

2019 IL App (2d) 180760-U
Nos. 2-18-0760, 2-18-0761, 2-18-0762 cons., &
2-18-0765, 2-18-0766, 2-18-0767, 2-18-0768 cons.
Order filed March 11, 2019

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).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

In re SHARON M., ALEXIS A., and) Appeal from the Circuit Court
ROBERT A., Minors) of Ogle County.
)
) Nos. 16-JA-5
) 16-JA-5
) 16-JA-5
)
(The People of the State of Illinois,) Honorable
Petitioner-Appellee, v. Russell A.,) John B. Roe IV,
Respondent-Appellant.)) Judge, Presiding.

In re SHARON M., ALEXIS A.,) Appeal from the Circuit Court
ROBERT A., and CHAS M., Minors) of Ogle County.
)
) Nos. 16-JA-5
) 16-JA-6
) 16-JA-7
) 16-JA-30
)
(The People of the State of Illinois,) Honorable
Petitioner-Appellee, v. Angelica M., f/k/a) John B. Roe IV,
Angelica A., Respondent-Appellant.)) Judge, Presiding.

JUSTICE SPENCE delivered the judgment of the court.
Justices McLaren and Jorgensen concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not err in finding that respondents were unfit for failure to make reasonable progress toward the return of their minor children within the initial nine-month periods following the children's adjudications of neglect. Therefore, we affirmed the court's termination of respondents' parental rights.

¶ 2 Respondents, Russell A. and Angelica M., each appeal several orders terminating their parental rights. We consolidated Angelica's four appeals and Russell's three appeals, and respondents filed a joint memorandum arguing all seven appeals. Both Russell and Angelica appeal from the termination of their parental rights with respect to their three minor children, Sharon M., Alexis A., and Robert A. Angelica additionally appeals from the termination of her parental rights of her minor child, Chas M. (C.J.). We hereby consolidate all seven appeals for decision, and for the reasons herein, we affirm.

¶ 3 I. BACKGROUND

¶ 4 The State took Sharon into protective custody on January 28, 2016, and it filed a petition for adjudication of wardship for Sharon on February 1, 2016. The State alleged three counts that Sharon, who was five months old, was a neglected minor. The allegations included that Sharon's environment while living with Angelica was injurious to her welfare in that she was diagnosed with nonorganic failure to thrive syndrome. In a subsequent Department of Children and Family Services (DCFS) service plan, DCFS detailed that Sharon weighed under 11 pounds at the time she was taken into custody, which placed her below the 5th percentile for her weight based on age. She was not gaining weight because she was not properly fed. At the shelter care hearing, the trial court additionally found that there was probable cause that Sharon's siblings, Alexis and Robert, were neglected minors, but it did not find an urgent and immediate necessity to remove them from the home.

¶ 5 The State filed an amended petition for adjudication of wardship on April 22, 2016. It reiterated and added to the allegations regarding neglect of Sharon. On April 29, 2016, the State

filed its seconded amended petition for adjudication of wardship, adding another count that Sharon's environment was injurious to her welfare because of cuts, welts, and bruises to Sharon's siblings when Angelica left Sharon in Russell's care against DCFS instructions. In addition, the second amended petition alleged that Russell had been in a caretaker role for Robert and Alexis, and that Robert had cuts, welts, and bruises caused by Russell. Robert and Alexis were taken into protective custody on April 27, 2016.

¶ 6 The court entered three adjudicatory orders on May 25, 2016, finding that Sharon, Robert, and Alexis were neglected. All three findings were based on an environment injurious to their welfare, in particular, Sharon's diagnosis of nonorganic failure to thrive syndrome. On July 5, 2016, the court entered dispositional orders for all three children. The court found both Angelica and Russell unfit and unable, for reasons other than financial circumstances alone, to care for the minor children. The court cited the safety issues with the home, Angelica's history of trauma and domestically violent relationships, and Russell's then homelessness. The court adjudicated the children neglected, made them wards of the court, and granted custody to DCFS. The permanency goal was return home within 12 months, with the first permanency hearing set for December 20, 2016.

¶ 7 Angelica gave birth to C.J. on August 20, 2016, and C.J.'s father was Chas M.¹ DCFS took C.J. into custody on August 22, and the State filed a petition for adjudication of wardship on August 23. The court entered an adjudicatory order on October 4, 2016, finding C.J. neglected. The court based its findings on Sharon's nonorganic failure to thrive diagnosis, Angelica's DCFS indication for inadequate food and risk of physical injury, and Chas's DCFS indication for

¹ As father and son are both named Chas M., we refer to the minor child as C.J. and the biological father as Chas.

inadequate food and environmental neglect. C.J.'s dispositional hearing was set for the same December date as the other minors' permanency hearing.

¶ 8 Following the December 20, 2016, dispositional and permanency hearings, the trial court entered a dispositional order finding Chas and Angelica unfit and unable to care for C.J. and finding C.J. a neglected minor. The court made C.J. a ward of the court, and his custody and guardianship was placed with DCFS. C.J.'s permanency hearing was set for May 9, 2017. The court also ruled that respondents had made reasonable efforts but not reasonable progress toward the goal of return home of Sharon, Robert, and Alexis, because they were still participating in services and had not obtained suitable housing, and the permanency goal for those three children would continue to be return home in 12 months. The next permanency review was scheduled for the same date in May as C.J.'s permanency hearing. DCFS would continue to maintain custody and guardianship of the minor children.

¶ 9 DCFS arranged for Angelica, Russell, and Chas to undergo psychological evaluations beginning in February 2017 by Dr. Nicholas O'Riordan. O'Riordan's psychological evaluation reports were filed with the trial court in May 2017. The court entered its permanency order on May 23, 2017, finding that both Angelica and Russell had made reasonable efforts toward the return of their minor children but had not made reasonable progress. In particular, the court found that Angelica "continues to have no comprehension of why the children were removed from her care in the first place" and her psychological evaluation stated that a personality disorder made it impossible for her to safely parent. The court also found that Russell's psychological evaluations showed that he could not be relied upon to put the children's interests ahead of his own. Based upon the court's findings, the permanency goal for Sharon, Alexis, and

Robert was set to substitute care pending determination of parental rights. The court set a second permanency review for C.J. for September 2017.

¶ 10 A. Termination Proceedings

¶ 11 The State filed its original termination petitions on July 24, 2017, seeking to terminate Angelica's and Russell's parental rights for Sharon, Alexis, and Robert, pursuant to section 2-29(2) of the Juvenile Court Act of 1987 (705 ILCS 405/2-29(2) (West 2016)) and section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2016)). After C.J.'s permanency hearing in September 2017, the State filed an original termination petition for C.J. and amended termination petitions for Sharon, Alexis, and Robert on October 27, 2017. Sharon's, Alexis's, and Robert's petitions all alleged the same four counts against Angelica and Russell: (1) the parent failed to make reasonable progress toward the return of the child within nine months after the adjudication of neglect on May 25, 2016; (2) the parent failed to make reasonable progress toward the return of the children during any nine-month period after the end of the initial nine-month period of time following the May 25, 2016, adjudication of neglect; (3) the parent had an inability to discharge parental responsibilities and there was sufficient justification to believe that the inability to discharge parental responsibilities would extend beyond a reasonable period of time; and (4) the parent failed to protect the child from conditions within the child's environment injurious to the child's welfare. C.J.'s petition alleged four similar counts against Angelica, with the only difference being that, for counts one and two related to failure to make reasonable progress during a nine-month period, the relevant date was C.J.'s adjudication of neglect on October 4, 2016, instead of May 25, 2016.

¶ 12 A bench trial on the October 2017 termination petitions took place over three dates—December 21, 2017; February 28, 2018; and March 7, 2018. We summarize the proceedings in relevant part.

¶ 13 The State called four witnesses on its behalf. Dr. O’Riordan, a clinical psychologist who was accepted as an expert in psychology, testified as follows. On DCFS’s referrals, he performed psychological evaluations of Angelica and Russell beginning in February 2017. He performed his psychological evaluation of Angelica at the DCFS office in De Kalb on February 26. The evaluation was to assess her mental health, give a diagnosis, and make recommendations to DCFS. He spent about two and a half hours face-to-face with Angelica, and he also had her complete several forms, including a 330 question personality assessment inventory and a neurological survey. Based on his interviews and testing, he found evidence that Angelica had a longstanding borderline personality disorder, and it appeared to be a neurologically based disorder. Borderline personality disorder meant a “long entrenched personality pattern of unstable relationships of drama in a person’s life and instability in their affect and in their ability to focus and make good decisions.” She was reporting many neurological symptoms that needed to be addressed. Her failure to make good decisions meant she often made self-defeating decisions that did not move her toward long-term goals, including parenting goals. It was his opinion that Angelica’s outlook toward parenting was “poor” and unlikely to change anytime soon. Someone like Angelica with entrenched personality disorder was only likely to change if that person engaged in intensive therapy and “really worked” with a therapist. It was his opinion that she did not have the ability to discharge her parental responsibilities at the time of his examination.

¶ 14 O’Riordan also performed a psychological evaluation of Russell at DCFS’s De Kalb office on February 27, 2017. His method of evaluation of Russell was about “95 percent the same” as his method for evaluating Angelica. The main difference was that he did not give Russell a neurological survey because he was not reporting neurological symptoms. O’Riordan concluded that Russell had serious attention deficit hyperactivity disorder (ADHD) and also had a personality disorder. He was both narcissistic and histrionic, and he was childlike in his way of interacting. His diagnoses raised serious doubts about his ability to be a responsible parent to make good decisions for the children. Russell also told him that he did not really want to become the primary parent but would if Chas and Angelica could not become the primary parents. Russell did not, however, give any indication that he was changing his lifestyle to accommodate becoming a primary parent. Rather, he “appeared to be just barely able to hold it together to keep himself out of a homeless shelter, which he reported going in and out of several times.” O’Riordan’s prognosis for Russell’s ability to parent was “quite poor” and unexpected to change in the foreseeable future. He required intense work with a therapist and major lifestyle changes, and O’Riordan was concerned about his motivation to change. It was his opinion that Russell did not have the ability to discharge his parental responsibilities at the time of his evaluation.

¶ 15 Denice Mock was the owner and director of Parents With Promise, an Illinois practice for parents with intellectual disabilities, and she testified as follows. She was a licensed clinical social worker for the state of Illinois, and she provided therapy to clients at her practice. Angelica was a client at Parents With Promise beginning in February 2016. She first completed a parenting intake assessment in February, and then she came weekly for individual therapy, parenting coaching, and parent training classes. Her individual counseling was up to 60 minutes per week, and it focused on her trauma and building protective parenting factors. Parent coaching

focused on responsiveness, encouragement, affection, and developing attachment with children. Mock tailored her services based on Angelica's psychological evaluation.

¶ 16 Angelica showed some increases in her ability to parent "in certain protective factors" since beginning counseling, "but not to the point that we would expect." Mock had safety concerns, because when Angelica was with more than two of the children at a time, she had difficulty being responsive to the children and being aware of safety concerns. One example of a safety concern was failing to strap a child into the highchair so that the child did not fall out of it. While there was "no doubt" she had affection for her children, she struggled to demonstrate that affection.

¶ 17 Mock also counseled Russell, who had been a client of Parents With Promise since June 2016. He was scheduled to come in weekly, but his attendance was sporadic. He was currently coming in for individual counseling and parent coaching. He had been involved in parent training classes, but those classes were discontinued because he had difficulty with the idea of a classroom atmosphere. Russell was good at engaging with the children, but they were working on safety concerns while he was with the children. Russell had difficulty regulating his own anxiety during his time with the children. Russell's greatest difficulty was his inability to maintain and take care of himself, and therefore he was unable to take care of his children. He often had difficulty providing food for the children or himself because he was unemployed and had minimal income to purchase food.

¶ 18 Kristine Schroeder was the guardian *ad litem* for Sharon, Alexis, Robert, and C.J., and she testified as follows. She was assigned to Sharon, Alexis, and Robert in August 2016, and to C.J. in October 2016. The children had special needs that she had to make sure were met.

Sharon, Alexis, and Robert were all receiving physical, speech, occupational, and behavioral therapy, and C.J. was receiving physical and speech therapy.

¶ 19 She was familiar with Angelica and observed Angelica interact with the four children in early 2017. Angelica was “overwhelmed” by her interactions with children, and she appeared frustrated. During their interaction, Sharon was climbing on a bookcase, which was a safety concern.

¶ 20 Schroeder was also familiar with Russell, and she observed him interacting with the children. On one visit with the children, he brought toys including a baby doll with small barrettes for the doll’s hair. Sharon was chewing on one of the barrettes, which was a choking hazard, and Russell was not paying attention. He was looking at himself in the mirror, and Schroeder had to intervene to tell him to take the barrette away. She had safety concerns based on Russell’s lack of attention to the children.

¶ 21 The State lastly called Jennifer Evans, the DCFS caseworker assigned to the minor children’s cases since February 2016, and she testified as follows. She was a child welfare specialist, and she created service plans and monitored the parents’ progress on services in working toward an assigned permanency goal. Sharon was the first child to come into the protective custody of DCFS on January 28, 2016, and Angelica was indicated for environmental neglect, inadequate food, failure to thrive, substantial risk of physical injury, and an environment injurious to Sharon’s health and welfare. DCFS took Robert and Alexis into protective custody in April 2016 based on inadequate supervision by Angelica and cuts, welts, and bruises from Russell. C.J. was taken into protective custody on August 23, 2016, a few days after he was born. C.J. was suffering from hypoxia, and the doctors treated him with caffeine after concluding that

he was addicted to caffeine as a newborn. All children were eventually adjudicated neglected; Sharon, Alexis, and Robert on May 25, 2016, and C.J on October 4, 2016.

¶ 22 Evans prepared Angelica's and Russell's service plans, which she provided every six months. The June 22, 2016, plan applied to Sharon, Alexis, and Robert. It provided the services recommended for Angelica and Russell to complete. The June 2016 service plan looked backwards at progress and efforts since the children were taken into protective custody.

¶ 23 Evans's next service plan was dated January 3, 2017. The January 2017 plan similarly provided services that the parents were expected to complete, and it looked back at their progress on services during the period of time since the June 2016 plan. The next service plan was dated May 23, 2017, and the final service plan was dated July 11, 2017. There was only a two-month gap between the final two service plans because the goal for the oldest three children was changed from return home to substitute care pending termination of parental rights in May 2017. Therefore, Evans had to create a new service plan in May 2017, and the July 2017 service plan evaluated the parents' progress from the prior six months. All four service plans were admitted into evidence.

¶ 24 DCFS referred Angelica and Russell to Parents With Promise because they served people with intellectual disabilities. Both Evans and Parents With Promise recommended that Angelica and Russell receive psychological evaluations, which was not a typical recommendation in her experience. She recommended it because although Angelica and Russell had been participating in their services, they had not been making reasonable progress in their offered services, including parenting education, habilitation, and visitation. She wanted to know if additional service might help their particular situations. The psychological evaluations were scheduled in

February 2017, and as a result of the evaluations, she broke down service plans into concrete tasks instead of reviewing the entire service plan with the parents.

¶ 25 When asked whether Russell or Angelica had ever made reasonable progress in their offered services, she responded no to both respondents. Evans continued that she had concerns about Angelica's housing choices. When she first took over Angelica's case, she was residing in a trailer that had structural damage, insect infestations, and unsafe clutter. The trailer was eventually condemned. The next home was a mobile home that lacked appropriate utilities. Angelica then moved to St. Charles with someone from a past relationship, then to a boarding house in De Kalb where she had a relationship with a tenant in the building. Evans was informed that the boarding house building was unsafe, and Angelica did not want her to visit there. Evans likewise had concerns about Russell's housing. When she took over his case, he was living in a local homeless shelter. He transitioned to housing, but the assigned housing was for people with mental health issues or disabilities, and the children would not be able to be returned there. Russell had roommates at his assigned housing, and he told Evans that one of them had violent, aggressive outbursts. Russell also failed to take advantage of services regarding life skills. He attended a few sessions and then stopped. Angelica had problems attending life skills sessions due to her housing situation, and she had not begun sessions again until around the time of Evans's testimony.

¶ 26 Angelica and Russell each testified in their respective defenses. Russell testified as follows. He had been homeless from April 6, 2015, to October 1, 2016. In October 2016 he took up a permanent residence in De Kalb, and he continued to reside there at the time of his testimony. He received assistance through the Ben Gordon Center and did not have to pay rent, but he did have to work through the community support program. It was possible for him to sign

up for a three-bedroom apartment to have the children move in with him, but it would take a waiting period to become effective and he had not yet applied. He was currently receiving other governmental benefits in the form of a Link card (food stamps) and a medical card. He began receiving these benefits in September 2017. He had not obtained these benefits before because he had been getting food from food pantries.

¶ 27 Russell obtained employment at Walmart in March 2016 until April 2017. His employment ended because he was “unable to keep up” in “putting away merchandise whatnot.” He characterized his efforts to accomplish the goals Evans set for him as “fairly reasonable.”

¶ 28 Russell admitted that he missed more than one visitation appointment, but he missed them for medical reasons. On one occasion he had a 102 degree fever and did not want the children to get sick. On another occasion he had an eye infection.

¶ 29 Russell believed that he would be able to provide food and basic necessities to the children despite not currently having a job. He was actively job searching, and he was seeing a therapist at Parents With Promise every Tuesday. He wanted the children back in his life.

¶ 30 Angelica was the last witness called, and she testified as follows. When this case began, she was living in a trailer in Rochelle. When she moved in, the trailer had a hole in the bathroom ceiling and a hole in the kitchen ceiling. She moved out in September 2016 to a mobile home. The mobile home did not have a shower, but they were able to shower at a friend’s house. The mobile home was a better living situation for the children than the trailer. After about a month at the mobile home, she moved to St. Charles with her friend, Tony, where she lived until November 2016. At that time, she moved to a boarding house in De Kalb.

¶ 31 She did not have Evans visit her at the boarding house, nor did she have visitation with the children at the boarding house. The boarding house “was not safe for them.” She lived at the

boarding house until September 2017, when she moved to a two-bedroom apartment in De Kalb with her husband and two cats. The apartment provided better living conditions for her children than the boarding house. Evans visited the apartment once a month, and it was furnished and had working utilities. She later moved to a different apartment in the same building, with substantially the same conditions but without carpet.

¶ 32 Angelica engaged with mental health services. She received services at the Ben Gordon Center where she saw a psychologist for individual counseling. She also had individual weekly therapy services at Parents With Promise. She was consistent with her attendance up until January 2017, where she missed a session because she ran into issues with her medical card. She was able to open up more with her most recent counselor at Parents With Promise. It had always been hard for her to trust people, but she was able to open up about past trauma with the newest counselor.

¶ 33 She was employed when this case began and Sharon was taken into protective custody. At that time, she worked at Gleason Construction inspecting tools. She left the job in March 2016 due to medical complications with her pregnancy with C.J. Her pregnancy with C.J. had actually been a pregnancy with twins, but one twin did not survive the pregnancy. Beginning in April 2016, Angelica worked at Stop and Go in Rochelle. Her doctor ordered bed rest in the middle of July 2016, and therefore she stopped working at Stop and Go. She next worked at Access Staffing in De Kalb from September until mid-November 2016, where she boxed candy on an assembly line, and then at Elite Staffing in Aurora until January 2017 when her van broke down. She worked at a Sonic in the fall of 2017 for about a month, and she was currently looking for new employment.

¶ 34 DCFS suspended her visitation with Alexis, Robert, and Sharon, with her last visit on December 18, 2017. She still had visitation with C.J. once a month. Prior to her suspended visitation with the three older children, she always attended visitation except when she was on bed rest. She testified that she had applied the skills she learned from services to her parenting and visitation, including establishing a routine with the children. She was more expressive with the children and more aware of the children—where all of them were and what they were doing during visitation. She also learned new techniques for discipline, such as time-outs, and she learned to be careful with whom she let watch her children. She had learned to check for “red flags” with babysitters and daycare, such as when a babysitter was late or if a daycare had a high ratio of children to adults. She had also learned to better communicate with her children, to recognize their different developmental stages, and to interact with them more.

¶ 35

B. Trial Court Decisions

¶ 36 The trial court orally announced on June 12, 2018, that it found Angelica, Russell, and Chas unfit on the grounds alleged in the October 2017 petitions. The trial court issued separate written orders for Sharon, Alexis, Robert, and C.J. on June 29, 2018, and we summarize the court’s orders as follows.

¶ 37 In all four orders, the court found by clear and convincing evidence that Angelica was unfit on two grounds: (1) failure to make reasonable progress toward the return of the child within nine months after the adjudication of neglect (count 1); and (2) inability to discharge parental responsibilities supported by competent evidence from a clinical psychologist of mental impairment, mental illness, or an intellectual disability and there was sufficient justification to believe the inability would extend beyond a reasonable period of time (count 3). The court elaborated in each order that Angelica failed to make reasonable progress because she did not

make progress in implementing the DCFS services into action. While she testified that she learned various parenting skills during parenting classes, she did not show that she applied those learned skills to her parenting and was never recommended to have unsupervised visitation. Her inability to discharge parental responsibilities was based on O’Riordan’s testimony and other relevant evidence. The court specifically noted that O’Riordan found that Angelica’s neurological or learning issues combined with her personality disorder made it impossible for her to safely parent and that her prognosis for improvement was poor.

¶ 38 In Sharon’s, Alexis’s, and Robert’s orders, the court also found by clear convincing evidence that Russell was unfit on the same two grounds as Angelica. The court found that Russell failed to make reasonable progress toward the return of the children within nine months of their adjudications of neglect because he failed to apply what he learned from DCFS services. The court determined that he had little knowledge regarding how to safely parent and that he lacked the motivation to make appropriate progress and would rather the children remain in the primary care of Angelica. The court also found Russell unable to discharge his parental responsibilities based on O’Riordan’s testimony and other relevant evidence, including Russell’s “extremely poor” prognosis for reunification in a reasonable time. The court noted that Russell’s own testimony showed a lack of understanding of parenting despite appropriate individual services provided by DCFS.

¶ 39 The court did not enter any findings on either Angelica’s or Russell’s failure to make reasonable progress toward the return of the children during any nine-month period after the end of the initial nine-month period (count 2), nor on their failure to protect the child from conditions within the child’s environment injurious to the child’s welfare (count 4).

¶ 40 On August 15, 2018, the court found that it was in the best interests of the minor children that respondents' parental rights be terminated. On August 16, 2018, the court entered orders terminating respondents' parental rights and setting the goal for the children to adoption.

¶ 41 Respondents timely appealed.²

¶ 42

II. ANALYSIS

¶ 43 Respondents argue that the trial court erred in finding them unfit under section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2016)), specifically when it found that they failed to make reasonable progress toward the return of their minor children in the first nine months after their adjudications of neglect (count 1) and that they were unable to discharge parental responsibilities (count 3). We first address whether respondents made reasonable progress toward the return of their children within the initial nine-month periods after the children's adjudications of neglect pursuant to section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2016)). We note that the relevant nine-month periods were from May 26, 2016, to February 26, 2017, for Sharon, Alexis, and Robert; and from October 5, 2016, to July 5, 2017, for C.J.

¶ 44 Respondents argue that the trial court's findings that they failed to make reasonable progress toward the return of their minor children were against the manifest weight of the evidence. They argue that the initial nine-month period for Sharon, Alexis, and Robert ended

² This appeal was accelerated under Supreme Court Rule 311(a) (eff. July 1, 2018), and therefore the appellate court must issue its decision within 150 days of the filing of the notice of appeal, except for good cause shown. Here, there was good cause to issue the decisions after 150 days, as the appellate court granted a total of four motions for extensions of time to file the record and the briefs.

before Angelica and Russell were able to see O’Riordan for their psychological evaluations, which were necessary to assess how their psychological limitations affected their ability to make progress toward the children’s permanency goals. They argue that the proper measurement for reasonable progress in this case was whether their psychological problems could be identified and addressed quickly enough to determine whether therapy would allow for the return of the children to their care in the near future. They also argue that the court’s determinations regarding Sharon, Alexis, and Robert “clearly affected” its determination regarding C.J.

¶ 45 The State responds that respondents are trying to rely on evidence from outside the relevant nine-month period to argue that the trial court’s findings for those nine-month periods were against the manifest weight of the evidence. Moreover, the State argues that the proper standard is whether, based on the parent’s actions during the specified nine-month period, the court could order the child returned home in the near future. It contends that the parent’s personal circumstances are irrelevant to this standard.

¶ 46 The State further elaborates on why Russell and Angelica individually failed to make reasonable progress during the children’s initial nine-month periods. For Russell, the State cites Mock’s testimony that Russell had difficulty taking care of himself outside of Parents With Promise, and it further cites Russell’s homelessness at the start of this case. The State continues that even when Russell found housing, he shared it with an assigned roommate who was prone to violent, aggressive outbursts. Evans testified that Russell failed to take advantage of services related to life skills, and she further testified that Russell did not make reasonable progress on any of his offered services for the relevant time periods and beyond.

¶ 47 Turning to Angelica, the State argues that at the start of this case, she lived in a dilapidated trailer, and the trailer was condemned over the summer of 2016. The State continues

that after the trailer, Angelica declined to move into a homeless shelter but instead first moved with Chas into a friend's camper that lacked working utilities and then moved in with an ex-paramour. The January 2017 service plan expressed concern over her housing choices. The State also cites Evans's testimony that Angelica was referred for a psychological evaluation in February 2017 because she had not been making reasonable progress on her offered services. Evans opined that Angelica never made reasonable progress in any of her offered services.

¶ 48 We hold that the trial court's findings that respondents were unfit for failure to make reasonable progress toward the return of their children within the initial nine-month periods following the children's adjudications of neglect were not against the manifest weight of the evidence. Section 1(D)(m)(ii) of the Adoption Act defines an unfit person as a parent who fails "to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected or abused minor." 750 ILCS 50/1(D)(m)(ii) (West 2016). In order to reverse a trial court's finding that there was clear and convincing evidence of parental unfitness, we must conclude that the trial court's finding was against the manifest weight of the evidence. *In re C.N.*, 196 Ill. 2d 181, 208 (2001). A finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident. *Id.*

¶ 49 Under section 1(D)(m)(ii) of the Adoption Act, the goal is the return of the child. *Id.* at 211. The section requires " 'demonstrable movement toward the goal of reunification.' " *Id.* The "benchmark for measuring a parent's 'progress toward the return of the child' under section 1(D)(m) of the Adoption Act encompasses the parent's compliance with the service plans and the court's directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later became known and which would prevent the court from returning custody of the child to the parent." *Id.* at 216-17. When determining whether a parent

has made reasonable progress toward the return of the child under section 1(D)(m)(ii), “courts are to consider evidence occurring only during the relevant nine-month period.” *In re J.L.*, 236 Ill. 2d 329, 341 (2010).

¶ 50 Here, we first note that O’Riordan’s psychological evaluations were evidence entirely outside the relevant nine-month timeframe for Sharon, Alexis, and Robert, and we therefore reject respondents’ argument that the proper measure of reasonable progress in the first nine-month period should include any consideration of their psychological evaluations. Nevertheless, O’Riordan’s psychological evaluations do not help respondents. In fact, the psychological evaluations were ordered *because* Evans and others were concerned that respondents were failing to make reasonable progress, and Evans testified that psychological evaluations were not typically performed. In addition, O’Riordan believed Angelica’s prognosis toward effective parenting was poor, that she needed intensive therapy, and that her prognosis was unlikely to change anytime soon. O’Riordan also testified that Russell appeared to barely be able to “hold it together to keep himself out of a homeless shelter.” He opined that Russell’s prognosis to become an effective parent was poor and unlikely to change in the foreseeable future; he needed intensive therapy, and O’Riordan had concerns about Russell’s motivation to change. As a result of the psychological evaluations, Evans broke down discussion of the service plans with respondents into concrete tasks to help respondents better understand what was expected of them. Yet, even after respondents’ psychological evaluations and Evans’s changes in communication, they continued to fail to meet the service plan objectives. The final July 2017 service plan—which was filed after respondents’ psychological evaluations and also covered the last six months of the initial nine-month period after C.J.’s adjudication of neglect—noted that

Angelica had not yet corrected the conditions which brought Sharon into protective care, and Russell had not demonstrated the ability to utilize protective parenting factors.

¶ 51 Moreover, we agree with the State that the evidence presented at trial for the initial nine-month periods supported the trial court's findings, and the opposite conclusion on respondents' reasonable progress toward the return of their children is not clearly evident. Here, Schroeder testified that Angelica was "overwhelmed" while interacting with the children in early 2017, and she had concerns that Russell failed to pay attention to safety concerns while with the children. Mock, who had counseled Angelica since February 2016 and Russell since June 2016, testified that Russell had difficulty providing food for the children and had difficulty just taking care of himself. She also testified that Angelica had not made the expected progress in parenting ability, in particular that she had trouble being aware of safety concerns and being responsive to the children while she was with more than two of them at a time.

¶ 52 Evans testified that respondents never made reasonable progress in their offered services on any service plan. The relevant service plans were from June 2016, January 2017, and July 2017, with each assessing the respondents' progress on services over the prior six months. Evans also had concerns about both respondents' housing situations. Russell had been homeless, and his current assigned housing was for people with mental health issues or disabilities, which she believed was unsuitable for the children. Angelica began the case living in a trailer that was later condemned, and she later lived in a boarding house that was unsafe.

¶ 53 Angelica and Russell testified consistently with many of the parenting and safety concerns expressed by the State's witnesses. Russell confirmed that he was homeless from April 2015 to October 2016. He did not pay rent for his permanent residence in De Kalb since October 2016; he received assistance from the Ben Gordon Center. While it was possible for him to sign

up for a three-bedroom apartment at his current residence, he testified that he had not yet applied and there would be a waiting period once he did apply. He began receiving food stamps and a medical card only in September 2017, but prior to that he had depended on food from food pantries. He had worked at Walmart for about a year starting in March 2016, but he was unable to keep up with the requirements of the job.

¶ 54 Likewise, Angelica confirmed much of Evans's testimony regarding her housing. The trailer she lived in at the start of this case had holes in the bathroom ceiling and in the kitchen ceiling, among other problems. She testified that she moved from the trailer to a mobile home that did not have a shower, and thereafter she moved in with her friend, Tony. In November 2016, she moved to a boarding house where she lived until September 2017. She admitted that the boarding house was not safe for the children and that she did not have Evans visit her at the boarding house.

¶ 55 Thus, the record supports the trial court's findings that Angelica and Russell had failed to make reasonable progress towards the return of the children. During the relevant nine-month time periods of May 26, 2016, to February 26, 2017 (Sharon, Alexis, and Robert), and October 5, 2016, through July 5, 2017 (C.J.), both respondents had significant housing troubles. Angelica's housing situations ranged from a trailer that ended up condemned to a boarding house that she admitted was unsafe for the children. Russell's housing situation went from being homeless to an assigned apartment at a building for people with mental health issues or disabilities, where he lived with a roommate prone to violent outbursts. The January 2017 service plan described Russell's apartment as "in disarray" with so much garbage it was hard to walk through, and the July 2017 service plan noted that he allowed squatters in his home and that his housing situation was unstable. The testimonies of Evans, Angelica, and Russell also supported that respondents'

financial situations were unstable. The State’s witnesses all had safety concerns for the children in the care of respondents, ranging from the respondents’ lack of awareness of potential dangers to their inability to provide adequate food and other necessities. Given that these concerns mirrored the initial safety reasons the children were taken into custody—including Sharon’s nonorganic failure to thrive syndrome and evidence of physical harm to Robert after Angelica left Robert in Russell’s care—the court’s findings that respondents failed to make reasonable progress during the initial nine-month period following adjudications of neglect of Sharon, Alexis, and Robert were not against the manifest weight of the evidence. For the same reasons, the trial court’s finding that Angelica failed to make reasonable progress toward the return of C.J. during the initial nine-month period after his adjudication of neglect was not against the manifest weight of the evidence.

¶ 56 Parental rights may be terminated if a single alleged ground of unfitness is found by clear and convincing evidence. *In re D.C.*, 209 Ill. 2d 287, 295 (2004). Because we affirm that respondents were unfit for failure to make reasonable progress under section 1(D)(m)(ii), we do not address the court’s finding that respondents were unable to discharge their parental responsibilities under section 1(D)(p).

¶ 57

III. CONCLUSION

¶ 58 For the reasons stated, we affirm the judgments of the Ogle County circuit court related to Angelica’s four consolidated appeals and Russell’s three consolidated appeals.

¶ 59 Affirmed.