



care. Paternity testing subsequently revealed that Dwayne, who was then living in Pennsylvania, was the father of T.M.W.

¶ 4 On March 8, 2010, the court found T.M.W. to be neglected as defined by section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2010)). A motion for termination of parental rights and for the appointment of a guardian with power to consent to adoption was filed on June 2, 2011. Shortly thereafter, the birth mother, Tonya, surrendered her parental rights on July 11, 2011.

¶ 5 The hearing on the motion to terminate Dwayne's parental rights was held in December 2011. The motion alleged that Dwayne was an unfit person in that he had failed to maintain a reasonable degree of interest, concern, or responsibility as to the child's welfare and failed to make reasonable progress toward the return of the child within nine months following the adjudication of neglect. The motion further alleged that it was in the child's best interest that Dwayne's parental rights be terminated.

¶ 6 Evidence presented at the hearing revealed that Dwayne was not cooperative from the very first family meeting. Even the first visit between Dwayne and T.M.W. ended abruptly because Dwayne got angry and walked out. Dwayne often became irate during conversations with his caseworkers, to the point they felt intimidated. He was also reported to have behaved inappropriately with one caseworker during a supervised visit and, after the visit, got into a physical altercation with Tonya. At another time, Dwayne arrived at the DCFS office, became upset, and threw a container of pasta against the wall. Only after a DCFS supervisor threatened to call the police did Dwayne clean up the mess.

¶ 7 Dwayne also had a history of withholding information such as his current address and whether Tonya was still living with him. He repeatedly refused to sign necessary releases for treatment, asserting that he was receiving services from Veterans Affairs (VA). When he finally signed releases to verify the VA services, some of the information received

conflicted with that provided to DCFS.

¶ 8 The evidence also revealed that Dwayne began attending mental health sessions, but his therapist felt that he was not making any progress and requested to discontinue such services. A psychological evaluation revealed that Dwayne failed to take responsibility for his problems, particularly his substance abuse, his inability to parent, and his lack of insight into problems with his child and family. Dwayne continually blamed Tonya for the situation with T.M.W. and claimed that DCFS was obstructing him from reunifying with his daughter.

¶ 9 Lastly, the child welfare specialist assigned to Dwayne's case reported she had received a letter from Dwayne alleging that he missed an appointment because he was in North Carolina for a family emergency. The letter, however, was stamped "inmate mail" and was actually sent from jail in White County, Illinois. Apparently Dwayne had received a citation for aggravated driving under the influence. It was also noted at the hearing that Dwayne had tested positive for the use of illicit drugs or otherwise refused to undergo drug screenings, and had admitted to having problems with alcohol. As a result, Dwayne received overall grades of "unsatisfactory" on all of his service plans because he failed to maintain interest in T.M.W., failed to ensure that T.M.W.'s needs were being met, stormed out of visits, failed to attend court hearings, failed to give information regarding his household, employment, and any household changes within 24 hours of the changes, failed to allow DCFS to monitor his home situation, failed to sign releases for information, failed to go to substance abuse treatment, failed to submit samples of his blood or urine for substance abuse screens, failed to obtain a substance abuse assessment, and failed to obtain mental health services.

¶ 10 On June 15, 2012, the court entered an order finding Dwayne to be unfit in that he failed to make reasonable progress toward the return of the child within nine months after an adjudication of neglect pursuant to section 1(D)(m)(ii) of the Act (750 ILCS

50/1(D)(m)(ii) (West 2010)). The trial court specifically found that Dwayne's lack of cooperation with DCFS and his refusal to comply with his service plans resulted in his failure to address issues that were necessary to improve his parenting skills and ensure a safe environment in which T.M.W. could thrive. The court also noted Dwayne's continuous drug abuse and anger issues.

¶ 11 At a separate hearing held a few weeks later to determine the "best interests" of the minor child, the evidence revealed that T.M.W. had resided in the same foster home since she was 2½ months old and that her foster parents were willing to adopt her. T.M.W. had bonded with her foster family, which included her younger half-brother and the foster parents' other children, as well as their extended family. The foster home was spacious and clean, and there were plenty of toys and activities available for T.M.W. The foster parents were financially able to provide for her, and they regularly participated in activities in the community, attended church programs, and had friends with children with whom T.M.W. could play. The recommendation was that T.M.W. be adopted by her foster family.

¶ 12 Dwayne countered that T.M.W. had not been removed from his care as he was not living in Illinois at the time DCFS was granted temporary custody. He noted that he moved to Illinois upon learning that T.M.W. was his child. He believed he had completed all of the requirements to obtain custody of T.M.W. and had formed a bond with her. He acknowledged that it was only natural she would bond with her foster family, but he also believed she had formed an attachment to him, as well, and felt safe in his presence. He expressed concern that T.M.W., who is half African American, was being raised by a Caucasian family. He felt that, culturally, T.M.W. should be raised by Dwayne and his family, and in his faith. Dwayne agreed that the foster parents provided an adequate home, but felt that it would be more beneficial to T.M.W. if she were raised by her biological father. He further reported that he did not plan to stay in Illinois and would take T.M.W. to

his family in Pennsylvania, where he claimed to have his own lawn care business. He noted that he had no other income in Illinois other than general assistance to help pay his rent, because no one would hire him in Illinois.

¶ 13 On July 30, 2012, the court entered an order terminating Dwayne's parental rights to T.M.W. The court specifically noted Dwayne's issues with failing to obtain steady employment, as well as his lack of cooperation with DCFS, and concluded that Dwayne's refusal to comply with services resulted in his failure to address all of the issues necessary to improve his parenting skills and ensure a safe environment in which T.M.W. could thrive. T.M.W.'s current placement with her foster family, on the other hand, provided stability and security for her, as well as the opportunity to be raised with her half-sibling. The court, therefore, determined it was in her best interest that Dwayne's parental rights be terminated.

¶ 14 Dwayne first argues on appeal that the court's finding of unfitness was contrary to the manifest weight of the evidence. He further contends that the court's determination that it was in the best interest of T.M.W. to terminate his parental rights was also in error.

¶ 15 The determination as to whether an individual's parental rights should be terminated involves a two-step process whereby the State must prove, by clear and convincing evidence, that the individual is unfit (750 ILCS 50/1(D) (West 2010)), and, if unfitness is found, the court must then consider whether it is in the best interest of the child or children to terminate parental rights (705 ILCS 405/2-29(2) (West 2010)). See *In re D.F.*, 201 Ill. 2d 476, 494-95, 777 N.E.2d 930, 940 (2002); *In re Tiffany M.*, 353 Ill. App. 3d 883, 889, 819 N.E.2d 813, 819 (2004). We, as a reviewing court, will only reverse the trial court's finding of unfitness if it is against the manifest weight of the evidence. *In re C.W.*, 199 Ill. 2d 198, 211, 766 N.E.2d 1105, 1113 (2002); *In re D.F.*, 201 Ill. 2d at 495, 777 N.E.2d at 940-41.

¶ 16 Once the trial court finds the parent to be unfit, the court's focus then shifts from the rights of the parent to the best interest of the child. 705 ILCS 405/2-29(2) (West 2010); see

*In re B.B.*, 386 Ill. App. 3d 686, 697, 899 N.E.2d 469, 479 (2008). To terminate parental rights, the State bears the burden of proving by a preponderance of the evidence that termination is in the minor's best interest. *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004). A trial court's determination that termination of parental rights is in the child's best interest will not be disturbed on review unless it, too, is contrary to the manifest weight of the evidence. *In re R.L.*, 352 Ill. App. 3d 985, 1001, 817 N.E.2d 954, 968 (2004).

¶ 17 Here the trial court found Dwayne unfit because he failed to make reasonable progress toward the return of T.M.W. within nine months of the adjudication of neglect. Reasonable progress has been defined as demonstrable movement toward the goal of reunification. *In re Reiny S.*, 374 Ill. App. 3d 1036, 1046, 871 N.E.2d 835, 844 (2007). The record here clearly establishes that Dwayne never fully complied with any of his service plans. Noncompliance with imposed service plans is sufficient for a finding of unfitness. *In re A.F.*, 2012 IL App (2d) 111079, ¶ 41, 969 N.E.2d 877. Dwayne argues that he was unable to meet, or was sometimes even prevented from meeting, the requirements of his service plans because he was ill-served by "contentious caseworkers" who were handling his case. He asserts that he was rated "unsatisfactory" whether the failure was his own fault or whether it was because of forces outside his control. He also points out that he received a "satisfactory" on one part of his service plans because he had signed the necessary release information, completed a substance abuse assessment, allowed a home study, and began attending court. Additionally, once the paternity testing revealed that he was the father of T.M.W., he moved to Illinois in order to obtain custody.

¶ 18 The entirety of the evidence, however, paints a very different picture than Dwayne argued. Dwayne was not involved in parenting T.M.W. He declined services, refused to sign releases of information, and refused to submit to drug screenings. He was minimally compliant with caseworkers, exhibited inappropriate and threatening behavior towards at

least one visitation supervisor, and got into a physical altercation with Tonya. The evidence clearly established that Dwayne, while at times completing some tasks, did not make any real strides towards the goal of reunification. Contrary to his assertions, and despite his noncompliance, DCFS put forth great effort to help Dwayne reach the goals of his service plan and, by extension, reunification with T.M.W. Under such circumstances, we cannot say that the court's determination that Dwayne failed to make reasonable progress towards the return of his child during the nine months following the adjudication of neglect was contrary to the manifest weight of the evidence.

¶ 19 Dwayne argues the court's decision to terminate his parental rights was also contrary to the manifest weight of the evidence. He asserts he was acting in his child's best interest when he moved to Illinois from Pennsylvania with no support. In his view, the testimony at the "best-interest" hearing established not only that he loved his child, but also that he was working toward her return, despite having missed some visits. He further contends that it would not be in the child's best interest to be raised with a Caucasian family in Illinois in a faith not his own.

¶ 20 The evidence at the "best-interest" hearing revealed that T.M.W. was well-adjusted to her foster family, had formed strong bonds with her foster family, and was provided for financially. By contrast, Dwayne had not obtained employment in Illinois and was living in temporary housing. He often displayed bouts of anger and threatening behavior, and had issues with illicit drugs and alcohol. He, at best, had tenuous contact with his daughter and clearly failed to provide her with any support. Given that the foster family was able to provide a safe, stable, and secure home for T.M.W., as well as offer her the opportunity to be raised with her biological brother, the court properly found it was in her best interest to terminate Dwayne's parental rights.

¶ 21 For the foregoing reasons, the judgment of the circuit court of Franklin County is affirmed.

¶ 22 Affirmed.