

NOTICE
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2017 IL App (5th) 170206-U

NO. 5-17-0206

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

<i>In re</i> D.H., Jr., a Minor	)	Appeal from the
(The People of the State of Illinois,	)	Circuit Court of
	)	Marion County.
Petitioner-Appellee,)	
)	
v.	)	No. 15-JA-25
)	
David H. and Jennifer C.,	)	Honorable
	)	Ericka A. Sanders,
Respondents-Appellants).	)	Judge, presiding.

NO. 5-17-0207

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

<i>In re</i> J.H., a Minor	)	Appeal from the
(The People of the State of Illinois,	)	Circuit Court of
	)	Marion County.
Petitioner-Appellee,)	
)	
v.	)	No. 15-JA-28
)	
David H. and Jennifer C.,	)	Honorable
	)	Ericka A. Sanders,
Respondents-Appellants).	)	Judge, presiding.

NO. 5-17-0208

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

<i>In re</i> K.H., a Minor	)	Appeal from the
(The People of the State of Illinois,	)	Circuit Court of
	)	Marion County.
Petitioner-Appellee,)	
)	
v.	)	No. 15-JA-29
)	
David H. and Jennifer C.,	)	Honorable
	)	Ericka A. Sanders,
Respondents-Appellants).	)	Judge, presiding.

JUSTICE WELCH delivered the judgment of the court.
Justices Goldenhersh and Overstreet concurred in the judgment.

ORDER

¶ 1 *Held:* Judgment terminating respondents' parental rights affirmed where circuit court's findings regarding the respondents' unfitness and the children's best interest to terminate parental rights were not against the manifest weight of the evidence.

¶ 2 In this consolidated case, the circuit court found the respondents, David H. (David) and Jennifer C. (Jennifer), unfit as parents on May 3, 2017, and on June 7, 2017, entered orders that found it in the best interest of their children to terminate the respondents' parental rights.¹ For the following reasons, we affirm.

¹The respondents have three children together, D.H., J.H., and K.H. A fourth child, B.E., of whom Jennifer is the mother, is also involved in the underlying cases but was fathered by another man and is not subject to this

¶ 3

FACTS

¶ 4 As a preliminary matter, because this appeal involves a final order terminating parental rights, Illinois Supreme Court Rule 311(a)(5) (eff. Feb. 26, 2010) requires that, except for good cause shown, the appellate court issue its decision within 150 days of the filing of the notice of appeal. Accordingly, the decision in this case was due on November 27, 2017. We now issue this Rule 23 order.

¶ 5 On April 17, 2015, petitions for adjudication of wardship were filed by the State, pursuant to section 2-3 of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3 (West 2014)), alleging that the minor children in this case were neglected by being in an environment that was injurious to their welfare because the respondents failed to properly supervise the children, who were found playing in the middle of the road with no adult supervision or care. The children were in the protective custody of the Department of Children and Family Services (Department) when the petitions were filed. Orders were entered on April 20, 2015, awarding temporary custody of the children to the Department. Adjudicatory orders were entered on July 15, 2015, finding the children—all under the age of five years—were neglected by being in an environment injurious to their welfare (705 ILCS 405/2-3(1)(b) (West 2014)) because they were found outside, unattended, on or near a roadway.

¶ 6 The children were made wards of the court via dispositional orders entered on August 5, 2015. Permanency orders were entered on February 10, 2016, and August 10,

appeal.

2016, finding, *inter alia*, that the respondents had not made substantial progress toward the goal of the children returning home. Permanency goals were established in both of the aforementioned orders for the children to return home in 12 months. On September 27, 2016, motions were filed for the termination of the respondents' parental rights and for the appointment of a guardian with the power to consent to the children's adoption. Additional permanency orders were entered on November 9, 2016, setting new goals as substitute care of the children pending the termination of the respondents' parental rights.

¶ 7 A fitness hearing commenced on April 26, 2017, and concluded on May 3, 2017, where the following evidence and testimony was presented. Brigid Nalewajka (Brigid) testified that she is employed at the Community Resource Center of Centralia and Salem, where she facilitates mental health and substance abuse counseling. She began seeing Jennifer on December 1, 2016, for substance abuse treatment, anger management, and anxiety treatment. Jennifer's goals under the treatment plan were to maintain sobriety, submit to random drug screens, and participate in counseling. Brigid reported that Jennifer—who was transferred to Brigid from another therapist—had not met any of the treatment goals at the time they began working together. Brigid treated Jennifer at four appointments, the last one being February 24, 2017. At one of the appointments, Brigid asked Jennifer to submit to a drug screening and Jennifer refused. At the February 24, 2017, appointment, Brigid informed Jennifer that if she would attend three more 60-minute appointments, submit to a drug screening and pass, and verbally express an understanding of anger management, she would be discharged. The three appointments were scheduled, but Jennifer did not show up for any of them.

¶ 8 Kaci Beal (Kaci) testified that she is a foster care case manager at Caritas Family Solutions. Kaci began working with Jennifer and David in December 2015, created three service plans for them, and was familiar with a previous service plan dated June 24, 2015, which she did not create but had reviewed. The first service plan Kaci prepared was dated April 14, 2016, which was right at the nine-month date after the adjudication of neglect. Kaci indicated that, during the initial nine-month period, neither Jennifer nor David completed any requirements of the service plan.

¶ 9 Kaci testified that, regarding the goals of the service plans pertaining to Jennifer, from the date the children were taken into protective custody to present, Jennifer had not completed a mental health assessment or treatment, had not completed a psychiatric evaluation or treatment, and had never been found satisfactory on seeking and maintaining an income. Jennifer informed Kaci that employment was difficult for her because she has a history of seizures. Kaci had no documentation stating that Jennifer was unable to drive or unable to work. She was aware that she was being treated for the seizures, however, and spoke to her often about it. Kaci testified that she asked Jennifer to produce proof of a legal form of income, from either employment or public benefits. Jennifer informed her that she previously applied for disability and was planning to reapply, but Kaci received no documentation in either regard.

¶ 10 Kaci was aware that Jennifer participated in mental health counseling, but the service plan goal was never satisfied due to a lack of attendance. In April 2016, Jennifer had been considered satisfactory on paying household bills, but she was no longer satisfactory. Kaci further indicated that Jennifer signed up for parenting classes in

January 2016 and completed the classes in May 2016, but as of the April 14, 2016, service plan, she had not made progress by demonstrating at the visits with the children what she had been learning in the parenting classes. Kaci testified that the visits took place in the home during the April 2016 reporting period, but were changed back to community visits because Jennifer had an outburst in March 2016 and threatened Kaci in the children's presence, which frightened the children. Moreover, as of the service plan dated October 26, 2016, Jennifer was still rated unsatisfactory in demonstrating parenting skills and was still unsatisfactory on the date of the hearing. In particular, Jennifer was never able to demonstrate that she was able to appropriately care for the children, interact properly, and provide proper supervision.

¶ 11 Kaci testified that the original service plan of June 24, 2015, required Jennifer to participate in substance abuse services. As of the April 14, 2016, and October 26, 2016, service plans, Jennifer was rated unsatisfactory in that regard and was still unsatisfactory at the time of the hearing. Kaci testified that part of the service plan required Jennifer to comply with random drug tests but she had not always done so. Kaci noted that Jennifer completed a substance abuse assessment in June 2016. Also, as of April 2016, Jennifer was required to undergo anger management counseling, but she remained noncompliant as of the October 26, 2016, service plan and still had not completed it at the time of the hearing. Kaci testified that Jennifer never met the goal of obtaining suitable housing. Nor did she complete mental health counseling as required.

¶ 12 With regard to David, Kaci testified that his service plans were dated June 24, 2015, April 14, 2016, and October 26, 2016. Kaci testified that when she started on the

case in December 2015, David refused to sign releases for information. Also, at her first evaluation David was closed out at Community Resource Center for failure to attend. Although he did complete a mental health assessment, he did not follow up and was not consistent in completion, so he was closed out and he never attempted to follow up with recommendations.

¶ 13 Kaci testified that, as of the April 14, 2016, and October 26, 2016, service plans, David was rated satisfactory in participating with an in-home parenting plan because he was completing the required worksheets. However, he was rated unsatisfactory on demonstrating the skills learned in the parenting plan. Kaci explained that attending, participating, and demonstrating are all subcategories under the goal of parenting. She indicated that in April 2016, David had only been present for 4 out of 12 sessions with Family Foundations. She further indicated that David was still unsatisfactory on demonstrating parenting skills as of the date of the hearing. She testified that there was some improvement in December 2016 when David established a home and the visits with the children occurred in his home rather than in the community. Accordingly, visitation was increased so more interactions between David and the children could be observed. Kaci reported, however, that when the visits increased, David "cancelled and was no-shows [*sic*] for a majority of them." Accordingly, a full evaluation was incomplete due to David's lack of participation.

¶ 14 Kaci testified that an additional goal of the April 14, 2016, service plan was for David to eliminate health and safety concerns on the property. When she evaluated that goal on October 26, 2016, David was rated unsatisfactory because he informed her that

he was "remodeling" and did not allow her to visit the home. Kaci testified that in December 2016, although David had not yet moved in, she did visit the home, determined it safe, and approved for visits with the children to take place there in January 2017. Kaci testified that David later indicated that he was moving to yet another address but she had not attempted to inspect the home at the alleged new address because David had not yet confirmed that he was actually living there. At the time of the hearing, Kaci still did not know if he was living there and he was rated unsatisfactory at the time of the hearing on the goal of eliminating property safety concerns. She admitted on cross-examination that he was rated unsatisfactory because she had not been to the residence and she did not know what was there. She testified that David did not keep her informed of all the changes of address, where he was living, and who he was living with.

¶ 15 Regarding the goal of attending and participating in mental health counseling, Kaci could not recall what David rated in April 2016, but in October 2016 he had completed and was successfully discharged from mental health counseling at the Community Resource Center. David was also required to undergo a psychiatric evaluation and to follow through with any recommendations. Kaci testified that he was rated unsatisfactory on that goal in April 2016 and October 2016, and was still unsatisfactory at the time of the hearing because although he completed the assessment, he did not follow through with the recommended treatments and additional appointments.

¶ 16 Regarding substance abuse, as of April 2016, David was rated unsatisfactory on the goal of submitting to drug screenings because both of the drug tests to which he submitted returned positive. He was rated unsatisfactory on the drug screens as of

October 2016 because he did not submit to the requested screenings. Kaci recalled that on September 28, 2016, Jennifer and David were requested in court to take a drug test and they both left and did not take the test. The same thing happened on February 1, 2017, when they were requested to take a drug test and failed to show up. As of the date of the hearing, David was still rated unsatisfactory on this goal because he had missed more drug screenings than he had attended. Kaci testified that an additional service plan goal was for David to make substantial progress in substance abuse treatment. He was rated unsatisfactory on that goal in April 2016, then was rated satisfactory in October 2016 because he had completed an assessment and counseling. However, at the time of the hearing he was rated unsatisfactory for failure to follow up. Kaci was aware that David was readmitted to a one-year term of probation in June 2016. She was not aware of him missing any probation drug screenings since then, but she had not received any copies of the results.

¶ 17 Regarding the goal of maintaining financial stability, Kaci testified that when she began work on the case, David was employed at a paint factory. She noted that "he did not work there very long after I got the case." She testified that she received proof of income from David only one time. Kaci added that David held several employments, but not over long periods of time. Despite the requirements of the service plans for David to notify Kaci of any employment changes, Kaci reported that David did not always comply with that requirement. In particular, he failed to notify her when he was unemployed for two or three weeks. She admitted, however, that she had not received information that David was not paying his bills.

¶ 18 Grant Arnold (Grant) testified that he is employed as a probation officer for the Marion County Court Services Department. Grant indicated that he was assigned to supervise David's case when David was placed on one year of probation in June 2016. He testified that David tested positive for marijuana in June 2016. When David was retested on March 1, 2017, the test returned negative for all substances. Grant was unaware that David was ordered by the circuit court to undergo drug tests at the probation office. He explained that he does not keep records of no-shows, but only of those who actually show up.

¶ 19 Jennifer testified that she is 26 years old and has had epileptic seizures for 22 years. She stated that she has between one and three seizures per week and is currently on a prescribed seizure medication. When the seizures occur, Jennifer blacks out, falls down, and when she comes to, she is confused, groggy, tired, and sore for up to a day and a half. She said her seizures have prevented her from working and driving, and ultimately caused her to lose her children because the sleep caused by the seizures prevented her from being able to care for them. Jennifer testified that her seizures have also affected David's ability to maintain employment because when she was unable to care for the children, David would leave work to care for them, resulting in losing employment. Jennifer indicated that she applied for social security disability, with no success, and appealed the decision but was unsure whether she did it correctly. She testified that she informed her caseworkers about her desire to proceed with a disability claim but received no help in that regard.

¶ 20 The guardian *ad litem* (GAL) pointed out that the boys had been in foster care for two years and from July 15, 2015, to April 15, 2016, the respondents did "next to nothing" to get the boys back. Accordingly, the GAL recommended that the respondents be found unfit as parents. At the conclusion of the hearing, the circuit court found the respondents unfit as parents for the reasons set forth in the motions for the termination of parental rights²—namely, for failure to make reasonable efforts to correct the conditions that were the basis for the removal of the children during any nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(i) (West 2016)); and failure to make reasonable progress toward the return of the children during any nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2016)). The circuit court acknowledged that there were times that Jennifer and David made efforts to comply with the service plan, but determined that the efforts and progress were not reasonable and never resulted in any service plan goals being satisfied.

¶ 21 Permanency orders were entered on May 31, 2017, setting the permanency goals as adoption. A best-interest hearing was conducted the same date. There, Kayla Wiehe (Kayla) testified that she is employed as a case manager for Caritas Family Solutions. Kayla indicated that the children are placed with two different foster families but she is not very familiar with the case because she just picked up the file the week before the hearing when Kaci Beal took maternity leave. Kayla was aware that there was no

²The circuit court made this finding orally on the record. The same was memorialized via docket entry dated May 3, 2017, and in the June 7, 2017, order terminating the respondents' parental rights.

ongoing contact between the respondents and the children due to an active order of protection.

¶ 22 Eileen Stapleton (Eileen) testified that she is Kaci Beal's supervisor and was involved in the case from September 2015 through May 26, 2017. She stated that K.H. had been in the home of Brandy and Jason Hodge since May 7, 2015, and D.H. and J.H. had been in the home of Melissa and Dak Johnson since March 11, 2016. Eileen had not been to the homes of the foster parents personally, but had reviewed all of Kaci's records pertaining to Kaci's observations of the homes and confirmed that both placements were appropriate and had no safety or risk concerns. Eileen indicated that the children's needs are being met and they are doing very well mentally, physically, and emotionally, that the two foster families are in contact with each other and allow the children to see each other, and that both foster families are interested in adoption.

¶ 23 Brandy Hodge (Brandy) testified that she and her husband, Jason, are the foster parents of K.H., who was four years old at the time of the hearing, and his half-brother, three-year-old B.E. Brandy and Jason were godparents to the boys, which is how they came to be their foster parents. According to Brandy, the boys had been with them since May 2015 and are doing great. She indicated that K.H. has a problem with anger and "gets angry a lot" but she and Jason work through it with him. She added that the behaviors have improved since the beginning. Brandy testified that K.H. was enrolled in pre-K and had just finished the year. She reported that he had a "rough start" at the beginning of the year because he had a tendency to follow his classmates who were being

disruptive. However, Brandy noted that he has "really excelled" by learning his numbers and shapes, and that he is doing very well and progressing normally with his learning.

¶ 24 Brandy testified that their home has a large kitchen, living room, and dining room, one bathroom, and two bedrooms—one of which the boys share. Brandy testified that she is employed at Lucy's Place in Salem—where she has worked for four years—and earns approximately \$525 every two weeks. Brandy works Monday through Friday from 1 p.m. to 8 p.m., which gives her the mornings to spend with the boys. Jason is currently unemployed. He has maintained steady employment throughout the marriage, but he currently has back problems for which he is seeking medical treatment. When Jason was employed, the boys stayed in daycare while the couple worked, but since his unemployment, the boys stay with him while Brandy is at work. Brandy indicated that they have been able to provide for the boys and support them and there has been no financial burden. She noted that they upgraded and got a larger home which is "more suitable for us."

¶ 25 Brandy testified that she has no felony convictions. She is aware that Jason had a felony conviction many years ago before she met him, and they have been together for 15 years. She did not know what the conviction was for. She reported that she and Jason have a solid marriage and they both have family members in the area who associate regularly with the boys. Brandy stated that she and Jason have worked with Melissa and Dak Johnson to allow regular sibling time for all of the children. She further stated that if she and Jason are allowed to adopt the boys, they will always facilitate that time. They

want the Johnsons to become godparents in order to ensure permanent contact between the siblings.

¶ 26 Brandy testified that she and Jason have developed a strong bond with the boys, they love them "more than anything," and they wish to adopt them. She described Jason as a strong father figure and male role model. The boys call them Brandy or Aunt Brandy and Jason or Uncle Jason, but, as Brandy indicated, they occasionally call them mommy and dad. Brandy testified that they still talk about David and Jennifer and refer to them as mom and dad.

¶ 27 Melissa Johnson (Melissa) testified that she and her husband, Dak, have been married for 13 years and they have a good marriage. They reside in Salem, where she has been a resident most of her life. She and Dak are currently the foster parents of D.H. and J.H.—who are six and seven years old—as well as another foster son, K.R.S., who is 15 years old. Their home has four bedrooms, three bathrooms, living rooms upstairs and downstairs, and a dining room. D.H. and J.H. share a large room which is on the same floor as Melissa and Dak's bedroom. The older foster son has his own space downstairs. Melissa is unemployed, which gives her time to care for the boys. Dak is employed with a secure, full-time position as a sales manager at Schmidt Ford in Salem, where he has been employed for some time. Melissa added that Dak makes sufficient income to support the boys.

¶ 28 Melissa testified that D.H. and J.H. first came to their home on March 11, 2016. She explained that early on they were "really wild, running around" and had behaviors that needed to be addressed. Both boys have been in counseling in Mt. Vernon, and

Melissa is committed to continuing the counseling as needed. She added that the boys have adjusted well and have made great progress both at home and at school. According to Melissa, both boys love homework and are eager to learn. Melissa testified that she and Dak attend church with the boys in Salem.

¶ 29 Melissa indicated that her relationship with D.H. and J.H. is wonderful and they have a great connection. She added that Dak interacts wonderfully with them as well. She described them as "very loving, huggy [*sic*], I love you type boys." She and Dak wish to adopt them, and she loves them and already considers them her own children. Melissa testified that the boys call them Missy and Dak and they still speak positively of David and Jennifer and call them mom and dad. Melissa testified that she will absolutely encourage continued interaction between the boys and their brothers who reside with Brandy and Jason.

¶ 30 David testified that he is 30 years old and resides in Salem. He is the father of J.H., K.H., and D.H. He also helped care for B.E., who is not his biological child. David testified that the boys lived with him from the time they were born up until the time they went into foster care approximately two years ago and that he had a very good relationship with them. David testified that before the boys went into foster care, he worked "construction, junking, everything [*sic*]" and when he did he took D.H. and J.H. to work with him. After work he played in the yard with the boys and rode a four-wheeler with them. They also took trips to the zoo a few times.

¶ 31 David testified that since the boys have been in foster care, most of his visits with them were at Burger King. He enjoyed the visits and when the boys talked to him they

called him dad. He testified that he loves the boys "to the moon and back." David currently resides in a home on Church Street where Jennifer is his "roommate." He explained that he and Jennifer have been on and off with their relationship but they raised the boys together and visited them as a family after they went into foster care. David confirmed that Jennifer has epilepsy and was unable to work, so she was a stay-at-home mom. He reported that Jennifer has a quality relationship with the boys, she loves them and they love her.

¶ 32 David testified that the Department has not been to his home to inspect it. The home has two bedrooms and a bathroom. He keeps it clean, but he indicated that it is not a safe residence because it is "still under construction" and "it will be awhile" before it is completed. He specified that the area around the water heater is open and not safe for the children. He testified that "if I had the right finances" the issue regarding the water heater "would be done in a month." David testified that he wants the children to come home.

¶ 33 At the conclusion of the evidence, the circuit court pronounced on the record its finding that it is in the children's best interest to terminate the respondents' parental rights. This finding was set forth in written orders entered on June 7, 2017. The respondents filed timely notices of appeal. Additional facts will be added as necessary throughout the remainder of this order.

¶ 34 ANALYSIS

¶ 35 The respondents raise the following two issues on appeal: (1) whether the circuit court erred in finding them unfit as parents; and (2) whether the circuit court erred in finding it in the children's best interest to terminate their parental rights.

¶ 36

I. Unfitness

¶ 37 The first issue on appeal is whether the circuit court erred by finding the respondents unfit as parents. " 'Because the trial court's opportunity to view and evaluate the parties and their testimony is superior to that of the reviewing court, a trial court's finding as to fitness is afforded great deference and will only be reversed on review where it is against the manifest weight of the evidence.' " *In re Shanna W.*, 343 Ill. App. 3d 1155, 1165 (2003) (quoting *In re Latifah P.*, 315 Ill. App. 3d 1122, 1128 (2000)). " 'A decision regarding parental fitness is against the manifest weight of the evidence where the opposite result is clearly the proper result.' " *Id.* (quoting *In re Latifah P.*, 315 Ill. App. 3d at 1128). The function of this court "is not to substitute our judgment for that of the trial court on questions regarding the evaluation of the witnesses' credibility and the inferences to be drawn from their testimony; the trial court is in the best position to observe the conduct and demeanor of the parties and witnesses as they testify." *In re M.S.*, 302 Ill. App. 3d 998, 1002 (1999).

¶ 38 The Act, as amended, provides a two-stage process whereby parental rights may be involuntarily terminated. 705 ILCS 405/2-29 (West 2016). Under this bifurcated procedure, the Department must make a threshold showing of parental unfitness based upon clear and convincing evidence and thereafter, a showing in a separate hearing that it is in the children's best interest to sever the parental rights. *In re Adoption of Syck*, 138 Ill. 2d 255, 276 (1990). The grounds that support a finding of unfitness are set forth in section 1(D) of the Adoption Act (Act). 750 ILCS 50/1(D) (West 2016). Although section 1(D) provides various grounds under which a parent may be deemed unfit, a

finding of unfitness may be entered if there is sufficient evidence to satisfy any one statutory ground. *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006). "It is necessary that the State prove by clear and convincing evidence one statutory factor of unfitness for the termination of parental rights to ensue." *In re M.S.*, 302 Ill. App. 3d at 1002. "Therefore, this court need not consider other findings of unfitness where sufficient evidence exists to satisfy any one statutory ground." *Id.*

¶ 39 1. *Failure to Make Reasonable Progress*

¶ 40 In this case, the circuit court found, *inter alia*, that the respondents were unfit for failure to make reasonable progress toward the return of the children during any nine-month period following the adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2016)). The respondents contend this finding is against the manifest weight of the evidence.

¶ 41 Section 1(D)(m)(ii) of the Act provides that "[i]f a service plan has been established *** to correct the conditions that were the basis for the removal of the child[ren][,] *** and if those services were available, then, *** 'failure to make reasonable progress toward the return of the child[ren] ***' includes the parent[s]' failure to substantially fulfill [their] obligations under the service plan and correct the conditions that brought the child[ren] into care during any 9-month period following the adjudication ***." 750 ILCS 50/1(D)(m)(ii) (West 2016).

¶ 42 In this case, the respondents' caseworker, Kaci Beal, testified that during the first nine-month period after the adjudication of neglect, the respondents did not complete any requirements of the service plan and, accordingly, were rated unsatisfactory on the

service plan goals. This testimony was uncontested. Jennifer argues that her epileptic seizures prevent her from driving and affect her employability as well as her ability to care for the children. She also emphasizes that she informed her caseworkers that she wished to apply for disability but received no assistance in doing so.

¶ 43 Kaci Beal testified that she had no documentation stating that Jennifer was unable to drive or work. Kaci requested proof of income from employment or public benefits, but Jennifer provided neither. Kaci testified that Jennifer informed her that she previously applied for disability and planned to reapply, but Kaci received no documentation of that. Notwithstanding any alleged issues relative to Jennifer's seizures, Kaci testified that Jennifer did not complete a mental health assessment or treatment, did not complete a psychiatric evaluation or treatment, did not demonstrate parenting skills at the visits, did not participate in substance abuse services, did not comply with drug screenings, did not undergo anger management counseling, and did not obtain suitable housing. Jennifer did not testify that her seizures affected her ability to complete these particular items, and Kaci Beal testified that Jennifer never brought any transportation issues to her attention regarding her ability to attend any appointments relating to the service plan goals. Kaci was also aware that Jennifer was being treated for the seizures and spoke to her often about it.

¶ 44 David attempts to focus on a dispositional hearing report dated July 22, 2015—rather than the then-current service plan—in an attempt to refute the circuit court's finding of unfitness. That report focuses on only four areas of David's current status. In contrast, the service plan has six goals, with 21 tasks needing accomplished to satisfy

those goals. As already observed, Kaci Beal testified that David did not complete any requirements of the service plan during the first nine-month period and, accordingly, was rated unsatisfactory on the service plan goals. Nevertheless, David attempts to focus on the dispositional report and alleges facts not in evidence to support his argument. The dispositional report has nothing to do with the requirements of the service plan and the unchallenged testimony that David did not satisfactorily complete any goals of the plan during the relevant time period.

¶ 45 To reiterate, it is not our duty to determine the credibility of the witnesses, but we defer to the circuit court in that regard. See *In re M.S.*, 302 Ill. App. 3d at 1002. The respondents' failure to fulfill the service plan obligations during the first nine-month period after the adjudication of neglect demonstrates a failure to make reasonable progress toward the children's return (750 ILCS 50/1(D)(m)(ii) (West 2016)). Accordingly, the circuit court's finding of unfitness on that basis was not against the manifest weight of the evidence. Because sufficient evidence exists to satisfy this statutory ground of unfitness, we need not consider any additional grounds. See *In re Donald A.G.*, 221 Ill. 2d at 244.

¶ 46

II. Best Interest

¶ 47 The second issue on appeal is whether the circuit court erred in finding it in the children's best interest to terminate the respondents' parental rights. "Once the circuit court has found by clear and convincing evidence that a parent is unfit ***, the State's interest in protecting the child is sufficiently compelling to allow a hearing to determine whether the termination of parental rights is in the best interest[] of the child." *In re*

D.M., 336 Ill. App. 3d 766, 771 (2002). "[D]uring a [best-interest] hearing, the court focuses upon the child[ren]'s welfare and whether termination would improve the child[ren]'s future financial, social[,] and emotional atmosphere." *Id.* at 772. The standard of review for the circuit court's best-interest determination is whether the finding is against the manifest weight of the evidence. See *In re B.R.*, 282 Ill. App. 3d 665, 670 (1996).

¶ 48 Section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2016)) contains the factors to be considered by the court in a best-interest proceeding according to the age and developmental needs of the children. Here, the evidence supports the circuit court's judgment that it was in the children's best interest to terminate the respondents' parental rights. Testimony shows that the foster placements for the children are appropriate with no safety concerns, the foster families facilitate visits between the siblings, all of the children's needs are being met, and they are all doing very well mentally, physically, and emotionally.

¶ 49 K.H.—along with his half-brother—was placed with Brandy and Jason Hodge in 2015. Since then, his behavior has improved and he is excelling in school and progressing normally. The Hodges' home is roomy enough for the family, there is abundant financial provision, and they have family members nearby with whom K.H. associates regularly. Brandy and Jason have a strong bond with K.H., and they love him very much and wish to adopt him.

¶ 50 D.H. and J.H. have been with Melissa and Dak Johnson since March 2016. They reside in a spacious home in Salem, where Dak has secure employment with sufficient

income to support the family. Melissa is unemployed and available to care for the boys every day. The boys have been in counseling, which Melissa is committed to continuing as needed. The boys have adjusted well and have made great progress at home and at school. They also attend church together in Salem. Melissa and Dak interact wonderfully with the boys, have a great connection with them, love them, and consider them their own children.

¶ 51 Although David testified that he and Jennifer love the boys, have a very good relationship with them, and want them to come home, he admitted that because his home is under construction it is not safe for children and his relationship with Jennifer is off and on.

¶ 52 Again, it is not our duty to determine the credibility of the witnesses, but we defer to the circuit court in that regard. See *In re M.S.*, 302 Ill. App. 3d at 1002. Because an opposite ruling is not clearly the proper result, we cannot say the circuit court's finding it in the children's best interest to terminate the respondents' parental rights was against the manifest weight of the evidence. See *In re Shanna W.*, 343 Ill. App. 3d at 1165.

¶ 53 CONCLUSION

¶ 54 For the foregoing reasons, we affirm the June 7, 2017, orders of the circuit court of Marion County.

¶ 55 Affirmed.