to the parent in order to regain custody of the child." (Emphases in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991).

¶ 65 In this case, the trial court recognized Sarah "initially" made "substantial progress"

during the nine-month period of October 28, 2010, through July 28, 2011. However, the court found Sarah's February 2011 assault was "very significant" and a "huge step backwards," in that it required unsupervised visitation to be withheld and counseling efforts to be redirected from family counseling back to individual counseling. The court also noted that the assault spoke "volumes" about Sarah's progress in terms of learning how to protect herself and her children.

¶ 66 The trial court's determination that Sarah was unfit is not against the manifest weight of the evidence. As noted by the court, on the night of the assault, Sarah knowingly left the bar with a person whom she knew dealt drugs and associated with a street gang. She also admitted consuming alcohol and driving, despite a February 2010 dispositional order requiring her to "refrain from the use of all mood or mind altering substances including alcohol." After the assault, unsupervised visitation had to be suspended, and counseling services had to be increased and refocused. Sarah's therapist, Cook, testified it was "really unclear" whether Sarah successfully completed her treatment goals. The case manager, Taylor, said Sarah's counseling with Cook ended because she was not making progress with him.

¶ 67 In applying our deferential standard, we cannot say the trial court's finding that Sarah failed to make reasonable progress toward the minors' return home between October 28, 2010, through July 28, 2011, was against the manifest weight of the evidence. Sarah's love for her children is evident, and her efforts in counseling and her decision to report the assault to the police are commendable. Nonetheless, by July 28, 2011, Sarah was further from having the minors returned to her care than she was on October 28, 2010. Accordingly, we affirm the court's finding of unfitness with respect to Sarah.

¶ 68

## 2. *The Best-Interests Finding*

¶ 69 Sarah also claims the trial court erred by finding that termination of her parental rights was in the best interests of the minors. At a best-interest hearing, the State bears the burden of proving by a preponderance of the evidence that termination is in the child's best interest. *In re T.A.*, 359 Ill. App. 3d 953, 961, 835 N.E.2d 908, 914 (2005). During this hearing, "the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004). We will not disturb a court's finding that termination is in the best interests of the child unless it is against the manifest weight of the evidence. *T.A.*, 359 Ill. App. 3d at 961, 835 N.E.2d at 914.

¶ 70 As we have previously stated, in this case, the record clearly demonstrates Sarah loves her children and is a strong advocate on their behalf. Nonetheless, the record also shows the children had been in their respective foster homes since 2009 while this case languished. The trial court recognized that the minors needed continuity and stability, which Sarah could not immediately provide. The minors' foster parents each expressed their willingness to provide that continuity and stability. Given the minors' need for permanency, we cannot say the trial court's finding that it was in the best interest of the minors that Sarah's parental rights be terminated was against the manifest weight of the evidence.

¶ 71

## III. CONCLUSION

¶ 72 For the reasons stated, we affirm the trial court's judgment in case Nos. 4-13-0671 and 4-13-0674.

¶ 73 Affirmed.