2015 IL App (1st) 142037-U

FIRST DIVISION
January 28, 2015

No. 1-14-2037

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

IN RE T.W. AND C.W.,	)	Appeal from the Circuit Court of Cook County.
Minors-Respondents-Appellees,	)	
(THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v.	)	Nos. 09 JA 450 and 451
CHRISTOPHER W.,	)	Honorable Marilyn F. Johnson, Judge Presiding.
Respondent-Appellant).	)	

PRESIDING JUSTICE DELORT delivered the judgment of the court.
Justices Cunningham and Harris concurred in the judgment.

ORDER

¶1 ***Held:*** The trial court's unfitness and best interest findings were not against the manifest weight of the evidence. Accordingly, we affirm the order terminating the respondent's parental rights.

¶2 The trial court found respondent, Christopher W., unfit to parent his children, T.W. and C.W. It also found that it was in the children's best interest to terminate respondent's parental rights. Respondent appeals, arguing that the trial court's findings were contrary to the manifest weight of the evidence. We affirm.

¶3 BACKGROUND

¶4 Respondent is the father of T.W., born October 10, 2007, and C.W., born September 15, 2008. On June 1, 2009, the State filed petitions for adjudication of wardship for T.W. and C.W. On the same day, the court entered an order day granting the DCFS guardianship administrator temporary custody over T.W. and C.W.

¶5 On November 10, 2009, DCFS instituted a service plan requiring respondent to perform certain services. The plan required respondent to, *inter alia*, (1) undergo a psychiatric evaluation; (2) take parent coaching classes; (3) take individual therapy; (4) submit to drug tests; (5) undergo a domestic violence assessment; and (6) obtain his GED. On June 2, 2011, the service plan was updated, requiring respondent to "participate in trauma focused therapy with his children in his home at least once per month." On December 6, 2011, the service plan was again updated, requiring him to obtain housing without pets. On June 8, 2012, it was updated to require respondent to meet twice a month with his children's trauma-focused therapist. On June 26, 2013, respondent's service plan was amended to require him to obtain a source of income.

¶6 On December 16, 2009, the trial court held an adjudication hearing. After the hearing, the trial court entered an adjudication order finding that the children were neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act). 705 ILCS 405/2-3(1)(b) (West 2008). The trial court conducted a disposition hearing the same day and entered a disposition order which (1) made T.W. and C.W. wards of the court; (2) found respondent "unable for some reason other than financial circumstances alone to care for, protect, train, or discipline" the children; and (3) placed the children under the guardianship of the DCFS

guardianship administrator. The trial court also entered a permanency order stating that the permanency goal was to return the children home within twelve months.[1]

¶7 On July 23, 2012, the trial court entered an order changing the permanency goal to "[s]ubstitute care pending court determination on termination of parental rights." An entry in a service plan initiated on December 5, 2012, indicated that the permanency goal was changed due to "[u]nsatisfactory progress towards the previous return home goal."

¶8 On November 8, 2012, the State filed a Motion for the Appointment of a Guardian with the Right to Consent to Adoption pursuant to section 2-29 of the Juvenile Court Act (705 ILCS 405/2-29 (West 2012) and sections 50/1 D(b) and (m) of the Adoption Act (750 ILCS 50/1 D(b), (m) (West 2012)) alleging that Martaijah H. and respondent were unfit to parent T.W. and C.W. The section (m) allegations charged the parents with "fail[ing] to make reasonable efforts to correct the conditions" which led to the removal of the children and "fail[ing] to make reasonable progress towards the return of the [children] to them."

¶9 On November 4, 2013, the State filed a document titled "Pleading Pursuant to 2-29 of the Juvenile Court Act and Adoption Act" which set forth the time periods for both parents' "lack of substantial progress."[2]

¶10 On November 19, 2013, the trial court commenced a termination hearing, beginning with the fitness portion. Lavell Watts testified that he was a caseworker at Aunt Martha's Youth Service Center, a social service agency, assigned to the case from May 2011 through July 2013. According to Watts, when he began working the case in May 2011, respondent had unsupervised

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[1] The trial court entered additional permanency orders indicating the same permanency goal on February 28, 2011 and July 28, 2011.

[2] The time frames were October 1 2010 to July 1, 2011; March 1, 2011 to December 1, 2011; October 1, 2011 to July 1, 2012; March 1, 2012 to December 1, 2012; October 1, 2012 to July 1, 2013; February 1, 2013 to November 1, 2013; and December 16, 2009 to September 1, 2010.

visitation rights and had been conducting visits with the children at his mother's home for a year. Respondent was also attending parent coaching, individual therapy, submitting to drug tests, and had completed a psychiatric evaluation and domestic violence assessment.

¶11 Watts explained that at some point the children began experiencing allergies. As a result, the children's foster mother had the children tested for allergies, which revealed that the children were allergic to pets. That presented a problem because respondent's mother had pets in her house. Watts explained that respondent was initially "resistant" about the issue but it was ultimately decided that the children's visits could not take place at respondent's mother's home.

¶12 Watts also testified about the children's behavioral issues. According to Watts, T.W. needed to be placed in a harness while riding the school bus, fought students at school and bit teachers. T.W. was hospitalized for three weeks between December 2011 and January 2012 as a result of her behavioral issues. Respondent told Watts that he believed the children's behavioral issues were attributable to the children being in "the system, living with foster parents, and not having as frequent contact with him and the mother."

¶13 Around August 2011, Watts made a referral for the children to receive trauma-focused therapy. Watts did not recall, however, precisely when the children began attending trauma-focused therapy. In late 2011, Watts informed respondent that he had met with the children's therapist and that he was adding tasks to his service plan requiring respondent to meet with the children's therapist. Watts believed it was important for respondent to meet with the therapist because the permanency goal at the time was return home and meeting with the therapist would have allowed respondent to learn behavior management techniques.

¶14 Watts learned from the children's therapist that respondent had missed several appointments. Respondent told Watts he missed appointments due to financial reasons and

scheduling conflicts with his GED class. Watts noted that Aunt Martha's provided respondent with a card to pay for his bus fare. Watts explained to respondent that he "understood the importance of employment and going to class, but these sessions with the therapist just have to happen."

¶15 Around April or May of 2012, respondent told Watts about a domestic violence incident involving his mother and sister. As a result of the incident, respondent's mother removed him from her house and obtained an order of protection against him.

¶16 Watts also described an incident which occurred during a visit at his sister's house. According to Watts, there was a cat present at the house during the visit. T.W. told the foster parent that the cat was "in proximity to her" and that she had an allergic reaction. Respondent believed that the incident was a "chance occurrence" and that the cat did not belong to his sister.

¶17 On June 1, 2012, a child and family team meeting took place at Aunt Martha's. At the meeting, respondent expressed disagreement with the reasons the case came to court.

¶18 Watts believed respondent put forth an effort towards every service he was asked to perform and made good progress towards reunification. He did not believe, however, that respondent was "fit, willing, and able" to parent the children between May 2011 and June 2012. Respondent was unemployed and did not have his GED when Watts stopped working on the case in July 2013.

¶19 During cross-examination by the children's guardian *ad litem*, Watts testified that as of December 6, 2012, respondent had made unsatisfactory progress on (1) meeting twice a month with the children's trauma-focused therapist; (2) obtaining his GED; and (3) obtaining employment. Watts also testified that respondent was evaluated by the Cook County Juvenile Court Clinic in March 2012—after he had completed numerous services towards reunification—

and that the evaluation found that respondent was unable to parent in a manner sufficient to allow him unsupervised overnight visitation with the children. As of April 2012, Watts had also not recommended that respondent have overnight visitation rights.

¶20 During cross-examination by respondent, Watts described respondent's efforts to find a job, which included (1) completing a United Parcel Service training course in 2009 and (2) completing security training in January 2013. Watts also testified that respondent's attendance at the children's trauma-focused therapy was delayed because the therapist first wanted to meet with the children's foster parent and also because of scheduling conflicts with the children's school. Watts conceded that respondent attended one of the children's therapy sessions on June 18, 2012, but stated that he had asked respondent to meet with the therapist "well before" June 2012. He also stated that he did not believe that respondent was an unfit parent in June 2012 and that the children seemed happy to see respondent during visits, respondent hugged and kissed them, and that there was a bond between respondent and the children.

¶21 Dr. Ann Devaud testified that she worked as a clinical psychologist with the Cook County Juvenile Court Clinic and that she conducted parenting capacity evaluations for respondent and Martaijah H. To prepare her evaluation, Dr. Devaud interviewed respondent. According to Dr. Devaud, respondent was "inconsistent" during the interview. Dr. Devaud explained that she questioned respondent about a domestic violence incident involving his mother in which he allegedly wielded a sword. Respondent became "irritated" when Dr. Devaud asked about the incident and stated that the charges were eventually dropped. Dr. Devaud noted, however, that respondent did not deny that he had a sword or threatened his mother. As a result of that incident, respondent was placed in a psychiatric hospital for three months. When Dr. Devaud asked respondent about his hospitalization, however, he seemed confused about whether

he had been hospitalized. According to Dr. Devaud, respondent was also not candid about where he took the children during visits. She noted that even though respondent has been "clearly told he should not be with [Martaijah H.], you cannot serve as a supervisor, or we have to wait for a background check on a girlfriend, he isn't candid about who the children are around *** and is irritated and feels that he shouldn't have to answer in that way to anyone." These inconsistencies led Dr. Devaud to become concerned about respondent's truthfulness, which caused her to question whether respondent would be "honest and forthright" and "seek assistance" if the children were harmed while under his care.

¶22 Dr. Devaud expressed concerns about the children's history while they were under Martaijah H.'s care. She noted that Martaijah H. was a young mother and State ward who lived in a transitional living program (TLP). According to Dr. Devaud, Martaijah H. frequently allowed the children to wander the TLP facility alone and unsupervised and would neglect to feed the children, instead focusing on "her own needs rather than caring for them and showing them attention." Dr. Devaud explained that "all those things impact a child's ability to soothe themselves, to be calm, to show regulated and organized behavior, because they're sort of left on their own, and that makes them feel frantic inside and worried."

¶23 Dr. Devaud was concerned about respondent's attitude towards Martaijah H. and his thoughts on her parenting skills. According to Dr. Devaud, respondent

> "[d]idn't seem to possess a recognition that there were significant reasons for the children to be removed from her care in that she wasn't caring for them in a safe and appropriate way when they were little, and he didn't have an appreciation of that.
>
> ***

> [H]e didn't seem to appreciate the poor parenting skills and how the children were in danger and not being appropriately supervised, not being appropriately fed."

Respondent's attitude towards Martaijah H. led Dr. Devaud to "question [respondent's] level of recognition of what is appropriate behavior to care for children."

¶24 Dr. Devaud conducted her evaluations in spring 2012 and described the children's behavior at the time as "disregulated." She explained that this meant the children were disorganized, sporadic and defiant. She added that, although some disregulation is typical of children their age, respondent's children were more disregulated than is typical. Dr. Devaud also noted that T.W. had displayed sexualized behavior; had numerous disciplinary issues at school; had been placed in a psychiatric hospital to stabilize her behavior; was allergic to cats, dogs and roaches; and had received treatment for asthma.

¶25 According to Dr. Devaud, a parent would need "more than regular" parenting ability, "very, very strong" skills as an empathizer, and would need to engage in consistent parent coaching and family therapy in order to parent the children. Dr. Devaud noted that respondent did not seem to recognize the seriousness of the children's medical needs, explaining that despite their allergies, respondent nonetheless brought the children to his mother's house where dogs were present. In addition, Dr. Devaud stated that respondent "did not believe that there were any issues regarding [T.W.'s] sexual behavior. He didn't think that anything had occurred either with [Martaijah H.] or in front of himself ***."

¶26 Dr. Devaud believed that respondent had "some" parenting skills. She stated that he was "sporadically engaging in services" and had a "warm manner with the children." She explained that "[w]hen moving towards unsupervised visits and a goal of return home, a parent has to have

the practical means to raise a child." She noted that respondent was unemployed, working towards his GED and "living occasionally with his mother and occasionally with other people." Dr. Devaud stated that she did not believe respondent could independently care for the children as of April 2012, and she did not believe that respondent could live independently at that time as well.

¶27 During cross-examination by the children's guardian *ad litem*, Dr. Devaud elaborated on Martaijah H.'s shortcomings as a parent. She explained that Martaijah H. commonly took a sarcastic tone with the children during visits, commonly saying "really, really" to the children to "express her displeasure and annoyance" with them. Dr. Devaud further elaborated that Martaijah H. was not able to redirect the children's behavior. When Dr. Devaud interviewed Martaijah H., she was "anxious" to finish the interview because she wanted to get to a party, which demonstrated to Dr. Devaud that she was "putting her own needs in front of the children and that her intentions with the children are pretty low on her list of priorities."

¶28 Dr. Devaud also elaborated on respondent's views towards Martaijah H. and the children. She explained that respondent told her that he would not have a problem with Martaijah H. having contact with the children if they were under his full time care "because he felt that there was a possibility at some point in the future that they could get back together and be a family." Respondent also expressed a desire that Martaijah H. see the children on a consistent basis.

¶29 During cross-examination by respondent, Dr. Devaud described an incident which took place while she was observing respondent and the children in which respondent successfully redirected T.W. when she had a tantrum. Dr. Devaud testified that respondent was happy to see his children and the children were happy to see him and that respondent was patient, kind and warm and that he "read their cues appropriately. There was tenderness and a joy between them."

¶30 Miriam Valencia testified that she was a caseworker with Aunt Martha's assigned to the case in July 2013. Valencia testified that respondent had his first visit with the children while she was working the case on August 29, 2013. At the time, Valencia thought that respondent had unsupervised visitation rights and was unaware of any limitations requiring that respondent's visits take place at Aunt Martha's. According to Valencia, respondent told her that he was taking the children to their grandmother's house and explained that he meant his mother's house which was only a few blocks away. After respondent and the children left, the foster parent arrived and "freaked out" when she discovered respondent had left with the children. Valencia and the foster parent drove to respondent's mother's house while Valencia's supervisor called respondent and told him to come back.

¶31 Respondent came back after receiving the supervisor's phone call. Once back at Aunt Martha's, the children went home with the foster parent. Later that day, T.W. developed a rash and had to be taken to the emergency room. Valencia and respondent discussed the incident in September 2013. Respondent told Valencia that he thought he had unsupervised visits and did not know that his visits were supposed to take place at Aunt Martha's.

¶32 During cross-examination by respondent, Valencia stated that the limitation requiring that respondent's visits take place at Aunt Martha's was imposed by Aunt Martha's and did not appear in the court order establishing respondent's visitation rights. Valencia testified that she was "pretty confident" that respondent said he was going to his mother's house.

¶33 Gregory Tolson testified that he worked at Aunt Martha's as a therapist. In August 2011, Tolson conducted a mental health assessment of respondent. The assessment revealed that respondent needed individual therapy and parent coaching. Tolson subsequently acted as respondent's therapist and parent coach. Respondent began therapy sessions with Tolson in

August 2011. Tolson established three goals for respondent: (1) achieve an understanding of his children's background, history and needs; (2) obtain employment; and (3) obtain stable housing. Tolson noted that respondent had difficulty understanding T.W.'s problems. Tolson recommended that respondent attend some of T.W.'s trauma-focused therapy sessions and psychiatric visits "so he would have a better understanding of what she was actually going through."

¶34 Tolson testified that respondent attended one of T.W.'s medical visits in December 2011 and attempted to attend another on March 22, 2012. During the March 22 visit, however, the foster parent and respondent got into an argument and the visit was ended. According to Tolson, the foster parent's behavior at the visit was "problematic."

¶35 In November 2011, respondent began parent coaching with Tolson. Tolson described respondent's parenting skills as "minimal" and added that he was receptive to Tolson's feedback and attempted to implement the skills he was learning. Tolson believed that respondent's parenting skills were consistently improving. In April 2012, Tolson successfully terminated respondent from individual therapy because he successfully completed parent coaching. Tolson said he supported respondent having unsupervised overnight visitation rights, with the caveat that respondent participate in the children's trauma-focused therapy and demonstrate an understanding of how to deal with the children's medical needs.

¶36 On cross-examination by the State, Tolson stated that on October 11, 2011, he discussed where respondent could have his visits. At that time, they discussed that respondent's mother was not going to get rid of her pets, so visits could not take place at her home. Tolson was not aware of any time that respondent had taken the children to his mother's home from October 11, 2011 through April 2012. Tolson stated that respondent taking the children to a home with

animals in August 2013 would "make it apparent that maybe [respondent] did not" understand the things Tolson was trying to teach respondent. Tolson also stated that it would show that respondent "did not make the progress that he needed to" if respondent was not attending the children's trauma-focused therapy and he continued to question why the case came to court as of June 1, 2012.

¶37 During cross-examination by children's guardian *ad litem*, Tolson testified that respondent only had "partial, inconsistent" employment when he his therapy sessions were terminated in April 2012. Tolson testified that respondent "understood the importance of not allowing [Martaijah H.] to have unsupervised contact with the children until she had made progress" and that such contact "could be detrimental to his children." Tolson said it would be "surprising" to hear respondent say that he would not have a problem with Martaijah H. having contact with the children and that that statement "would say a lot" about respondent's progress. Tolson also noted, however, "that *** sometimes that's not unusual in a therapeutic process." Tolson also testified that he discussed T.W.'s allergies with respondent and believed respondent understood that she could not be around dogs. Tolson stated that it would demonstrate a "lack of understanding" if respondent brought T.W. to a house with dogs in August 2013.

¶38 Respondent testified that he has worked at a Hardee's restaurant since September 2013 and has lived with his godmother in Chicago for over a year. Respondent pays rent and plans to continue living with his godmother. Respondent stated that he became aware of the children's allergies around the beginning of 2011 and that he has not taken the children to places with dogs, cats or roaches since that time. Respondent testified Watts never told him prior to August 29, 2013, that his visits had to take place at Aunt Martha's. According to respondent, when he arrived for his visit on August 29, 2013, Valencia suggested going someplace else because it was

hot. Respondent replied that he would take the children to his brother's house and explained that he meant his "godbrother." After he arrived at his godbrother's house, respondent received a call telling him to come back to Aunt Martha's, so he brought the children back to Aunt Martha's. Respondent denied taking the children to his mother's house. He explained that he currently has no relationship with his mother and he last saw her in 2013 while visiting a family member.

¶39 On June 16, 2014, the trial court issued its fitness determinations. The trial court found that the State had failed to prove respondent unfit under section 50/1 D(b), stating that there was "no question" that respondent "has a bond and loves and cares about his children." See 750 ILCS 50/1 D(b) (West 2012). The trial court found, however, that respondent was unfit under section 50/1 D(m).[3] 750 ILCS 50/1 D(m) (West 2012). The trial court explained that "for [respondent] *** it's a question of judgment and insight into the needs of his children *** who clearly had been the subject of considerable trauma." The trial court, in reference to Dr. Devaud's testimony about the children's behavioral issues, explained that managing those issues "requires insight and acceptance of their documented circumstances" and "an understanding of the services *** necessary to try and address these issues of trauma."

¶40 The trial court opined that respondent's service completion "was a work in progress." It found that respondent's "ability to engage with the children in their therapy, to again [*sic*] the appropriate insight about why their special needs existed, and how to deal with that" was "a key component" of respondent's progress and "an integral component of his ability to parent the children." The trial court noted that respondent only attended two of his children's trauma-based therapy sessions. In addition, the trial court explained that respondent "essentially *** disclaims

[3] The trial court specifically found that respondent made progress for the period March 1, 2011 through December 1, 2011 and failed to make progress during all other periods. The trial court found Martaijah H. unfit pursuant to both sections (b) and (m). See 750 ILCS 50/1 D(b), (m) (West 2012).

the problem by articulating the notion that he and [Martaijah H.] could one day be a family again, that her parenting was not inappropriate in his judgment." The trial court also noted that respondent had "disclaim[ed] the fact" that his children had allergies and that T.W.'s allergies "were affected by the fact that she was taken to places, particularly during his visitation, where animals were present, and she essentially had an allergy attack."

¶41 The trial court then conducted a best interest hearing. Tellia Burke testified that she has been the children's foster parent since May 2010 and that she lives with her husband and son and daughter, aged 20 and 17, respectively. Burke testified that T.W. was "discombobulated," cried for hours, had temper tantrums and displayed sexual tendencies when she first came to Burke's home. Burke stated that C.W. was aggressive and that he had an ear infection and "out of control" asthma.

¶42 Burke took C.W. to the doctor for his ear infection and asthma, and noted that "[h]e wasn't in and out of the hospital like they said he used to be because I took him to the doctor, and I got him all checked out. *** Everything started to be in progress there." According to Burke, T.W. is calmer now and knows how to soothe herself when she has a tantrum. T.W.'s behavior in school has improved and she is "happy to be able to go to first grade." The children have friends at school who live in their neighborhood and ride the school bus together.

¶43 Burke explained that the children have assimilated well into her family. T.W. gets along well with Burke's daughter and C.W. gets along well with her son. Burke has approximately 30 nieces, nephews and grandsons, nearly all of whom have met the children and accepted them into the family. In addition, Burke takes the children to church, where they have made friends. Burke stated that she and her husband want to adopt the children.

¶44 Valencia testified that the foster family ensures that the children attend their medical and therapy appointments. She noted that the children were "very bonded" to their foster parents and referred to them as "mom" and "dad." Valencia testified that she believed it was in the children's best interest to terminate the parental rights of Martaijah H. and respondent.

¶45 On cross-examination, Valencia testified that respondent has had one visit per month for approximately one year, that the visits take place at respondent's godmother's house and that she supervises the visits. She stated that the children are comfortable at the house, and that respondent looks forward to the visits and is disappointed when they end. She explained that respondent understands his children's needs, that he can manage the children "to some extent," that he can redirect the children if necessary, that the children enjoy seeing respondent and that respondent is kind and warm towards the children and has a bond with them. Valencia discussed adoption with the children. During that discussion, she "touched briefly" on the fact that the children might never see respondent again. The children "expressed they want to live there, and they want to stay there."

¶46 Respondent's godmother Katherine Lee-Rodgers testified that respondent has lived with her for three years. Lee-Rodgers knows T.W. and C.W. and is aware of their special needs. She has three children who get along with T.W. and C.W. According to Lee-Rodgers, DCFS looked into the possibility of the children living in her home and believed it was a "nice place" for them. DCFS, however, never followed up with her on placing the children in her home.

¶47 Respondent testified that he was 22 years old and lived with his godmother in Chicago. Respondent stated that he has his own room and that there is room in the home for the children. Respondent explained that he is close with his godbrother and that the children know and recognize him. The children also have played with respondent's godbrother's two children.

Respondent's sister has two children who both know T.W. and C.W. At the time of the hearing, respondent had monthly hour long visits with the children supervised by Valencia. According to respondent, Valencia brings the children to the visits and does not always arrive on time. Respondent "tears up" when the children leave. Respondent said he knows the children have special needs and knows that T.W. is allergic to cats, dogs and roaches. Respondent stated that he tried to get a second opinion about the children's allergies and that he never saw T.W. demonstrate sexualized behavior.

¶48 During cross-examination by the guardian *ad litem*, respondent stated that he sought the second opinion about the children's allergies after he became aware that an allergy test revealed that the children had allergies.

¶49 After the close of evidence, the trial court found that it was in the children's best interest to terminate respondent's parental rights.[4] The trial court noted that the children have lived with their foster parents for four years and that for the first time they have "a sense of family, a sense of security, a sense of well-being in the context of a family." The trial court noted that the children "have developed extraordinary attachments" to their foster parents, which was a "huge, huge issue." The trial court found that the children had expressed, "without any reservation or exception, a desire to remain with the foster parents." The trial court acknowledge the familial ties the children had established with respondent's family, but stated "that fact does not negate the imperative in my view from the standpoint of the law that they should be able to go forward viewing Mr. Moore and Ms. Burke as their permanent family." The trial court then entered an order terminating respondent's parental rights to T.W. and C.W. and appointed a guardian with the right to consent to the children's adoption.

[4]The trial court also ruled that it was in the children's best interest to terminate Martaijah H.'s parental rights.

¶50 This appeal followed.

¶51 ANALYSIS

¶52 On appeal, respondent argues that the trial court's fitness and best interest findings were against the manifest weight of the evidence. Both the State and the minors (through a court-appointed attorney) have filed briefs in opposition.

¶53 The Juvenile Court Act provides for a two-step process for the involuntary termination of parental rights. During the first step, the State must prove by clear and convincing evidence that the parent is "unfit" as that term is defined in the Adoption Act. 705 ILCS 405/2-29(2) (West 2012); 750 ILCS 50/1(D) (West 2012); *In re C.W.*, 199 Ill. 2d 198, 210 (2002).

¶54 Once a parent is found unfit, "the focus shifts to the child." *In re D.T.*, 212 Ill. 2d 347, 364 (2004). The issue at this step of the proceedings is not whether the parent's rights may be terminated but rather whether they should be terminated. *Id.* "Accordingly, at a best-interests hearing, the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home." *Id.* Under the Juvenile Court Act, the trial court shall consider the following factors in determining whether termination is in the child's best interest:

> "(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
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> (b) the development of the child's identity;
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> (c) the child's background and ties, including familial, cultural, and religious;
>
> (d) the child's sense of attachments, including:
>
> (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults

believe the child should feel such love, attachment, and a sense of being valued);

(ii) the child's sense of security;

(iii) the child's sense of familiarity;

(iv) continuity of affection for the child;

(v) the least disruptive placement alternative for the child;

(e) the child's wishes and long-term goals;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child." 705 ILCS 405/1-3(4.05) (West 2012).

¶55 We review a trial court's fitness and best interest findings to determine if they are against the manifest weight of the evidence. *In re D.F.*, 201 Ill. 2d 476, 495 (2002) (fitness); *In re F.P.*, 2014 IL App (1st) 140360, ¶ 93 (best interest). "A determination will be found to be against the manifest weight of the evidence only if the opposite conclusion is clearly evident [citation] or the determination is unreasonable, arbitrary, or not based on the evidence presented." *D.F.*, 201 Ill.

2d at 498. Under this standard, the trial court is afforded deference because "it is in the best position to observe the conduct and demeanor of the parties and the witnesses and has a degree of familiarity with the evidence that a reviewing court cannot possibly obtain." *Id.* at 498-99. As a court of review, we may not "substitute [our] judgment for that of the [trial] court regarding the credibility of witnesses, the weight to be given to the evidence, or the inferences to be drawn." *Id.* at 499.

¶56 We consider first respondent's argument that the trial court's finding that he failed to make reasonable progress towards reunification and therefore was unfit to parent T.W. and C.W. was against the manifest weight of the evidence. Progress is measured by the parent's compliance with service plans and court 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 (2001). "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." *In re A.S.*, 2014 IL App (3d) 140060, ¶ 17; *In re Jacorey*, 2012 IL App (1st) 113427, ¶ 21; *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067 (2006); *In Interest of L.L.S.*, 218 Ill. App. 3d 444, 461 (1991).

¶57 The record amply supports the trial court's finding of unfitness. Watts testified that he did not believe respondent was "fit, willing, and able to parent" T.W. and C.W. between May 2011 and June 2012. During that time, Watts explained, respondent never progressed to the point where the children could be returned to him full time. Watts also explained that, as of December 6, 2012, respondent had made unsatisfactory progress on meeting with the children's trauma-focused therapist.

¶58 Respondent's lack of progress attending the children's trauma-focused therapy is particularly important. Dr. Devaud explained that the children had serious behavioral issues and that a parent would need "more than regular" parenting ability and very strong skills in understanding the children and their needs. Watts recommended that respondent attend the children's therapy because he believed the experience would teach respondent behavior management techniques. Tolson, likewise, believed that it was important for respondent to attend the therapy sessions to gain a "better understanding of what [T.W.] was *** going through."

¶59 The record also reveals that Martaijah H. had a deleterious impact on the children's emotional development. Respondent thus undermined his credibility by attributing the children's behavioral issues to the children being in the system and away from their natural parents and indicating that he would not have a problem with the children being around Martaijah H. if the children were in his care. Respondent's beliefs regarding Martaijah H. and the children was a serious concern for Dr. Devaud and, according to Tolson, "would say a lot" about respondent's progress.

¶60 Finally, the record contains evidence that respondent did not sufficiently appreciate the seriousness of the children's allergies. When Watts discussed the children's allergies with respondent and the fact that visits could no longer take place at his mother's house because she had dogs, respondent was "resistant." Moreover, respondent attempted to take the children in for a second opinion after he knew that an allergy test showed that they were allergic to dogs, cats and roaches. In addition, the record contained evidence which, if credited by the trier of fact, established that T.W. came into contact with a cat during a visit at his sister's house and that

respondent brought the children to his mother's house where there were pets as late as August 29, 2013, which according to Tolson would show a "lack of understanding" by respondent.

¶61 We note that certain aspects of the testimony at the fitness hearing were favorable to respondent. Watts testified, for example, that he thought respondent had made good progress towards reunification and noted that he had completed or was progressing on numerous services when he became the caseworkers in May 2011. Dr. Devaud conceded that respondent had at least "some" parenting ability and observed respondent successfully redirect T.W. when she had a tantrum. In addition, after he completed parenting classes, respondent received a letter from Diversified Behavioral Comprehensive Care dated April 14, 2011, praising his attentiveness and interest in improving his parenting skills.

¶62 Nonetheless, we cannot say based on the record before us that it is "clearly evident" that respondent was fit to parent T.W. and C.W. To the contrary, the trial court had before it ample evidence from which it could have concluded that respondent was unfit to parent the children. The trial court's finding that respondent was unfit to parent T.W. and C.W. was therefore not against the manifest weight of the evidence.

¶63 We next consider respondent's argument that the trial court's finding that it was in the children's best interest to terminate his parental rights was against the manifest weight of the evidence. The testimony at the best interest hearing revealed that the children have lived with the foster family since 2010 and that the children's medical and behavioral issues have improved during that time. The children attend school and church, where they have made friends. The children have been accepted into their foster family's extended family. The children are bonded to their foster parents, calling Burke "mom" and her husband "dad." The children told Valencia that they wanted to stay with their foster family, and Valencia testified that it was in the

children's best interest that respondent's parental rights be terminated. We are sensitive to the fact that respondent loves the children and they feel an attachment to him and his family. Nonetheless, the record amply supports the trial court's ruling. Accordingly, we find that the trial court's ruling that it was in the children's best interest to terminate respondent's parental rights was not against the manifest weight of the evidence.

¶64 CONCLUSION

¶65 The trial court's finding that respondent was unfit to parent T.W. and C.W. was not against the manifest weight of the evidence. Likewise, the trial court's finding that terminating respondent's parental rights was in the children's best interest was not against the manifest weight of the evidence. Accordingly, we affirm the decision of the trial court.

¶66 Affirmed.