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**FILED**

September 30, 2016  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

2016 IL App (4th) 160343

NOS. 4-16-0343, 4-16-0352 cons.

IN THE APPELLATE COURT  
OF ILLINOIS  
FOURTH DISTRICT

In re: Tia. P., Fra. P., Tan. P., and	)	Appeal from
Tal. P., Minors,	)	Circuit Court of
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Champaign County
Petitioner-Appellee,	)	No. 13JA29
v. (No. 4-16-0343)	)	
FRANKIE PAYTON,	)	
Respondent-Appellant.	)	
-----	)	
In re: T.P., a Minor,	)	No. 14JA42
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-16-0352)	)	Honorable
FRANKIE PAYTON,	)	John R. Kennedy,
Respondent-Appellant.	)	Judge Presiding.

PRESIDING JUSTICE KNECHT delivered the judgment of the court.  
Justices Harris and Holder White concurred in the judgment.

**ORDER**

¶ 1 *Held:* (1) The trial court did not err in finding respondent father unfit.

(2) The trial court did not err in terminating respondent father’s parental rights.

¶ 2 Respondent father, Frankie Payton, appeals the orders finding him an unfit parent and terminating his parental rights to Tia. P. (born June 30, 2005), Fra. P. (born July 31, 2006), Tan. P. (born April 9, 2009), Tal. P. (born February 13, 2013), and T.P. (born June 12, 2014). Respondent argues the orders are against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In May 2013, the State filed a petition for adjudication of neglect and shelter care on behalf of the four older children, Tia. P., Fra. P., Tan. P., and Tal. P. The State alleged the minors were neglected when they resided with their parents, Ashley Payton and respondent, because when they resided with Ashley and respondent they were exposed to an environment injurious to their welfare (705 ILCS 405/2-3(1)(b) (West 2012)). Ashley is not a party to this appeal. Allegedly, the environment exposed the children to substance abuse, inadequate supervision, inappropriate persons, and domestic violence. At the adjudicatory hearing, both parents stipulated to the neglect allegations showing the children were left without adult supervision in May 2013. Ashley also admitted abusing prescription medication. The trial court found the children neglected and, after a dispositional hearing, placed custody and guardianship of the children with the Department of Children and Family Services (DCFS).

¶ 5 In June 2014, Ashley gave birth to T.P. and DCFS took protective custody of her. Four days after T.P.'s birth, the State petitioned for an adjudication of neglect and shelter care on T.P.'s behalf. The State alleged T.P. was neglected as she was in an environment injurious to her health when she resided with Ashley or respondent as the parents had failed to correct the conditions resulting in the previous finding of parental unfitness (705 ILCS 405/2-3(1)(b) (West 2012)). T.P.'s parents stipulated to the allegations of neglect, and the trial court placed custody and guardianship with DCFS.

¶ 6 In July 2015, the State filed motions to find respondent unfit and terminate his parental rights to the children. Regarding the four older children, the State alleged respondent was unfit in that he failed to (1) make reasonable efforts to correct the conditions that were the basis for the removal of the children from him (750 ILCS 50/1(D)(m)(i) (West 2014)) (count I);

(2) make reasonable progress toward the return of the children in the initial nine months following the neglect adjudication (750 ILCS 50/1(D)(m)(ii) (West 2014)) (count II); (3) make reasonable progress toward the return of the children during the nine month period of April 18, 2014, to January 18, 2015 (750 ILCS 50/1(D)(m)(ii) (West 2014)) (count III); and (4) maintain a reasonable degree of interest, concern, or responsibility as to the children's welfare (750 ILCS 50/1(D)(b) (West 2014)) (count IV). Regarding the youngest child, T.P., the State alleged respondent failed to (1) make reasonable efforts to correct the conditions on which T.P.'s removal was based (750 ILCS 50/1(D)(m)(i) (West 2014)) (count I); (2) make reasonable progress toward T.P.'s return in the initial nine months after the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2014)) (count II); and (3) maintain a reasonable degree of interest, concern, or responsibility as to T.P.'s welfare (750 ILCS 50/1(D)(b) (West 2014)) (count III).

¶ 7 Beginning in September 2015, the hearing on the State's allegations of parental unfitness was held. The State submitted into evidence the shelter care report authored by DCFS. According to the report, in April 2013, a hotline report alleged Tia. P. and Fra. P. were left in the care of respondent, "an indicated sexual perpetrator." Tia. P. and Fra. P., at that time, already resided with their maternal grandmother and her husband due to issues of homelessness. It was further alleged Ashley had substance-abuse issues. A second hotline call was received in May 2013, alleging the parents left the children unsupervised. Tia. P. reported to her maternal grandmother she had been left in charge of her three younger siblings. In the report, DCFS further stated respondent's "CANTS is positive for sexual penetration in 2001 with a 50-year retention." Respondent also had multiple charges and convictions related to drugs. Respondent further had a conviction for burglary and one for assault.

¶ 8 At the hearing, the State first called Michael Kleppin to testify. Kleppin, a licensed clinical professional counselor, sex-offender evaluator, and sex-offender treatment provider, testified regarding his meetings with respondent. Kleppin received a referral for the treatment of respondent from the Center for Youth and Family Solutions (CYFS), which requested a sex-offender evaluation of respondent. Kleppin assessed respondent in 2013. Typically, assessments pursuant to such referrals involved an interview lasting between three and six hours and psychometric testing.

¶ 9 According to Kleppin, respondent participated openly and honestly in the assessment. Respondent adequately understood the reasons for the referral. Kleppin estimated respondent's risk of offending was "a low to low moderate" risk. Kleppin did not note anything unusual occurring during the course of the evaluation.

¶ 10 On cross-examination, Kleppin testified respondent maintained appropriate eye contact during the interview, which lasted between 3 and 4 1/2 hours. At no point in the interview did respondent state he sexually abused his aunt. Kleppin was presented with no evidence, other than the referral that said respondent had been indicated in the alleged abuse, to show respondent had committed sexual abuse. Respondent told Kleppin he did not know of those allegations until his children became involved with DCFS. Had the referral not indicated the act, his risk level "would potentially lower." Kleppin testified the tests did not indicate personality or mood disorders.

¶ 11 Kleppin further noted respondent was polite, respectful, and cooperative during the assessment. Respondent demonstrated a range of emotional responses consistent with his environment and circumstances. One of the tests performed on respondent indicated a stable

individual, “making through daily functioning without any large consequence or disabling events.” No sex-offender treatment was recommended.

¶ 12 Conrad Hayes, a cofacilitator at Cognition Works, testified Cognition Works offered several domestic-violence-related programs. Hayes received a referral for respondent to participate in the Change Program from DCFS. According to Hayes, the Change Program was a 26-week program, in which participants met once per week. Beginning in February 2015, respondent participated in 11 sessions led by Hayes and he was participating in other sessions with a different facilitator. Hayes believed respondent had completed 21 sessions.

¶ 13 According to Hayes, respondent identified a maladaptive thinking pattern in which he engaged. Hayes identified the pattern as “victim’s grip,” which is blaming others for your situation and choices. Hayes stated respondent’s attendance was fair, as he had eight excused absences. A participant in the Change Program would be terminated from the program after three unexcused absences. Respondent did well in the sessions. Respondent expressed he had some difficulty with his reading. However, during his time in the program, he completed assignments, accepted feedback, and provided feedback. Respondent also was willing to ask questions. Hayes believed respondent understood the information provided to him. Hayes believed respondent was honest. When asked if it appeared respondent provided contradictory information to him, Hayes responded, “No.” Hayes believed respondent was making progress and was integrating the information related to his maladaptive thinking patterns.

¶ 14 Edward King, a substance-abuse counselor at Prairie Center Health Systems (Prairie Center), testified DCFS referred respondent to him for the least intensive substance-abuse treatment. Respondent began therapy in October 2013. Respondent was recommended to

participate in individual and group therapy. Individual therapy sessions occurred weekly. Respondent was to participate in group sessions three evenings per week. Regarding respondent's progress, King testified to "mixed results." Respondent did some things very well, but he had obstacles, such as attendance. Respondent was working full-time, and his employer insisted on mandatory overtime. In addition, respondent had transportation issues. Respondent was dependent on his wife for transportation.

¶ 15 According to King, respondent would have completed the program in January 2015. Respondent had completed all of his group services and was in "aftercare," in which he participated in only individual sessions. An incident occurred in December 2014, however, that led to the determination for him to reengage in treatment. During the time period of his treatment, respondent made extraordinary efforts to engage in treatment, including walking from Rantoul, Illinois, to Champaign a number of times and riding a bicycle the same distance a couple of times.

¶ 16 King testified he and respondent discussed the December 2014 incident. Respondent reported he had taken a ride from someone from Rantoul to Champaign to complete a service. The person giving him the ride consumed alcohol during the ride. Respondent was tempted and decided to consume alcohol as well. Respondent reported he "felt like he was in over his head" and was in an almost "impossible situation." The two discussed at length the need to set boundaries with people who used alcohol. Respondent felt desperate in his circumstances of needing transportation. Respondent reported the police became involved during this incident and respondent was briefly incarcerated. A domestic-violence charge resulted.

¶ 17 King stated respondent was then referred to a relapse-prevention group, which met three times per week. Respondent also consistently attended a sobriety-based support group at Restoration Urban Ministries (Restoration). Respondent also attended Alcoholics Anonymous (AA) meetings. After the December 2014 incident, respondent did very well. He was at that time living at Restoration, which removed a lot of the transportation issues he faced. When the incident occurred, respondent was also dealing with separating from his wife, finding employment, and finding housing. King believed respondent worked through those issues “fairly well.” King testified respondent successfully completed treatment. King stated, “we did not communicate clearly how he was to communicate to us that he needed transportation” and “there were also some times on our part where we neglected to give him the transportation that were no fault of his own.”

¶ 18 On cross-examination, King testified respondent seemed “pretty motivated” to stay in his children’s lives. King believed respondent had learned from his treatment and made changes for the better. King believed those changes occurred in his thought process related to drug and alcohol use, as well as to criminal activity and his goals in life. King testified respondent seemed to be staying sober. He was developing spiritually, as well.

¶ 19 According to King, respondent seemed more focused after his separation from Ashley. There were trust issues between the two. Respondent was pretty serious in his efforts toward his children before Ashley stopped making an effort, but once Ashley stopped, it served as a greater motivation for him. King testified it was not uncommon for individuals to have a relapse. It was not excusable, but understandable. Respondent was forthcoming with King about the relapse. He did not attempt to minimize it. King believed respondent responded

positively to the significant event. King believed respondent made progress and reasonable efforts. King testified the majority of clients do not make the level of effort respondent did.

¶ 20 Stephanie Beard testified she worked for CYFS and began counseling respondent in November 2014. When the two began counseling, respondent understood why his children were involved with DCFS. In the beginning, respondent had an attendance rate of 70%. There was a period of time when respondent was not attending counseling after his relapse. When respondent stabilized his housing and reinvested in services, he returned to counseling with Beard in February 2015. Respondent consistently attended counseling until he moved to Peoria “in a recent month.”

¶ 21 According to Beard, respondent reported he relapsed and “spent a period of time drinking again.” Respondent then reached out to Prairie Center to restart services. Beard clarified she understood respondent’s relapse involved more than one incidence of drinking but over “a fairly short period of time.” The two had completed the assessment but had not begun working on the goals before the relapse occurred.

¶ 22 Beard testified, during the period of February 2015 to the beginning of July 2015, respondent was engaged in counseling with her. Respondent did not miss a session, and he was making progress toward the treatment goals. As of July 2015, however, respondent had not successfully completed individual counseling. Beard believed he was 60-70% toward reaching those particular goals. As of July 1, 2015, respondent was ready for increased visitation. However, Beard believed full reunification would have been difficult as he had not parented five children on his own.

¶ 23 On cross-examination, Beard reported respondent’s treatment goals included

respondent's gaining a greater understanding of why the children were in foster care and to explore behavior patterns from his childhood that may impact his daily life and parenting decisions. Respondent began the counseling sessions with Beard ready to productively engage. He was open and honest. Transportation issues for the second part of the counseling sessions were eliminated while respondent resided at Restoration, as Beard met with him there.

¶ 24           Regarding respondent's parenting skills, Beard counseled respondent over how the visits were going. She checked his empathy level for the children and discussed disciplinary issues if necessary. They talked about how he felt navigating a short visit and balancing the time between the children. After Ashley disengaged from services, respondent and Beard discussed how that affected respondent and required him alone to care for the youngest child while also making time for the older four. Beard believed respondent had gained a greater understanding of necessary parenting skills. Respondent also demonstrated a high level of empathy for his children and what they were going through. He worried about the impact his decisions had on his children, and he sought advice on how to talk to the older children about the reasons they could not see their parents. Beard testified respondent made progress on developing appropriate disciplinary skills. She had no concern about respondent in this area.

¶ 25           Beard testified she was concerned respondent needed time to transition to parenting five children full-time alone. Beard spoke with the case manager, Fitzsimmons, who indicated respondent was getting used to navigating the baby and the four older children. He had improved. This matched what respondent reported to her. Beard and respondent conversed about developing a support system.

¶ 26           Regarding exploring patterns of behavior in his childhood, Beard testified

respondent had a good understanding of those patterns from his childhood he did not want to repeat during his children's childhoods. Beard testified respondent wanted stability, consistent housing, and hard work. He also expressed his desire to parent differently in how he would discipline his children and express love to them. Beard believed respondent showed progress in this area. Respondent also understood the children's needs for consistent bedtimes, discipline, and parental expectations. Respondent was committed to providing those to his children.

¶ 27 Beard specified she had three sessions with respondent in November 2014. At that time, respondent resided in Rantoul, Illinois. Respondent lost his housing in December 2014. He missed sessions on December 8, 15, and 29, 2014.

¶ 28 As of May 18, 2015, Beard believed respondent had made substantial progress in stabilizing his daily living circumstances. He had made progress in parenting to the extent his visitation was limited. Parenting skills and family-of-origin issues would have advanced through visitation. Respondent could not complete those goals without additional visitation time. Beard was satisfied with his progress under the circumstances. Beard agreed visits would be impacted by the progress a client makes in services. If a client was not attending services, visitation would be impacted. Respondent forgot the December 8, 2014, counseling session. On December 15 and 29, 2014, he failed to attend the sessions and did not provide reasons to Beard. When respondent missed the entire month of January 2015, no progress was lost. They were able to "[p]ick up where he left off."

¶ 29 Megan Fitzsimmons, a CYFS foster-care case manager, testified she began working with the family in May or June 2013, shortly after the older children came into care. In August 2013, respondent and Ashley were married and residing together in Rantoul, Illinois.

The parents' residence changed multiple times. Fitzsimmons could not provide dates. Initially, the parents resided in a mobile home in Rantoul. They moved to a house in Rantoul. The parents reported they were unable to pay rent and were being evicted. Around January 2015, they moved to Restoration in Champaign, Illinois. There was a period of time in December 2014 where the parents "were kind of in limbo of housing." In March 2015, Ashley left Restoration, but respondent stayed for "a couple of months." Respondent moved to Peoria, Illinois, in July 2015, to have support from his mother. Fitzsimmons and her supervisor discussed with respondent the ramifications of his decision to move to Peoria. They explained he could continue services in Champaign or move them to Peoria, where he would have to start from the beginning. Respondent chose to continue services in Champaign. They told him they would provide bus passes to get him to Champaign for services and visits, so long as he did not miss buses.

¶ 30 Fitzsimmons testified, when the family became involved with DCFS, there was no indication the parents needed domestic-violence services. In December 2014, however, respondent was arrested for domestic battery. One of the issues causing DCFS to be involved was a prior indicated report against respondent. Respondent did not know he was indicated. As a result of that report, respondent was asked to complete a sex-offender assessment, which he completed. Respondent was asked to complete a psychological evaluation, and he completed that task as well.

¶ 31 According to Fitzsimmons, respondent was required to complete a sex-offender assessment, individual counseling, and substance-abuse treatment. Parenting issues were to be addressed during individual counseling. Initially, respondent was referred to Community

Resource & Counseling Center (CRCC) for individual counseling. Respondent had several counselors while at CRCC and did not complete that counseling. He was then referred to Beard at the Wellness Workshop in Rantoul. As of Fitzsimmons's testimony in mid-December 2015, respondent's counseling with Beard was ongoing. Individual counseling had not been completed.

¶ 32 Fitzsimmons testified when visits began, the visits involved both parents and the five children. After the parents ended their relationship, only respondent attended the visits. This began in May 2015. When respondent began visiting the children himself, Fitzsimmons would have to step in at times and help because "five kids [are] a lot." There were times respondent would start to talk about the case. There were times when respondent was unable to attend visits. He attended the majority of the visits.

¶ 33 Fitzsimmons testified, at the beginning of the case, he was referred for substance-abuse treatment and was near completion when he relapsed in December 2014. At that time, he was rereferred for treatment. As of July 2015, respondent had not successfully completed substance-abuse treatment.

¶ 34 On cross-examination, Fitzsimmons testified respondent was in substance-abuse treatment from 2013 to December 2014 through Prairie Center. He began counseling with CRCC in 2014, but that was closed for failure to appear. Third-party visits were stopped in fall 2014 due to missed drops. In early 2015, respondent returned to substance-abuse treatment. In 2015, respondent went to Cognition Works for domestic-violence issues. As of July 2015, he was still working on those issues.

¶ 35 Fitzsimmons agreed December 2014 was an unstable time for respondent.

Respondent did not have permanent housing at that time. His marriage ended in March 2015, although he did not provide documentation of a divorce. Respondent reengaged services with King and Prairie Center “as quickly as he could,” but it “took him a minute to get in with [Beard].” She did not know if that was because of Beard’s schedule or respondent’s.

Respondent had to leave Restoration. Until July 2015, when respondent moved to Peoria, he used the bus pass and continued services in Champaign. He was, for the most part, generally very cooperative in getting services. Except for the time respondent failed to advise Fitzsimmons he lost his job, from November 2014 until December 2014, he maintained contact with Fitzsimmons and informed her of changes.

¶ 36 Fitzsimmons testified she recalled one incident that was potentially dangerous, when respondent held the baby near the top of a slide. Otherwise, she did not observe him endanger the children. Respondent fed the children and changed diapers. He became more hands-on after Ashley stopped participating in the visits. Fitzsimmons did not hear respondent yell at the children or see respondent use corporal punishment. His disciplinary methods were appropriate. During one visit, when Fra. P. began yelling at his mother and Fitzsimmons, respondent appropriately held Fra. P. in his lap, preventing him from thrashing and soothingly asked Fra. P. to calm down. Around Halloween 2014, Fitzsimmons participated in an outing with the family. Respondent allowed the children to apply makeup to his face. The children were well-behaved.

¶ 37 The February 2014 report of William Kohen, Ph.D., was admitted into evidence. Dr. Kohen performed a psychological review of respondent. According to the report, respondent had cognitive deficits. Tests suggested respondent had an “adequate general level of intellectual

functioning that falls in the low average range.” Another test indicated his reading level and comprehension were “very poor,” near the third-grade level. Dr. Kohen opined respondent “had sufficient overall intellectual abilities to live independently and to parent effectively.” Dr. Kohen further opined respondent seemed “to have been a good father to his four children.”

¶ 38 Also admitted into evidence were February 2014 and April 2014 letters from Lynn O’Dell, an adult and family therapist for CRCC, to Fitzsimmons. The letter summarized respondent’s progress in his services with the CRCC. Respondent completed his mental-health assessment and attended five formal therapy sessions. Only one session was missed, with the notation respondent had canceled because he had to work late. O’Dell opined respondent’s overall progress was fair. Respondent began to open up, but he still showed some reticence. O’Dell recommended individual therapy sessions to continue. A letter dated September 2014, from Anne Kuna, an adult and family therapist at CRCC, to respondent was also entered into evidence. The letter informed respondent he had missed multiple appointments and his name would be removed from his therapist’s schedule.

¶ 39 Respondent testified on his own behalf. Respondent believed he was capable of parenting his children. At the time of his testimony, respondent was residing with his mother in Peoria, Illinois. Respondent had not consumed alcohol since his relapse in December 2014; he had not used any illegal substances since January 2015. Respondent did not use pornography. Respondent built a support system. He attended church at Church of the Living God in Peoria, and he considered the church part of his support system. Respondent also identified his uncles as part of his support system.

¶ 40 Before his relapse, respondent completed all but the final interview at Prairie

Center. He resumed treatment with King and Prairie Center in January 2015. When he began services at Prairie Center, respondent did not believe he needed those services. This attitude persisted for approximately six to seven months. When he went to jail, he realized he had a problem with drinking. He learned he needed to change, which involved changing places he went and changing friends. He learned he did not need alcohol to be happy. Before treatment, he used alcohol for everything.

¶ 41 Respondent did not have a driver's license. On some occasions, respondent rode his bike from Rantoul to Champaign to attend sessions or visits. He walked the same distance for one session with King. Respondent was being more careful about whom to ask for a ride. He had been in prison multiple times for selling drugs. His sobriety helped him parent his children. He felt more confident in his parenting.

¶ 42 Respondent testified he completed the 26-week course at Cognition Works. He learned he had closed thinking and he blamed others for his problems. Respondent learned to take responsibility for his actions.

¶ 43 Respondent believed the children were in DCFS's care because he did not take the sexual-offender class quickly enough and he and Ashley left the oldest child in charge of the other children while they went for a walk. He knows that decision was inappropriate.

¶ 44 Respondent testified he left his marriage because Ashley cared more about "whatever she's doing" than she cared about their children. They were married for 10 years. Although it hurt to leave Ashley, he did so for the children. Respondent moved to Peoria because Restoration was remodeling their buildings and needed to "kick a couple of people out." He went somewhere to get help. Respondent testified, "I didn't even really have her family

because they can't really help me as much because they have my kids." In Peoria, respondent found work. His last job in Champaign was at Dollar Tree. He earned \$8.50 per hour. There, he worked as many hours as they would let him. Every two weeks, after child support, he took home approximately \$100.

¶ 45 Early in the case, respondent was referred to Paxton for services at CRCC. At that time, respondent worked at the "pig plant" in Rantoul. His employer would not allow him to take off the days he needed to complete services. Respondent had to choose between working or doing the DCFS services. In addition, the vehicle he and Ashley had was not reliable.

¶ 46 On cross-examination, respondent testified in September 2013, when the case began, he resided in Champaign and he worked at Family Dollar. At some point, respondent could not specify when he moved to Rantoul. There, he worked at the pork plant. His position was terminated for missing too many days. In February 2011 (he guessed at the year), he moved to Restoration, until he moved to Peoria in April 2015. Because of his actions when he was 14, respondent owed \$3,000 in tickets or fines related to driving. He could not get his driver's license until he paid that debt.

¶ 47 When asked why he picked his job over the counseling, respondent testified he could not pay child support and would end up in jail without his job. The "child-support people" told him he would go to jail if he did not pay his child support. When asked about the domestic-battery offense, respondent testified as follows: "Well, I do know that—I know I relapsed, but the domestic battery, I know I took the—took the charge, or whatever, but all I did was pull down her hood. It stated it in the police report that that's all I did was pull down her hood. I copped out to a domestic battery because I can't fight for my kids in jail." This incident

occurred the same day he relapsed. That was the only time he “got drunk.”

¶ 48 The trial court found respondent unfit. The court concluded the State proved the allegations by clear and convincing evidence on counts II, III, and IV regarding the older children and, as to T.P., on count II.

¶ 49 In April 2016, the best-interests hearing was held. The trial court noted it received and considered the CYFS report and the report from the court-appointed special advocates for children (CASA). According to the CYFS report, all five children lived in foster homes that offered permanency to the children. The children visited weekly with each other, and the children enjoyed the visits. Tia. P. and Tan. P. resided with their maternal grandmother and step-grandfather. Both were doing very well in school and had positive feelings regarding their permanent placement. Both girls attended individual counseling to work through their feelings regarding their parents not being a part of their lives.

¶ 50 Fra. P. had several placement changes. When he was discharged from a children’s center in June 2015, he was placed with his godmother in Champaign, Illinois. He did well for a few months but began showing aggressive and defiant behaviors. The godmother asked that he be removed from her home. In November 2015, Fra. P. was moved to a traditional home qualified to care for specialized children. He resided there in a home with five other children. Fra. P. had done well in that home. Fra. P. attended counseling. He made progress, but it was slow due to his apprehension to discuss past and present feelings. Fra. P. reported a history of hearing voices. He had a diagnosis of persistent depressive disorder (dysthymia), moderate, with melancholic features and mood-congruent psychotic features, as well as unspecified trauma and stressor-related disorder.

¶ 51 Tal. P. also had several placement changes. In July 2015, Tal. P. was removed from her traditional placement due to allegations of sexual and physical abuse. She was placed in another home, to which Tal. P. had a difficult time adjusting. The caregivers felt the placement was not a good fit. She was then moved to a placement in Urbana, Illinois, in August 2015. These caregivers moved out of state, leading to Tal. P.'s placement in another traditional home in Urbana on December 29, 2015. Tal. P. had done well in this home and bonded quickly to the caregivers.

¶ 52 T.P. had resided in the same traditional foster home since she entered care. There were two other children in the home. T.P. and her caregiver shared a strong bond.

¶ 53 According to the CYFS report, respondent's participation in visits with the children was very inconsistent due to transportation difficulties. Respondent visited with his children 12 times between July 2015 and December 16, 2015. Since December 16, 2015, respondent had not attended any visits.

¶ 54 According to the CASA report, the children met for supervised visits twice each month, and the foster families scheduled extra activities for the children. Tia. P. felt happy and safe with her grandparents. She responded with a large and genuine smile when the possibility of adoption was discussed. Fra. P., after some difficulties with his other placements, was happy in his home with two foster parents and five other children. When asked about adoption, Fra. P. said since he could not return to his parents, he was fine with being adopted by his foster family. Tan. P. was happy and sad about the prospect of adoption. She was worried she could not remember what her mother looked like and wondered if she was okay. Tan. P. was excited about her new family, calling her foster parents "mom and dad." Tal. P. was affectionate and

flourishing in the care of her foster parents. T.P. was a happy girl and was doing well in her placement.

¶ 55 The CASA report stated respondent was arrested in Peoria for unlawful possession of a controlled substance in September 2015. He pleaded guilty to possession of a look-alike substance and received probation. Services in Champaign were closed due to lack of attendance.

¶ 56 Respondent testified on his own behalf. Respondent resided in his mother's house in Peoria. The home had four bedrooms. The basement was a one-bedroom apartment, where respondent resided. Respondent was employed, working at the Calihan pork plant, beginning December 15, 2015. He earned \$9.50 an hour, working 40 hours each week. He was terminated from his previous job at Dollar Tree after he missed work while his brother was in the hospital after a car accident. For three to four months after that accident, respondent provided care for his brother, changing bandages and bathing him. Respondent's brother suffered a severe head injury and broke his hip and ribs.

¶ 57 Respondent testified he had child-support obligations. Each week, after \$180 was taken from his paycheck to meet those obligations, respondent had \$80 to \$100 for his expenses. He paid his mother \$40 per week. A round-trip bus ticket from Peoria to Champaign cost approximately \$50. At one point, tickets were provided to him. Those were stopped, however, once respondent missed the bus three times. Respondent missed once due to work. Another time he simply missed the bus when he left the boarding area to use the restroom. The last time, he could not recall, testifying he was in the hospital or jail. Respondent stopped attending sessions at Prairie Center once bus tickets were no longer provided. He was ready to "graduate"

from the program, and so he met with King once a month.

¶ 58 Respondent testified he attended AA meetings once each week. He attended church every Sunday at Church of the Living God. He had maintained his sobriety since January 2015. Respondent went to work, AA meetings, church, and home. He wanted to avoid old friends and getting into trouble. Respondent testified to an incident after he moved to Peoria when he was in a car with old friends. The police stopped the car. One friend had “weed.” Respondent pleaded guilty to a petty offense, getting six months’ nonreporting probation. Respondent successfully completed that probation.

¶ 59 According to respondent, he participated in drug screens in Peoria for a period of time. Due to difficulty in getting to the scheduled drops for work reasons, he asked Fitzsimmons to switch them to another time. Fitzsimmons refused to change the times. Respondent testified since he had lost his kids, he did not go. Respondent offered to “drop now,” saying, “it’s clean.” Respondent also asked if Fitzsimmons could bring the children to Peoria for visits. Fitzsimmons said she could not because of the children’s school schedules.

¶ 60 Respondent testified his mother offered to allow the children to move into her home. Respondent said they would have the basement apartment, as well as two upstairs bedrooms. He wanted the family to be together. Once the child-support payments stopped, he would be able to provide for his children. Respondent feared Fra. P. would end up without a home and end up in prison. Respondent knew how to parent and calm Fra. P.

¶ 61 According to respondent, he learned through Cognition Works any physical contact can be domestic battery. Respondent was arrested for pulling on Ashley’s hood. It was domestic battery, as he was trying to control her.

¶ 62 Regarding the visits with the children, he would not have been able to attend the visits even if he had been provided bus tickets. His employer would not have allowed him to miss full days of work. Respondent would have been able to attend weekend visits.

¶ 63 At the close of the hearing, the trial court explicitly addressed the statutory factors and concluded the State met its burden of proving termination of respondent's parental rights was in the children's best interests. This appeal followed.

¶ 64 II. ANALYSIS

¶ 65 A. Parental Fitness

¶ 66 Respondent first argues the trial court erroneously found him unfit to parent his children. Respondent emphasizes the testimony of his counselors as showing he made reasonable progress toward the children's return. Respondent acknowledges his slip-up in December 2014, but, relying in part on the testimony of his counselors, contends he made great strides since that time. Respondent further explains his absenteeism as a result of his transportation difficulties.

¶ 67 In proceedings in which the State seeks the termination of parental rights, the first step is a determination of parental fitness. A parent will be deemed "unfit" if the State establishes by clear and convincing evidence any ground listed in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2014)). *In re A.L.*, 409 Ill. App. 3d 492, 500, 949 N.E.2d 1123, 1129 (2011). On appeal of a finding of parental unfitness, we greatly defer to the trial court's decision as that court, during the fitness hearing, viewed witnesses and heard their testimony. *Id.* This court will not disturb a finding of parental unfitness unless that finding is against the manifest weight of the evidence. *In re T.A.*, 359 Ill. App. 3d 953, 960, 835 N.E.2d 908, 913

(2005). Only when “the correctness of the opposite conclusion is clearly evident from a review of the evidence” is a finding against the manifest weight of the evidence. *Id.*

¶ 68 Here, the trial court found respondent unfit based on a number of grounds specified in section 1(D). Two charges of unfitness based on an alleged lack of reasonable progress cover approximately the same time period and involve the same evidence. We thus begin by considering whether the court erred in finding respondent unfit in that he failed to make reasonable progress toward the return of (1) Tia. P., Fra. P., Tan. P., and Tal. P. within the nine-month period of April 18, 2014, to January 18, 2015 (750 ILCS 50/1(D)(m)(ii) (West 2014)) and (2) T.P. in the initial nine-month period following her adjudication of neglect (August 21, 2014, to May 21, 2015) (750 ILCS 50/1(D)(m)(ii) (West 2014)).

¶ 69 Under the reasonable-progress test, the question of whether progress is reasonable is adjudicated under an objective standard. *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 605 (2004). To find progress reasonable, the trial court must find the parent made measurable or demonstrable movement toward reunification. See *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067, 859 N.E.2d 123, 137 (2006). This may be found only when a court can conclude the children will, in the near future, be able to be returned to the parent’s custody because the parent will have fully complied with the court’s directives. *A.L.*, 409 Ill. App. 3d at 500, 949 N.E.2d at 1129.

¶ 70 We find no error in the trial court’s decision. Regarding the four older children, respondent, who was in services to address his alcohol use, had a relapse in December 2014. He had become drunk and was involved in a domestic dispute, leading to his arrest. Services stopped for some time, and his treatment with Prairie Center had to begin again. By January

2015, one month later, he had only just started his treatment with Prairie Center. In addition, respondent's counseling with CRCC had been suspended, and respondent's counseling with Beard was only in the early stages. The decision the children would not have been able to be returned to respondent's custody (see *id.*) is not against the manifest weight of the evidence.

¶ 71 As applied to T.P., the December 2014 incident occurred in the middle of the relevant nine-month period. He began services again, but after a brief hiatus. Because of respondent's failures to appear for visits and services, his visits were limited, meaning his counselor could not opine that he was ready to parent his children. In addition, in September 2014, respondent's counseling services at CRCC were canceled due to his failure to attend sessions. Respondent had not established stable housing in that same time period. The record does not establish T.P. could have been returned to respondent's custody in the near future.

¶ 72 Having concluded the trial court did not err in finding respondent unfit on the above-mentioned reasonable-progress grounds, we need not consider the propriety of the other findings of unfitness. Proof of only one statutory ground of unfitness is sufficient. *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006).

¶ 73 B. The Best Interests of the Children

¶ 74 Respondent next argues the trial court erred in concluding the best interests of his children necessitated the termination of his parental rights. Respondent emphasizes his love for his children, the fact he had made changes in his life, the bond he shared with his children, and his ability to provide a home for all of the children.

¶ 75 At the best-interests hearing, the focus of the trial court shifts from the fitness of the parents to the interests of the children in securing "a stable, loving home life." *In re D.T.*,

212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004). The trial court, when determining the children's best interests, should consider the children's safety and welfare, the development of the children's identity, the children's background, the uniqueness of each child and family, and the preferences of individuals available to care for the child. 705 ILCS 405/1-3(4.05) (West 2014). A parent's desire to maintain a relationship with his or her child yields to the interests of the children. *D.T.*, 212 Ill. 2d at 364, 818 N.E.2d at 1227. A trial court may terminate parental rights only if it finds the State proved, by a preponderance of the evidence, the termination is in the children's best interests. *Id.* at 366, 818 N.E.2d at 1228. This court will not disturb the trial court's determination unless the decision to terminate is against the manifest weight of the evidence. *T.A.*, 359 Ill. App. 3d at 961, 835 N.E.2d at 914.

¶ 76 The trial court did not err in finding the termination of respondent's parental rights is in the children's best interests. The trial court explicitly considered the statutory factors in reaching its decision, and the record supports the court's decision. The record shows respondent stopped participating in the drug screens and respondent had not visited his children in the four months preceding the best-interests hearing. The children resided in adoptive placements, where they were well-cared-for and provided with stability. Although the children were not in the same home, the children maintained contact with each other and their maternal grandmother, giving them love and support with existing family and new family.

¶ 77 III. CONCLUSION

¶ 78 We affirm the trial court's judgment.

¶ 79 Affirmed.