

NOTICE

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2016 IL App (4th) 160212-U

NO. 4-16-0212

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

August 5, 2016

Carla Bender

4th District Appellate Court, IL

In re: Donn. C., Done. C., and Dary. C., Minors,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Champaign County
v.)	No. 13JA1
SHENIKA GREATHOUSE,)	
Respondent-Appellant.)	Honorable
)	John R. Kennedy,
)	Judge Presiding.

JUSTICE HOLDER WHITE delivered the judgment of the court.
Justices Turner and Steigmann concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, concluding the trial court's best-interest finding was not against the manifest weight of the evidence.

¶ 2 In August 2014, the State filed a motion seeking a finding of unfitness and the termination of the parental rights of respondent, Shenika Greathouse, as to her children, Donn. C. (born April 12, 1998), Done. C. (born July 1, 1999), and Dary. C. (born September 15, 2001). Following a January 2016 fitness hearing, the trial court found respondent unfit. In April 2016, the court found it was in the best interest of Dary. C. to terminate respondent's parental rights. However, the court did not terminate respondent's parental rights as to Donn. C. and Done. C.

¶ 3 Respondent appeals, asserting the trial court's best-interest finding was against the manifest weight of the evidence. For the following reasons, we affirm.

¶ 4 I. BACKGROUND

¶ 5

A. Procedural History

¶ 6 In January 2013, the State filed a petition for adjudication of abuse and neglect, alleging respondent (1) abused Done. C. in that she inflicted minor physical injury by other than accidental means (705 ILCS 405/2-3(2)(i) (West 2012)) (count I); (2) abused all three children in that she subjected them to a substantial risk of physical injury by other than accidental means (705 ILCS 405/2-3(2)(ii) (West 2012)) (count II); and (3) neglected all three children by subjecting them to an environment injurious to their welfare in that they were exposed to the risk of physical harm (705 ILCS 405/2-3(1)(b) (West 2012)) (count III). The case arose after respondent bit Done. C.'s thumb, threw her to the ground, and kicked her several times after Done. C. refused to wash the dishes. The petition also raised allegations related to the minors' father, Donnie Caldwell; however, he surrendered his parental rights in January 2016 and is not a party to this appeal.

¶ 7 In April 2013, with respect to respondent, the trial court entered an order adjudicating the minors abused and neglected as to counts II and III. The following month, the court entered a dispositional order (1) finding respondent unfit and unable to care for the children, (2) making the children wards of the court, and (3) granting custody and guardianship to the Department of Children and Family Services.

¶ 8 In August 2014, the State filed a motion seeking a finding of unfitness and the termination of respondent's parental rights. The petition alleged respondent was unfit for failing to (1) make reasonable efforts to correct the conditions that were the basis for the removal of the children from the home (750 ILCS 50/1(D)(m)(i) (West 2014)); (2) make reasonable progress toward the return home of the children within the initial nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2014)); and (3) maintain a reasonable

degree of interest, concern, or responsibility for the children (750 ILCS 50/1(D)(b) (West 2014)). Following a January 2016 fitness hearing, which respondent failed to attend, the trial court determined respondent was unfit on all three counts.

¶ 9 B. Best-Interest Hearing

¶ 10 In April 2016, the trial court held a best-interest hearing. The parties presented no testimony, but the trial court stated it relied upon the following evidence in rendering its decision: (1) the Lutheran Social Services (Lutheran) report, (2) the court-appointed special advocate (CASA) report, (3) prior court orders, and (4) the arguments provided by the parties. Ultimately, the court terminated respondent's parental rights only as to Dary. C. Thus, as much as possible, we focus on the evidence related to Dary. C.

¶ 11 1. *The Lutheran Report*

¶ 12 The Lutheran report stated the agency lost contact with respondent, her last known address being in Indianapolis, Indiana. As a result, Lutheran was unable to verify whether respondent was (1) employed, (2) involved in a relationship, or (3) participating in mental-health services. Respondent's last visit with the children occurred in May 2015, though she also briefly visited with the children after a September 2015 hearing.

¶ 13 Respondent completed a psychological evaluation in December 2013 and also completed the necessary parenting classes. In April 2014, respondent was unsuccessfully discharged from individual counseling services, and Lutheran was unaware whether she had reengaged in services. She was also unsuccessfully discharged from domestic-violence treatment in 2014 and, due to lack of contact, Lutheran could not determine whether she had reengaged in treatment. Although respondent had not been recommended for substance-abuse treatment, her substance abuse evaluation results did contain a diagnosis of alcohol abuse.

However, due to respondent's lack of contact, Lutheran had been unable to subject respondent to any screening.

¶ 14 The Lutheran report also provided detailed information regarding the children. Dary. C. was placed in specialized foster care apart from her sisters. Despite being separated from her sisters, Dary. C. maintained a relationship with them. The Lutheran report stated Dary. C. had bonded with her foster parents and maintained a good relationship with them, and she was well-cared for and her needs were met. Dary. C. was passing all of her classes in the ninth grade, with her social workers, teachers, and foster parents encouraging her to complete all of her assignments. Dary. C. had various physical- and mental-health diagnoses, for which she was receiving medication. She also regularly attended individual counseling.

¶ 15 The Lutheran report determined all three children required permanency in a stable home, which respondent could not provide. The report also stated respondent had not demonstrated she could provide the structure, oversight, and management of services the children required. As a result, Lutheran recommended the termination of respondent's parental rights.

¶ 16 *2. The CASA Report*

¶ 17 The CASA report noted, until respondent moved to Indiana, she was the most constant person in her children's lives. The CASA report stated the foster placement for Dary. C. provided her with both emotional and physical safety. Dary. C. had a strong sense of attachment to her foster parents and relied on them for her security and stability. Dary. C. also had a strong attachment to her community, and her foster parents were willing to provide permanency. Like her sisters, Dary. C. expressed a desire to return to respondent's care. However, Dary. C. had also expressed an interest in guardianship with her foster parents, and they had agreed to it.

¶ 18 Although the children wished to be reunited with respondent, the CASA report noted respondent was not in a position to provide permanence, nor had she expressed a willingness or ability to provide permanence. Accordingly, the CASA report recommended termination of respondent's parental rights.

¶ 19 *3. Arguments by the Parties*

¶ 20 The State asserted the parental rights of respondent should not be terminated as to the two older children, Donn. C. and Done. C., and their goal should be independence. As for Dary. C., the State argued termination was in her best interest because her foster parents offered to provide permanency she would not otherwise obtain through respondent.

¶ 21 The guardian *ad litem* (GAL) also recommended the termination of respondent's parental rights as to Dary. C. only. The GAL asserted Dary. C. was happy in her foster placement, which provided her with the support she needed for her future. According to the GAL, the foster parents could provide the stability and permanency Dary. C. needed as she planned for college.

¶ 22 Respondent argued that all three children expressed their desire to continue a relationship with her and, therefore, termination of her parental rights was not appropriate.

¶ 23 *4. The Trial Court's Finding*

¶ 24 Based on the evidence provided, the trial court found differing results were in the children's best interest. As to Donn. C., who was nearly 18 years old, and Done. C., who was nearly 17 years old, the court found it was not in their best interest to terminate respondent's parental rights. Rather, Donn. C. and Done. C. would continue forward with a goal of independence.

(c) the child's background and ties, including familial, cultural, and religious;

(d) the child's sense of attachments ***[;]

* * *

(e) the child's wishes and long-term goals;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child." *Id.*

¶ 31 As previously noted, the court terminated respondent's rights only as to Dary. C. Thus, we will address respondent's arguments only as they relate to Dary. C.

¶ 32 The reports provided by Lutheran and CASA describe Dary. C. as having a good relationship with her foster parents, with whom she has bonded and relies upon for her well-being. At Dary. C.'s request, her foster parents have agreed to provide permanence. The foster parents have provided a stable influence in Dary. C.'s life, as they have helped her with her struggles in school and ensured she receives counseling and any medical treatment she may

