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March 29, 2016
Carla Bender
4th District Appellate
Court, IL

NOS. 4-15-0989, 4-16-0036, 4-16-0038, 4-16-0039 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: A.R., a Minor, THE PEOPLE OF THE STATE OF ILLINOIS, Petitioner-Appellee, v. (No. 4-15-0989) LACRETIA REED, Respondent-Appellant.	Appeal from Circuit Court of Vermilion County No. 14JA80
In re: L.R., a Minor, THE PEOPLE OF THE STATE OF ILLINOIS, Petitioner-Appellee, v. (No. 4-16-0036) LACRETIA REED, Respondent-Appellant.	No. 14JA81
In re: V.R., a Minor, THE PEOPLE OF THE STATE OF ILLINOIS, Petitioner-Appellee, v. (No. 4-16-0038) LACRETIA REED, Respondent-Appellant.	No. 14JA82
In re: J.T.-S., a Minor, THE PEOPLE OF THE STATE OF ILLINOIS, Petitioner-Appellee, v. (No. 4-16-0039) LACRETIA REED, Respondent-Appellant.	No. 14JA83 Honorable Claudia S. Anderson, 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 affirmed the trial court's decision terminating respondent's

parental rights.

¶ 2 In June 2014, the State filed petitions for adjudication of wardship with respect to A.R., L.R., V.R., and J.T.-S., the minor children of respondent, Lacretia Reed. In January 2015, 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 September 2015, the State filed petitions to terminate respondent's parental rights. In November 2015, the court found respondent unfit and also found it in the minors' best interests that respondent's parental rights be terminated.

¶ 3 On appeal, respondent argues the trial court erred in finding (1) her unfit and (2) it in the minors' best interests that her parental rights be terminated. We affirm.

¶ 4 I. BACKGROUND

¶ 5 In June 2014, the State filed petitions for adjudication of wardship with respect to respondent's children, including A.R., born in August 2012 (case No. 14-JA-80); L.R., born in September 2004 (case No. 14-JA-81); V.R., born in June 2007 (case No. 14-JA-82); and J.T.-S., born in October 2009 (case No. 14-JA-83). The petitions 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 2014)) based on an injurious environment due to respondent's (1) failure to complete services in an intact case, (2) leaving children with an inappropriate caregiver, and (3) drug use. In June 2014, the trial court entered a temporary custody order, finding probable cause for the filing of the petitions.

¶ 6 In November 2014, respondent admitted the drug-use allegation, and the trial court found the minors neglected based on an injurious environment. In its January 2015 dispositional order, the court found respondent unfit and unable to care for, protect, train,

educate, supervise, or discipline the minors and placement with her would be contrary to the health, safety, and best interests of the minors because of respondent's substance abuse and lack of a proper place to live with the children. The court adjudged the minors neglected, made them wards of the court, and placed custody and guardianship with DCFS.

¶ 7 In September 2015, the State filed petitions to terminate respondent's parental rights. The petitions alleged respondent was unfit because she (1) abandoned the minors (750 ILCS 50/1(D)(a) (West 2014)); (2) failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare (750 ILCS 50/1(D)(b) (West 2014)); (3) deserted the minors for more than three months preceding the commencement of this action (750 ILCS 50/1(D)(c) (West 2014)); (4) failed to make reasonable efforts to correct the conditions that were the basis for the removal of the children from her during any nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(i) (West 2014)); and (5) failed to make reasonable progress during any nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2014)). The State listed the relevant nine-month period as October 29, 2014, to July 29, 2015.

¶ 8 In November 2015, the trial court conducted the unfitness hearing. Respondent did not appear. Gwendolyn Parker, the minors' caseworker, testified respondent "completed stages" of services but not the full services. She also failed to successfully complete treatment for substance abuse and mental health. Respondent had not visited with the children since March 2015.

¶ 9 Following arguments, the trial court found respondent unfit on all of the allegations in the State's petitions. The court then proceeded to the best-interests hearing. Parker testified J.T.-S. and A.R. live together in a traditional foster home. They appear to be bonded

with their foster parents. Parker felt it is an appropriate placement and noted the foster parents are willing to provide permanency. L.R. and V.R. live together in a traditional foster home and they are "very bonded" with the foster family. Both minors are involved in counseling. Parker stated the foster parents are willing to provide permanency. Parker stated respondent had not provided any letters, gifts, or money to the children.

¶ 10 Following arguments, the trial court found it in the minors' best interests that respondent's parental rights be terminated. This appeal followed.

¶ 11 II. ANALYSIS

¶ 12 A. Unfitness Findings

¶ 13 Respondent argues the trial court erred in finding her unfit. We disagree.

¶ 14 In a proceeding to terminate a respondent's parental rights, the State must prove unfitness by clear and convincing evidence. *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006). " 'A determination of parental unfitness involves factual findings and credibility assessments that the trial court is in the best position to make.' " *In re Richard H.*, 376 Ill. App. 3d 162, 165, 875 N.E.2d 1198, 1201 (2007) (quoting *In re Tiffany M.*, 353 Ill. App. 3d 883, 889-90, 819 N.E.2d 813, 819 (2004)). A reviewing court accords great deference to a trial court's finding of parental unfitness, and such a finding will not be disturbed on appeal unless it is against the manifest weight of the evidence. *In re A.F.*, 2012 IL App (2d) 111079, ¶ 40, 969 N.E.2d 877. "A decision regarding parental fitness is against the manifest weight of the evidence where the opposite conclusion is clearly the proper result." *In re D.D.*, 196 Ill. 2d 405, 417, 752 N.E.2d 1112, 1119 (2001).

¶ 15 Here, the trial court found respondent unfit because she (1) abandoned the minors; (2) failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors'

welfare; (3) deserted the minors for more than three months preceding the commencement of this action; (4) failed to make reasonable efforts to correct the conditions that were the basis for the removal of the children from her during any nine-month period following the adjudication of neglect; and (5) failed to make reasonable progress during any nine-month period following the adjudication of neglect. On appeal, respondent does not take issue with the court's findings of parental unfitness based on abandonment or desertion. "Evidence of a single statutory ground is sufficient to uphold a finding of parental unfitness." *In re T.Y.*, 334 Ill. App. 3d 894, 905, 778 N.E.2d 1212, 1220 (2002). Thus, respondent's omission concedes she is unfit on the unchallenged grounds and makes it unnecessary to address her remaining arguments. *In re D.L.*, 326 Ill. App. 3d 262, 268, 760 N.E.2d 542, 547 (2001).

¶ 16 B. Best-Interests Findings

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

¶ 18 "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 interests, 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 2014). 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, 1072, 859 N.E.2d 123, 141 (2006).

See also 705 ILCS 405/1-3(4.05)(a) to (j) (West 2014).

¶ 19 A trial court's finding that termination of parental rights is in a child's best interests 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).

¶ 20 In the case *sub judice*, Parker testified J.T.-S. and A.R. live together in a traditional foster home and appear to be bonded with their foster parents. Parker felt it is an appropriate placement and noted the foster parents are willing to provide permanency. L.R. and V.R. live together in a traditional foster home and they are "very bonded" with the foster family. L.R. and V.R. are involved in counseling. Parker stated the foster parents are willing to provide permanency. Parker also stated respondent had not provided any letters, gifts, or money to the

children.

¶ 21 The evidence shows respondent has absented herself from her children's lives and nothing indicates she could provide the permanency they need and deserve now or in the near future. The minors' foster parents could provide them with that permanency. We find the trial court's decision finding it in the minors' best interests that respondent's parental rights be terminated was not against the manifest weight of the evidence.

¶ 22 III. CONCLUSION

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

¶ 24 Affirmed.