

tion of parental rights, to consider allegations the trial court erred in determining the children were abused and neglected in December 2011.

(2) The trial court's order terminating respondent mother's parental rights was not against the manifest weight of the evidence.

¶ 2 Respondent mother, Cynthia Merrill, appeals the orders finding her an unfit parent to L.R. (born October 14, 2005), D.M. (born July 7, 2007), P.D. (born October 23, 2008), and S.E. (born February 7, 2011), and terminating her parental rights. Merrill argues the unfitness findings must be overturned because the evidence supporting the findings of neglect and abuse was insufficient. Merrill also contends the decision terminating her parental rights is against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In September 2011, the State filed separate petitions for the adjudication of wardship on behalf of L.R., D.M., P.D., and S.E. Merrill is the mother of the children. The fathers are not involved in this appeal.

¶ 5 In the petition relating to P.D., the State alleged P.D. was abused because her father, Cory Davis, inflicted physical injury on her by other than accidental means (705 ILCS 405/2-3(2)(i) (West 2010)). Regarding L.R., the State alleged L.R. was neglected in that her environment was injurious to her welfare due to inadequate supervision by Merrill, who allowed L.R. to cook, resulting in burns to L.R., and due to the fact her sibling P.D. suffered injuries in the home (705 ILCS 405/2-3(1)(b) (West 2010)). Regarding S.E., the State alleged S.E. was neglected in that his environment was injurious to his welfare due to inadequate supervision by Merrill, in that S.E. fell off a bed, causing a large bruise to his forehead, and his sibling P.D. had suffered injuries at the hands of Davis (705 ILCS 405/2-3(1)(b) (West 2010)). The State alleged

D.M. was neglected in that her environment was injurious to her welfare due to the inadequate supervision of her siblings L.R. and S.E. and the injuries inflicted on P.D. (705 ILCS 405/2-3(1)(b) (West 2010)).

¶ 6 After a November 2011 hearing, the trial court entered an adjudicatory order finding L.R., S.E., and D.M. neglected and finding P.D. abused. The court based its decisions on the following facts: P.D.'s father inflicted injury on a two-year-old P.D. by hitting her with a coat hanger, Merrill left unattended the five-year-old L.R., who suffered burns while cooking, and Merrill left unattended the seven-month-old S.E., who fell off a bed and injured his head.

¶ 7 In December 2011, the trial court entered a dispositional order, placing guardianship of the children with the Department of Children and Family Services (DCFS).

¶ 8 In December 2012, the State filed petitions to terminate Merrill's parental rights. In support of its petitions, the State alleged the following grounds of parental unfitness regarding Merrill: (1) Merrill failed to maintain a reasonable degree of interest, concern, or responsibility as to her children's welfare (750 ILCS 50/1(D)(b) (West 2010)); (2) Merrill failed to make reasonable efforts to correct the conditions that were the basis for her children's removal (750 ILCS 50/1(D)(m)(i) (West 2010)); and (3) Merrill failed to make reasonable progress toward the return of the children within the initial nine months after the adjudications of neglect and abuse (750 ILCS 50/1(D)(m)(ii) (West 2010)).

¶ 9 On February 6 and 7, 2013, a hearing was held on the State's petitions.

¶ 10 At the hearing, Cherylanda Trice, a child welfare specialist for DCFS, testified she was the caseworker on this case from September 2011 until March 2012. A service plan was initiated in October 2011. Under this plan, Merrill was to participate in parenting classes,

domestic-violence classes, and individual therapy. She was required to become gainfully employed and acquire financial stability. The purpose of the individual-therapy counseling was to help Merrill address her lifestyle. Merrill also had one-hour, weekly visits with her children. When Trice presented the service plan to Merrill, Merrill thought she might be overwhelmed, but she did not object to the recommendations.

¶ 11 According to Trice, in March 2012, Merrill's progress regarding parenting was rated satisfactory. Merrill completed the parenting class. She was also rated satisfactory on employment and visitation. Merrill failed to engage in individual therapy and domestic-violence classes and was rated unsatisfactory. The overall goal of return home within 12 months was rated as satisfactory. Merrill told Trice she wanted to focus on one service at a time and she did not see the need to attend individual therapy. Merrill did not want to go to therapy but stated she would do whatever DCFS asked her to do.

¶ 12 Merrill attended most of her visits with the children. Merrill was appropriate and "did a better job of dividing her time equally" among the children. At the beginning, Merrill's visits were once a week for an hour. The visits changed to once a month for four hours at the request of Merrill. The original visitation schedule, with Merrill's work schedule, created some problems. Merrill believed it would be better and easier for her children to have the monthly visits for the full time amount instead of breaking the visits into smaller and inconsistent ones.

¶ 13 According to Trice, when the case first opened, Merrill and Davis were living together. In October 2011, Merrill told Trice she moved in with a friend. For part of October and November 2011, Merrill reportedly lived in Chicago. She returned to Danville and obtained an apartment after she became employed.

¶ 14 Trice reported Merrill contacted her to tell her Davis would not be attending visits because he had been arrested in October 2011. When Trice asked Merrill the offense for which he was arrested, Merrill hesitantly responded he was arrested for domestic battery. Merrill was involved in the offense.

¶ 15 Autumn Jackson, a DCFS caseworker, testified she was assigned to this case in March 2012. At that time, Merrill resided with Davis in Danville. The two married on March 21, 2012.

¶ 16 According to Jackson, Merrill's progress on the service plan for the period of March to September 2012 was unsatisfactory. Under this plan, Merrill was required to visit the children, attend individual counseling, maintain employment, participate in domestic-violence treatment, and remain free of domestic violence. Regarding the individual counseling, Merrill's progress was rated unsatisfactory. Merrill did not respond in a timely manner to begin her first session in March. Jackson referred Merrill again for services in April 2012. Merrill began those services in May 2012, but then moved to Wisconsin. In August 2012, Merrill began these services again.

¶ 17 Merrill was rated unsatisfactory on employment as well. When Jackson began working on the case, Merrill was employed at Walmart. In May 2012, Merrill left her Walmart job to work at Masterguard in Indiana. Merrill worked at Masterguard for approximately one month, when her employment was terminated. During this time, Jackson requested pay stubs, but Merrill did not provide them. At the end of June or beginning of July 2012, Merrill moved to Wisconsin. There, Merrill obtained employment. She did not provide requested pay stubs.

¶ 18 According to Jackson, Merrill's progress on domestic-violence classes was

unsatisfactory. In April 2012, Merrill was involved in "a domestic violence episode," in which Merrill suffered injuries and Davis was arrested. Merrill did not report this incident to DCFS. Merrill participated in two sessions of a domestic-violence program. She missed the third and fourth sessions. She was discharged from the program when she moved to Wisconsin. While in Wisconsin, Merrill attended classes with Bread of Life Church.

¶ 19 Regarding the April 2012 domestic-violence incident, Jackson testified she asked Merrill about the incident. Merrill told Jackson she and Davis argued. Jackson asked Merrill if she had been injured. Merrill stated she had not. Jackson showed Merrill the police report, which indicated Merrill suffered a bloodied lip and a black eye and blood was found "all over" the toilet and bedding. Merrill repeated the two just argued.

¶ 20 Jackson testified the visits were rated unsatisfactory due to Merrill's lack of attendance. There was some concern, during visits, over Merrill's giving more attention to one child over another. The children expressed concerns about this treatment.

¶ 21 According to Jackson, Merrill's progress on the case service plan was rated unsatisfactory because "we were not any closer to the children returning home." In October 2012, Merrill moved to Chicago from Wisconsin. Merrill did not inform Jackson of this move. Jackson learned about the move from the visit monitor at Bread of Life Church. Merrill later provided Jackson her sister's address for correspondence. Merrill moved multiple times while in Chicago. She had been in her current residence since December 19, 2012. Jackson received documentation showing Merrill filed for divorce. Both Merrill and Davis reported they were not together. Merrill did not successfully complete services at Bread of Life Church.

¶ 22 Merrill testified on her own behalf. According to Merrill, she worked at Walmart

from late October or early November 2011 until April 2012. At Walmart, Merrill's work hours were unpredictable, as they would vary schedule to schedule. Merrill took a job through Manpower with Masterguard to do third-shift work to permit her to comply with services during the day. Merrill was then laid off by Manpower. A July 2012 permanency report indicates Merrill's employment was terminated with Masterguard due to losing "points for being late."

¶ 23 Regarding therapy, Merrill testified she missed two of three appointments because she overslept. Merrill missed the other because she had to work. After those three missed appointments, Merrill was discharged. A July 2012 permanency report shows Merrill was re-referred to therapy in April 2012. Services were to begin on May 8, 2012. A report from the therapist, dated May 31, 2012, shows Merrill attended sessions twice a week and attended five sessions consistently.

¶ 24 According to Merrill, she could not keep a job and complete the mandated services. Merrill testified she tried to fix her work schedule at Walmart around the services. The computer-generated schedule then gave Merrill just one day. This led to her losing her apartment.

¶ 25 On cross-examination, Merrill admitted she did not successfully complete any services other than the parenting classes. She denied domestic violence occurred in her relationship with Davis.

¶ 26 The trial court found the State sufficiently proved Merrill was an unfit parent. The court concluded Merrill maintained a reasonable degree of interest and concern for her children, but found she failed to maintain a reasonable degree of responsibility toward them and failed to make reasonable progress toward their return. The court observed a caseworker opined Merrill's

progress was reasonable, but disagreed with that opinion.

¶ 27 On February 7, 2013, after the fitness determination was made, the trial court conducted a hearing on the children's best interests. Jackson testified on behalf of the State. L.R. and S.E. resided in the same foster home. P.D. and D.M. resided together in another foster home. Visits between the siblings occurred at least once each month. The visits included either an overnight stay or a longer day visit for multiple hours. The children also frequently spoke to each other over the telephone. Jackson observed the children in their foster placements and had no concerns. The children appeared bonded to their foster parents. L.R. and S.E. resided with their foster parents since September 2011. P.D. and D.M. resided in their current placement since March 2012. The children liked where they were staying, but they wanted to return home to their mother.

¶ 28 Jackson testified L.R. and D.M. were involved in play-therapy counseling. They became involved in the counseling to address the grief and loss from having been separated from their parents.

¶ 29 On cross-examination, Jackson testified one of the foster placements offered to take all four children together. Because L.R. and her foster mother developed a close bond, it was decided the children should stay where they were. L.R. wanted to stay with her foster mother.

¶ 30 Regarding Merrill, the trial court accepted an offer of proof indicating Merrill would testify she was bonded to her children and her children loved her and would miss her.

¶ 31 The trial court concluded it was in the children's best interests to terminate Merrill's parental rights and ordered those rights terminated. The consolidated appeals followed.

¶ 32

II. ANALYSIS

¶ 33

A. Parental Fitness

¶ 34 On appeal, Merrill argues the findings of parental unfitness were against the manifest weight of the evidence. She challenges these findings but does not address them directly. Instead, she challenges the findings of abuse and neglect, which occurred in late 2011.

¶ 35 This court lacks jurisdiction over the abuse and neglect findings. The dispositional order on the now-challenged findings of abuse and neglect was entered in December 2011. This was a final and appealable order. See *In re Leona W.*, 228 Ill. 2d 439, 456, 888 N.E.2d 72, 81 (2008). To challenge those findings, notice of appeal must have been filed within 30 days of the order's entry. Ill. S. Ct. R. 303(a)(1) (eff. June 4, 2008); R. 660(b) (eff. Oct. 1, 2001). The notice of appeal was filed in February 2013. We have no jurisdiction over the abuse and neglect findings. See *In re C.S., Jr.*, 294 Ill. App. 3d 780, 785-87, 691 N.E.2d 161, 164-65 (1998).

¶ 36 No other challenges to the findings of unfitness were made. Based on the evidence, any such challenges would have been without merit. Merrill made no meaningful progress and the trial court's decision to find her unfit was not erroneous.

¶ 37

B. Best Interests

¶ 38 The trial court, after entering a finding of parental unfitness, shifts its focus to the interests of the children. *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004). A "parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *D.T.*, 212 Ill. 2d at 364, 818 N.E.2d at 1227. Parental rights may not be terminated unless the State proves by a preponderance of the evidence it is in the children's

best interests such rights be terminated. See *D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228. We will not overturn an order terminating parental rights unless we find the court's best-interests finding is against the manifest weight of the evidence. *In re T.A.*, 359 Ill. App. 3d 953, 961, 835 N.E.2d 908, 914 (2005).

¶ 39 Merrill maintains the trial court erroneously concluded termination of her parental rights was in her children's best interests. Merrill emphasizes the case was opened due to Davis's conduct, not hers. Merrill argues she participated in services since the beginning of the case and attended visits with her children. Merrill contends the reports show her children are bonded to her and a caseworker believed she had made reasonable progress.

¶ 40 The trial court's conclusion is not against the manifest weight of the evidence. The children were doing well in their current foster placements and the placements offered the children stability and permanency. The children were bonded to their foster parents and were permitted to remain in contact with each other. Merrill continued to deny and thus failed to recognize the existence of domestic violence in the home. The record does not indicate Merrill will be able to provide stability and permanency for the children in the near future. The court did not err.

¶ 41 III. CONCLUSION

¶ 42 We affirm the trial court's judgment.

¶ 43 Affirmed.