

(Juvenile Court Act) (705 ILCS 405/2-3 (West 2012)). The petition alleged that I.L. was neglected within the meaning of section 2-3(1)(c) of the Juvenile Court Act because (a) he was a newborn infant whose blood, urine, or meconium contained cocaine, (b) he was the second cocaine-exposed child born to respondent, and (c) both respondent and I.L.'s father, Matthew Layton, admitted using cocaine the day before I.L. was born (count I). The petition alleged that I.L. was abused within the meaning of section 2-3(2)(ii) of the Juvenile Court Act because respondent and Layton created a substantial risk of physical injury to I.L. by other than accidental means in that (a) I.L. was the second cocaine-exposed child born to respondent and (b) respondent and Layton admitted using cocaine the day before I.L.'s birth (count II).

¶ 7 Following a January 9, 2013, adjudicatory hearing, pursuant to respondent and Layton's stipulation to count I of the State's petition, the trial court entered a written order, finding that I.L. was neglected under section 2-3(1)(c) of the Juvenile Court Act. Following a dispositional hearing held that same day, the court entered a written order, adjudicating I.L. a ward of the court and appointing the Department of Children Family Services (DCFS) as his guardian.

¶ 8 B. The State's Petition To Terminate Parental Rights

¶ 9 In December 2013, the State filed a petition to terminate respondent's parental rights pursuant to the Adoption Act (750 ILCS 50/1 to 24 (West 2012)). Specifically, the State alleged that respondent was an unfit parent in that (1) she abandoned I.L. (750 ILCS 50/1(D)(a) (West 2012)); (2) she failed to maintain a reasonable degree of interest, concern, or responsibility as to I.L.'s welfare (750 ILCS 50/1(D)(b) (West 2012)); (3) she deserted I.L. for more than three months prior to the unfitness hearing (750 ILCS 50/1(D)(c) (West 2012)); (4) she failed to protect I.L. from conditions within his environment injurious to his welfare (750 ILCS 50/1(D)(g) (West 2012)); (5) she failed to make reasonable efforts to correct the conditions that were the

case on January 22, 2014, having determined that respondent's substance-abuse treatment was unsuccessful.

¶ 15 Sarver further testified that of the 41 required drug tests that respondent was scheduled to attend between January 16, 2013, and July 19, 2013, respondent failed to attend 35, tested positive for cocaine and tetrahydrocannabinol (THC) at 4, and tested positive for THC only at 2.

¶ 16 On cross-examination, Sarver acknowledged that respondent had moments of very good progress in her substance-abuse treatment. Sarver also testified that respondent reported receiving substance-abuse treatment in Bloomington, Illinois, while she was on Heritage's waiting list. However, overall, Sarver considered respondent unsuccessful in her substance-abuse treatment.

¶ 17 Virginia Karl, a parenting instructor at Webster Cantrell Hall (Webster), testified that DCFS referred respondent to Karl's parenting classes, which met once per week for 16 weeks, beginning in May 2013. Respondent attended the first four full sessions and the first Thursday night half session. In June 2013, respondent informed Karl that she was entering residential substance-abuse treatment and would have to postpone her completion of parenting classes. Karl informed respondent that she could return to make up her missed parenting classes after she was released from substance-abuse treatment. However, respondent never attended subsequent parenting classes. Karl thereafter closed respondent's case for lack of attendance and determined that respondent failed to successfully complete parenting classes.

¶ 18 On cross-examination by respondent, Karl testified that respondent participated well in the parenting classes that she did attend.

¶ 19 Nicki Bond, a foster care case manager at Webster, testified that she had been re-

spondent's caseworker since November 2012, when the case was opened. Bond testified that respondent's service plan required her to complete certain goals targeted at (1) substance-abuse treatment, (2) individual therapy, (3) parenting, (4) financial stability, and (5) following through with legal obligations.

¶ 20 Bond testified that respondent's highest priority goal was substance-abuse treatment. Early in the case, Bond recommended that respondent enter inpatient treatment in Charleston, Illinois, because the Charleston program would have allowed respondent to begin treatment within 48 hours of an initial intake interview over the telephone. However, respondent provided "a bunch of excuses" as to why she did not want to attend the Charleston program. Instead, respondent chose to attend substance-abuse treatment at Chestnut Health Systems (Chestnut) in Bloomington, Illinois. On March 27, 2013, Bond drove respondent to Chestnut to begin treatment.

¶ 21 On April 24, 2013, respondent successfully completed the Chestnut program, and Bond gave respondent a ride home to Decatur. Two days later, at 4:11 a.m. on April 26, 2013, Bond received a phone message from Layton, reporting that he and respondent began using drugs approximately 40 minutes after Bond dropped off respondent from Chestnut, and the two had continued using drugs thereafter. At a subsequent visit with Bond, respondent admitted that Layton's report was true. Bond urged respondent to immediately begin outpatient substance-abuse treatment at Heritage, which respondent said she would do. However, Bond testified that respondent never attended such treatment.

¶ 22 On December 10, 2013, shortly after respondent completed the residential substance-abuse-treatment program at Heritage, respondent called Bond to inform her that she had relapsed. Bond testified that although respondent completed two substance-abuse-treatment

courses during the case, she never maintained sobriety.

¶ 23 Bond further testified that respondent was initially scheduled to visit I.L. twice per week. However, because respondent began missing visits, the visiting schedule was changed in June 2013 to once per week. Although respondent sporadically missed visits throughout the case, she began continually missing visits after her release from Heritage in November 2013.

¶ 24 Because respondent was on probation, her goal of following through with legal obligations required her to comply with the terms of her probation. However, because respondent continued to use illegal drugs, she was unsuccessful in that goal.

¶ 25 Bond testified that between April 26, 2013, and October 22, 2013, respondent did not complete any services toward therapy, parenting, financial stability, or following through with legal obligations. Bond stated that respondent "talked about wanting to have her child returned to her, but there was never really any true progress that was really made or any real effort that really needed to be taken as far as getting him returned." Bond opined that respondent would not be able to have custody of I.L. at any time in the reasonable future.

¶ 26 b. Respondent's Evidence

¶ 27 Respondent testified that she has "been a cocaine addict for a long time," but that she loves her children very much. Respondent further stated, as follows:

"I just want to put it out there that I am embarrassed, and I do take responsibility for everything that I have done in exposing my kids and potentially harming them. *** But I do want to say that me being a cocaine addict does not mean that I cannot love my kids, or love my son, or be a good mom because even though the question was asked to Nicki Bond if she sees a future in me being a parent

*** and she said, 'no,' [i]n my heart, I disagree because I think that I can be a very good mom when I'm better, and I am trying, and I am so embarrassed right now and ready to move forward, but if it's too late, I understand."

¶ 28 On cross-examination by the State, respondent admitted that she used drugs a week prior to the hearing, and she was pregnant with her third child.

¶ 29 c. The Trial Court's Ruling

¶ 30 Following the presentation of evidence and argument, the trial court found that the State proved respondent unfit under each count in its petition, except the count alleging that respondent deserted I.L. for more than three months prior to the unfitness hearing (750 ILCS 50/1(D)(c) (West 2012)).

¶ 31 2. *The February 2014 Best-Interest Hearing*

¶ 32 a. The State's Evidence

¶ 33 At a February 26, 2014, best-interest hearing, Bond testified that I.L. had been in the custody of his paternal grandmother since birth. Layton, I.L.'s father, had been sober since October 2013, he was completing his services, and Bond was hopeful that he would be able to gain custody of I.L. in the future. Bond opined that respondent would not be able to do anything within a reasonable period of time to regain custody of I.L. Respondent was unsuccessful in all of her service-plan goals, and she had yet to maintain sobriety or begin attending drug testing.

¶ 34 Because respondent had repeatedly failed to attend scheduled visits with I.L., only one visit was scheduled for January 2014. Respondent missed that visit, claiming that she did not remember being informed of it. When Bond rescheduled a new visit for January 2014, respondent neither attended that visit nor called to explain why she did not attend. Bond testified

that I.L. was attached to his paternal grandmother, who provided a caring, loving, and stable environment for him. Bond recommended that respondent's parental rights be terminated.

¶ 35 Following Bond's testimony, the trial court accepted into evidence the February 19, 2014, best-interest report completed by Bond, which stated, among other things, "[i]t is safe to say that [respondent] is currently still using crack/cocaine and she is [six] months pregnant with her [third] child." In general, Bond's best-interest report gave an extremely poor assessment of respondent's progress (in essence, there was none), and a glowing assessment of I.L.'s current placement with his paternal grandmother.

¶ 36 Respondent did not present evidence.

¶ 37 b. The Trial Court's Ruling

¶ 38 Following the presentation of evidence and argument, the trial court found that it was in I.L.'s best interest to terminate respondent's parental rights.

¶ 39 This appeal followed.

¶ 40 II. ANALYSIS

¶ 41 Respondent argues that the trial court's fitness and best-interest determinations were against the manifest weight of the evidence. We disagree.

¶ 42 A. The Trial Court's Fitness Findings

¶ 43 1. *The Applicable Statute, Reasonable Progress, and the Standard of Review*

¶ 44 At the time the State filed its termination petition in this case, section 1(D)(m)(ii) of the Adoption Act provided, in pertinent part, as follows:

"D. 'Unfit person' means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are

any one or more of the following ***:

* * *

(m) Failure by a parent *** (ii) to make reasonable progress toward the return of the child to the parent within [nine] months after an adjudication of neglected or abused minor ***." 750 ILCS 50/1(m)(ii) (West 2012).

¶ 45 In *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001), the supreme court discussed the following benchmark for measuring "reasonable progress" under section 1(D)(m) of the Adoption Act:

"[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."

¶ 46 In *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991), this court discussed reasonable progress under section 1(D)(m) of the Adoption Act and held as follows:

" 'Reasonable progress' *** exists when the [trial] court *** can conclude that *** the court, in the *near future*, will be able to order the child returned to parental custody. The court will be able to

order the child returned to parental custody in the near future because, at that point, the parent *will have fully complied* with the directives previously given to the parent ***." (Emphases in original.)

¶ 47 The supreme court's discussion in *C.N.* regarding the benchmark for measuring a respondent parent's progress did not alter or call into question this court's holding in *L.L.S.* For cases citing the *L.L.S.* holding approvingly, see *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067, 859 N.E.2d 123, 137 (2006); *In re Jordan V.*, 347 Ill. App. 3d 1057, 1068, 808 N.E.2d 596, 605 (2004); *In re B.W.*, 309 Ill. App. 3d 493, 499, 721 N.E.2d 1202, 1207 (1999); and *In re K.P.*, 305 Ill. App. 3d 175, 180, 711 N.E.2d 478, 482 (1999).

¶ 48 "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." *Jordan V.*, 347 Ill. App. 3d at 1067, 808 N.E.2d at 604. A reviewing court will not reverse a trial court's fitness finding unless it is contrary to the manifest weight of the evidence, meaning that the opposite conclusion is clearly evident from a review of the record. *Id.*

¶ 49 *2. The Trial Court's Fitness Findings*

¶ 50 Respondent argues that the trial court's fitness findings were against the manifest weight of the evidence. We disagree.

¶ 51 In this case, I.L. was removed from respondent's custody because he was born exposed to cocaine. Respondent has never disputed in the trial court or on appeal that she is a cocaine addict. Substance-abuse-treatment resources have been available to respondent throughout this case, and respondent does not contend that those resources are not useful or effective.

Instead, respondent has essentially admitted throughout this case that her willpower has simply failed her time and time again, despite the resources available to her. The un rebutted evidence at the fitness hearing showed that respondent has never maintained sobriety, but instead, continued to use cocaine despite knowing full well the implications for her parental rights.

¶ 52 Further, in addition to respondent's failure to make reasonable progress toward her primary goal of sobriety, the evidence also overwhelmingly showed that respondent failed to complete any of her other service-plan goals. Accordingly, the trial court's finding that respondent failed to make reasonable progress toward the return of I.L. was overwhelmingly supported by the evidence.

¶ 53 Having so concluded, we need not consider the trial court's other findings of parental fitness against respondent. See *In re Katrina R.*, 364 Ill. App. 3d 834, 842, 847 N.E.2d 586, 593 (2006) (on review, if sufficient evidence is shown to satisfy any one statutory ground, we need not consider other findings of parental fitness).

¶ 54 B. The Trial Court's Best-Interest Finding

¶ 55 1. *Standard of Review*

¶ 56 At the best-interest stage of parental-termination proceedings, the State bears the burden of proving by a preponderance of the evidence that termination of parental rights is in the child's best interest. *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 290-91 (2009). Consequently, at the best-interest stage of termination proceedings, " 'the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life.' [Citation.]" *In re T.A.*, 359 Ill. App. 3d 953, 959, 835 N.E.2d 908, 912 (2005).

¶ 57 "We will not reverse the trial court's best-interest determination unless it was against the manifest weight of the evidence." *Jay. H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at

291. A best-interest determination is against the manifest weight of the evidence only if the facts clearly demonstrate that the court should have reached the opposite result. *Id.*

¶ 58 *2. The Trial Court's Best-Interest Determination*

¶ 59 Respondent argues that the trial court's best-interest finding, which terminated her parental rights, was against the manifest weight of the evidence. We disagree.

¶ 60 In this case, the evidence at the February 2014 best-interest hearing showed that I.L. lived his entire life in the custody of his paternal grandmother. Bond's testimony and best-interest report described that placement as superb for I.L. Respondent, on the other hand, failed to accomplish any of the goals necessary to allow her to safely parent I.L. Respondent, among other things, continued to regularly use cocaine, failed to achieve financial stability, and demonstrated disinterest in maintaining a relationship with I.L. In short, the evidence overwhelmingly favored termination of respondent's parental rights. Accordingly, we conclude that the trial court's best-interest determination was not against the manifest weight of the evidence.

¶ 61 III. CONCLUSION

¶ 62 For the reasons stated, we affirm the trial court's fitness and best-interest determinations.

¶ 63 Affirmed.