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2015 IL App (4th) 150329-U

NO. 4-15-0329

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

**FILED**

September 9, 2015

Carla Bender

4<sup>th</sup> District Appellate

Court, IL

In re: N.A., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Champaign County
v.	)	No. 10JA6
MUKHTAR ALI,	)	
Respondent-Appellant.	)	Honorable
	)	John R. Kennedy,
	)	Judge Presiding.

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JUSTICE APPLETON delivered the judgment of the court.  
Presiding Justice Pope and Knecht concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court committed no error in terminating respondent's parental rights.

¶ 2 Respondent, Mukhtar Ali, appeals from the trial court's orders finding (1) him unfit to parent his minor child, N.A., born January 22, 2010; and (2) it was in N.A.'s best interest to terminate his parental rights. He claims both findings are against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In February 2010, when N.A. was less than two weeks old, the State filed a petition for the adjudication of neglect, alleging N.A. was neglected because both her mother, Vanessa Hall Chatman (who is not a party to this appeal), and respondent had failed to correct the conditions which had resulted in a prior finding of unfitness as to N.A.'s three older siblings. Those conditions related to respondent's excessive and unreasonable corporal punishment,

respondent's unreasonable beliefs of self-importance and control over others in the home, and failure to protect the minors from harm. N.A. was born two months prematurely. Her mother had not received any prenatal care during her pregnancy. Once released from the hospital, N.A. was placed in a traditional foster placement with Debra and Ron Bailey in Champaign. The three older siblings were placed together in relative placement in Naperville, and they had lived there since December 2008. Those minors are not part of this appeal.

¶ 5 The adjudicatory order was entered on April 1, 2010, and the dispositional order was entered on April 29, 2010. Although the parents' rights were terminated to the three older children in May 2011, N.A. was returned home in April 2011 and seemed to be doing well. According to an August 2011 case plan, respondent was to participate in couples and individual therapy and maintain stable employment. Of concern to the case professionals were issues related to the dynamics in the household between the parents. The parents had an "open" relationship, in which respondent had relationships with other women, who sometimes resided in the home. When the caseworker advised respondent of the concerning issues and the fact the older siblings feared respondent, he agreed to participate in counseling yet expressed his denial of needing the same.

¶ 6 Upon the termination of his parental rights to the older children in May 2011, respondent left home on a bicycle trip to Washington, D.C., without knowing when he would return. He returned home in October 2011 and began caring for N.A. Although things seemed to be going fairly well in the home, in January 2012, the court-appointed special advocate (CASA) expressed continued concerns regarding respondent's "influence, philosophy, and narcissistic personality traits [that] continue[d] to dominate this household." CASA recommended respondent continue to participate in individual therapy. However, after

respondent returned from his extended bicycle trip, he stated he no longer needed individual therapy, as he saw no benefit.

¶ 7 In April 2012, the Illinois Department of Children and Family Services (DCFS) recommended custody of N.A. be removed from the parents because neither parent wanted to care for N.A. Respondent "is narcissistic and presents as if he only cares about him and his needs first. [Mother] only cares about [respondent(].") Although N.A. was returned home in April 2011, she had spent "the majority of her time in the home of the previous foster parents [(the Baileys)]," with no contact from respondent or her mother. The goal of substitute care pending termination was found to be in the child's best interest. The child was removed from the home.

¶ 8 On June 28, 2012, the guardian *ad litem* filed a motion to terminate respondent's parental rights, alleging respondent failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to the welfare of the minor (750 ILCS 50/1(D)(b) (West 2010)) (count I); (2) make reasonable progress toward the return of the minor within nine months after adjudication (750 ILCS 50/1(D)(m)(ii) (West 2010)) (count II); and (3) make reasonable progress toward the return of the minor during the second nine-month period following the end of the first nine-month period after adjudication (750 ILCS 50/1(D)(m)(iii) (West 2010)) (count III). The petition to terminate also requested the mother's parental rights be terminated.

¶ 9 The trial court conducted a fitness hearing over the course of 10 hearing dates between October 17, 2012, and March 20, 2013. The parties are familiar with the evidence presented at the hearing, and therefore we will summarize only that evidence which we determine is important to our decision. George Cook, respondent's individual counselor, testified he spoke with respondent about his planned bicycle trip and explained the consequences of

leaving N.A. and his responsibilities to the family. Cook said respondent was more concerned about the cause, which was to bring awareness to African-American fathers across the country. According to Cook, respondent overlooked the consequences of what would occur on a personal level. They spoke a few times on the telephone while respondent was away, but respondent often expressed his opinion of fault and injustices within "the system." Cook described this time period as a time of regression for respondent. Cook said respondent did not successfully complete his counseling and said respondent's "narcissism seemed to overtake and always seemed to control the larger picture, and the direction where he was going."

¶ 10 Debbie Nelson, owner of Cognition Works, testified she received a referral for respondent to attend domestic-violence counseling in August 2010, but respondent never made contact with her. He was referred again for the CHANGE program, which counsels individuals who are abusive in their relationships. Nelson said she "believed" respondent successfully completed that program.

¶ 11 Debra Bailey testified she and her husband Ron had N.A. in their home beginning when N.A. was 13 days old, until April 2011, when N.A. was returned to her mother's care. Thereafter, the Baileys helped care for N.A. when asked. N.A. stayed in their home for a span of days in May, June, August, September, and October 2011. The stays ranged between 4 to 20 days at a time. While with the Baileys, respondent or N.A.'s mother did not visit or call to inquire about N.A.'s welfare.

¶ 12 Anita Faulkner, the DCFS case manager from October 2011 to February 2012, testified that, upon respondent's return from his bicycle trip, he resided with N.A.'s mother and resumed primary caretaking responsibilities of N.A. while the mother worked. During this time frame, respondent gave Faulkner no cause for concern.

¶ 13 Arnetha Truss, the DCFS caseworker, testified that, in the beginning, respondent stated he and the mother had an "open" relationship, with his other paramours living with them. Truss said she had explained to respondent before he left on his bicycle trip that leaving N.A. was not advised since he was the primary caretaker. He decided to go regardless, assuring Truss the Baileys would care for N.A. while the mother worked. However, Truss learned N.A. would often remain overnight at the Baileys' home. Truss learned N.A. had spent a substantial amount of time with the Baileys in February 2012, with no contact from respondent or the mother. N.A. was removed from the mother's care in May 2012 for her failure to demonstrate an ability to provide permanency.

¶ 14 Vanessa Hall Chatman, N.A.'s mother, testified respondent began delivering newspapers in December 2011, with as many as four routes. She often helped him, beginning work at 1:30 a.m. and delivering 375 to 400 newspapers per day. They began using the Baileys as caregivers after respondent left for his trip and continued using them while she and respondent worked on the newspaper route.

¶ 15 Respondent testified he was N.A.'s primary caretaker when N.A. was in their home until January 2012, when he was ordered by the trial court to cease his caretaking duties.

¶ 16 After considering the evidence and arguments of counsel, the court found the guardian *ad litem* had proved only count III against respondent. That is, the guardian *ad litem* sufficiently proved respondent had failed to make reasonable progress toward the return of the minor during the second nine-month period following adjudication, between January 1, 2011, and October 1, 2011. Further, the court found the State failed to prove all allegations of unfitness as they related to N.A.'s mother. The court changed the goal to "return home." N.A. remained in her traditional foster placement, where she had been since May 2012.

¶ 17 According to a case status report, DCFS had referred respondent to individual counseling to address his 2008 diagnosis of narcissistic personality disorder so that he could understand how the disorder "affects his inability to make decisions beyond himself." By May 2013, DCFS had not seen any forward progress with reuniting N.A. with her parents, so the case managers decided to transfer the case to Lutheran Social Services for further case management due to the availability of additional counseling resources.

¶ 18 For the next few months, respondent continued his employment as an apprentice carpenter, he and N.A.'s mother maintained a suitable residence, and he participated in his supervised visits with N.A. three times per week. The caseworker reported no concerns with respondent's conduct during visits, as he was "affectionate and encouraging" to N.A. Respondent began individual therapy in September 2013, and he completed a psychological evaluation in March 2014. His therapists (Bill Fraley from September 2013 to April 2014, and Shelly Timm from April 2014 to the present) reported no concerns with respondent's progress or participation in counseling.

¶ 19 Dr. Marilyn Marks Frey conducted the psychological evaluation and reported respondent "is overall of average to above average intelligence with many skill sets above average to superior. \*\*\* No cognitive deficits exist that impact the ability to parent and many strengths exist." However, Frey was concerned that respondent's belief that the male is the dominant person in a relationship would negatively impact his parenting ability. She believed this belief was the basis of respondent's diagnosis of narcissistic personality disorder and the result of "cultural factors regarding the role of men."

¶ 20 According to the case professionals, the mother's progress toward reunification with N.A. was going well until June 2014, at which time DCFS began an investigation after a

hotline call regarding N.A.'s report that respondent had touched her genitals with her mother present. Beginning in May 2014, Lutheran Social Services had allowed respondent one two-hour unsupervised visit and one six-hour unsupervised visit with N.A. per week.

¶ 21 In July 2014, CASA reported N.A.'s behavior had regressed. She began wetting herself with increased frequency and demonstrated "acting-out behaviors," such as hitting, screaming, property destruction, name-calling, and general defiance. On June 9, 2014, N.A. told Debra Bailey that respondent touched her on her unclothed "privates." N.A. told respondent to stop but "he doesn't listen." On June 14, 2014, the Baileys left on a week-long vacation with N.A. During that week, Debra Bailey reported N.A. did not wet herself or have any acting-out episodes. After the first supervised visit with her parents after the foster family's vacation, N.A. wet herself and engaged in some acting-out behavior, though the behavior was not as severe as it had been.

¶ 22 On July 10, 2014, N.A. began a lengthy sexual-abuse assessment at ABC Counseling and Family Services with Teri McKean. In her report, McKean concluded: "While inconclusive based on [N.A.]'s disclosures, it appears she may be a victim of sexual abuse. Her affect, physical response, and consistency in disclosure indicate something uncomfortable and scary occurred between [N.A.] and her biological father, specifically related to her private parts." McKean recommended N.A. participate in sexual-abuse counseling, which N.A. did, beginning September 26, 2014.

¶ 23 On February 20, 2015, the trial court conducted a best-interest hearing in the bifurcated termination proceedings. First, the court considered the Baileys' petition to intervene as interested parties. Debra Bailey testified N.A. came into her home as a foster child when she was 13 days old. When she was approximately 14 months old, she was returned home.

Approximately 15 months later, N.A. was returned to the Baileys as a foster child. While N.A. was at home with her biological parents, Debra maintained contact with N.A. by "very frequently" providing child care for her. N.A. was approximately two years old when she was returned to the Baileys' home. In May 2014, Debra said she took N.A. to her parents' home to take flowers to Chatman. Debra said respondent pinched N.A. on her bottom approximately six times during the 20-minute visit. Debra became concerned. Approximately one month later, N.A. said to her " 'Baba [respondent] touched my privates and I told him to stop and he wouldn't.' " N.A. had indicated respondent had touched her while she was not wearing clothes. Debra said she and her husband wanted to intervene in the case so they would have full access to court documents and provide all relevant information to the court.

¶ 24 Ron Bailey, the foster father, testified as well. He said he and Debra would be willing to adopt N.A. if she became available. Otherwise, he testified consistently with Debra's testimony.

¶ 25 Wynita Mock, a social worker at Lutheran Social Services, said she was aware the report of sexual abuse of N.A. had been determined to be "unfounded" as to respondent, but "indicated" as to an "unknown perpetrator."

¶ 26 After considering the testimony and arguments of counsel, the trial court granted the Bailey's motion to intervene. The court proceeded to consider the guardian *ad litem*'s petition to terminate respondent's parental rights upon the court's finding in March 2013 that he was an unfit person.

¶ 27 Teri McKean, a licensed clinical social worker at ABC Counseling and Family Services, testified she conducted a sexual-abuse evaluation of N.A. beginning on July 10, 2014, which continued over six separate sessions. She said N.A. had no developmental issues and her



use of language was credible. N.A. was able to distinguish between a truth and a lie and referred to her parents as "Mama Nessa and Baba," while she referred to the Baileys as "Mommy and Daddy." During the assessment, McKean asked N.A. if anyone touched her private parts. She said "Baba," referring to respondent. McKean asked her to describe what had happened. She said respondent " 'poked her with a stick,' " while pointing to her vagina. McKean attempted to get more details, but N.A. "became very avoidant." McKean said: "She grabbed at her genitalia, very uncomfortable, avoiding eye contact, clearly upset, and asked to be done with the conversation." N.A. told McKean "Mama Ness" was present during the alleged incident. According to McKean, N.A. and "Mama Ness" both told respondent not to touch N.A.'s privates, but respondent laughed. Respondent's reaction was concerning to McKean because "[c]hildren's boundaries should be respected and not disregarded."

¶ 28 McKean attempted to contact the DCFS investigator but was unable to make a connection, so McKean called the hotline to inform them of N.A.'s disclosure. The investigator spoke with McKean and advised her that information had already been reported.

¶ 29 McKean said, on August 26, 2014, in a written assessment, she concluded N.A.'s disclosures were inconsistent in that she was unable to provide specific details, but her physical responses indicated she was likely the victim of sexual abuse. N.A. was externalizing her feelings, as evidenced by her bed-wetting, aggressive behaviors, acting out, and sleep difficulties. McLean recommended that N.A. participate in specialized sexual-abuse counseling.

¶ 30 McKean conducted the specialized counseling for N.A. When they initially spoke of visits with her biological parents, N.A. generally had a positive view, except she expressed she did not want to be alone with respondent. N.A.'s sentiment never changed. N.A. frequently said she wanted to live with the Baileys and be adopted into their family. According to McKean,

N.A. understood the meaning of adoption. N.A. voiced fears of being abused by respondent again.

¶ 31 McKean prepared a progress summary report on November 18, 2014, wherein N.A. continued to express her desire to be adopted by the Baileys. N.A. said she wants to visit with her biological parents, but not live with them. N.A.'s acting-out behaviors continued during the preparation of the report. McKean opined it was in N.A.'s best interest that she remain with the Baileys.

¶ 32 Vanessa Hall Chatman testified on her own behalf. She claimed she never (1) saw respondent touch N.A. inappropriately, (2) had to caution him about touching N.A., or (3) saw N.A. show fear of respondent. She denied N.A. showed signs of negative or "acting out" behavior. She also said she did not see respondent pinch N.A.'s bottom in May 2014 as reported by Debra Bailey.

¶ 33 Respondent testified on his own behalf. He said he lives with Chatman and is employed as a union carpenter. In March 2014, respondent said he was hit by a vehicle and suffered a concussion. Thus, his memory in general, and more specifically, his memory with regard to historical dates, has been affected. Respondent denied ever touching N.A. in an inappropriate manner. He said N.A. has never shown reluctance when visiting with him, as they always greet each other with open arms. He said he and Chatman have a strong, loving relationship. He described her as the dominant individual in the household, yet he considers himself the dominant one in conversation. Respondent said he has completed everything DCFS has asked of him and that no visitation supervisor had ever mentioned a concern about his physical contact with N.A. He said he was investigated by DCFS and the police about sexual-

abuse allegations but he was never criminally charged, and DCFS had found the allegations "unfounded" as to him, yet "indicated" as to an "unknown perpetrator."

¶ 34 On cross-examination by the Baileys' counsel, respondent said N.A. was placed in foster care with the Baileys upon her discharge from the hospital at birth because he and Chatman had a pending DCFS neglect case involving their older children. Their parental rights were eventually terminated in that case. Respondent recalled when N.A. was returned to Chatman's custody, but not his. Respondent decided to take the bicycle tour to Washington, D.C. He asked the Baileys to help take care of and support N.A. while he was away. When asked whether he pinched N.A. on the bottom, respondent said he "could have." He recalled N.A. asking him not to touch her on the bottom because it was "bad."

¶ 35 Debra Bailey testified again, this time on her own behalf. She said she is a medical doctor at Unity Point Methodist in Peoria. She recalled the dates when she had N.A. in her care and custody, beginning when the child was approximately two weeks old. In May 2012, N.A. came into her care for the second time and has remained continuously since. Also in the home are the Baileys' biological daughter, Grace, who is nine years old; adopted son Tucker, who is eight years old; adopted son Marty, who is six years old; and foster daughter Amelia, who is four months old. N.A. has frequently expressed her desire to remain in their home. Bailey testified she and her husband are willing and able to provide a permanent home for N.A. Bailey described N.A.'s troubled behavior beginning in April 2014 and her allegation of abuse against respondent in June 2014.

¶ 36 Ron Bailey also testified again, this time on his own behalf. He said he owns a florist shop and farms. He corroborated Debra's testimony regarding N.A.'s negative behaviors beginning in April 2014, when the parents' unsupervised visits began.

¶ 37 After considering the evidence and arguments of counsel, the trial court announced its ruling in open court. The court stated as follows:

"I've had an opportunity to consider the evidence, the arguments, the law that applies and squarely the law that governs here is the best interests statute and that's in 705 ILCS 405/1-3 and it's subparagraph 4.05 and there are subsections A through J. And that's clearly what's apparent here, but it's—beyond that, really have to frame the issue to describe what the court is and what it's not considering because the issue here today is not whether there's a superior home for the child residing with the Baileys rather than residing with [the biological parents] because that's, as a permanency matter, not a legally available option to the court. [The mother] has been ruled as a—in terms of a custodial situation not a fit or able parent. She has not been ruled an unfit parent. \*\*\* [i]f [respondent's] parental rights are terminated, there is a parent who has not been ruled by the court a fit and able custodian, but has also not been ruled an unfit parent for purposes of permanency. \*\*\* [T]he legal effect of [granting the State's petition to terminate respondent's parental rights] is to declare this child at this time as a matter of law would have one parent, and that's [the mother]. So that's the framework. It's not whether I think [N.A.] should live permanently with the Baileys.

\*\*\*

The threshold question is this issue with respect to touching [N.A.]

\*\*\* What I have to decide is did, did [respondent] and I, I—on more than one occasion, if that's the fact, touch [N.A.] in a way that was inappropriate, in a way that affects either her physical safety or her emotional safety and then, if so, what conclusion does that lead to about his ability to exercise parental rights on a permanent basis? So what I believe is the credible evidence on this is, as the statement was given that, I, using [N.A.], was touched by ["]Baba,["] touched in the area of her vagina, touched in the area of her bottom. And the court finds that that evidence is credible and that it is a correct or credible and believable factual statement of what occurred. Whether or not this amounts to sexual abuse, I don't think it's the issue. It was the physical touching of a nature that shouldn't happen, even considering the parent-child relationship. It was an intimate touching that should not have occurred. I believe the evidence supports the conclusion that that happened. I also believe the evidence supports the conclusion that on an occasion of what I'm going to describe as visitation it may have been more correct, may be more correct factually to say it's during an exchange of visitation, but I believe it's factually true in the evidence as reported by Ms. Bailey that at a time when either a visit or an exchange as part of a visit was taking place that [respondent] pinched [N.A.] in the area of her bottom and did it on

not more than one occasion in time, but more than one instance at that particular time. I believe that that's credible. I believe it happened. And the importance is not whether it's considered abuse of a sexual nature, but it's a touching that particularly in this context between this parent and this child should not have happened. I believe it was at least emotionally harmful to the child. I believe it's had long-term effects. Those effects have manifested in some visitation issues that I'm going to describe as follows, at times, reluctance to engage in visitation, at times, not, but I think according to all of the evidence an insecurity about visitation in the context where there would be unsupervised visitation with [respondent]. And I think that's very important in deciding what's permanent.

I think that manifested, one, in credible evidence about [N.A.]'s behavior surrounding before a visit, after a visit, some what I'm going to call negative or destructive type of behaviors, patterns of behavior that, in the absence of visitation times, were not the norm for her and a reluctance to be in a context of visitation where it would be [respondent] alone and [N.A.] And, I think that situation still factually exists. I don't have any doubt that the evidence shows that there are times that, and it's not infrequent, that [N.A.] wants to be with each of her parents, but I don't—but I believe the evidence also supports that she does not want to be

alone with her father and that's very significant in deciding whether it's in the best interests of the child to terminate parental rights.

\* \* \*

The fact is, considering all of the best interests statutes, I don't believe that even over time [respondent] will be able to safely parent this child. So again the question really is is it best for this child to terminate his parental rights, to say therefore he has no legal right to the child and to reduce his status—sorry to say it, but that's, that's what would be done—to the status of nonparent and a person who may visit with the child depending on the wishes of the custodian or guardian of the child, whether that be a foster parent or whether it be her mother. And the court—so, again, the court is not considering any issue about whether or not granting the motion would make the child legally available for permanency with the Baileys because that wouldn't happen even with the court terminating parental rights. The court does find considering all of the evidence and facts that it is in the best interest of this minor that [respondent]'s parental rights be terminated and that then further permanency options be explored."

This appeal followed.

¶ 39 Respondent contends the trial court erred in finding (1) he was an unfit person, and (2) it was in N.A.'s best interest to terminate his parental rights. He claims both findings were against the manifest weight of the evidence. We disagree.

¶ 40 A. Finding of Unfitness

¶ 41 The trial court entered a written order finding respondent to be an unfit person on May 1, 2013. The court found the State had sufficiently proved count III of the guardian *ad litem*'s petition to terminate parental rights, which had alleged respondent failed to make reasonable progress toward the return of the minor during the second nine month period following the end of the first nine-month period after adjudication, or between January 1, 2011, and October 1, 2011 (750 ILCS 50/1(D)(m)(iii) (West 2010)).

¶ 42 Proof of unfitness must be proved by clear and convincing evidence. *In re C.N.*, 196 Ill. 2d 181, 208 (2001). "In order to reverse a trial court's finding that there was clear and convincing evidence of parental unfitness, the reviewing court must conclude that the trial court's finding was against the manifest weight of the evidence." *C.N.*, 196 Ill. 2d at 208.

¶ 43 "Reasonable progress may be found when the court, based upon the evidence, 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 (1999). Reasonable progress has been defined as "measurable or demonstrable movement toward the goal of reunification." *K.P.*, 305 Ill. App. 3d at 180. In order to measure reasonable progress, there must be a "yardstick" or some type of " 'benchmark' " from which courts can determine whether the parent has made sufficient progress. *C.N.*, 196 Ill. 2d at 212. Our supreme court determined the benchmark for measuring a parent's reasonable progress takes into account the parent's compliance with DCFS case plans and the trial 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." *C.N.*, 196 Ill. 2d at 216-17.

¶ 44 In this case, the guardian *ad litem* alleged respondent failed to make reasonable progress during the first nine-month period following the initial nine-month period after adjudication, or between January 1, 2011, through October 1, 2011. In January 2011, respondent was not regularly employed, as he reported only that he was in a "business partnership" with a "public artist," receiving royalties upon sales. Respondent resumed counseling with George Cook in September 2010 and as of January 2011, he seemed to be progressing toward the goal of reunification. Visitation was going well.

¶ 45 By April 2011, N.A. was returned to her parents' home, with respondent as the primary caretaker while the mother worked. However, after respondent's parental rights were terminated as to his three older children in May 2011, he abandoned his caretaking responsibilities of N.A. and left on an extended and indefinite bicycle tour, knowing his absence would negatively impact the progress of this case. Respondent failed to contact N.A. or the caseworker while he was away, yet he acknowledged to his counselor his realization that he was not helping his case for reunification.

¶ 46 At the fitness hearing, George Cook testified he began counseling respondent in September 2010 and continued through September 2011 (including only infrequent telephone calls while respondent was out of town with the bicycle tour from June 2011 through October 2011). Cook described respondent's progress after April 2011 as nonexistent. His attendance at counseling was sporadic and he was making choices that did not foster the goal of reunification with N.A. Indeed, Cook explained, of the nine months at issue, respondent was absent for four

of those months, knowing his absence would negatively affect his progress in this case. Nevertheless, he chose to leave and abandon his primary caretaking duties. This decision, according to Cook, was consistent with respondent's diagnosis of narcissistic personality disorder and overall focus of grandiosity. Cook had been trying to address this disorder and associated issues with respondent in counseling, to no avail.

¶ 47 According to Cook, respondent failed to progress, and, in fact, regressed, toward improving on his authoritarian beliefs in terms of disciplinary techniques, number of romantic partners, and control of the household, all of which had a negative impact on his ability to parent N.A. Respondent voluntarily absented himself from his responsibilities to N.A. and Chatman, knowing it was Chatman who was working to provide for the family. Respondent knew Chatman would need help caring for N.A. while she worked outside of the home, but, according to Cook, respondent "did not seem too concerned about" that. Rather than performing those duties himself, as he had been doing for the past month, he arranged caretaking responsibilities of N.A. with the Baileys. He never contacted N.A., the Baileys, or the caseworker while he was away. With this decision, respondent effectively negated any progress he had made in the prior months of counseling.

¶ 48 According to respondent's case plan, he was to (1) attend individual counseling, which he failed to do as of June 2011; (2) maintain stable employment, which he failed to do during the entire reporting period; and (3) cooperate with DCFS regarding reunification with N.A., which he failed to do when he left the home in June 2011. Respondent's progress was rated "unsatisfactory."

¶ 49 "We have held that 'reasonable progress' is an 'objective standard' and that a parent has made reasonable progress when 'the progress being made by a parent to comply with

directives given for the return of the child is sufficiently demonstrable and of such a quality that the court, in the *near future*, will be able to order the child returned to parental custody.' " (Emphasis in original.) *In re F.P.*, 2014 IL App (4th) 140360, ¶ 88 (quoting *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991)). Our review of the evidence presented at the fitness hearing does not indicate that "in the near future," the trial court would have been able to return N.A. to respondent's custody. During the applicable nine-month period, respondent continued to exercise his beliefs of grandiosity in the household and in the community at the expense of caring for his daughter. While he began the nine-month period attending counseling, and eventually taking over primary caretaking duties for N.A., his progress was short-lived and finally abrogated by his regression as to his narcissistic personality disorder.

¶ 50 Based on the evidence presented, the trial court's determination that respondent failed to make reasonable progress toward the return of N.A. during the relevant nine-month period was not against the manifest weight of the evidence.

¶ 51 B. Best-Interest Hearing

¶ 52 Respondent also contends the trial court erred in finding it was in N.A.'s best interest that his parental rights be terminated. By the time the best-interest hearing began in February 2015, the circumstances of the case had changed. In June 2014, N.A. complained to her foster mother, Debra Bailey, that respondent had sexually abused her. Teri McKean, a social worker, testified at the best-interest hearing N.A. told her respondent had touched her private parts—that he had poked her with a stick. N.A. provided no further details. However, in McKean's opinion, N.A.'s physical responses (body language in response to the questions asked) indicated she was "likely a victim of sexual abuse." N.A. externalized her feelings by bed-

wetting, aggressive behaviors, and otherwise "acting out." N.A. expressed to McKean she did not want to be alone with her father.

¶ 53 According to Debra Bailey's testimony, during 2014, she frequently saw respondent pinch N.A.'s bottom in what she described as an inappropriate manner. Respondent admitted he could have done so, but he could not specifically recall. Bailey also testified that after May 2014, when the mother's and respondent's visits with N.A. were changed to unsupervised, N.A. began exhibiting "acting out" behaviors. She frequently wet the bed or wet her pants, and she was noticeably aggressive with the other children in the home. N.A. told Bailey respondent touched her "privates" and would not stop when she asked him to.

¶ 54 By October 2014, N.A. had told a caseworker she did not want to have visits with respondent and her mother because respondent "touched her bottom." DCFS found N.A.'s allegations of sexual abuse were indicated for an unknown perpetrator but unfounded as to respondent. However, according to N.A., the Baileys, and McKean, it was likely respondent, in fact, sexually abused N.A. Further, according to these witnesses, N.A. frequently expressed her desire to be part of the Baileys' family by adoption. Whether that occurs in the future, in light of her mother's finding of fitness, remains to be seen. However, it is likely N.A.'s expression of her desire to be adopted reflects her insecurities when visiting her biological parents.

¶ 55 "The [trial] court's determination [of the minor's best interest] lies within its sound discretion, especially when it considers the credibility of testimony presented at the best interests hearing; that determination will not be reversed unless it is against the manifest weight of the evidence or the trial court has abused its discretion." *In re Jaron Z.*, 348 Ill. App. 3d 239, 261-62 (2004). A court's consideration of a minor's best interest includes "the physical safety and welfare of the child, including food, shelter, health, and clothing" (705 ILCS 405/1-3(4.05)(a)

(West 2014)), and "the child's sense of security" (705 ILCS 405/1-3(4.05)(d)(ii) (West 2014)). This court can infer, from the witnesses' testimony, that, even at her young age, N.A. sensed that adoption—or, failing that, staying where she was for now—would be best for her welfare and security. We find it difficult to disagree with that perception. Accordingly, we conclude the court did not abuse its discretion or make a finding that was against the manifest weight of the evidence when it found that terminating respondent's parental rights would be in N.A.'s best interest.

¶ 56

### III. CONCLUSION

¶ 57

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

¶ 58

Affirmed.