2016 IL App (2d) 150976-U
No. 2-15-0976
Order filed March 31, 2016

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re DIAMOND C., a Minor.	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 13-JA-26
	)	
(The People of the State of Illinois,	)	Honorable
Petitioner-Appellee, v. Latisha M.,	)	Mary Linn Green,
Respondent-Appellant.)	)	Judge, Presiding.

JUSTICE JORGENSEN delivered the judgment of the court.
Justices Hutchinson and Hudson concurred in the judgment.

ORDER

¶ 1 *Held*: Trial court's finding that respondent is unfit was not contrary to the manifest weight of the evidence.

¶ 2 On July 8, 2015, the trial court found that the State had established by clear and convincing evidence that respondent, Latisha M., is an unfit parent to her daughter, Diamond C. On August 8, 2015, after finding it in Diamond's best interest to do so, the court terminated respondent's parental rights. Respondent appeals only the court's unfitness finding. We affirm.

¶ 3 On February 5, 2013, when she was four days old, the State filed a neglect petition alleging that Diamond was neglected in that her environment was injurious to her welfare because her siblings had been removed from respondent's care and respondent had not corrected

the conditions that led to their removal. On April 5, 2013, respondent stipulated to the neglect petition, and the court entered an adjudication of neglect.

¶ 4 Three permanency review hearings, held on September 17, 2013, January 7, 2014, and July 25, 2014, followed. At all three hearings, the court found that respondent had made reasonable *efforts* during the relevant periods. However, at the first hearing, the court made no findings as to respondent's *progress*, and, at the final two hearings, the court found respondent did *not* make reasonable progress. At the final hearing, the court changed the goal from return home to substitute care pending court determination of parental rights.

¶ 5 On October 1, 2014, the State moved to terminate respondent's parental rights, alleging that she was unfit on four bases in the Adoption Act (750 ILCS 50/1 *et seq.* (West 2014)); however, the trial court ultimately found respondent unfit on only three: (1) failure to maintain a reasonable degree of interest, concern, or responsibility as to Diamond's welfare (750 ILCS 50/1(b) (West 2014)); (2) failure to make reasonable progress toward the return of Diamond to her home within nine months following the neglect adjudication, specifically, between April 5, 2013, and January 5, 2014 (750 ILCS 50/1(m)(ii) (West 2014)); and (3) failure to make reasonable progress toward the return of Diamond to her home within any nine-month period after the initial nine months after the neglect adjudication, specifically, between February 5, 2014, and November 5, 2014 (750 ILCS 50/1(m)(iii) (West 2014)).

¶ 6 A trial court's unfitness finding will not be disturbed on review unless it is contrary to the manifest weight of the evidence. *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005). A finding of unfitness is contrary to the manifest weight of the evidence only where the opposite conclusion is clearly apparent. *In re D.D.*, 196 Ill. 2d 405, 417 (2001). Here, although the trial court found respondent unfit on three grounds alleged in the State's petition, we need not consider all of

those grounds, as any one of them, if not contrary to the manifest weight of the evidence, is sufficient to affirm the court's finding. *Gwynne P.*, 215 Ill. 2d at 350.

¶ 7 We have reviewed the record and, at a minimum, the court's finding that, in the nine-month period from April 5, 2013, to January 5, 2014, respondent failed to make reasonable progress toward the return of Diamond to her home is not contrary to the manifest weight of the evidence. The evidence reflected that, during the relevant period, respondent made laudable efforts to comply with the requirements of her service plan (indeed, the court found that she made reasonable efforts through the pendency of this case). However, it was not contrary to the manifest weight of the evidence for the court to find that respondent did not make reasonable *progress* during the relevant period. The question of reasonable progress is an objective one, which requires the court to consider whether the parent's actions reflect that the court will be able to return the child home in the near future. See *In re Phoenix F.*, 2016 IL App (2d) 150431, ¶ 7. In order for there to be reasonable progress, there must be some "demonstrable movement toward the goal of reunification." *In re C.N.*, 196 Ill. 2d 181, 211 (2001).

¶ 8 Here, the court found that, during the relevant period, respondent remained unemployed and without adequate housing. The court noted that, two days after the period ended, *i.e.*, January 7, 2014, a permanency review hearing was held and respondent was found, at that time, to have not made reasonable progress. A review of the evidence presented at that hearing, and the permanency hearing report prepared by DCFS for purposes of that hearing, indeed reflect that respondent lacked employment or stable housing during this period. Further, her visitation with Diamond remained supervised and concerns were expressed about respondent's ability to make decisions for her daughter that were age appropriate (such as allegedly feeding her torn up, solid foods, when Diamond had only been introduced to jarred baby food), as well as her ability

to provide protective parenting skills. The evidence further reflected that respondent had once received a mental health diagnosis of bipolar disorder and attention deficit hyperactivity disorder (ADHD), but she ceased taking medications for those issues. In light of the foregoing, the court found, on January 7, 2014, that Diamond was no closer to being returned home.

¶ 9 At the fitness hearing, the court again heard evidence concerning the foregoing period and the concerns about respondent's progress therein. Service plans covering the relevant period were admitted into evidence without objection, and the court took judicial notice of the January 7, 2014, permanency review order. A caseworker testified that, at no point during the pendency of the case, was respondent able to receive unsupervised visitation. Respondent admitted that, in November 2013, she lived in a shelter, and she agreed that it was possible that, between fall 2013 and early 2014, she had six different residential addresses. Respondent further agreed that she did not, in 2013, receive any treatment for her bipolar or ADHD diagnoses.

¶ 10 In sum, despite respondent's efforts to comply with her service plans, the court's finding that the State met its burden of establishing that, between April 5, 2013, and January 5, 2014, no reasonable progress was made to returning Diamond home, was not contrary to the manifest weight of the evidence. See *In re Jordan V.*, 347 Ill. App. 3d 1057, 1068 (2004). Respondent does not challenge on appeal the trial court's finding that it is in Diamond's best interests that respondent's parental rights be terminated. Thus, we affirm the judgment of the circuit court of Winnebago County.

¶ 11 Affirmed.