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Carla Bender
4th District Appellate
Court, IL

NOS. 4-17-0842, 4-17-0843, 4-17-0844, 4-17-0845 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re Ch. W., a Minor (The People of the State of Illinois, Petitioner-Appellee, v. (No. 4-17-0843) Koriana Lathan, Respondent-Appellant).	Appeal from Circuit Court of Sangamon County No. 15JA51
In re Ce. W., a Minor (The People of the State of Illinois, Petitioner-Appellee, v. (No. 4-17-0842) Koriana Lathan, Respondent-Appellant).	No. 15JA52
In re Ci. W., a Minor (The People of the State of Illinois, Petitioner-Appellee, v. (No. 4-17-0844) Koriana Lathan, Respondent-Appellant).	No. 15JA53
In re H.L., a Minor (The People of the State of Illinois, Petitioner-Appellee, v. (No. 4-17-0845) Koriana Lathan, Respondent-Appellant).	No. 15JA211 Honorable Karen S. Tharp, Judge Presiding.

JUSTICE DeARMOND delivered the judgment of the court.
Presiding Justice Harris and Justice Turner concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, finding the trial court did not err in terminating respondent's parental rights.

¶ 2 In March and December 2015, the State filed petitions for adjudication of wardship with respect to Ch. W., Ce. W., Ci. W., and H.L., the minor children of respondent, Koriana Lathan. In December 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 June 2017, the State filed motions to terminate respondent's parental rights. The court found respondent unfit and determined it was in the minors' best interests that respondent's parental rights be terminated.

¶ 3 On appeal, respondent argues the trial court erred in terminating her parental rights. We affirm.

¶ 4 I. BACKGROUND

¶ 5 In March 2015, the State filed petitions for adjudication of wardship with respect to Ch. W. (No. 15-JA-51); Ce. W. (No. 15-JA-52); and Ci. W. (No. 15-JA-53), the minor children of respondent. Ch. W. was born in 2006, and Ce. W. and Ci. W. were born in 2007. The State 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)) because (1) they were not receiving the proper care and supervision necessary for their well-being due to inadequate supervision and respondent's failure to make a proper care plan for the minors and their siblings and (2) their environment was injurious to their welfare as evidenced by the inadequate supervision of their siblings and respondent's failure to make a proper care plan.

¶ 6 At the shelter-care hearing, Angie Kramp, a child-protection investigator with DCFS, testified she received a report from police officers that four children had been left home alone. Officers told her the children said their mother had picked them up from school and then left them alone to run errands. Respondent told officers she had plans for someone to watch the children, but there was no one else at the residence. A neighbor reported "there were many prior incidents in which he saw [their] mom drive away" and assumed the children had been left home alone. Respondent admitted her cousin had not arrived to watch the children before she left and admitted leaving them home alone. Kramp testified the refrigerator contained nothing but a half-gallon of milk, and the "very sparse apartment" had no furniture and "two dirty air mattresses." Kramp stated Ch. W., Ce. W., Ci. W., and another minor named Y.S. were all under the age of nine, and they reported making "noodles for themselves, which involved heating up water in the microwave and making their own noodles." Kramp believed an adequate care plan had not been implemented based on the lack of supervision and the "fact that the girls were making their own noodles unsupervised in a microwave with boiling water." Kramp noted respondent had five prior indicated reports, including risk of sexual harm to Ch. W., and the "most frequent issue" requiring DCFS involvement centered on the lack of adequate supervision or inadequate shelter.

¶ 7 Respondent testified she picked the minors up from school, went to McDonald's, and then rode around for 90 minutes. She stopped to ask her cousin if she would come over and watch the children while she ran errands. Respondent then dropped off the minors and left before her cousin arrived. She returned and asked the minors if her cousin had been at the house. The minors said no. Respondent waited until she saw her cousin pull up with her boyfriend, then she left. On cross-examination, respondent testified her vehicle had two car seats for four children.

¶ 8 Following argument, the trial court found probable cause to believe the children were neglected based on being left alone without a proper care plan. The court also found it a matter of urgent necessity for the protection of the children that they be removed from respondent's home "at least until an alternative solution can be found." The court entered an order granting temporary custody and guardianship to DCFS.

¶ 9 In June 2015, the trial court entered an order admonishing respondent about cooperating with DCFS after the court had been notified that she refused to sign her service plan. At a November 2015 hearing, respondent stipulated to the allegation of inadequate supervision. The court accepted the stipulation and found the minors were neglected.

¶ 10 The December 2015 dispositional report indicated respondent had "an extensive history" with DCFS, including allegations of substantial risk of sexual abuse involving Ch. W.; medical neglect as to Ce. W.; cuts, bruises, welts, abrasions, and oral injuries to Ch. W.; inadequate shelter; substantial risk of physical injury/injurious environment; and inadequate supervision.

¶ 11 The report indicated respondent had been recommended to undergo individual counseling, obtain assistance in locating housing, obtain employment, and visit with her children. DCFS also requested she complete parenting classes, substance-abuse treatment, and anger-management services. The report stated respondent attended counseling but "presented as angry and hostile." She initially stated she did not need counseling or anger-management services. However, respondent had been attending weekly anger-management sessions and had been "very cooperative." Respondent participated in visitation with her children, but she "struggle[d] with providing food," believing it was not her responsibility since the minors resided in foster care. Respondent failed to complete drug drops on two occasions but tested negative when she did

submit samples. She complained about completing drug drops while she was pregnant, stating she would not drink while pregnant. H.L. was born in December 2015. Respondent was unemployed and received an unsatisfactory rating for cooperation.

¶ 12 In its December 2015 dispositional order, the trial court found respondent unfit, unable, or unwilling for some reason other than financial circumstances alone to care for, protect, train, educate, supervise, or discipline the minors. The court made the minors wards of the court and placed custody and guardianship with DCFS.

¶ 13 In December 2015, the State filed a petition for adjudication of wardship in case No. 15-JA-211 with respect to H.L. The State alleged the minor was neglected due to an injurious environment as evidenced by her siblings being adjudicated neglected and respondent's failure to have the children returned to her care and remaining in the care of DCFS. The State also alleged H.L. was neglected because her environment was injurious to her welfare in that she was at substantial risk of harm, as evidenced by the inadequate supervision of her siblings. The trial court found probable cause to believe H.L. was neglected and granted temporary custody and guardianship to DCFS.

¶ 14 Respondent stipulated to the allegation of an injurious environment. In April 2016, the trial court found H.L. was neglected. In its June 2016 dispositional order, the court made H.L. a ward of the court and placed custody and guardianship with DCFS.

¶ 15 A September 2016 service plan report indicated respondent passed out in her home in March 2016, was transported to a hospital, and was placed in intensive care "for a couple of weeks." Respondent indicated she "had a heart attack related to an allergy to Red Bull energy drink." In April 2016, respondent was involved in a car accident. The November 2016 permanency review report indicated respondent had been "consistently dishonest about her

engagement in services," had not been cooperating with budget counseling, was unemployed, did not engage with her older children during visitation, and "struggle[d] to take any responsibility for her actions."

¶ 16 An October 2016 report by the court-appointed special advocate (CASA) indicated respondent "lost her apartment due to having no income." She continued "to have difficulty providing meals for her children at visits," and there was "very little interaction between the older children" and her at those visits. During the case, the CASA noted "there has been little in the way of future planning" by respondent, and she "continues to blame DCFS and all the other agencies involved in the case for her problems."

¶ 17 The January 2017 permanency review report indicated respondent did not attend counseling from March 2016 to August 2016. She began attending counseling regularly in October 2016 but "continues to take no responsibility for her DCFS involvement." Respondent reported receiving a large settlement as a result of the car accident in April 2016. The report indicated the amount received was unclear, as respondent had not provided documentation. Respondent reported she received between $25,000 and $45,000. She purchased new living room furniture, a bed, a washer and dryer, a car, two flat-screen televisions, and other household items. Respondent later indicated her settlement money was gone and she had no income. She "struggle[d] to engage with her children during visits," was "consistently negative towards the children during visits," and was "verbally abusive" to a caseworker.

¶ 18 The May 2017 permanency review report indicated respondent had completed bonding assessments with the minors, all of which showed she "was unable to provide structure or engage and nurture the children." During individual counseling sessions, respondent "is still unable to make counseling goals for herself, focus on her children's needs or take any

responsibility for the children being placed in foster care." In March 2017, respondent was arrested and charged with aggravated battery involving a victim over the age of 60 after she pushed and spit on an employee at the International House of Pancakes. Respondent has been "chronically unemployed" and failed to attend appointments with a homemaker to undergo budget training.

¶ 19 In June 2017, the State filed motions to terminate respondent's parental rights. In regard to Ch. W., Ce. W., and Ci. W., the State alleged respondent was unfit because she failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare (750 ILCS 50/1(D)(b) (West 2016)); (2) make reasonable efforts to correct the conditions that were the basis for the minors' removal (750 ILCS 50/1(D)(m)(i) (West 2016)); (3) make reasonable progress toward the return of the minors to her within nine months after the adjudication of neglect (November 19, 2015, to August 19, 2016) (750 ILCS 50/1(D)(m)(ii) (West 2016)); and (4) make reasonable progress toward the return of the minors to her during any nine-month period following the adjudication of neglect (August 19, 2016, to May 19, 2017) (750 ILCS 50/1(D)(m)(ii) (West 2016)). As to H.L., the State alleged respondent was unfit because she failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to the minor's welfare; (2) make reasonable efforts to correct the conditions that were the basis for the minor's removal from her; and (3) make reasonable progress toward the return of the minor to her within nine months after the adjudication of neglect (April 28, 2016, to January 28, 2017).

¶ 20 In October 2017, the trial court conducted the unfitness hearing. Cince Bowns, a placement supervisor with DCFS, testified Ch. W., Ce. W., and Ci. W. were removed from respondent's care due to being found home alone. H.L. was brought into care due to her siblings being in DCFS' care. The September 2015 service plan included the following tasks: parenting

classes, substance-abuse treatment, anger-management services, legal means of support, adequate housing, individual counseling, and cooperation. Bowns stated respondent was rated unsatisfactory in January 2016. She completed parenting classes in October 2015 and had adequate housing in January 2016. Although she completed outpatient substance-abuse treatment in November 2015, "she would not complete random drops so we could see that she was maintaining her sobriety." Respondent claimed to work at a hotel and cut hair, but she failed to verify her employment. Bowns testified the plan was rated unsatisfactory because it took respondent "so long to sign releases and engage in services." Bowns stated a psychological evaluation was added to respondent's plan in January 2016. Respondent received a satisfactory rating on her March 2016 service plan, although she received an unsatisfactory rating on the task of random drug drops. Initially, respondent was "very sporadic" in her visits with her children, but the visits "became better for the March service plan."

¶ 21 Emily Dorsey, a child-welfare specialist with DCFS, testified she was assigned to the minors' case in April 2016. For the service plan reviewed in September 2016, respondent's tasks included substance-abuse treatment, cooperation with DCFS, parenting classes, anger-management services, counseling, housing, stable income, and a psychological assessment. Dorsey rated the plan unsatisfactory because respondent was not cooperating with anger-management counseling, had no legal employment, had no satisfactory housing, and only met with a homemaker once to address her budgeting needs. Respondent received an unsatisfactory rating as to parenting and visitation. Dorsey stated respondent chose to decrease her own visitation from twice a week to once a week, and "she was not very engaging or nurturing towards the children during visitation." Although she had completed parenting classes, respondent failed to demonstrate the techniques during visitation.

¶ 22 Dorsey testified respondent's service plan was again rated unsatisfactory in March 2017. Respondent was not cooperating with counseling and "was blaming DCFS for her lack of progress in other services and still very combative with service providers." Respondent received an unsatisfactory rating on the tasks of income and budgeting because she missed several appointments with the homemaker, kicked the homemaker out of her home, and was "not very forthcoming with information about her finances." Although she reported receiving a settlement of $25,000 to $45,000, she told Dorsey the money was gone in approximately one month. Respondent remained unemployed. Dorsey stated respondent received an unsatisfactory rating on her parenting and visitation tasks, noting she missed 14 visits and ended "several of them early." During that time, Ci. W. started to refuse visitation because respondent "was very mean to her and degrading during visits." Respondent also failed to provide food on a regular basis for the children.

¶ 23 Between March 2017 and July 2017, respondent did not cooperate with anger-management counseling or the budgeting homemaker, she did not provide documentation of employment, and she had not completed a psychiatric evaluation. Respondent did not have stable housing and would not cooperate with home visits. Between March and September 2017, respondent missed 24 visits. During Dorsey's time on the case, respondent missed 50 of approximately 90 visits. When she did visit the minors, respondent would get "frustrated easily." When Dorsey attempted to discuss services, respondent was "often combative and very defensive."

¶ 24 On cross-examination, Dorsey stated respondent was hospitalized for a week due to a heart attack and was in a car accident in April 2016. Dorsey assumed these incidents "stalled some of her services."

¶ 25 Respondent testified she was only offered one visit per month. She missed her last visit because she was confused about the date. She stated her March 2016 heart attack impacted her progress in this case "a lot," as she "couldn't remember a lot of stuff," like the dates of visits and appointments with counselors. Respondent believed she had missed 6 visits and not 40. At visits, she talked with the older minors and held the younger ones. She testified she had recently moved into a house and just started working at a hotel.

¶ 26 The trial court found respondent "conveniently doesn't remember lots of things" and had not provided "any medical documentation for any of these claims that she has made." The court found respondent unfit on all of the State's grounds, noting it "would not have been close to being able to place the children back in" respondent's home.

¶ 27 In November 2017, the trial court conducted the best-interests hearing. Dorsey testified Ch. W., age 11, lives in a traditional foster home and is making progress in that placement. She is "very comfortable" in the home and is "well integrated into the family and extended family." Ch. W. lives with Ci. W., and their foster parents have expressed a willingness to adopt them. Dorsey stated "there is not much of a bond between" respondent and Ch. W., and Ch. W. does not ask about respondent or say she wants to go home with her. Ci. W., age nine, indicated she did not want to visit with respondent. However, her foster parents allow her and Ch. W. to have phone contact with respondent.

¶ 28 Dorsey testified H.L. is two years old and lives in a traditional foster home. She is making progress in the placement and gets along well with her siblings. Her foster parents have indicated a willingness to adopt her. Dorsey does not believe a bond exists between H.L. and respondent.

¶ 29 Margaret Perry, a caseworker at Rutledge Youth Foundation, testified Ci. W. has had "some pretty severe behavioral issues," but has had no issues since moving into her current placement. Ci. W. is attached to her foster parents, and they were willing to provide permanence for her. Perry stated Ci. W. "has not visited with her mother for some time because her mother has been very hostile and antagonistic towards her."

¶ 30 Perry testified Ce. W., age 10, lives in a relative placement. Although she had been hospitalized "a number of times" for psychiatric reasons, her behavioral issues have subsided. Ce. W.'s foster mother is willing to provide permanence for her through adoption. Ce. W. also has the ability to visit her siblings. Perry stated there are plans to move Ce. W. into the home with Ch. W. and Ci. W. so they can be adopted together.

¶ 31 The trial court noted the minors have been in care for two years or more. The three older minors "don't want to go home with their mother," and "each said that they want to be adopted." Considering the need for permanence in their lives, the court stated the chance of the minors having permanence with respondent was "slim to none given the length of time that this case has been in the system." The court found it in the minors' best interests that respondent's parental rights be terminated. Respondent appealed, and this court consolidated the cases.

¶ 32 II. ANALYSIS

¶ 33 A. Unfitness Findings

¶ 34 Respondent argues the trial court's findings of unfitness were against the manifest weight of the evidence. We find this issue forfeited.

¶ 35 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 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 N.T.*, 2015 IL App (1st) 142391, ¶ 27, 31 N.E.3d 254. " 'A court's decision regarding a parent's fitness is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent.' " *In re M.I.*, 2016 IL 120232, ¶ 21, 77 N.E.3d 69 (quoting *In re Gwynne P.*, 215 Ill. 2d 340, 354, 830 N.E.2d 508, 517 (2005)).

¶ 36 In the case *sub judice*, the trial court found respondent unfit based on her failure to (1) maintain a reasonable degree of interest, concern, or responsibility; (2) make reasonable efforts; and (3) make reasonable progress. On appeal, respondent contends the court erred in finding her unfit. However, her argument fails to specifically address each of the three grounds. Instead, respondent states she completed drug and alcohol treatment, parenting classes, visitation, and an anger-management-counseling assessment. It is unclear which of the three findings of unfitness she is addressing, since she fails to reference any of the bases for unfitness in her argument. There is no specific reference to the terms reasonable degree of interest, concern, or responsibility; reasonable efforts; or reasonable progress.

¶ 37 "A court of review is entitled to have the issues clearly defined with pertinent authority cited and cohesive arguments presented." *In re M.M.*, 2016 IL 119932, ¶ 30, 72 N.E.3d 260; see also Ill. S. Ct. R. 341(h)(7) (eff. Nov. 1, 2017). Not only did respondent fail to cite authority pertinent to the three grounds of unfitness in this case, but she also failed to develop her argument in any meaningful way. See *Thrall Car Manufacturing Co. v. Lindquist*, 145 Ill. App. 3d 712, 719, 495 N.E.2d 1132, 1137 (1986) (noting this "court is not a depository in which the appellant may dump the burden of argument and research"). Thus, the unfitness issue is forfeited, and we will not address it. See *Ramos v. Kewanee Hospital*, 2013 IL App (3d) 120001,

¶ 37, 992 N.E.2d 103 (stating the "failure to properly develop an argument and support it with citation to relevant authority results in forfeiture of that argument").

¶ 38 B. Best-Interests Finding

¶ 39 Respondent argues the trial court's finding that it was in the minors' best interests that her parental rights be terminated was against the manifest weight of the evidence. We disagree.

¶ 40 "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, including the parent's rights, yield to the best interests of the child." *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 80, 966 N.E.2d 1107. 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 2016). 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 2016).

¶ 41 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 Dal. D.*, 2017 IL App (4th) 160893, ¶ 53, 74 N.E.3d 1185. The court's decision will be found to be "against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or the decision is unreasonable, arbitrary, or not based on the evidence." *In re Keyon R.*, 2017 IL App (2d) 160657, ¶ 16, 73 N.E.3d 616.

¶ 42 In this case, the evidence indicated Ch.W. is making progress in her placement and attending counseling when necessary. She participates in extracurricular activities and is "very comfortable" in the home. Her foster parents are willing to provide permanence for her through adoption. While Ci. W. had "some pretty severe behavioral issues," she is making progress in her placement. Her foster parents attend to her needs and have indicated their intent to adopt her. Ce. W. has been in a relative foster placement since January 2016 and has been making progress. She attends counseling, which helps with her behavioral issues. Perry testified Ce. W. is in the process of moving in with Ch. W. and Ci. W. so she can be adopted with her sisters. H.L. is making progress in her foster home and receiving the services she needs. Her foster parents have agreed to adopt H.L. if she cannot return home.

¶ 43 In her brief, respondent argues she was "fairly consistent" in visiting the minors. Dorsey testified respondent missed 24 visits between March 2017 and September 2017 and missed 50 out approximately 90 visits during Dorsey's participation in the case. While

respondent acknowledges there was testimony about her missed visits and failure to bring food to visits, she denies those assertions. However, at the unfitness hearing, the trial court found the caseworkers more credible than respondent and noted "missing forty visits" is "just not acceptable."

¶ 44 Respondent also notes the prospective adoptive mother of Ch. W., Ce. W., and Ci. W. has indicated a willingness to allow them to visit with respondent even after termination of her parental rights and asks how that would result in permanence and preserve the minors' best interests. However, adoption would provide the minors with a stable, loving home life and help them achieve the permanence they need in their young lives. Visitation or other contact would not impair the permanent nature of the adoption and, if the contact became detrimental to the children, the foster parent could discontinue it.

¶ 45 Here, the evidence indicated the minors are in good homes and their needs are being met. The trial court noted Ch. W., Ci. W., and Ce. W. have "each said they don't want to go home with their mother," and each has said "they want to be adopted." The court also noted the chances of obtaining permanence with respondent were "slim to none given the length of time that this case has been in the system." Considering the evidence and the best interests of the minors, we find the court's order terminating respondent's parental rights was not against the manifest weight of the evidence.

¶ 46 III. CONCLUSION

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

¶ 48 Affirmed.