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2014 IL App (3d) 140155-U

Order filed July 9, 2014

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2014

<i>In re</i> L.S. and B.S.,)	Appeal from the Circuit Court
)	of the 14th Judicial Circuit,
Minors)	Rock Island County, Illinois.
)	
(The People of the State of Illinois,)	
)	
Petitioner-Appellee,)	Appeal Nos. 3-14-0155
)	3-14-0156
v.)	Circuit Nos. 11-JA-12
)	12-JA-21
M.S.,)	
)	
Respondent-Appellant).)	Honorable Peter W. Church,
)	Judge, Presiding.

JUSTICE SCHMIDT delivered the judgment of the court.
Justices O'Brien and Wright concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's determination that respondent was unfit pursuant to sections 50/1(D)(b) and 50/1(D)(m)(i), (ii) and (iii) of the Adoption Act (750 ILCS 50/1(D) (West 2012)) was not against the manifest weight of the evidence.

¶ 2 Following an adjudicatory hearing in the Rock Island circuit court on the State's petition, the trial court issued an order on August 17, 2011, finding the minor, L.S., neglected.

¶ 3 On February 21, 2012, respondent gave birth to B.S. The State subsequently filed a juvenile petition on March 6, 2012, alleging B.S. was also neglected. On May 8, 2012, the trial court issued an order finding B.S. neglected.

¶ 4 The State filed supplemental petitions to terminate respondent's parental rights as to both minors on April 15, 2013. Following a fitness hearing, the trial court found that the State proved by clear and convincing evidence that respondent was unfit. On February 11, 2014, the court found it in the minors' best interests to terminate respondent's parental rights, and a written order to that effect was entered on February 14, 2014.

¶ 5 Respondent appeals, arguing that the trial court's finding of unfitness was against the manifest weight of the evidence. On appeal, respondent does not attack the termination order. Of course, the termination order depends upon the validity of the unfitness finding.

¶ 6 We affirm.

¶ 7 **BACKGROUND**

¶ 8 Respondent, M.S., is the biological mother of L.S. (D.O.B. January 1, 2011) and B.S. (D.O.B. February 21, 2012).

¶ 9 On January 18, 2011, the State filed a juvenile petition alleging that L.S. was neglected. Specifically, the petition alleged that that "minor is a newborn infant whose blood, urine, or meconium contains an amount of a controlled substance," that substance being cocaine. The petition further alleged that the minor's environment was injurious to her welfare.

¶ 10 Respondent stipulated to the neglect petition on March 1, 2011, and the court entered an order for continuance under supervision [before adjudication] on April 1, 2011.

¶ 11 On June 16, 2011, the State filed a petition to revoke the order of continuance under supervision in L.S.'s case. The petition alleged that respondent violated the order where: "a.

M.S. has twice tested positive for cocaine and refused to do six drops. b. M.S. obtained a Substance Abuse Evaluation, but has refused to attend treatment. c. M.S. has not been staying at her apartment, but has instead resided with *** [the minor's putative father], who is not cooperating with services. d. M.S. has not begun Domestic Violence Counseling.” The State filed a petition for temporary custody on June 24, 2011, and the trial court entered an order for temporary custody on the same day.

¶ 12 The court heard and granted the State’s petition to revoke on July 5, 2011. The trial court adjudicated the minor L.S. neglected following an adjudicatory/dispositional hearing on August 16, 2011. A supplemental order enumerating required services for respondent was also entered at this time.

¶ 13 Following the first permanency review hearing on December 13, 2011, the court entered a permanency order, finding that respondent had made neither reasonable and substantial progress nor reasonable efforts toward returning the minor home.

¶ 14 Respondent’s second child, B.S., was born on February 12, 2012. The State filed a petition for adjudication of wardship on March 6, 2012, the basis of which was respondent’s failure to make any reasonable efforts or progress toward the return home of L.S., and that the environment was injurious to B.S.’s welfare. The State also filed a petition for temporary custody, which the trial court granted following a hearing on March 7, 2012. Respondent stipulated to an amended version of the State’s petition for adjudication of wardship, and B.S. was adjudicated neglected on May 8, 2012. A supplement order enumerating required services for respondent in regard to B.S. was entered the same day.

¶ 15 The court entered a permanency order at the second permanency review hearing for L.S.’s case, which was also held on May 8, 2012, finding that respondent had made reasonable

efforts, but not reasonable and substantial progress toward returning L.S. home. From this point forward, the minors' cases were consolidated.

¶ 16 On November 9, 2012, the court entered a permanency order, finding that respondent had made neither reasonable progress nor reasonable efforts toward returning the minors home. The goal remained to return home for B.S., but the goal was changed to substitute care pending determination of termination of parental rights as to L.S.

¶ 17 The trial court conducted another permanency review hearing on February 26, 2013, and again found that respondent had failed to make either reasonable efforts or reasonable progress. The goal was changed to substitute care pending determination of termination of parental rights for both L.S. and B.S.

¶ 18 The State filed supplemental petitions to terminate parental rights for both minors on April 15, 2013, alleging respondent was unfit as defined by sections 50/1(D)(b), 50/1(D)(d) and 50/1(D)(m)(i) through (iii) of the Adoption Act (the Act) (750 ILCS 50/1(D)(b); 50/1(D)(d); 50/1(D)(m)(i) through (iii) (West 2012)).

¶ 19 The petitions specifically alleged that respondent: “a. Failed to engage in or complete counseling, domestic violence counseling, and psychiatric services, including taking medications, b. Attended a psychological evaluation, but failed to complete the testing, c. Failed to maintain steady employment and income or to provide verification of same when requested, d. Failed to attend more than half of available visits, attending only one from December 9, 2011, through March 5, 2012, and none from June 13, 2012, through September 17, 2012, and October 22, 2012 through March 4, 2013, and e. Failed to complete services at CADS (Center for Alcohol and Drug Services), including recommended inpatient treatment, and failed to complete most requested UA’s.”

¶ 20 The hearing on the fitness portion of the State’s petitions took place on August 5, 2013. The State called the minors' caseworker Cynthia Felske, a child welfare specialist at Bethany Children and Family. Felske testified that she assumed case responsibility for L.S. on June 24, 2011, and for B.S. on March 5, 2012. When she first received the case, there was an impact case open indicating that respondent had had three positive UA drops for cocaine; the order for supervision ended and L.S. was placed in foster care.

¶ 21 A service plan was already in place when Felske assumed responsibility of the case. The initial service plan goals for respondent were “substance abuse, income, parenting, domestic violence counseling, housing, counseling, to make sure [L.S.] received needed medical services and developmental services.” Felske modified the initial service, adding a psychological evaluation and a mental health evaluation.

¶ 22 Felske testified that during the first six months following L.S.'s adjudication of neglect in August of 2011, respondent did not participate in parenting classes as she had already completed parenting classes when she was involved in impact services. According to respondent, she did not need to complete another parenting class. Respondent attended 6 of 36 visits during this period. Respondent obtained employment in October 2011 at Jewel in Rock Island. She also obtained a substance abuse evaluation from CADS, completing the intake on September 15, 2011. Respondent attended one substance abuse outpatient group on September 22, 2011. However, she was unsuccessfully discharged from the program in November for failure to attend. Respondent completed one urine analysis (UA) on the day of her evaluation, which tested positive for opiates. Respondent attributed this to her prescription. The agency requested additional UAs in October and November, but respondent refused to provide these.

¶ 23 As for respondent's housing during that time period, she resided in Manor Homes in Rock Island. Felske testified that the home was an appropriate return-home location for the minor, but there were some issues regarding whether or not respondent was living with L.S.'s father, who was not cooperating with services. Respondent did not participate in domestic violence counseling.

¶ 24 During the following review period, from December 19, 2011, to June 12, 2012, respondent had still not completed parenting classes. She attended 1 of 25 scheduled visits from December 9, 2011, through March 5, 2012, and 17 of 49 visits from April 9, 2012, through June 5, 2012. B.S. was born in February of 2012 with opiates in her system, but not cocaine. The service plan from April 5, 2012, indicates that respondent was given opiates at the time of B.S.'s birth, per hospital staff. Respondent tested positive for opiates on March 6, 2012, but continued to maintain that she had a prescription for opiate medication. Felske testified that respondent did show her a prescription for Tylenol and codeine in either April or May of 2012, and that it was for respondent's teeth and painful veins in her legs. However, when respondent was asked to sign releases of information for the doctor, hospital and pharmacy to verify that prescription, respondent refused to do so.

¶ 25 Respondent's April 25, 2012, UA also came back positive for opiates, at which time CADS recommended that respondent complete inpatient treatment. Respondent stated she could not attend inpatient treatment because she would lose her low-income housing and her employment if she had to be gone for 30 days. As for employment, respondent advised Felske on May 21, 2012, that she had obtained employment at Roy's Taco House and City Limits. However, Felske never received verification of employment from respondent. During this period, respondent maintained housing at the same apartment in Manor Homes.

¶ 26 Respondent also obtained a domestic violence evaluation on January 18, 2012, and was referred to Robert Young Center. Respondent had one session with Dolly Carpenter and three sessions with Joe Lilly. Respondent maintained that she and Lilly discussed domestic violence, that she had completed domestic violence counseling, and that she did not need it. Respondent was asked to provide something in writing to that effect from Lilly, but failed to do so. Respondent did complete a psychological evaluation during this time, also on January 18, 2012. She was diagnosed with panic disorder and agoraphobia. She met with Dr. Shan on March 20, 2012, and April 24, 2012. She met with Dr. Hutchinson on April 2, April 12, and April 23, 2012. Felske stated that at the end of the initial nine-month period following adjudication, which would have been May 16, 2012, L.S. was not closer to being returned home than when she was removed from care.

¶ 27 Felske testified that during the next permanency review period spanning from June 12, 2012, to December 10, 2012, respondent “did not go to parenting classes, she attended only six of thirty-eight visits, did not visit at all between 6/13/12 and 9/17/12, and then between 10/1/12 and the end of that reporting period 11/9/12 she did not visit at all, she reported not before but after the time that she missed June to September she had gone to a grandparent funeral out of town, was gone for an extended period of time.”

¶ 28 Respondent did report toward the end of the period that she had obtained employment at E&J Auto in Rock Island. Felske testified that she tried to work around respondent’s schedule for visitation purposes, but respondent would never sign releases or provide copies of work schedules during that time. Felske did receive a fax on October 15, 2012, indicating respondent’s hours at E&J Auto, but Felske never received a paystub or income verification.

Respondent had stopped working at City Limits and Roy's sometime during the summer of 2012.

¶ 29 During this time, CADS had no contact with respondent. Respondent did not submit to UAs in May, August or September of 2012, though Felske had requested she do so. Respondent maintained her apartment and it remained an appropriate return-home option for the minors. Respondent did not complete domestic violence counseling and was not seen again for counseling or psychiatric services at the Robert Young Center after April 27, 2012.

¶ 30 At the end of that review period, the court found that respondent had not made reasonable efforts nor progress, and the goal was changed to substitute care pending determination of termination of parental rights as to L.S., but remained return home for B.S. (as it had not been nine months since B.S.'s initial adjudication of neglect). The court scheduled another permanency review hearing for February 26, 2013, to keep both children on the same schedule.

¶ 31 At the February hearing, respondent continued to be uncooperative with services and the agency and the court found she did not satisfactorily complete any of the services/goals required. Respondent did not attend any visits from October 10, 2012, to March 4, 2013. Felske, again, requested respondent provide UAs during that period, but respondent failed to do so. Respondent indicated she had been laid off from her job at E&J Auto. Felske testified that the minors were no closer to being returned home during this period than they were at the time of removal. At this time, the goal for B.S. was changed to substitute care pending determination of termination of parental rights.

¶ 32 Felske testified that the service plan in place went through June of 2013, but respondent failed to make progress on her service plan goals from February 2013 to June 2013. At the time

of the fitness hearing, Felske also questioned the stability of respondent's housing. She stated that she visited the apartment four or five times in July 2013, but never received a response.

¶ 33 Respondent testified on her own behalf. She testified that she dropped out of high school in ninth grade but did obtain her GED. She did not have a driver's license, nor access to a car. Bethany Services had given her bus passes to get to and from her visits. Respondent testified that she was not currently employed. She had last been employed at E&J Auto, but could not recall how long she worked there. She stated she verified this employment with her caseworker by sending them documentation showing her hours. Respondent did not work at Roy's Tacos House long enough to receive a paycheck, though she did receive one or two paychecks from City Limit before the boss fired her due to issues they had. At the time of the fitness hearing, respondent did odd jobs for her mother and received food stamps. She told her caseworker she currently had Section 8 housing, but would not reveal the whereabouts to the agency.

¶ 34 Respondent was receiving public assistance, and would continue to be eligible for assistance if the children were returned to her. She testified that she would be able to care for the children if they were returned to her. At the time of the hearing, she was living alone and was not involved in a romantic relationship. Respondent stated that she would lose her housing if she lived with anyone else. As for missing visits, respondent stated that the agency would turn her away if she was a minute late and if she did not call the day before. She also stated she was delayed by the bus. Respondent stated that on numerous occasions, she asked for additional visits with the minors.

¶ 35 As for the allegation that respondent attended the psychological evaluation but failed to complete testing, respondent stated that she did not understand that Dr. Hutchinson wanted her to come back for testing. She stated she went 9 or 10 times, sat in a room and completed various

cognitive tasks. In response to the allegations that respondent failed to engage in or complete counseling, domestic violence counseling and psychiatric services, respondent stated she attended Robert Young Center, Riverside and CADS for counseling. She had started treatment two or three times at CADS, but she testified they turned her away because she could not pay. At the fitness hearing, she stated she owed CADS a little over \$200.

¶ 36 Respondent testified that she did not need domestic violence counseling because she had not had domestic violence in her life for 20 years. She also stated that she had been on prescription medication for swelling legs and bad knees. Finally, respondent testified that she had cancer, but that it was not progressing. She could not recall when she was diagnosed. Respondent stated she tried radiation once and did the chemo, but stopped because it had not progressed. She could not recall the name of her treating physician, nor would she sign releases to verify the diagnosis and treatment.

¶ 37 Respondent rested, and the State recalled Felske. Felske testified that the agency had had problems with respondent's visitation. Specifically, that the agency would get the girls from the foster parents and then respondent would not show up. Eventually, the agency put measures in place to ensure this would not continue to happen. The agency required respondent to call by 5 p.m. the evening before visits to advise whether or not she was coming. The agency could, in turn, let the foster parents know. Respondent was also required to physically be in the agency office by a certain time. Felske testified that respondent frequently called to say there were problems with the bus. Felske further stated that many clients used the bus as their primary form of transportation to visits, but no one had the problems respondent did. As for denying visits if respondent was one minute late, Felske stated that she could not say for certain if respondent was

denied visits on that basis. Felske also stated that the agency advised respondent if she was not physically in the office at a certain time, she would not get a visit that day.

¶ 38 In response to respondent's testimony that she had various family members who were willing to take one or both of the minors, Felske testified that she was unable to reach any family member who indicated a willingness to care for the children. She had also never heard of the cousin in Iowa who respondent indicated was willing to move and take the minors. Finally, as for respondent's statement that she had breast cancer, Felske stated she never received independent verification of that diagnosis. Felske also stated that respondent had initially told her she only had three or four months to live and wanted her girls with her so she could spend time with them. Respondent then voluntarily stopped treatment and indicated to Felske it was because respondent was pregnant. There was never any verification of pregnancy. Respondent did state at the fitness hearing that she was not pregnant.

¶ 39 Following argument of the parties, the trial court took the case under advisement. On August 9, 2013, the trial court issued a written ruling, finding that by the clear and convincing standard, respondent was unfit for failure to make reasonable efforts to correct the conditions that were the basis for the removal of each child and failure to make reasonable progress toward the return of the minors as alleged in the State's petitions. The court specifically noted, "[i]t is abundantly clear from the testimony, including mother's, that she has no problem answering inquiries with whatever answer seem *[sic]* convenient."

¶ 40 The court conducted the best interests hearing on February 11, 2014. Respondent was not present. The State called its sole witness, Felske, who had prepared and filed the best interests report. She testified that since the report was filed, respondent had provided her with documentation that she was living in Iowa. Felske went to that address in December and was

told by the landlord that respondent had been evicted for doing something she was not supposed to do, though the landlord would not elaborate on what that was. Respondent told Felske she was living on Ninth Street in Rock Island, Illinois, but did not provide her with an address. Respondent did not comply with requested UA drops in December 2013 and January 2014. Respondent had not visited with the children since October 2013. Felske testified that the minors were in stable placement, and that the foster parents were willing to adopt if the goal changed to adoption.

¶ 41 The trial court found that the State established by a preponderance of the evidence that it was in both L.S.'s and B.S.'s best interests to terminate the respondent's and father's parental rights. The court entered its written order to that effect on February 14, 2014.

¶ 42 This timely appeal followed.

¶ 43 ANALYSIS

¶ 44 The involuntary termination of parental rights involves a two-step process. The trial court must first find, by clear and convincing evidence, that the parent is unfit. *In re D.T.*, 212 Ill. 2d 347, 363 (2004). Once the State proves parental unfitness, the trial court must then consider whether it is in the best interests of the child to terminate the parental rights. *Id.* at 363-64. In the instant case, respondent challenges only the trial court's finding that she is unfit, arguing that said finding is against the manifest weight of the evidence.

¶ 45 I. Unfitness

¶ 46 Respondent contends that the trial court erred in finding her to be an unfit parent. Specifically, she argues that the trial court's findings that: (1) she failed to make reasonable efforts to correct the conditions which were the basis for the removal of the minors pursuant to section 50/1(D)(m)(i); (2) she failed to make reasonable progress toward the return of the minors

within nine months after the adjudication of neglect pursuant to section 50/1(D)(m)(ii); and (3) she failed to make reasonable progress toward the return of the minors during any nine-month period following the adjudication of neglect pursuant to section 50/1(D)(m)(iii) of the Act were against the manifest weight of the evidence. 750 ILCS 50/1(D)(m)(i) through (iii) (West 2012).

¶ 47 The termination of parental rights constitutes a permanent and complete severance of the parent-child relationship. *In re Adoption of Syck*, 138 Ill. 2d 255, 274 (1990). "Accordingly, proof of parental unfitness must be clear and convincing." *In re C.N.*, 196 Ill. 2d 181, 208 (2001). "A court's determination that clear and convincing evidence of a parent's unfitness has been shown will not be disturbed on review unless it is against the manifest weight of the evidence." *In re D.D.*, 196 Ill. 2d 405, 417 (2001). A decision regarding parental unfitness is not against the manifest weight of the evidence unless the opposite conclusion is clearly the proper result. *Id.*

¶ 48 A parent may be found unfit under any one or more of the various grounds listed in section 50/1(D) of the Act. Any ground standing alone may support a finding of unfitness, so a reviewing court that finds any one unfitness ground proven need not consider whether additional grounds were also proven. *In re Tiffany M.*, 353 Ill. App. 3d 883, 889 (2004). We find that the State proved by clear and convincing evidence that respondent was unfit on both asserted grounds.

¶ 49 A. Failure to Make Reasonable Efforts to Correct the Conditions
That Were the Basis for the Removal of the Minors

¶ 50 As respondent correctly points out, reasonable efforts and reasonable progress are two different grounds for finding a parent unfit in section 50/1(D)(m) of the Act. *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1066 (2006). "Reasonable efforts relate to the goal of correcting the conditions that caused the removal of the child from the parent [citation], and are judged by a

subjective standard based upon the amount of effort that is reasonable for a particular person." *Id.* at 1067.

¶ 51 The record demonstrates that L.S. was removed based upon the presence of cocaine in her meconium when she was born. L.S. was adjudicated neglected on August 16, 2011, thus the initial nine-month period considered is August 16, 2011, to May 16, 2012. See *In re D.F.*, 208 Ill. 2d 223, 243 (2003) ("the nine-month evaluation period in section 1(D)(m) of the Adoption Act *** applies to both the reasonable-efforts ground and the reasonable-progress ground, and that the date on which to begin assessing a parent's efforts or progress is the date the trial court enters its order adjudging the minor neglected, abused, or dependent."). During that time and pursuant to the service plan in place, respondent was to receive substance abuse counseling. Respondent did obtain a substance abuse evaluation from CADS in Rock Island, Illinois, and completed the initial intake on September 15, 2011. However, respondent attended only one substance abuse outpatient group on September 22, 2011, before she was unsuccessfully discharged from the program on November 3, 2011, due to her failure to attend.

¶ 52 Respondent refused to make the requested UAs in October and November of 2011. She did complete a UA after her CADS evaluation in September, which tested positive for opiates. Respondent attributed that result to her prescription for bad knees and swelling legs, yet respondent refused to sign the necessary releases to verify the prescription for Felske, the agency, and CADS. Respondent tested positive for opiates on March 6, 2012, and again on April 25, 2012. She continued to claim to have a prescription. Once again, she would not provide Felske or CADS with the necessary signatures that would allow them to verify the prescription. CADS recommended inpatient treatment for respondent following another positive drop in April or May of 2012, but respondent refused.

¶ 53 Furthermore, CADS had no contact whatsoever with respondent after May 2012. Respondent did not submit to UA drops requested by Felske in May, August and September of 2012.

¶ 54 Respondent argues that the record does not conclusively demonstrate that she continued to use cocaine after the child was removed from her care. However, her failure to engage in substance abuse counseling and refusal to submit UA drops speaks volumes. Respondent does not argue that her amount of participation in substance abuse counseling was subjectively reasonable for her; indeed, her participation was virtually zero. What has been conclusively demonstrated to this court is that respondent did not make reasonable efforts to correct those conditions that led to the removal of L.S. The trial court did not err in finding respondent unfit as to L.S.

¶ 55 We similarly find that the trial court's finding that respondent did not make reasonable efforts to correct the conditions that led to the removal of B.S. is not against the manifest weight of the evidence. B.S. was removed based upon an environment that was injurious to her welfare, that respondent had not completed substance abuse treatment or a psychological evaluation as ordered, and that B.S. had a sibling who had previously been adjudicated neglected.

¶ 56 B.S. was adjudicated neglected on May 8, 2012. As stated above, CADS had no further contact with respondent after May 2012 and respondent failed to submit to UAs when requested in May, August and September of 2012. In the three months prior to the February 26, 2013, permanency hearing, respondent continued her pattern of noncompliance with requested UAs. Respondent refused inpatient substance abuse treatment. While respondent continued to maintain stable housing during this time, she failed to complete parenting classes or domestic violence counseling. She was not seen for psychiatric counseling or services after April 27,

2012. The trial court's finding of unfitness as to B.S. was not against the manifest weight of the evidence.

¶ 57 B. Failure to Make Reasonable Progress Toward the Return
 of the Minors Within Nine Months after the Adjudication of Neglect

¶ 58 Reasonable progress, unlike reasonable efforts, "is judged by an objective standard based upon the amount of progress measured from the conditions existing at the time custody was taken from the parent." *In re D.E.*, 368 Ill. App. 3d 1052, 1067 (2006). Reasonable progress requires, at a minimum, "measurable or demonstrable movement toward the goal of reunification." *Id.*

¶ 59 "The benchmark for measuring a parent's progress 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 that gave rise to the removal of the child and other conditions which later become known and would prevent the court from returning custody of the child to the parent. [Citation.] Reasonable progress exists when the trial court can conclude that it will be able to order the child returned to parental custody in the near future. [Citation.]" *Id.* at 1067. Where a minor is no closer to being returned to a parent's custody than at the time of removal from custody, reasonable progress has not been made. *In re D.J.S.*, 308 Ill. App. 3d 291, 295 (1999).

¶ 60 On appeal, respondent contends that the trial court's finding that she failed to make reasonable progress toward the return of L.S. and B.S. within nine months after the minors were adjudicated neglected was against the manifest weight of the evidence, and that the trial court's finding that respondent failed to make reasonable progress toward the return of L.S. during any nine-month period following the end of the first nine months after the adjudication of neglect was against the manifest weight of the evidence.

This argument is belied by the evidence and testimony presented at the fitness hearing. For L.S., the initial nine-month period from the adjudication of neglect was August 16, 2011, through May 16, 2012. For B.S., the initial nine-month period from the adjudication of neglect was May 8, 2012, through February 8, 2013. During those time periods, the record demonstrates the following: (1) Respondent did complete a parenting class when she was involved with impact services (prior to Felske's involvement in the case), but the agency felt that there were ongoing concerns regarding respondent's understanding of nutrition for the children's age, appropriate expectations, and developmental milestones. Respondent did not participate in additional parenting classes as required pursuant to the service plan, stating she felt she did not need to complete another one. (2) Respondent did not complete domestic violence counseling as outlined in the service plan, arguing that she did not need domestic violence counseling because she had not had domestic violence in her life for 20 years. (3) Respondent failed to maintain steady employment or income during the pendency of the case. She worked at Jewel "very shortly" in October of 2011. Respondent never verified employment elsewhere (City Limits, Roy's Taco House, or E&J Auto), and at the time of the fitness hearing was not employed. (4) in the six months following L.S.'s adjudication of neglect, respondent attended only 6 of 36 visits. (5) From December 9, 2011, to March 5, 2012, respondent attended only one visit. (6) From April 9, 2012, to June, 5, 2012, respondent attended 17 of 49 offered visits. (7) From June 12, 2012, to December 10, 2012, respondent attended only 6 of 38 visits, with no visits between June 13 and August 17. (8) Respondent did not attend any visits from October 1, 2012, to March 4, 2013. (9) Respondent submitted to a substance abuse evaluation, but attended only one outpatient group before she was unsuccessfully discharged from the program at CADS for failure to attend. (10) Respondent refused inpatient treatment with CADS. (11) Respondent had no contact with CADS

after May 2012. (12) Respondent did not submit to UAs as requested by Felske and as required by the service plan. (13) When respondent did submit to UAs, those drops tested positive for opiates. Respondent claimed she had a prescription, but refused to sign the necessary release in order to verify said prescription. (14) Respondent did submit to a mental health evaluation and had a total of four sessions with two different counselors. However, respondent was not seen again for counseling or psychiatric services after April 27, 2012.

¶ 62 Respondent fails to point out to this court how any of these actions constitute reasonable progress toward the return home of the minors, or how it could even be considered substantial compliance with the service plan. We acknowledge that respondent did start some services as required, but the evidence demonstrates that she never followed through. Moreover, Felske testified at the last permanency review hearing on February 26, 2013, that the minors were not any closer to being returned home than they were when they were first removed. The trial court found Felske's report and testimony credible. It is not within the province of this court to reweigh the evidence or reassess the credibility of witnesses. See *In re April C.*, 345 Ill. App. 3d 872, 889 (2004).

¶ 63 Accordingly, the trial court did not abuse its discretion in finding respondent unfit for failure to make reasonable progress toward the return of L.S. and B.S.

¶ 64 CONCLUSION

¶ 65 For the following reasons, the judgment of the circuit court of Rock Island is affirmed.

¶ 66 Affirmed.