

that order included D.L. After investigating the hotline report, DCFS took protective custody of D.L. in December 2011. That month, the State filed a petition for adjudication of neglect, alleging D.L. was neglected based on his environment being injurious to his welfare when he resided with his (1) mother, Krista, based on her failure to correct the conditions that resulted in the adjudication of parental unfitness with respect to D.L.'s half-sibling (count I); (2) mother or respondent because he was exposed to substance abuse (count II); and (3) mother or respondent because he was exposed to contact with inappropriate people (count III). 705 ILCS 405/2-3(1)(b) (West 2010). The trial court entered a December 2011 order appointing DCFS the custodian of D.L. At a February 2012 adjudicatory hearing, respondent stipulated to count III of the State's petition, and the trial court found a sufficient factual basis to support respondent's stipulation. Thereafter, the court entered an adjudicatory order finding D.L. neglected.

Following an April 2012 dispositional hearing, the court entered a May 2012 order finding (1) it was in D.L.'s best interest that he be made a ward of the court and adjudged neglected but (2) both respondent and Krista were fit, willing, and able to care for D.L. Thus, the court returned custody of D.L. to Krista and respondent and granted DCFS continued guardianship of D.L.

¶ 6 A July 2012 permanency report indicated respondent and Krista were involved in a May 2012 altercation and, as a result, respondent moved out and was living in a motel.

Respondent had been referred to domestic-violence services but missed his first two individual appointments. He also missed the first group session due to a work conflict. Following a July 2012 hearing, the court removed custody of D.L. from respondent and Krista, returning D.L.'s custody to DCFS. The court noted respondent missed his domestic-violence session and had a recent domestic-violence episode with Krista while drinking alcohol. In October 2012, the court entered a permanency order granting DCFS continued custody and guardianship of D.L. In its

order, the court noted respondent had a 0.093 blood-alcohol concentration on October 2, 2012, and missed call-ins for testing.

¶ 7 In February 2013, the State filed a motion seeking a finding of unfitness and termination of parental rights. The motion alleged respondent and Krista were unfit because they failed to (1) make reasonable efforts to correct the conditions that were the basis for D.L.'s removal (750 ILCS 50/1(D)(m)(i) (West 2012)); (2) make reasonable progress toward D.L.'s return home within the initial nine months of the adjudication of neglect or abuse (750 ILCS 50/1(D)(m)(ii) (West 2012)); and (3) maintain a reasonable degree of interest, concern, or responsibility as to D.L.'s welfare (750 ILCS 50/1(D)(b) (West 2012)).

¶ 8 A hearing on the State's motion commenced in June 2013 and continued in September, October, and November 2013. Stacy Corray testified he was a deputy sheriff with the Champaign County sheriff's office and went to Krista and respondent's apartment in May 2011 in response to a dispatch call. Krista told Corray she called the police because she and respondent were in a verbal argument. Both Krista and respondent said the confrontation was solely verbal and not physical.

¶ 9 Lori Owen testified she was the family's assigned caseworker from May 2010 until December 2012. During Owen's time as the caseworker, respondent was subject to random drug testing and was undergoing substance-abuse counseling. For a period of time, respondent was inconsistent about calling in regarding the random drug testing. Respondent also failed to comply with the random drug testing on some occasions, although she stated she did not "know a specific number" of times he failed to do so or remember any of the occasions.

¶ 10 Nicole Rahman testified she was the case manager for respondent and Krista from June 2011 to May 2012. With respect to services, Rahman testified she referred respondent to

take a domestic-violence assessment, which respondent completed, and to undergo domestic-violence counseling. Rahman was unsure whether respondent completed the counseling.

Rahman observed approximately 15 visits between respondent and D.L., which she described as going "[f]airly well," although she said respondent was often unavailable or could not visit for long due to his work schedule. At some point during Rahman's time as the case manager, Krista and respondent, who had previously separated, decided to renew their relationship. Rahman was aware that respondent had an order of protection against Krista, so Rahman's agency made a hotline report, resulting in D.L. being taken into care.

¶ 11 David Tan, a patrol officer with the Springfield police department, testified on May 5, 2012, he was dispatched to respondent and Krista's apartment based on a call that a white male was pulling a white female into an apartment and the female was screaming for help. When Tan arrived, he spoke to respondent, who said Krista "came home, mad at him for no reason" and started scratching and pushing him as he was sleeping in the bedroom with his son. Respondent denied touching Krista. Tan observed a scratch on the back of respondent's neck. When Krista returned to the apartment, she told Tan that she had arrived home earlier that day to find respondent had been drinking. She poured out his alcohol, and respondent became angry, pushing her into a television (TV) and knocking over a flower vase that was on top of the TV. Tan believed Krista suffered a scratch or bruise on her back. Krista said she made physical contact with respondent when he tried to push her and she defended herself. She reported to Tan that respondent had battered her numerous times before. Tan testified respondent smelled like alcohol.

¶ 12 Kevin Groesch, a sergeant with the Springfield police department, testified he was also dispatched to respondent and Krista's apartment on May 5, 2012. Respondent denied that

somebody had been dragged into the apartment and denied he made physical contact with Krista, stating he and Krista had an argument and she scratched him on the back of the neck. Groesch observed the scratches and also observed some "redness" on Krista's lower-back area. Krista told Groesch that she was concerned DCFS would become involved because on a previous occasion, she had called the police after a physical altercation with respondent, and she ultimately lost custody of her child for five months.

¶ 13 Wynita Mock assumed case-manager duties in December 2012. At that time, respondent was living with his parents in Champaign, Illinois. Mock observed the home and did not think it was an appropriate place for a parent-child visit. Respondent said he would attempt to find his own residence. During January 2013 and November 2013 visits with D.L., respondent appeared to arrive under the influence of alcohol. He was asked to complete drug drops on both of those days but refused. The agency also asked respondent to continue undergoing other random drug screens, but respondent refused to comply, missing more random drug screens than he attended. During one screen, he tested positive for alcohol. The agency then made a January 2013 referral for respondent to obtain an evaluation at the Prairie Center, which he completed in May or June. Respondent attended domestic-violence classes. According to Mock, respondent's lack of attendance at the drug screens impeded him from progressing in his visitation with D.L. Mock observed visits between D.L. and respondent and described those visits as going "well."

¶ 14 George Cook, a group facilitator and therapist at Cognition Works, testified he received a referral for respondent to attend Change, a program designed for perpetrators of abuse, violence, or neglect. Change seeks to encourage individuals to look at "unhelpful maladaptive thinking patterns" and to identify tools to replace unhelpful behaviors. According to

Cook, the curriculum covers a number of topics relating to domestic violence, such as sexual respect and economic abuse. Through his participation in the Change program, respondent and the service providers identified his maladaptive thinking patterns as "specialness," "control through power," and possessing an "unrealistic self image." Respondent completed the 26-week program in April 2013, attending two additional sessions to make up for two absences. Cook said respondent understood the information he received but noticed respondent displayed "a consistent pattern throughout the program of a tendency to minimize the choices that he made," refusing to take responsibility for much of the abuse and violence in his past.

¶ 15 Christine Washo, a licensed clinical social worker, testified she received a referral for family therapy for Krista and her other child. Respondent and D.L. were later included in the family therapy. Washo said when she met with respondent and Krista, they discussed focusing on parenting practices and styles to help with family reunification. Over time, the counseling also focused on communication and family safety. Washo described respondent's attendance as "pretty consistent," testifying respondent "became involved as often as he could." Respondent appeared to understand the information Washo was attempting to convey. Respondent "adapted his behavior well" when Washo corrected him after watching him engage in play therapy with Krista's other child.

¶ 16 Respondent testified he completed domestic-violence classes and an assessment at Prairie Center in April or May 2013. He also completed parenting classes in 2009 or 2010. Respondent believed he understood the material presented in his parenting and domestic-violence classes and was able to work that material into his daily life. He also said he kept in regular contact with his caseworker and was currently working over 40 hours a week as a carpenter at Kodiak Improvements. He lived with his parents but testified he would be able to

afford his own residence if D.L. returned to live with him. Respondent testified both of his parents, his two sisters, and his aunts and uncles could all help care for D.L.

¶ 17 Respondent said his visits with D.L. went "pretty well," and he felt a strong bond with D.L. He attended visits consistently but had to modify some visits because he was working out of town. His work schedule also interfered with his ability to complete drug tests, because he was "out of town all month."

¶ 18 At a December 2013 hearing, the trial court ruled on the State's motion, finding the State proved counts I, II, and III of its motion by clear and convincing evidence. The court found respondent continued to abuse alcohol, which limited his ability to engage in visitation and impaired his ability to have custody restored. The court further stated that although respondent "attended the CHANGE program to address his domestic violence issues, he did not appear, according to that program, to make significant changes, used tactics to avoid accountability for his actions, [and] did not make lasting changes in his thinking which were necessary for him to be able to have stability and be able to have custody of [D.L.] restored." The court also noted respondent failed to maintain a residence suitable for children. Based on the foregoing, the court determined respondent failed to (1) make reasonable efforts to correct the conditions that were the basis of D.L.'s removal from his care, (2) make reasonable progress within the initial nine-month period following the adjudication of neglect, and (3) maintain a reasonable degree of interest, concern, or responsibility as to D.L.'s welfare.

¶ 19 The following month, a best-interest hearing commenced. A best-interest report prepared by Mock indicated D.L. appeared "very attached to his foster parents." D.L. had lived with his foster parents since 2011, except for the period of time when custody was returned to respondent. D.L.'s foster parents expressed a desire to adopt D.L. D.L. seemed to view

respondent "as a playmate rather than a parent," often referring to respondent in conversation as his "friend Clyde," but greeting respondent as "dad." At the beginning of visits with respondent, D.L. would run into his arms. D.L. told his parents he has "two dads" and "two moms."

¶ 20 Mock's report stated that respondent continued to reside with his parents and work full-time for a construction company. Respondent "occasionally" followed instructions to complete drug screens, which raised "suspicion of him continuing to use." Respondent did not complete domestic-violence classes or the Prairie Center assessments until after the State filed its petition to terminate parental rights. Mock recommended respondent's parental rights be terminated.

¶ 21 The court appointed special advocates (CASA) worker also submitted a report recommending respondent's parental rights be terminated. She indicated that each time she visited D.L.'s foster home, it appeared to be a "safe and nurturing environment." Both respondent and Krista seemed to lack the necessary abilities to provide a safe environment for D.L., despite the trial court having given them "ample opportunities."

¶ 22 The trial court found it was in D.L.'s best interest that respondent's parental rights be terminated, noting the record demonstrated respondent was not going to be in a situation to provide permanency as a parent for D.L. The court entered an order terminating respondent's parental rights.

¶ 23 This appeal followed.

¶ 24 **II. ANALYSIS**

¶ 25 On appeal, respondent argues the trial court erred by finding (1) him unfit and (2) it was in D.L.'s best interest that respondent's parental rights be terminated. We address respondent's contentions in turn.

¶ 26

A. The Trial Court's Unfitness Finding

¶ 27 Respondent first contends the trial court erred by finding he was unfit. We disagree.

¶ 28 The State must prove parental unfitness by clear and convincing evidence. *In re A.L.*, 409 Ill. App. 3d 492, 500, 949 N.E.2d 1123, 1129 (2011). On appeal, we give the trial court's findings great deference because of its superior opportunity to observe and evaluate the credibility of the witnesses. *Id.* Accordingly, we will not disturb a trial court's fitness determination unless it is contrary to the manifest weight of the evidence. *Id.* A finding is against the manifest weight of the evidence where "the opposite conclusion is clearly evident from a review of the record." *Id.*

¶ 29 In this case, the trial court found the State proved by clear and convincing evidence counts I, II, and III of its motion for termination of parental rights, which alleged respondent was unfit because he failed to (1) make reasonable efforts to correct the conditions that were the basis for D.L.'s removal (750 ILCS 50/1(D)(m)(i) (West 2012)); (2) make reasonable progress toward D.L.'s return home within the initial nine months of the adjudication of neglect or abuse (750 ILCS 50/1(D)(m)(ii) (West 2012)); and (3) maintain a reasonable degree of interest, concern, or responsibility as to D.L.'s welfare (750 ILCS 50/1(D)(b) (West 2012)). We may affirm on any one of the grounds on which the trial court found respondent unfit. *In re Richard H.*, 376 Ill. App. 3d 162, 165, 875 N.E.2d 1198, 1201 (2007).

¶ 30 Count II of the State's petition alleged respondent failed to make reasonable progress toward D.L.'s return home within the initial nine-month period following the adjudication of neglect. This nine-month period is measured from the date of the adjudicatory

hearing. *In re D.F.*, 208 Ill. 2d 223, 241, 802 N.E.2d 800, 811 (2003). Thus, we consider respondent's progress from February 2012 through November 2012.

¶ 31 "[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). Reasonable progress may be found when a court "can conclude a parent's progress is sufficiently demonstrable and is of such a quality that the child can be returned to the parent in the near future." *In re K.P.*, 305 Ill. App. 3d 175, 180, 711, N.E.2d 478, 482 (1999).

¶ 32 Lori Owen testified that during her time as the family's caseworker, from April 2010 until December 2012, respondent inconsistently called in regarding his random drug testing and failed to comply with the tests on some occasions. The trial court noted this inconsistency in its October 2012 permanency order. Nicole Rahman, respondent's case manager from June 2011 to May 2012, testified she referred respondent to take a domestic-violence assessment and to undergo domestic-violence counseling. Respondent completed the domestic-violence assessment but Rahman was unsure whether he completed the counseling. A July 2012 permanency report prepared by Jessica Starkey and Lori Owen indicated respondent had been referred to domestic-violence services but missed his first two individual appointments. He also missed the first group session due to a work conflict. As of the July 2012 report, respondent was living in a motel after moving out following a May 2012 altercation with Krista that, according to Krista, was sparked by respondent drinking alcohol. By December 2012, respondent was

living with his parents in Champaign, Illinois, but a caseworker described the home as inappropriate for a parent-child visit.

¶ 33 Based on the foregoing, the trial court's determination that respondent failed to make reasonable progress within the first nine months following adjudication is not against the manifest weight of the evidence. Respondent failed to attend domestic-violence counseling or submit to random drug testing consistently. He also failed to maintain housing suitable for D.L. Thus, by November 2012, respondent was no closer to having D.L. returned to his care than he was when the adjudicatory order was entered in February 2012. Accordingly, the court did not err by finding respondent failed to make reasonable progress. See *id.* (Reasonable progress may be found when a court can conclude the parent has made sufficient progress such that the minor can be returned to the parent's care in the near future.).

¶ 34 B. The Trial Court's Best-Interest Determination

¶ 35 Respondent also challenges the trial court's best-interest determination. At a best-interest hearing, "the focus shifts to the child" and "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). The State must prove by a preponderance of the evidence that it is in the child's best interest that parental rights be terminated. *Id.* at 366, 818 N.E.2d at 1228. We will not reverse a trial court's best-interest determination unless it is against the manifest weight of the evidence. *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 291 (2009). "A decision is against the manifest weight of the evidence only if the facts clearly demonstrate that the court should have reached the opposite result." *Id.*

¶ 36 Here, the trial court found it was in D.L.'s best interest that respondent's parental rights be terminated. In particular, the court noted that respondent could not provide stability for D.L. The court's best-interest determination is not against the manifest weight of the evidence. The record indicates D.L. had lived with his foster family since 2011, except for the brief period of time that he was returned to respondent's care. The home seemed "safe and nurturing," and D.L.'s foster parents wished to adopt him. On the other hand, respondent lived with his parents in an environment deemed unsuitable for D.L., and he demonstrated inconsistent compliance with completing drug screens. D.L. clearly seemed to love respondent, as demonstrated by the enthusiasm with which D.L. greeted respondent during visits. However, the evidence showed respondent could not provide stability for D.L., while D.L.'s foster family could. Accordingly, the court's determination that it was in D.L.'s best interest that respondent's parental rights be terminated was not against the manifest weight of the evidence.

¶ 37

III. CONCLUSION

¶ 38

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

¶ 39

Affirmed.