2015 IL App (5th) 150245-U

NO. 5-15-0245

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

In re RYNISHA P., K.R., RAZELLE P., RAYSHAWN P., and I.P., Minors	)	Appeal from the Circuit Court of St. Clair County.
(The People of the State of Illinois, Petitioner-Appellee,	)	
v.	)	Nos. 11-JA-29, 11-JA-30, 11-JA-31, 11-JA-32, & 11-JA-33
Kim M., Respondent-Appellant).	)	Honorable Walter C. Brandon, Jr., Judge, presiding.

JUSTICE MOORE delivered the judgment of the court.
Justices Welch and Schwarm concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court's judgments finding the respondent an unfit parent and terminating her parental rights are affirmed.

¶ 2 The circuit court found that the respondent, Kim M., was an unfit parent and that termination of her parental rights was in the best interests of her five minor children. On appeal, the respondent challenges the finding of unfitness, though not the best-interests determination. (The court also found the minors' fathers unfit and terminated their parental rights, but the fathers did not participate in those proceedings and have not

appealed, and therefore they need not be mentioned again in this order.) The respondent argues that (1) the State's failure to comply with the notice pleading requirement of section 1(D)(m) of the Adoption Act (750 ILCS 50/1(D)(m) (West 2012)) compels reversal of the circuit court's finding that the respondent was unfit due to failure to make reasonable progress toward the minors' return to her during a nine-month period following the adjudication of neglected minor; and (2) the circuit court's finding of unfitness on the ground that the respondent was unable to discharge parental responsibilities due to mental impairment, mental illness, or mental retardation was against the manifest weight of the evidence. This court disagrees with both of these arguments and affirms the judgments of the circuit court.

¶ 3 BACKGROUND

¶ 4 The respondent has given birth to five children, namely: Razelle P. (Razelle), born on June 27, 2001; I.P., born on April 25, 2003; Rayshawn P. (Rayshawn), born April 26, 2005; Rynisha P. (Rynisha), born on March 2, 2006; and K.R., born on October 12, 2007. In March 2011, the State filed five separate petitions for adjudication of wardship for these five minors. The petitions alleged that the minors were neglected under section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2010)) in that their environment was injurious to their welfare due to the respondent's locking two of the minors in a closet as a form of punishment. The petitions further alleged that the respondent had an open intact-family case with the Department of Children and Family Services (DCFS) but had failed to cooperate with the services offered by DCFS. The circuit court conducted a temporary custody hearing. See 705 ILCS 405/2-10 (West

2010). Finding probable cause to believe that all five minors were neglected, and also finding an immediate and urgent necessity to place them in shelter care (see 705 ILCS 405/2-7(2) (West 2010)), the court entered orders placing temporary custody of the minors with DCFS. See 705 ILCS 405/2-10(2) (West 2010).

¶ 5 Subsequently, the respondent, who was represented by appointed counsel, stipulated to the contents of the five neglect petitions. See 705 ILCS 405/2-18(1) (West 2010). The court entered written orders finding that all five minors had been neglected (see 705 ILCS 405/2-21 (West 2010)), making them wards of the court (see 705 ILCS 405/2-22 (West 2010)), and placing their custody and guardianship with DCFS (see 705 ILCS 405/2-23, 2-27 (West 2010)). The respondent was admonished to cooperate with DCFS, to comply with the terms of the service plan, and to correct the conditions that required the five minors to be in care, or risk termination of her parental rights. See 705 ILCS 405/2-22(6), 2-23(1)(c) (West 2010). Initially, the permanency goal in each of the five cases was the minor's return home within five months. See 705 ILCS 405/2-28(2)(A) (West 2010).

¶ 6 Between February 2012 and December 2013, the circuit court conducted five permanency review hearings. See 705 ILCS 405/2-28 (West 2010). (The record on appeal does not include a report of proceedings for any of the permanency hearings in the minors' cases, but it does include the court's permanency orders.) At the first permanency hearing, in February 2012, the court found that the respondent had made reasonable efforts toward the return home of the minors. At the second permanency hearing, in July 2012, the court found that the respondent had not made reasonable and substantial

progress toward returning them home. At the third permanency hearing, in December 2012, the court found that the respondent had made reasonable efforts, and the court changed the permanency goal to returning the minors home within 12 months where the respondent's progress was substantial, giving particular consideration to the age and individual needs of the minor. See 705 ILCS 405/2-28(2)(B) (West 2010). At the fourth permanency hearing, in June 2013, the court found that the respondent had made reasonable efforts toward the return home of the minors; it was the final time the court made such a finding. At the fifth permanency hearing, in December 2013, the court found that the respondent had not made reasonable efforts. The court never found, at any permanency hearing, that the respondent had made reasonable and substantial progress toward the minors' return home.

¶ 7 On April 23, 2014, the State filed five separate petitions for termination of the respondent's parental rights regarding the five minors and for the appointment of a guardian with power to consent to the minors' adoptions. See 705 ILCS 405/2-29(2) (West 2012). Each of the State's five petitions alleged, *inter alia*, that the respondent was an unfit person under the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 2012)) on three separate and independent grounds. First, the State alleged that the respondent had failed to maintain a reasonable degree of interest, concern, or responsibility as to the welfare of the five minors (count a). See 750 ILCS 50/1(D)(b) (West 2012). Second, the State alleged that the respondent had failed to make reasonable progress toward the minors' return to her "during any 9-month period following the adjudication of neglected [minor]" (count b). See 750 ILCS 50/1(D)(m)(ii) (West 2012). Third, the State alleged

that the respondent was unable to discharge her parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness, or mental retardation as defined in section 1-116 of the Mental Health and Developmental Disabilities Code, or developmental disability as defined in section 1-106 of that Code, and there was sufficient justification to believe that the inability to discharge parental responsibilities would extend beyond a reasonable time period (count c). See 750 ILCS 50/1(D)(p) (West 2012) (current version of statute refers to "intellectual disability", not "mental retardation").

¶ 8 In June 2014, the court entered permanency orders finding that the respondent had not made reasonable efforts toward the return home of the minors, and changing the permanency goal to substitute care pending the court's determination of termination of parental rights. In December 2014, the court entered permanency orders finding that the respondent had not made reasonable efforts toward the return home of the minors.

¶ 9 On May 18, 2015, the court addressed the five petitions for termination of parental rights, beginning with an unfitness hearing. See 705 ILCS 405/2-29 (West 2012); 750 ILCS 50/1(D) (West 2012). At the start of the unfitness hearing, the State, referring to count b of the termination petitions, announced that "[t]he nine month period that we will be focusing on today will be July 2014 to April 2015." Just before the first witness was sworn, the State repeated this announcement, and the respondent's attorney sought clarification:

"[STATE]: And again, the nine month period that we're focusing on is July 2014 to April 2015.

THE COURT: Okay.

[STATE]: Okay. And my first witness that I'd ask to call is Dr. Michael Stern.

THE COURT: Okay. Sir, you've sworn in. Come on up and watch your step.

[RESPONDENT'S ATTORNEY]: And on a matter of clarification–

THE COURT: Yes.

[RESPONDENT'S ATTORNEY]: –when the State says they're focusing on I assume that they have chosen that nine month period as the–their grounds for termination to prove and they're not proceeding on the other nine month periods except as to how it would affect or apply to the reasonable concerns to the welfare of the minor.

[STATE]: That's right. Yeah. The other periods of time after adjudication would just be the failure to maintain a reasonable degree of interest, concern or responsibility as to the welfare and that nine month period of the July 2014 to April 2015, that would be the reason for termination, that she failed to maintain reasonable progress toward the return of the minors to her during any nine month period during the–following adjudication of neglect.

THE COURT: Okay.

[STATE]: And then we have Point C, for her termination that she's unable to discharge her parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker and that would be proven up through Dr. Stern.

THE COURT: Okay. Does that answer your question?

[RESPONDENT'S ATTORNEY]: Yes, it does, Your Honor. Thank you."

Immediately after that colloquy, Dr. Michael Stern began his testimony.

¶ 10 Dr. Stern testified that he had earned a Ph.D. in clinical psychology from Washington University and had treated "thousands" of patients with psychological problems during "thirty-five or forty" years of practice in Illinois. On referral from DCFS, he evaluated the respondent in September 2013, approximately 20 months prior to the unfitness hearing. Based upon his testing of the respondent, his conversations with her, and his review of her history, Dr. Stern formed three diagnoses for the respondent, *viz.*: (1) attention deficit hyperactivity disorder (ADHD), (2) borderline range of intelligence, and (3) personality disorder. He opined that these three diagnoses, taken together, would affect the respondent's ability to parent and "would pose a significant problem to her being able to operate independently."

¶ 11 The respondent's ADHD included the "classic signs" of distractability, impulsivity, and a short attention span. According to Dr. Stern, the ADHD could be improved through medication and counseling, thus helping the respondent to pay attention, to set priorities, and to solve problems. The respondent's IQ was 69, which was in the mental retardation range, but some of the respondent's answers to test questions,

and some of her comments during conversations, caused Dr. Stern to think that she was operating at a somewhat higher cognitive level, specifically the borderline range of intelligence. Still, the respondent had intellectual limitations that "reflect[ed] a significant problem with problem solving, with judgment, forming good judgment, comprehension." Meanwhile, the respondent's "narcissism" would continue to "override some of the interests of her children," and her lack of "empathy" for her children would cause her to continue to view them as "an extension of her own needs" rather than as individuals, Dr. Stern testified. The respondent's intellectual limitations and her personality disorder were essentially fixed or static, according to Dr. Stern, and could not be improved through schooling or counseling.

¶ 12 Dr. Stern did not think that the respondent was "capable" of parenting, but he advised that if she were to "remain in the system," she would need "parenting services." Dr. Stern was unaware of whether the respondent had received training in parenting since the time he evaluated her in September 2013.

¶ 13 Deadra Humphrey-Vinson testified that she was the DCFS caseworker for the respondent's family from May 2011 through November 2013. After DCFS took the minors into care, Humphrey-Vinson formulated a service plan for the respondent. The main points of the service plan were: (1) mental health counseling, designed to help the respondent to understand her role in her children's abuse and how she could prevent future abuse; (2) substance abuse treatment; (3) anger management; (4) parenting education; (5) visits with the children, in order to maintain relationships; and (6) a psychological exam, in order to determine whether the respondent was able to "change

her lifestyle" and parent her children. "[B]ack burner" goals of the service plan, according to Humphrey-Vinson, were domestic-violence counseling and finding a family residence.

¶ 14 Humphrey-Vinson further testified that in regard to mental health counseling, the respondent was supposed to attend counseling sessions once per week from June 2013 through November 2013, but she attended only 11 sessions, and she did not seem to "engage" in the sessions until late November. Humphrey-Vinson considered the respondent's participation in mental health counseling unsatisfactory. In regard to substance abuse treatment, the respondent began with outpatient treatment, but after testing positive for drugs, she was asked to switch to inpatient treatment. She continued to test positive, and for that reason she was discharged unsuccessfully from inpatient treatment at the end of November 2013. Humphrey-Vinson considered the respondent's participation in substance abuse treatment unsatisfactory. The respondent attended the anger-management sessions to which she was referred, but she did not "engage or participate," and Humphrey-Vinson considered her participation in anger management unsatisfactory. The respondent did satisfy the service-plan goal of undergoing a psychological examination, through her meeting with Dr. Stern.

¶ 15 In regard to parenting education, the respondent completed a parenting class while incarcerated. After her incarceration ended, she regularly visited her children. Humphrey-Vinson monitored some of these visits. The respondent brought snacks for the children, but she oftentimes was not engaged. She allowed only the youngest child to hug her or to sit on her lap; she pushed away the other children when they tried to hug

her. At times, the respondent would talk on her cell phone during the visits. Due to the respondent's behavior during visits, Humphrey-Vinson enlisted the help of a parenting coach. This coach attended the visits and tried to teach the respondent how to discipline her children, but the respondent did not take directions well. Humphrey-Vinson considered the respondent's participation in parenting education, and the respondent's visits with her children, unsatisfactory. She further opined that during her 2½ years as caseworker, the respondent's engagement with the minors was unsatisfactory.

¶ 16 Scharnita Little testified that in December 2013, she became the DCFS caseworker for minors Rayshawn, I.P., and K.R., and she continued to serve in that capacity at the time of the unfitness hearing. A caseworker at a different agency had responsibility for the respondent's other two children, Rynisha and Razelle. Little's tenure as caseworker included the nine-month period from July 2014 to April 2015. The respondent "disappeared" for three months from February to May 2014; during those three months, DCFS did not know the respondent's whereabouts, and the respondent did not participate in services or visits with the children. Then, the respondent was caught stealing and was sent to prison for a parole violation.

¶ 17 When the respondent was released from prison on July 7, 2014, Little referred her to Comprehensive Behavioral Health for a drug assessment. The respondent missed five appointments, but finally had her drug assessment on October 28, 2014. The respondent tested positive for drugs and was assigned to twice-weekly outpatient counseling. During the nine-month period from July 2014 to April 2015, the respondent missed "three or four" of the twice-weekly drug counseling sessions, but she attended the others.

However, the respondent did not participate in the sessions she attended, and Little found her "unsatisfactory" for substance abuse counseling.

¶ 18 As for visits with the children, Little testified, the respondent was scheduled for two three-hour visits per month. The respondent missed two of the visits during the nine-month period; on one of those two occasions, she phoned to say she would not be there, but on the other occasion she simply did not appear. Little monitored some of the visits. The respondent always brought snacks for all of the children, but she seemed to engage only with the youngest child; when the others attempted to hug her, she would push them back. For the most part, the respondent did not discipline the children, even when they argued or "threw things." When she did "say something," the children "didn't listen to her." The respondent also "played on her phone a lot" during the visits and needed to be "redirected," according to Little. During the course of these twice-monthly visits, the respondent's parenting skills did not seem to improve. Little rated the respondent's attendance at visits as satisfactory but rated the visits overall as unsatisfactory.

¶ 19 The respondent completed her anger-management classes in December 2013, and she received a psychological examination by Dr. Stern, and therefore Little rated the respondent satisfactory on both of those aspects of her service plan.

¶ 20 Little further testified that on August 12, 2014, the respondent was referred to Comprehensive Behavioral Health for parenting classes. The respondent missed several appointments but finally started the parenting classes on October 28, 2014. These classes met once per week for 12 weeks. The respondent "didn't really engage" in the classes, and she did not attend the last two classes. As a result, she did not receive a certificate,

and Little rated her unsatisfactory for the parenting classes. As for domestic-violence counseling, Little provided the respondent with the name of an agency, but the respondent never started the counseling, and Little rated her as unsatisfactory.

¶ 21 Little deemed the "service tasks" in the respondent's service plan appropriate and necessary to help the respondent with parenting the minors. She rated the respondent's overall performance with the plan unsatisfactory.

¶ 22 After the State rested, the respondent moved for a directed finding as to all three counts of the petitions to terminate parental rights. The court granted the motion for directed finding as to count a, but denied the motion as to counts b and c. The respondent did not testify or offer other evidence. The court found that the State had proved, by clear and convincing evidence, that the respondent was unfit because she had failed to make reasonable progress toward the minors' return home during a nine-month period (count b of the termination petitions) and because she was unable to discharge her parental responsibilities due to mental impairment, mental illness, or mental retardation (count c of the termination petitions).

¶ 23 Immediately after the adjudication of unfitness, the court proceeded to a dispositional (or, best-interests) hearing. See 705 ILCS 405/2-29(2) (West 2012). As previously noted, the respondent on appeal is challenging only the finding of unfitness, and is not challenging the best-interests determination. Therefore, a detailed summary of the evidence adduced at the dispositional hearing is unnecessary here. Both Scharnita Little, who was the caseworker responsible for Rayshawn, I.P., and K.R., and Ashlee Wysinger, who was the caseworker responsible for Rynisha and Razelle, testified that the

minors' best interests would be served by terminating the respondent's parental rights and allowing the minors to be adopted. The respondent testified that during her visits with the minors, the caseworker would stay for only a few minutes at the start of each three-hour visit, and then leave the room. The respondent further testified that she tried to speak and engage with all five children during the visits, but it was difficult because the children sometimes ran around or threw bottles, and there was nothing for the children to do at the site of the visits.

¶ 24 At the close of the dispositional hearing, the court found that termination of the respondent's parental rights was in the best interests of all five minors. The court terminated those rights, ordered that the minors remain wards of the court, granted DCFS the power to consent to the minors' adoption, and set a permanency goal of adoption.

¶ 25 On June 16, 2015, the respondent filed notices of appeal from the judgments. The circuit court appointed counsel on appeal.

¶ 26 ANALYSIS

¶ 27 As previously noted, the respondent has presented two arguments on appeal. Her first argument is that the State's failure to comply with the notice pleading requirement of section 1(D)(m) of the Adoption Act (750 ILCS 50/1(D)(m) (West 2012)) compels a reversal of the circuit court's finding that the respondent was an unfit parent due to a failure to make reasonable progress toward the minors' return to her during a nine-month period following the adjudication of neglected minor. The respondent raises this issue for the first time on appeal.

¶ 28 Under section 1(D)(m), whenever the State alleges in a petition to terminate parental rights that a parent is unfit on the ground that he or she has failed to make reasonable progress toward the return of the child to the parent during any nine-month period following the adjudication of neglected minor, the State "shall file with the court and serve on the parties a pleading that specifies the 9-month period or periods relied on." 750 ILCS 50/1(D)(m) (West 2012). In its brief, the State has acknowledged that it failed to comply with this notice pleading requirement in the instant case. The State argues, however, that its noncompliance does not compel reversal, for the respondent forfeited this issue by not raising it in the circuit court.

¶ 29 A few years ago, this court shared the respondent's view on this issue. In *In re S.L.*, 2012 IL App (5th) 120271, this court held that compliance with section 1(D)(m)'s notice pleading requirement was mandatory, and therefore the State's failure to comply with it compelled reversal of the circuit court's finding that the parent was unfit on the ground of failure to make reasonable progress during a nine-month period, notwithstanding the parent's failure to raise the issue in the circuit court. *S.L.*, 2012 IL App (5th) 120271, ¶ 42. Here, the respondent relies on this court's decision in *S.L.* in urging this court to reverse the finding that she was unfit for failure to make reasonable progress during a nine-month period.

¶ 30 However, the respondent's reliance on this court's decision in *S.L.* is misplaced, for the Illinois Supreme Court reversed the relevant part of that judgment after repudiating this court's reasoning and holding on the notice-pleading issue. *In re S.L.*, 2014 IL 115424. "[T]he State's failure to file a separate notice pleading identifying the nine-

month period or periods at issue constitutes a pleading defect *** which *** was forfeited by [respondent-mother] because she failed to raise the issue in the trial court when it still could be remedied." *S.L.*, 2014 IL 115424, ¶ 27. Like the respondent in *S.L.*, the respondent here forfeited the notice-pleading issue by failing to raise it in the circuit court. The respondent's attorney at the unfitness hearing, after clarifying which nine-month period the State intended to rely upon, simply proceeded with the hearing. Neither the respondent nor counsel complained about not receiving a separate notice in advance. On appeal, neither the respondent nor the record suggests that the lack of a separate notice resulted in any harm to the respondent. The State's failure to comply with the notice pleading requirement of section 1(D)(m) does not compel reversal of the circuit court's finding of unfitness due to the respondent's failure to make reasonable progress toward the minors' return to her.

¶ 31 Apart from her notice-pleading argument, the respondent has not argued on appeal that the circuit court erred in finding her unfit due to failure to make reasonable progress during a nine-month period. Consequently, this court will merely note that it has examined the transcript of the unfitness hearing and has concluded that the testimony of DCFS caseworker Scharnita Little supports the circuit court's finding that the State clearly and convincingly proved that the respondent was unfit for failure to make reasonable progress during the nine-month period from July 2014 to April 2015, the period that the State relied upon. The finding was not against the manifest weight of the evidence. See *In re M.R.*, 393 Ill. App. 3d 609, 613 (2009) (circuit court's unfitness determination will not be disturbed on review unless it is against the manifest weight of

the evidence). This court may affirm the judgment of the circuit court on this basis alone, without any consideration of the other ground for unfitness. See *In re Gwynne P.*, 215 Ill. 2d 340, 349 (2005) (reviewing court may affirm if there is sufficient evidence to satisfy any one ground of unfitness alleged in the State's termination petition), and *In re M.J.*, 314 Ill. App. 3d 649, 655 (2000) (if the State proved any ground alleged in the petition, the reviewing court need not consider any other ground of unfitness found below).

¶ 32 Nevertheless, this court chooses to address the respondent's second argument, which is that the circuit court erred in finding her unfit on the ground that she was unable to discharge parental responsibilities due to mental impairment, mental illness, or mental retardation that would extend beyond a reasonable time period.

¶ 33 This particular ground for finding a parent unfit is described in section 1(D)(p) of the Adoption Act, which reads in pertinent part as follows:

> "Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or an intellectual disability as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code, *** and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period. ***." 750 ILCS 50/1(D)(p) (West 2012).

The statute's phrase "mental impairment" is not defined by statute. "However, the word 'impairment' is defined as '[t]he fact or state of being damaged, weakened, or diminished.' Black's Law Dictionary 754 (7th ed. 1999)." *In re Michael M.*, 364 Ill App. 3d 598, 608

(2006). The phrase "mental illness" is defined in section 1-129 of the Mental Health and Developmental Disabilities Code as follows:

> " 'Mental illness' means a mental[ ] or emotional disorder that substantially impairs a person's thought, perception of reality, emotional process, judgment, behavior, or ability to cope with the ordinary demands of life, but does not include a developmental disability, dementia or Alzheimer's disease absent psychosis, a substance abuse disorder, or an abnormality manifested only by repeated criminal or otherwise antisocial conduct." 405 ILCS 5/1-129 (West 2012).

The phrase "intellectual disability" is defined in section 1-116 of the Mental Health and Developmental Disabilities Code as "significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years." 405 ILCS 5/1-116 (West 2012).

¶ 34 Regardless of the ground for parental unfitness, the State has the burden of proving unfitness by clear and convincing evidence. *In re C.N.*, 196 Ill. 2d 181, 208 (2001). The determination of whether a parent is unfit involves factual determinations and credibility assessments that the circuit court is best equipped to make. *In re A.L.*, 409 Ill. App. 3d 492, 500 (2011). A circuit court's unfitness determination will not be disturbed on review unless it is against the manifest weight of the evidence. *In re M.R.*, 393 Ill. App. 3d at 613. A factual finding is against the manifest weight of the evidence only where the opposite conclusion is clearly evident or the determination is unreasonable, arbitrary, or not based on the evidence presented. *In re D.F.*, 201 Ill. 2d 476, 498 (2002).

¶ 35 The State presented competent evidence from a highly experienced clinical psychologist, Dr. Stern. He testified that the respondent suffered from ADHD, "borderline range of intelligence," and a personality disorder. According to Dr. Stern, this trio of problems, taken together, adversely affected the respondent's ability to parent and to function independently. Indeed, Dr. Stern considered the respondent incapable of parenting children. While the ADHD might be improved through medication and counseling, the cognitive deficiencies and the personality disorder were, according to Dr. Stern, essentially static and not susceptible of improvement. Dr. Stern clearly expected that the respondent would continue to have great difficulty in solving problems, in making sound decisions, in focusing on her children and their needs instead of herself and her own needs, and in empathizing with the children. Dr. Stern did not testify that the respondent's subaverage general intellectual functioning originated before the age of 18 years, and therefore it cannot be said that the State proved an intellectual disability as defined in section 1-116 of the Mental Health and Developmental Disabilities Code. However, Dr. Stern's testimony did establish that the respondent suffers from mental impairment and mental illness, that these problems render her unable to discharge parental responsibilities, and that this inability will extend beyond a reasonable time period. See 750 ILCS 50/1(D)(p) (West 2012).

¶ 36 Dr. Stern's testimony was corroborated by the testimonies of DCFS employees Deadra Humphrey-Vinson and Scharnita Little. They portrayed the respondent as someone who could not accept affection from her children, who seemed incapable of effectively disciplining or relating well with her children, who frequently seemed

preoccupied or self-absorbed during visits with the children, and whose parenting showed no sign of improvement over the course of many, many months, despite plenty of parenting education.

¶ 37 Based on this evidence, the circuit court determined that the State had proved, clearly and convincingly, that the respondent was unfit on the ground that she was unable to discharge parental responsibilities due to mental impairment or mental illness. This determination certainly is not against the manifest weight of the evidence.

¶ 38 For the reasons stated above, the circuit court's five judgments finding the respondent an unfit parent and terminating her parental rights in the five minors are hereby affirmed.

¶ 39 Affirmed.