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2015 IL App (4th) 150050-U
NO. 4-15-0050

FILED
June 19, 2015
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

In re: C.K. and A.K., Minors,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	McLean County
v.)	No. 12JA51
CIHAN KARASEN,)	
Respondent-Appellant.)	Honorable
)	Kevin P. Fitzgerald,
)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.
Justices Harris and Holder White concurred in the judgment.

ORDER

- ¶ 1 *Held:* The appellate court found the trial court did not err in terminating respondent's parental rights.
- ¶ 2 In July 2012, the State filed a petition for adjudication of wardship with respect to C.K. and A.K., the minor children of respondent, Cihan Karasen. In September 2012, the trial court made the minors wards of the court and placed custody and guardianship with the Department of Children and Family Services (DCFS). In October 2014, the State filed a supplemental petition to terminate respondent's parental rights. The court found respondent unfit. In December 2014, the court found it in the minors' best interest that respondent's parental rights be terminated.
- ¶ 3 On appeal, respondent argues the trial court erred in terminating his parental rights. We affirm.

¶ 4

I. BACKGROUND

¶ 5 In July 2012, the State filed a petition for adjudication of wardship with respect to C.K., born in September 2011, and A.K., born in July 2009, the minor children of Alena Stearns and respondent. The petition alleged the minors were neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2012)) because their environment was injurious to their welfare when in the care of their mother or father because they have unresolved issues of domestic violence and/or anger management that create a risk of harm to the minors. The petition also alleged the minors were neglected because their environment was injurious to their welfare in that their mother had unresolved issues of alcohol and/or substance abuse that created a risk of harm to the minors. The trial court entered a temporary custody order, finding probable cause to believe the minors were neglected.

¶ 6 In August 2012, the trial court found the minors neglected. In its September 2012 dispositional order, the court found respondent unfit, for reasons other than financial circumstances alone, to care for, protect, train, educate, supervise, or discipline the minors and placement with him was contrary to the health, safety, and best interests of the minors because he had been charged with residential burglary. The court noted respondent needed a domestic-violence assessment and individual counseling. Moreover, respondent's relationship with Stearns and his honesty about that relationship remained a concern. The court made the minors wards of the court and placed custody and guardianship of the minors with DCFS.

¶ 7 In August 2014, the State filed a petition to terminate respondent's parental rights. The petition alleged respondent was unfit because he failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare (count I) (750 ILCS 50/1(D)(b) (West 2012)) and (2) make reasonable progress toward the return of the minors to him during

any nine-month period following the adjudication of neglect (count II) (750 ILCS 50/1(D)(m)(ii) (West 2012)). The State's petition also alleged similar grounds of unfitness against the minors' mother. In October 2014, the State filed a supplemental petition to terminate respondent's parental rights, alleging he was unfit because he failed to protect the children from conditions within their environment injurious to their welfare (count III) (750 ILCS 50/1(D)(g) (West 2012)).

¶ 8 In October 2014, the trial court held a hearing on the petitions to terminate parental rights. Respondent admitted the allegation of unfitness set forth in count III of the supplemental petition. In exchange for the admission, the State agreed not to object to respondent's request that visits remain on a weekly basis. As part of its factual basis, the State indicated it had police witnesses who would testify to an incident in July 2012 in which Stearns, in the presence of the minors, stabbed respondent in the arm. The court accepted respondent's admission and found him unfit. The court also found Stearns unfit.

¶ 9 In December 2014, the trial court conducted the best-interest hearing. Jennifer Biddle testified she provided advocacy services at the Family Community Resource Center. She observed a visit between respondent and the minors on November 21, 2014. During the visit, respondent asked the caseworker about a rash on A.K.'s neck. Biddle found the question inappropriate while in front of the children. Respondent also became upset when he saw his son's shoes were too big. Biddle then observed respondent trying to take pictures of A.K.'s neck. Nearing the close of the visit, respondent asked A.K. if anyone hurt him. After the caseworkers ended the visit, respondent "became really upset and began calling them names and cursing." Biddle stated the children were present at the time and they became scared and upset. The caseworker left with A.K., but without C.K., as respondent would not let go of him. Biddle was

concerned with respondent's behavior and believed any contact between respondent and the minors needed to be supervised.

¶ 10 Barbara Schneider, a foster care therapist at the Baby Fold, testified she worked with respondent from August 2012 to January 2014. Respondent had issues with managing anger and expressing emotions appropriately. Schneider also worked with A.K., who had issues with anxiety. Schneider stated A.K. was receiving appropriate care, particularly for his behavior, in his current placement. She also stated it was important for A.K., who had lived in several different placements, to have a permanent home. A.K.'s current placement provided him with a sense of security, structure, and consistency. Schneider talked with A.K. about the November 2014 visit with respondent, and A.K. stated his father "had not made good choices that day," which scared him. Schneider believed it was in A.K.'s best interest to remain in his current placement.

¶ 11 On cross-examination, Schneider stated she observed a connection between respondent and A.K. at visits approximately a year before the best-interest hearing. However, closer to the time of the hearing, A.K. had "verbalized unhappiness" with things his father had done.

¶ 12 Ashleigh Fogarty, a child welfare specialist at the Baby Fold, testified she was assigned the minors' case in February 2013. At a visit in early December 2014, A.K. told respondent he hurt his feelings when respondent yelled at him at the November 2014 visit and stated respondent needed to apologize. Fogarty also mentioned A.K.'s anxiety when he visited with respondent. She has had to call the police during two of respondent's visits and wanted to make the call on another occasion but did not because she "didn't want it to cause trauma" for the children.

¶ 13 Fogarty stated she had no concerns with A.K. in his foster home and believed his caregiver could effectively address both children's needs. She recommended termination of respondent's parental rights so the children could obtain permanency and noted their current placement was the best place for them. Fogarty had concerns with the continued relationship between respondent and Stearns, including their being observed together in August 2014 after respondent obtained an order of protection against her. She also stated it would probably take at least a year of services for respondent to get his anger under control. Fogarty believed this prospect would be detrimental to the children. She opined it was in the best interest of the minors that they be freed for adoption and stated their current caregiver indicated a willingness to adopt them.

¶ 14 On cross-examination, Fogarty stated respondent successfully completed couples therapy, a domestic-violence assessment, an anger-management course, and a parenting class. Although respondent had completed services, Fogarty stated the visits show "his anger is still not under control."

¶ 15 The minors' foster mother testified she worked full-time in the healthcare industry. She lives in a three bedroom house with the two minors. She works the third shift, and her mother, aunt, or a family friend watches the minors when she is working. She stated the two boys "have a very deep bond." A.K. has a sensory disorder and suffers from anxiety, which is being addressed. If she were to adopt the children, she stated she was "fully open" to mediated communication with respondent with possible visits in the future. It was her intention to adopt the boys.

¶ 16 Kevin Crutcher, a licensed clinical professional counselor, testified in respondent's case. He provided individual therapy with respondent and monitored his visits with

the minors. Crutcher stated respondent's behavior during the visits had been appropriate with some deficiencies. They have attempted to resolve respondent's anger issues, and "there have been times when he's been successful." Crutcher believed respondent loved his children and wanted to be a good father to them.

¶ 17 Respondent testified he was 40 years old. He came to the United States from Turkey when he was 13 years old. He currently lived in a three-bedroom house and worked at his family's car business. He paid Crutcher to independently observe the visits with the minors and claimed to have engaged in services on his own because the Baby Fold never gave him credit. He stated his primary motivation is the return of his children but the organization "works against" him. He stated this caused him a "humongous amount of stress and anger." Respondent admitted getting mad "three to four times" and apologized for the November incident in which he was "out of control."

¶ 18 On cross-examination, respondent disagreed with a psychologist's opinion that the prognosis for significantly improved functioning within the time frame that would meet the minors' needs was very poor. Respondent admitted he last used marijuana when he tested positive in March 2014.

¶ 19 Following the presentation of evidence and arguments, the trial court found respondent to be "a classic example of someone who goes through all the services, gets all the certificates, but does not internalize the information and the lessons to be learned or make the behavioral changes necessary." The court stated respondent "has a significant anger-management problem" and "has consistently demonstrated an inability to control his anger throughout this case." The court also found respondent "had made little progress toward return home of the children" and agreed with the psychologist's "conclusion regarding a prognosis that

it would be at least a year, if ever, before he would be able to safely parent the children." As to A.K., the court found an "absolute need" for him to achieve permanency "and to be in a safe and permanent place as soon as possible." The court stated both children had bonded to their foster mother "and they have been thriving in that placement since they've been there."

¶ 20 The trial court found it in the minors' best interest that respondent's parental rights be terminated. The court also terminated the parental rights of Stearns. This appeal followed.

¶ 21 II. ANALYSIS

¶ 22 Respondent argues the trial court's decision to terminate his parental rights was against the manifest weight of the evidence. We disagree.

¶ 23 "Courts will not lightly terminate parental rights because of the fundamental importance inherent in those rights." *In re Veronica J.*, 371 Ill. App. 3d 822, 831, 867 N.E.2d 1134, 1142 (2007) (citing *In re M.H.*, 196 Ill. 2d 356, 362-63, 751 N.E.2d 1134, 1140 (2001)). Once the trial court finds the parent unfit, "all considerations must yield to the best interest of the child." *In re I.B.*, 397 Ill. App. 3d 335, 340, 921 N.E.2d 797, 801 (2009). When considering whether termination of parental rights is in a child's best interest, the trial court must consider a number of factors within "the context of the child's age and developmental needs." 705 ILCS 405/1-3(4.05) (West 2012). These include the following:

"(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's familial, cultural[,] and religious background and ties; (4) the child's sense of attachments, including love, security, familiarity, continuity of affection, and the least[-]disruptive placement alternative; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the child's need

for permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1071-72, 859 N.E.2d 123, 141 (2006).

See also 705 ILCS 405/1-3(4.05)(a) to (j) (West 2012).

¶ 24 A trial court's finding that termination of parental rights is in a child's best interest will not be reversed on appeal unless it is against the manifest weight of the evidence. *In re Anaya J.G.*, 403 Ill. App. 3d 875, 883, 932 N.E.2d 1192, 1199 (2010). A decision will be found to be against the manifest weight of the evidence in cases "where the opposite conclusion is clearly evident or where the findings are unreasonable, arbitrary, and not based upon any of the evidence." *In re Tasha L.-I.*, 383 Ill. App. 3d 45, 52, 890 N.E.2d 573, 579 (2008).

¶ 25 The best-interest report indicated the minors "are doing very well" in their current foster home and they "appear to be happy, healthy, and very well-adjusted." The report also indicated the boys call their foster mother their "ever mom." Although C.K. was too young to express his wishes, A.K. had indicated his desire to remain in his current placement by stating he wanted to stay at his "ever home." The report stated the minors' foster mother was ready and willing to provide permanency for both of them.

¶ 26 The report by the court-appointed special advocate noted A.K. had some emotional and social difficulties, while C.K. is "healthy, developmentally on age, and very playful and affectionate." Although based on limited observation, the report found "both boys appear secure and comfortable in their foster home." The report also concluded the minors'

"most desperate need is for a permanent placement and an end to the continual uprooting and displacement they have thus far experienced."

¶ 27 Respondent argues he completed his service plan, has a significant and loving bond with his sons, is sober, employed, and has suitable housing. While acknowledging "he has occasionally been argumentative and even hostile to his caseworker," he stated his anger was in response to pictures of C.K. being abused. Moreover, respondent points out "any hostility that he has generated has not been directed at his children." Respondent also complains about being excluded from therapy and treatment plans involving A.K.

¶ 28 In his brief, respondent points out the bonding assessment showed he demonstrated adequate skill in all categories assessed, was engaging and nurturing, and the children did not appear fearful or reluctant to interact with him. He relies on Dr. Mary Zashin's psychological evaluation that stated his personal distress does not affect his interactions with his children. It should be noted the bonding assessment and the psychological evaluation make other conclusions as well.

¶ 29 While the bonding assessment indicated a parent-child bond existed between respondent and his sons, it also stated respondent "was either unwilling or unable to acknowledge how his behavior and poor life choices had negatively impacted his children and caused his children pain." The examiner opined respondent "lacked insight or the willingness to identify how his anger, hostility, and behavior had negatively impacted him, his life experience, and his children in a negative way." In her evaluation, Dr. Zashin opined respondent "does not at this time have the emotional resources, psychological insight, or knowledge of child development that he needs in order to provide himself and his children with a safe, stable, appropriate, and nurturant environment." Moreover, Dr. Zashin believed the likelihood

respondent could achieve a more stable level of emotional and behavioral control and develop more adequate parenting skills within a reasonable length of time was "very small."

¶ 30 The evidence in this case indicates respondent has anger issues that he has not been able to control. While he points out his anger has been directed at caseworkers, he fails to realize such outbursts in front of his children have a negative impact on them. A.K. has an anxiety problem, which grew worse before and after visits with respondent. Although respondent has completed services, he failed to utilize what he learned to change his behavior. His own counselor stated respondent's anger issues had not been resolved. Although respondent claims he was not included in A.K.'s treatment and therapy plans, he fails to show how such deprivation precluded him from working to address his own anger issues.

¶ 31 At the best-interest hearing, the trial court considered the applicable factors and found the "most important factor" was the need for permanency. The court noted A.K. had been in 7 placements in 30 months and, considering his "extreme anxiety," found he needed "permanency more than any child that [the court] had in this courtroom in six years." The court also found the minors had made "a remarkable transition" into their current foster home, bonded with their foster mother, and had been "thriving in that placement since they've been there."

¶ 32 The evidence shows the minors were in desperate need of permanence, which their foster mother was willing to provide them. The evidence also indicates respondent could not provide the permanence and stability the minors need in the near future given his unresolved anger issues. Considering the evidence and the best interest of the minors, we find the court's order terminating respondent's parental rights was not against the manifest weight of the evidence.

¶ 33

III. CONCLUSION

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

¶ 35 Affirmed.