

No. 1-13-3375

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
FIRST JUDICIAL DISTRICT

<i>In re</i> K.E., W.E., B.E., H.E., and D.E., Minors)	
)	
	)	Appeal from the
(The People of the State of Illinois,	)	Circuit Court of
	)	Cook County.
Petitioner-Appellee,)	
)	
v.	)	Nos. 11 JA 386
	)	11 JA 388
	)	11 JA 389
	)	11 JA 390
Kimberly W.,	)	11 JA 391
)	
Respondent-Appellant).	)	Honorable
	)	Robert Balanoff,
	)	Judge Presiding.

JUSTICE PALMER delivered the judgment of the court.
Justices McBride and Taylor concurred in the judgment.

ORDER

¶1 *Held:* Affirming the judgment of the circuit court of Cook County where the court's conclusion that respondent had not made reasonable progress toward returning the children home and that it was in the children's best interest to terminate her parental rights was not contrary to the manifest weight of the evidence.

¶2 Respondent, Kimberly W.,¹ and her now ex-husband, Michael E., are the parents of the five children involved in this case, K.E., born in 1997; W.E., born in 1999; B.E., born in 2003; H.E., born in 2005, and D.E., born in 2008.² Respondent appeals the trial court's September 26, 2013, order finding respondent unfit pursuant to subsections 50/1(D)(b) and (m) of the Illinois Adoption Act (750 ILCS 50/1(D)(b), (m) (West 2010)), and terminating her parental rights in accordance with the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2010)). On appeal, respondent argues that petitioner-appellee, the People of the State of Illinois (State), failed to prove by clear and convincing evidence that she was unfit as a parent. For the following reasons, we affirm the judgment of the circuit court of Cook County.

¶3

I. BACKGROUND

¶4 On June 8, 2011, the State filed motions for temporary custody and adjudication of wardship for all five children, alleging that the minors were neglected because their environment was injurious to their welfare and the minors were abused because there was a substantial risk of physical injury. According to the accompanying affidavit from a Department of Children and Family Services (DCFS) investigator, the minors were brought to the attention of DCFS when K.E. was hit by a car while riding her bike. She was taken to the hospital, but when respondent and Michael E. were contacted, they were incoherent and unable to comprehend what happened. The petition and affidavit indicated that the parents were highly intoxicated in the presence of the minors and unable to care for them, they had a history of substance abuse, the house was "in

¹ We note that in the lower court proceedings, respondent was listed as Kimberly E., but she subsequently obtained a divorce and became Kimberly W.

² We also note that respondent's brief indicates that another child, F.E., was involved in this appeal. However, although F.E., an older child who was born in 1996, was involved to some extent in the proceedings below, it appears from the Office of the Public Guardian's response brief and the lower court record that F.E. was not involved in the termination of parental rights proceedings and orders finding respondent unfit and terminating her parental rights, and he therefore is not involved in this appeal.

disarray, unkempt, dirty and [had] exposed wiring," the children reported that the parents drank daily and used illegal substances in their presence, and the children also reported witnessing domestic violence between the parents. Further, the petition alleged that the parents had four prior DCFS indicated reports for "environmental neglect, inadequate supervision, inadequate shelter and substantial risk of physical injury/environment injurious to health/welfare by neglect," and the parents had refused DCFS services in the past. The parents also had three other children (now adults) who were previously removed from their care upon findings of abuse, neglect, and unfitness.

¶5 On June 23, 2011, the circuit court placed the children under temporary DCFS custody and ordered supervised visitation. The court also entered an order prohibiting the parents from contacting the foster parents with whom the children were placed. On October 19, 2011, the circuit court adjudicated the children to be abused and neglected and made them wards of the court. The court cited the parent's history of domestic violence and drug and alcohol abuse, the conditions of the home, and the prior findings of abuse, neglect, and unfitness involving the three adult children. The court determined that the permanency goal for the case was to return the minors home within 12 months.

¶6 On January 23, 2012, the court entered an order prohibiting respondent from telling the minors that they would be returned home and that they did not have to listen to their foster parents. On April 17, 2012, the circuit court again set the permanency goal at return home within 12 months, but found that the parents had not made substantial progress in services. On May 29, 2012, the court amended its previous order barring both parents from contact with the foster parents by ordering that Michael E. may have contact with the approval of the foster parents and DCFS. The court also entered an order on July 23, 2012, providing that the children

would not be forced to attend parental visits against their wishes.

¶7 On July 31, 2012, the circuit court entered another permanency order, this time setting the goal at substitute care pending a determination on termination of parental rights. The court denied respondent's motion to reconsider. The court also ordered that respondent was prohibited from attending B.E.'s football practices if his siblings W.E. or F.E. were present.

¶8 On November 29, 2012, the State filed a motion to terminate the parental rights of both parents as to all five children, alleging that the parents were unfit under sections 50/1(D)(b) and (m) of the Illinois Adoption Act. 750 ILCS 50/1(D)(b), (m) (West 2010). The State argued that, pursuant to section (b), the parents failed to show a reasonable degree of interest, concern, or responsibility regarding the children's welfare. And, pursuant to section (m), the parents failed to make reasonable efforts to correct the conditions that served as the basis for the children's removal, failed to make reasonable progress toward their return within nine months after the adjudication of abuse and neglect (on October 19, 2011), and/or failed to make reasonable progress within any nine-month period after that determination. The State later filed a supplemental motion alleging that the parents failed to make reasonable progress toward reunification during the period of October 9, 2012, to July 9, 2013, and between July 19, 2012, and April 19, 2013.

¶9 On January 31, 2013, the court entered a permanency order keeping the goal at substitute care pending a determination on termination of parental rights. The court also entered an order on April 23, 2013, prohibiting respondent from contacting the foster parents of D.E. and H.E.

¶10 A. Unfitness Portion of the Termination of Parental Rights Hearing³

¶11 The unfitness portion of the termination of parental rights proceeding commenced on

³ We note that we will not address any evidence presented at the hearing which related only to Michael E., as he is not involved in the instant appeal.

September 23, 2013. The circuit court admitted into evidence a psychological evaluation and a parenting capacity assessment performed on respondent, and DCFS service plans from December 2, 2011, June 25, 2012, June 26, 2013, and December 14, 2012. The court also admitted the court's prior orders in the case and two police reports filed by foster parents against respondent, reporting that she followed one of the foster families from church to a grocery store parking lot and approached them and tried to talk to them, in violation of court order. The other police report indicated that respondent "flipped [a foster parent] off" at a stop sign.

¶12 The December 2011 service plan indicated that respondent was successful in participating in substance abuse services and parenting classes, but she was unsuccessful in individual counseling. The June 2012 service plan indicated that respondent completed parenting, substance abuse, and domestic violence services, and participated in weekly supervised visits with H.E. and D.E. However, F.E. and W.E. did not want to see her, B.E. was "noncommittal" about attending visits, and K.E. went to the visit to get money from respondent and then left. K.E. also wrote a letter to DCFS stating that respondent's boyfriend told K.E.'s older sister "that he wanted to pay [K.E.] to have sex with her," and K.E. had reported sightings of the boyfriend to her foster placement. The plan indicated that respondent requested that the children be removed from their placements even if this would separate them and she "seemed to be more concerned about the caregivers winning the children's affection than the best interest of her children." Further, the plan noted that the parents "have not made substantial progress"; respondent's parenting ability "has not improved enough" and she showed "poor judgment and lack of empathy." Regarding her mental or psychological development, the plan indicated that she "still has poor judgment" but was participating in therapy and "making some improvement."

¶13 The service plan for December 2012 indicated that the goal had changed from return

home to substitute care pending determination on termination of parental rights (and independence for F.E.). The report indicated that the parents had not successfully completed services. Respondent had unsatisfactory progress in several areas, including participating in a medical assessment, attending and providing documentation of attending Narcotics Anonymous/Alcoholics Anonymous (NA/AA) meetings, and in addressing DCFS involvement, her marriage breakup, anxiety, her relationship with her older children, and her poor planning and coping skills. The plan indicated that respondent achieved unsatisfactory progress in demonstrating proper parenting skills and understanding age-appropriate parenting and discipline. Similarly, the service plan from June 2013 indicated that respondent's parenting skills were "very limited," she failed to acknowledge "her role in why her children are in DCFS custody," and she continued to blame Michael E. and DCFS. Further, her visits were decreased from four hours to two hours because she continued speaking with her children about returning home. H.E. and D.E. exhibited behavioral problems after visits.

¶14 Respondent's psychological evaluation was performed on January 30, 2012, by Dr. Mary Gardner. Gardner related that respondent had a history of previous indications with the DCFS and problems with substance abuse and domestic violence. Gardner noted that the parents would clean or fix the house after DCFS intervened, but the home would return to the original condition after DCFS became uninvolved. Respondent had refused substance abuse services and she denied that there was any domestic violence. Gardner observed that respondent's mental status appeared "compromised" and "confused"; she gave conflicting information and illogical, disjointed answers, her mood was unstable and shifted rapidly, and she appeared to be under the influence of a depressant or Xanax. When asked how respondent planned to handle the DCFS allegations, respondent merely stated that she would get a bigger house and wanted the children

home, and then she would "make another plan." Gardner recommended that respondent's use of medication be investigated and that she attend weekly counseling.

¶15 Gardner performed a parenting capacity assessment of respondent on January 30, 2013. Gardner noted that respondent had given birth to ten children in all, and the three oldest were removed by DCFS years ago; another child was given to a relative to be raised by the relative. Gardner related that she had been caught buying cocaine, and she reported taking prescription Xanax and Vicodin. Respondent's results on the parenting stress index tests indicated that she did not perceive any stress in her children, which Gardner found unrealistic given the situation. Respondent's results on the parent-child relationship inventory test indicated that respondent perceived that she had an excellent relationship with each child, but Gardner also found this was unrealistic given the situation. Gardner noted that respondent made minimal progress toward reunification, continued to be guarded and evasive, failed to take responsibility for the removal of her children, and maintained that she was a victim. Gardner concluded that respondent had difficulty being an assertive parent, may have cognitive issues as a result of blows to the head,⁴ and had difficulty recognizing the unique difficulties or needs of each child or the problems that would arise if all the children were to move in with her and her boyfriend.

¶16 **Testimony of Elyse Grayson-Lewis**

¶17 At the hearing, the State presented the testimony of Elyse Grayson-Lewis, the DCFS case manager from Unity Parenting and Counseling (Unity). She was assigned to the case from July 2011 to May 2012, and then again from May 2013 to the date of the hearing. Grayson-Lewis testified that the case first entered the DCFS system because of inadequate supervision and environmental neglect. Respondent initially needed a psychiatric evaluation, substance abuse

⁴ Respondent told Gardner that she had received many blows to her head because of the domestic violence in her marriage, and had several concussions.

services, individual therapy, domestic violence services, and parenting classes. Grayson-Lewis testified that the parents were married, but got a divorce at some point; respondent moved in with her boyfriend and Michael E. lived alone.

¶18 Grayson-Lewis testified that during her first assignment period, respondent completed parenting classes and a substance abuse class. However, she did not consistently provide login sheets from NA/AA meetings and she never completed domestic violence services. Respondent was referred for a psychological evaluation because of questions regarding her mental stability, and she never provided Grayson-Lewis with proof of being evaluated.

¶19 In addition, Grayson-Lewis referred respondent for individual therapy in August or September of 2011, but respondent did not start this therapy until March 2012. Respondent chose her own service provider for therapy instead of one at Unity. Grayson-Lewis contacted the provider to make sure it would address "why the children came into the system," but the provider indicated that it would not deal with that issue. Consequently, Grayson-Lewis was not able to provide accurate reports to the court about respondent's progress regarding whether she was taking responsibility for why the children came into the DCFS system.

¶20 Grayson-Lewis testified that when she was first assigned to the case, respondent was entitled to weekly supervised visits with the children. Initially, the older children did not want to visit respondent. K.E. eventually went to the visits about 70 percent of the time. W.E. never wanted to visit either parent, and Grayson-Lewis noticed that B.E. usually complained of becoming sick the day before a visit. For that reason, Grayson-Lewis sought an order of the court that no one should speak with B.E. about the visits, and after that B.E. only requested visits 45 or 50 percent of the time. The two youngest children, D.E. and H.E., consistently visited both parents.

¶21 Grayson-Lewis testified that during respondent's visits with the children, respondent would discuss returning home, despite being told by the court not to discuss this with them. Respondent continued to bring it up during the visits, even after Grayson-Lewis tried to redirect her. In addition, Grayson-Lewis testified that respondent tried to contact the older children before visits to tell them that, if they attended a visit, she would bring them something. Grayson-Lewis explained to respondent that this was inappropriate, but it was an ongoing problem. Grayson-Lewis believed respondent's gift giving was inappropriate because it was bribery to get them to come to the visits. Grayson-Lewis testified that the youngest two children consistently would not listen to respondent's directions.

¶22 Another issue arose concerning the visits when respondent began bringing her boyfriend. Grayson-Lewis felt this was inappropriate because respondent and Michael E. had not yet gotten a divorce at that point and they were still doing joint visits. Her boyfriend was not approved to attend the visits.

¶23 In addition, Grayson-Lewis testified that the court issued a no-contact order between the parents and foster parents in September 2011. Although Michael E. eventually complied, respondent never did, despite the court order and Grayson-Lewis speaking with respondent multiple times about the issue.

¶24 Grayson-Lewis also related that on May 4, 2012, there was DCFS team meeting, and Grayson-Lewis brought up impermissible contact with the foster parents, but respondent "jumped up and ran out of the room, and left, and said that we were sabotaging her." Respondent returned to the room with her boyfriend, who then "began to curse everybody out at the table. He called us some names and stated that he was getting an attorney."

¶25 Grayson-Lewis testified that the second time she was assigned to the case in May 2013,

respondent still needed individual therapy, a psychiatric evaluation, and to continue providing login sheets from NA/AA meetings. She received the sheets only when the case would come to court. She also received a letter that respondent was in individual therapy with a private therapist and "making progress," but the letter did not address anything specifically.

¶26 Regarding visits during this second period, Grayson-Lewis testified that respondent still talked to the children about returning home, and she still had issues with respondent bringing her boyfriend. According to Grayson-Lewis, by that time, K.E. was 15 years old and was doing well, she was busy with school and social activities, and she had not made visiting the parents a priority. She only asked for a visit once, and it was with her father. W.E. did not visit respondent, but B.E., H.E., and D.E. visited regularly with the parents. Grayson-Lewis testified that respondent played with the children during visits, but she had to be "redirected several times on different things." Grayson-Lewis remained concerned that the parents' parenting skills were still "[a] lot *** lacking. Mom and Dad are [a] little scattery [*sic*]. You know, they are not able to just focus on *** one thing. *** The discipline is still a little off, as well[.]" She testified that the parents were unable to consistently implement what they learned in parenting classes. She never recommended unsupervised visitation or overnight visits because the parents never made enough progress in their services. She also never recommended that family therapy begin because the parents never progressed enough in their individual therapy and the children did not want family therapy.

¶27 Although respondent completed all but two of the numerous services that were initially required of her by the time Grayson-Lewis was reassigned to the case, Grayson-Lewis believed that respondent had made inadequate progress in services. Grayson-Lewis acknowledged that respondent saw a therapist, attended meetings with Grayson-Lewis, attended visits with the

children, participated in substance abuse counseling, attended some of the NA/AA meetings, and she had moved out of the unsafe home. Grayson-Lewis acknowledged that she received a letter from a doctor indicating that the doctor had prescribed Xanax for respondent, but after respondent's psychological evaluation, DCFS wanted respondent to go to a DCFS-approved doctor to make sure she was not addicted to prescription drugs. Respondent saw a psychologist and the prescription was discontinued. Respondent also had a negative hair follicle test in August 2012. However, Grayson-Lewis testified that "the agency felt as if *** her drug use, had affected her tremendously." Grayson-Lewis explained that it appeared drug use "has affected [respondent's] mental stability" and respondent was "not able to be stable."

¶28 Grayson-Lewis testified that she was also concerned because respondent currently lived with her boyfriend, and he had shown aggressive behavior and appeared to be controlling. Grayson-Lewis testified that, if the case were to come into the system today, she would recommend that respondent needed a psychiatric evaluation, ongoing individual therapy, parenting classes, and continued substance abuse counseling.

¶29 **Testimony of Khoulood Abad**

¶30 Khoulood Abad, another DCFS caseworker from Unity, was assigned to the case from June 2012 to May 2013. When Abad received the case, respondent needed parenting classes, individual therapy, domestic violence services, and possibly a psychological examination. Respondent completed intensive outpatient substance abuse treatment before Abad was assigned to the case, but respondent still had to participate in NA/AA.

¶31 When Abad supervised respondent's visits with the children, K.E. consistently visited respondent, W.E. did not visit respondent and told Abad that he did not want to see respondent, B.E. went to about four visits, and H.E. and D.E. visited consistently. Abad testified that

respondent tried to contact B.E. through K.E., instead of contacting her lawyer, to let him know about the visits. Abad testified that she followed respondent during the visits to make sure she was not talking with the children about returning home, but respondent continued to tell the younger children that they were going to return home, in violation of the court's order. Abad testified that after the goal of the case changed to termination of parental rights, the visits were lessened to once a month for four hours. Abad later reduced the time to two hours because respondent continued talking to D.E. and H.E. about returning home, which would upset them and cause them to act out in their foster home.

¶32 Abad testified that, although respondent consistently attended the visits and it was clear that she loved her children, Abad was concerned with respondent's parenting skills. Abad explained that respondent was unable redirect the children when they became upset and she had difficulty setting limits with D.E. and H.E. Abad was concerned that respondent sometimes gave money to one of the older children if they attended a visit. Abad did not notice respondent make any progress over time, and she never recommended unsupervised visits because of respondent's inability to redirect the children and her attempts to bribe them.

¶33 Abad also testified that W.E. and F.E. wrote a letter expressing their wish that respondent not attend their football games, and so the court issued an order prohibiting contact with them and limiting contact with B.E. during their games. Abad testified that respondent told her she was going to attend anyway.

¶34 With respect to individual therapy, Abad testified that after the goal of the case changed in July 2012, respondent was discharged unsuccessfully from individual therapy at Unity. Abad testified that although respondent had also received individual therapy with a private therapist of her own choosing at some point, Abad disagreed about the proper therapeutic modalities to treat

respondent, and she received one-page reports stating only that respondent was attending therapy and working on goals.

¶35 Abad testified that at the end of her assignment, respondent had consistently attended meetings with Abad, she provided Abad with NA/AA login sheets (although not consistently), she participated in individual therapy, she had a psychiatric evaluation and a parenting capacity assessment, and she completed domestic violence counseling and parenting classes. However, Abad testified that respondent "was not making considerable progress towards why the case came in, has never, even in our discussions, taken responsibility for why her children came into the care of DCFS, has always put the blame on [Michael E.], or the [f]oster [p]arents as to why this is happening, why her kids didn't want to see her. So, she never took ownership." Abad opined that respondent needed more parenting classes and she still had concerns about respondent's parenting skills and her progress in individual therapy, and family therapy was never started.

¶36 **Testimony of Quianesha Vallot**

¶37 Quianesha Vallot, a psychotherapist for Unity, provided individual therapy to respondent for DCFS beginning in September 2011 until sometime in 2012.⁵ At one point, respondent was unsuccessfully discharged from November until February or March 2012 because she failed to comply with the attendance policy. Vallot testified that the first time respondent was discharged, she obtained therapy from another provider, but Vallot did not receive any reports from this other person. Respondent later resumed therapy with Vallot, but she was discharged again from Vallot's therapy when the goal of the case changed to termination of parental rights.

¶38 Vallot testified that she had three treatment goals for respondent. The first was to

⁵ The court admitted into evidence the therapy, progress, and discharge reports that Vallot prepared in the case.

examine the circumstances that brought the children into DCFS care. Vallot testified that respondent "made minimal progress on her therapeutic goals." Vallot explained that respondent "was unable to take any accountability for her children coming into the care of DCFS. She was very tied to her idea of being a good mother and was resistant to anyone questioning her parenting choices, skills, deficits, [and] her substance abuse history." Instead, respondent blamed DCFS involvement on Michael E., domestic violence issues, and Michael E.'s lack of financial stability. Vallot testified that respondent "had very little insight" into DCFS involvement and she was "unable to take any accountability at all" into her parenting deficits.

¶39 Vallot's second goal was to explore the domestic violence issue. Vallot testified that respondent was forthcoming about the history of domestic violence with Michael E., but Vallot also discussed respondent's relationship with her boyfriend because there were allegations that "there was a domestic violence issue there in reference to emotional [*sic*], financially controlling, intimidating[.]" Vallot related that during a team meeting on May 14, 2013, respondent left the meeting because she was upset. Respondent's boyfriend, who had been in the waiting room, went into the meeting room and "began to verbally attack the worker that rolled by, *** screaming at her, yelling. He's a big, big guy, so he was physically intimidating." When Vallot discussed this event with respondent, respondent "basically just said that's who he is as a person, that's how he behaves."

¶40 Vallot also discussed with respondent the fact that the children did not want respondent's boyfriend present at events or visits, but respondent "was unable to have any empathy for them and said that *** he has to take her *** which I told her appeared to be controlling, and she just couldn't accept that or didn't take that into consideration and still continued to bring him to the different visits or show up at sporting events[.]" Vallot testified that if respondent's boyfriend

was at a visitation, "the children were visibly upset." Vallot explained that respondent had a difficult time understanding why they did not want her boyfriend there, and she "refused to comply with their wishes. And I'm not sure if she had enough understanding of her role in this to accept[] accountability in continuing to bring the paramour around once the kids' wishes were told to her."

¶41 Vallot also discussed with respondent the fact that she was not supposed to talk to the children about returning home, but respondent "was evasive and dismissive. *** [S]he didn't really seem like she could grasp the concept that she was not supposed to be contacting them." When Vallot discussed the fact that the older children did not always want to visit her, respondent maintained that they were being coerced. Vallot explained:

"She was not able to have a lot of empathy for what the kids wanted. She had very little insight into why their relationships were damaged, why they would not want to visit. It was always someone else's fault; the foster parents were feeding them something; the therapist was not doing her job. *** It was never taking what the kids said for face value. I believe they even wrote her letters, and she wasn't even able to take that in; the letters were not written by them. Even though they were in the kids' handwriting, they were written by them; someone told them what to say; they don't really feel like this."

¶42 In addition, Vallot testified that she discussed with respondent the no-contact order between respondent and the foster parents, but respondent was "unable to process that or adhere to that." There were reports that respondent called the foster parents and rode past the foster parents' house with her boyfriend, but respondent denied riding past the home and explained that the telephone call was a misunderstanding.

¶43 Vallot testified that respondent made "minimal progress" on the third goal, which was to

actively examine the impact respondent's substance abuse had on her functioning, because respondent did not believe that her substance abuse had impacted her or had played a role in bringing the case into the DCFS system.

¶44 Vallot testified that, throughout her time as respondent's therapist, respondent "made minimal progress" and she did not accomplish the treatment goals. Vallot opined that respondent still needed ongoing individual therapy, she was not ready for unsupervised visits with the children, and she was not ready for family therapy because she needed "some significant progress in individual therapy first."

¶45 **Respondent's Evidence**⁶

¶46 Respondent testified that she completed a parenting capacity assessment, she never missed any meetings with her case manager, she participated in domestic violence treatment and had processed her experience with domestic violence, she had substance abuse treatment and a hair follicle drug test, and she attended visits with the children consistently and looked forward to them. She testified that she believed W.E. did not want to visit her because she had hurt him. She did not believe that B.E. did not want to visit her and she insisted that DCFS staff was refusing to let him come. She testified that she performed every DCFS service required, she had worked hard to become a fit parent, and she wanted to be reunited with her children.

¶47 She explained that she decided to change therapists at some point and went to a private therapist for individual therapy from September 2012 until March 2013.⁷ She attended weekly at

⁶ After the State's presentation of its case, the court denied respondent's motion for a directed verdict.

⁷ We note that counsel for respondent stated on the record that he decided he would not call respondent's private therapist as a witness, and that he had discussed this with respondent. He affirmed that it was respondent's decision, with counsel's recommendation based on his interactions with the therapist over the phone, and it was not due to a scheduling issue. The court indicated it would be willing to accommodate any scheduling issues.

first, and then every two weeks. She never canceled an appointment and she attended about 40 sessions. She also had nine sessions with Vallot before she was discharged for noncompliance, and then 12 more sessions with Vallot after that. Respondent testified that she discussed the issues with her private therapist "more intense[ly]."

¶48 Respondent testified that she was prescribed Xanax when she was 41 years old and became addicted to it, and she was also an alcoholic. She did intensive outpatient substance abuse treatment and learned that "[her] behavior, your decision-making, your energy, responsibilities, structure, the effect it has on your body, your mind." She attended approximately 90 NA/AA meetings, had a sponsor, and was working on the steps. One step was to take a moral inventory, and she affirmed on direct examination that she accepted her substance abuse problem and what it had done to others, that there were character defects that caused her to be in the DCFS system, and she accepted responsibility for that.

¶49 When questioned on cross-examination regarding what character defects led to her being involved with DCFS, respondent testified that her "character defects are pretty much being assertive; being self-confident; you know, being *** the person that says no; coping."

"Q. So being assertive and confident is what led you into DCFS involvement?"

A. Well, I'm sure it has in some way in your thinking, yes."

¶50 Respondent testified that DCFS became involved because of her "behavior, my thinking, my home environment. It would not have got that bad if I was who I am today, which is the person that is able to—that has energy, spirit, positive. I had a very negative world back then." She testified that she was being physically, mentally, and sexually abused by Michael E. at the time.

¶51 She testified that she had been living with her boyfriend for almost two years at the time

of the hearing. With respect to the incident when her boyfriend interrupted the DCFS meeting, respondent testified that he did not barge in or yell at DCFS staff. She explained that she walked out and told him that they were leaving and that "[t]hey're creating lies again. I'm not dealing with it." Respondent testified that her boyfriend said he was "going to let them know I'm taking you home. He is a Marine, he does work on a tractor, so his voice does carry. He said, he's like, I am bringing Kimberly home. This meeting is over." Respondent also testified that her boyfriend attended only one visit with her children and that Grayson-Lewis was incorrect.

¶52 Respondent denied that there was any physical, emotional, or financial abuse by her boyfriend. She testified that her boyfriend "listens, he's gentle, and he took this and he installed this with me and helped me grow, and—just into a beautiful, safe world and dreams and goals beyond; and I think with all that he's done with me, I know that [he] would be a great co-parent." When asked why some of the children were scared of him, respondent testified that she was "not sure, because when [H.E. and D.E.] see him, they get so excited. [D.E.] just really adores [my boyfriend]. [B.E.], he waves to [my boyfriend]. I think they're hurt that me and their father are not together anymore, but they really enjoy [my boyfriend]. [K.E.] calls him on some advice, and I mean she really cares for [my boyfriend], too."

¶53 She also denied violating court orders prohibiting her from discussing returning home with the children or having contact with the foster families. She testified that she only talked to the children about returning home when the case was initiated because they did not understand. She testified that she only contacted the foster parents twice; once on Valentine's Day and once on Easter. Regarding the grocery store parking lot incident, respondent explained that she asked the foster parent if she could give them a hug, but the foster parent refused and put the children in the car and "sped off."

¶54 **Circuit Court's Ruling on Unfitness**

¶55 After final arguments, the circuit court found that the evidence was clear and convincing that, after two years of services, both parents were unfit under grounds (b) and (m) as alleged in the petition. The court held that the parents failed to maintain a reasonable degree of interest, concern, or responsibility regarding the children's welfare because they refused to accept responsibility for the reason the children came into DCFS care, they had no regard for the children's feelings or wishes, and they repeatedly engaged in behaviors that harmed the children. The trial court held that the parents failed to correct the conditions which served as the basis for the children's removal and or make reasonable progress toward returning them home because they failed to progress in services, failed to apply what they had been taught, they repeatedly violated court orders, they still needed basic services two years after the case was initiated, they never progressed to unsupervised visits or family therapy, and neither parent had addressed the reasons for the case entering the DCFS system.

¶56 The court further concluded that respondent was "clueless about the damage done to her children through her actions," and she continued trying to bribe them, talk to them about returning home, and forced them to interact with her boyfriend. Further, she remained "guarded [and] evasive," she was unwilling to take responsibility for why DCFS removed her children, she maintained that she was a victim, she continued placing "her needs above the needs of her children. She was unable to respect the wishes of her children ***." The court held that respondent never successfully completed individual therapy and was discharged without making progress, and she still needed a psychiatric assessment and to attend NA/AA meetings. The court reasoned that "[m]erely attending services is not enough" and she failed to internalize or apply the lessons she was taught in individual therapy, parenting classes, substances abuse

treatment, or domestic violence classes. The court indicated that respondent was "not honest with [her] therapist" and she merely "went through the motions." The trial court noted that the older children refused to attend or rarely attended visits, despite bribes, which was indicative of the parents' progress in services, and the parents had problems connecting with the children. The court also noted that the children did not wish to engage in family therapy. The court observed that respondent did not provide reports from her therapist or call her to testify. In addition, the court found "the testimony of the service providers to be credible and the testimony of the parents not to be credible." The court proceeded immediately to the best interests hearing.

¶57 B. Best Interests Portion of the Termination of Parental Rights Hearing

¶58 **Testimony of the Foster Parents**

¶59 J.W. testified that K.E. resided in his home since July 27, 2012, along with his wife and their adopted son, who was also the biological child of respondent and Michael E. J.W. was respondent's father and K.E.'s grandfather. J.W. testified that K.E. and their son got along "[e]xcellent[ly]" and "consider[ed] themselves brothers and sisters." K.E. was an honors student in high school and had "grown tremendously." She used to be "a little bit naïve, told stories" and now she told the truth and was "excited about school, homework, [and] her friends." J.W. and his wife were willing to adopt her.

¶60 M. H., the foster parent of W.E. and B.E. (and F.E., who is not involved in this appeal), testified that she resided with her husband and their four children (ages 16, 13, 10, and 7). W.E. was in eighth grade and B.E. was in fifth grade. W.E. and B.E. were doing well in school and played football. M.H. testified that W.E. and B.E. got along "fantastic" with the rest of the family and were "very, very good with [her] other kids" and it was "very cohesive in the house." M.H. indicated that W.E. "wants nothing to do with" respondent" and B.E. "has not said either

way but he doesn't ask." M.H. testified that she was willing to adopt W.E. and B.E.; she loved them and thought they were "phenomenal young men." She would allow contact with the other biological siblings. They saw H.E. and D.E. daily because they lived down the street. M.H. was open to them having contact with Michael E., but requested that they not have contact with respondent. M.H. testified that there were several incidents when respondent's boyfriend was at football events, and M.H. had to call B.E.'s coach to ask them to leave, and respondent's boyfriend screamed at the coach and used foul language.

¶61 K.H. and her husband were the foster parents of H.E. and D.E., who have lived with them since April 2013. K.H. and her husband also had other children at home (ages 11, 8, and 9 year old twins) and the children got along well. She testified that D.E. was sleeping through the night and both were doing well in school. K.H. indicated that both children had been shy and "stand-offish" initially, but now H.E. had friends at school and was outgoing. They both received special services at school and have a therapist, and K.H. provided them with a tutor. K.H. felt that she and her husband were able to advocate for the children. K.H. testified that D.E. and H.E. are included with her extended family and they have gone on family vacations. K.H. and her husband wished to adopt them.⁸

¶62 **Testimony of Elyse Grayson-Lewis**

¶63 Grayson-Lewis testified that all of the children's foster placements were safe and appropriate, there were no signs of abuse or neglect, and they were all able to meet the children's respective needs. Grayson-Lewis testified that each child was doing well in their placements and

⁸ K.H. related that she once saw respondent when she was with the children in the parking lot of a grocery store and respondent's boyfriend pulled his truck up next to her car. Respondent got out and told the children, "come give mommy a hug," but K.H. told respondent that there was "no contact between you and the children and myself." K.H. testified that respondent's boyfriend started yelling at her from the car, calling her "rude and *** real nice, you're not letting her see her kid."

had made much progress, and each child indicated that they wanted to remain with their respective foster families. Grayson-Lewis believed it was in the best interests of the children that the parental rights of respondent and Michael E. be terminated because the parents were unable to provide adequate supervision. She testified that respondent and Michael E. were still in need of services and "it appears like the parents have abused drugs for so long that it has—it has poured over into our present, *** and that's something that I don't think can be corrected. *** I think it has come from a drug abuse to a mental instability."

¶64 **Testimony of Sheila Paxton**

¶65 Sheila Paxton, the children's therapist through Unity, recommended that W.E., B.E., D.E., and H.E. be adopted by their current foster families because they had all made progress, they seemed "well entrenched into their current respective families," and the children "made it very clear" that they were not interested in returning to their biological parents.

¶66 **Respondent's Evidence**

¶67 Respondent presented several witnesses and also testified on her own behalf. Catherine R. testified that she knew respondent through attending AA meetings; she met her two years ago and she saw respondent there regularly. She never saw respondent interact with her children.

¶68 Ginger K., the sister of respondent's boyfriend, testified that respondent did not have any substance abuse problems. Respondent played with Ginger K.'s children at family gatherings, and Ginger K. believed that her parenting skills were appropriate, but Ginger had never seen respondent interact with her own children.

¶69 Thomas K., Ginger's boyfriend, worked with respondent doing real estate sales, and he never observed any problems with substance abuse. Her interactions with children at family gatherings were appropriate and the children "seem to have a ball with her." He had not seen her

interact with her own children.

¶70 Respondent's friend, Lisa S. testified that she never observed any problems with substance abuse, and respondent's interactions with children were always appropriate. She had not seen respondent with her children much recently because she no longer lived nearby.

¶71 Donna B., who was the stepmother of respondent's boyfriend, testified that she saw respondent interact with children on many occasions, and her interactions were always appropriate. She thought respondent had excellent parenting skills, but she never saw her interact with her own children.

¶72 Christie R., who had known respondent for about five years, testified that respondent was "very good" with children and "very nurturing" with respondent's own children on the two occasions she observed. She never observed any problems with alcohol or drugs.

¶73 Respondent testified that she loved her children and wanted them back "more than life itself." She testified that she worked through the steps of the AA program, including taking accountability for character defects that brought her into the DCFS system. She testified that she has changed and become a positive role model for her children. She acknowledged that her own behavior brought them into the system. She testified that she currently lived with her boyfriend and they were going to get married. Respondent admitted into evidence photographs of her and the children on visits and photographs of her current home.

¶74 **Trial Court's Ruling on Best Interests**

¶75 The trial court held that the parents failed at reunification and it was in all of the children's best interest that parental rights be terminated and a guardian appointed with the right to consent to adoption. The court held that all of the foster homes were safe and appropriate, the foster homes met the children's basic and advanced needs, the children were thriving in their

placements, the placements were necessary and appropriate, and DCFS had made reasonable efforts and provided services according to the service plan. That same day, the court entered an order reflecting its findings that the parents were unfit pursuant to subsections (b) and (m) of the Adoption Act and that it was in the children's best interests to terminate parental rights.

¶76 Respondent filed a notice of appeal from unfitness and termination order. We note that Michael E. also appealed, and this court affirmed the circuit court's decision and granted his counsel's motion to withdraw based on having no meritorious issues raise on appeal pursuant to *Anders v. California*, 386 U.S. 738 (1967). *In re W.E., K.E., D.E., H.E., and B.E.*, No. 1-13-3120 (Feb. 14, 2014) (unpublished summary order under Supreme Court Rule 23).

¶77

ANALYSIS

¶78 Under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2010)), the involuntary termination of parent rights involves a two-step process. *In re D.F.*, 201 Ill. 2d 476, 494 (2002). First, the State must prove by clear and convincing evidence that the parent is "unfit" as defined by section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2010)). *Id.* at 494-95. "[A]ny one of the several grounds that are enumerated in section 1(D) is sufficient for a finding of unfitness." *Id.* at 495. In the second step, assuming the parent is found unfit, the circuit court must consider whether it is in the best interests of the children to terminate parental rights. *Id.* at 495. "The trial court's decision to terminate parental rights involves factual findings and credibility assessments that the trial court is in the best position to make." *In re J.S.*, 2012 IL App (1st) 113427, ¶ 19. Accordingly, this court "will not disturb a finding of unfitness unless it is contrary to the manifest weight of the evidence and the record clearly demonstrates that the opposite result was proper." *In re K.H.*, 387 Ill. App. 3d 192, 203 (2008).

¶79 As stated, the circuit court held that respondent was unfit pursuant to both sections (b)

and (m) of the Adoption Act. 740 ILCS 50/1(D)(b), (m) (West 2010). Turning first to section (m), it provided, at the time of the petition and hearing, that a person was an "unfit person" if the court found as follows:

(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or (ii) to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor ***, or (iii) to make reasonable progress toward the return of the child to the parent during any 9-month period after the end of the initial 9-month period following the adjudication of neglected or abused minor ***." 750 ILCS 50/1(D)(m) (West 2010).⁹

¶80 "Subsections (i) and (ii) are examined only under the first nine months after adjudication of neglect, and subsection (iii) is examined under any nine-month period following the end of the first nine months after the adjudication of neglect." *In re J.S.*, 2012 IL App (1st) 113427, ¶ 20. Reasonable efforts and reasonable progress constitute two separate, distinct grounds which can each independently support a finding of parental unfitness. *Id.* ¶ 21. Reasonable progress "is judged by an objective standard based upon the amount of progress measured from the conditions existing at the time custody was taken from the parent." *In re D.E.*, 368 Ill. App. 3d 1052, 1067 (2006). Reasonable progress requires, at a minimum, "measurable or demonstrable movement toward the goal of reunification." *Id.*

⁹ This section, as currently amended effective January 14, 2014, now provides:

"(m) Failure by a parent (i) to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent during any 9-month period following the adjudication of neglected or abused minor *** or dependent minor ***, or (ii) 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 under *** or dependent minor ***." 750 ILCS 50/1(D)(m) (West 2014).

"The benchmark for measuring a parent's progress 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 that gave rise to the removal of the child and other conditions which later become known and would prevent the court from returning custody of the child to the parent. [Citation.] Reasonable progress exists when the trial court can conclude that it will be able to order the child returned to parental custody in the near future. [Citation.]" *In re D.E.*, 368 Ill. App. 3d at 1067.

¶81 On appeal, respondent contends that the circuit court's finding of unfitness pursuant to ground (m), failure to make reasonable progress, was against the manifest weight of the evidence. She points out that she underwent substance abuse counseling and testing, participated in parenting and domestic violence classes, had a psychological evaluation, visited her children regularly, attended individual therapy, and completed "eight out of ten" DCFS services. We therefore focus our analysis on section (m)(ii-iii) and note that the circuit court determined that the relevant time period was from October 19, 2011, (the date of adjudication of neglect/abuse), to July 9, 2013.

¶82 Respondent argues that her participation in individual therapy with a private therapist of her own choosing, instead of the DCFS-approved therapist, showed reasonable progress because she need not strictly comply with a service plan in order to accomplish DCFS goals. In general, a "parent's failure to substantially fulfill obligations under the service plan can show a failure to make reasonable progress to return of the child." *In re F.S.*, 322 Ill. App. 3d 486, 492 (2001). We acknowledge that "a parent might succeed at reaching a goal envisioned by DCFS without following its specific directives." *In re J.A.*, 316 Ill. App. 3d 553, 565 (2000).

¶83 However, mere participation in DCFS services does not necessarily translate to making

reasonable progress. Each case must be evaluated based on its particular facts. *In re K.H.*, 387 Ill. App. 3d at 203. For example, in *In re A.C.*, 345 Ill. App. 3d 872, 888 (2004), the respondent argued, like respondent here, that she made reasonable progress because she participated in all requested DCFS services. The court rejected this argument because the evidence showed that, despite participating in services, the respondent failed to take any responsibility for the actions leading to DCFS involvement, denied that there were any problems in her family, blamed others for her problems, failed to implement the parenting skills learned parenting classes, intimidated her children and made inappropriate remarks to them, and failed to progress to unsupervised visits. *Id.* at 890. See also *In re C.E.*, 406 Ill. App. 3d 97 (2010) (holding that, despite several years of therapy, DCFS assistance, and parenting classes, the respondent had not made reasonable progress because she was unable to internalize the parenting lessons and implement the techniques, she was unable to parent both children together, she took a long time to acknowledge why her children were in the DCFS system, and the case psychologist expressed concern about the respondent's ability to respond to her children's needs and emotions), and *In re R.L.*, 352 Ill. App. 3d 985, 999 (2004) (finding no reasonable progress was made where, despite the respondent's participation in parenting and domestic violence classes and individual counseling, she failed to implement the skills taught, continued to associate with violent men and was in an unstable relationship with her paramour without considering the effect on her child, and failed to address why she became involved with DCFS).

¶84 The circumstances of the instant case are similar to those presented in the above cited cases. In the present case, the testimonial and documentary evidence demonstrated that, despite respondent's participation in several DCFS services over the course of two years, she ultimately failed to make reasonable progress toward the goal of reunification. Contrary to respondent's

contention, the circuit court did not base its decision on respondent's failure to strictly comply with the service plans. As the circuit court correctly noted, and as the above cases demonstrate, participation in services, standing alone, is insufficient to constitute reasonable progress. The circuit court objectively evaluated respondent's progress toward reunification, in light of the conditions which gave rise to the removal of the children and other conditions which were discovered later, and the evidence supported that respondent merely "went through the motions" and failed to achieve permanent changes in several areas.

¶85 Regarding her parenting skills, the evidence showed that although she participated in parenting classes, she was unable to implement what she learned and she made little progress after almost two years of DCFS involvement. Gardner, Vallot, Grayson-Lewis, and Abad expressed concerns regarding her ability to parent the children, and they observed that respondent's parenting skills did not improve over time. In addition, respondent repeatedly violated court orders meant to protect the children, even after repeated warnings against doing so and having her visit time reduced as a result. She also attempted to bribe the older children to come to visits. She demonstrated little insight into why her older children did not wish to visit her, and she instead blamed the foster families for "coercing" them. She also refused to acknowledge or understand the discomfort the children experienced when her boyfriend attended visits, and she continued to bring him to visits and events even though it upset them.

¶86 Further, the DCFS witnesses were concerned about the possibility of domestic violence in her relationship with her boyfriend, with whom respondent was living. Vallot testified that despite her participation in domestic violence counseling, respondent dismissed concerns that he appeared to be controlling and verbally aggressive, and she made excuses for his behavior by explaining that was just "who he is as a person."

¶87 The DCFS service providers also testified that respondent made minimal progress in individual therapy, she needed continuing individual therapy, and she failed to fully accept responsibility for why DCFS became involved with her family. Abad testified that respondent instead blamed Michael E. or the foster parents. It is noteworthy that respondent did not provide either DCFS staff or the court with detailed reports from her private therapist and did not call her therapist to testify, despite the circuit court's willingness to accommodate any scheduling conflicts. As the trial court found, respondent remained "guarded, evasive and had been unable or unwilling to take any responsibility" for her family's involvement with DCFS, or recognize "the damage done to her children through her actions." In addition, the DCFS providers expressed concern that respondent's mental stability had been impaired as a result of substance abuse, and they believed she needed continued services in that regard. Vallot testified that respondent was unable to understand how her functioning had been impacted by substance abuse. Respondent also failed to consistently provide login sheets from NA/AA meetings.

¶88 Similarly, the documentary evidence contained in the DCFS services plans and Gardner's evaluations supported that respondent had not made reasonable progress, as her parenting skills showed poor judgment and lack of empathy, she was unable to recognize or meet the children's specific needs, she failed to fully acknowledge the reasons for DCFS involvement and continued to blame others, she failed to recognize the potential problems in her relationship with her boyfriend and its impact on her children, and she continued to violate court orders, to the detriment of the children.

¶89 Based on our review of the record, we cannot say that the circuit court's determination that respondent was unfit because she failed to make reasonable progress toward return home pursuant to section (m)(ii-iii) was against the manifest weight of the evidence. *In re K.H.*, 387

Ill. App. 3d at 203. The evidence demonstrated that respondent failed to progress in services with respect to her parenting ability, she never successfully completed individual therapy, she never progressed to the point where family therapy or unsupervised visits were appropriate, and she still needed substance abuse counseling. The circuit court heard the testimony and specifically held that the service providers' testimony was more credible than the parents' testimony. It is the circuit court's prerogative to make credibility determinations, to which we defer on appeal. *In re D.F.*, 201 Ill. 2d at 499.

¶90 In ruling, we note that the circuit court also cited two alternative grounds in support of its unfitness finding: under section (m)(i) for failure to make reasonable efforts to correct the conditions which caused the removal of the children within the first nine months following the adjudication of neglect or abuse, and under section (b) for failure to show a reasonable degree of interest, concern, or responsibility regarding the children's welfare. 750 ILCS 50/1(D)(b), (m)(i) (West 2010). However, "[w]hen parental rights are terminated based upon clear and convincing evidence of a single ground of unfitness, the reviewing court need not consider additional grounds for unfitness cited by the trial court." *In re T.M.*, 353 Ill. App. 3d 883, 891 (2004) (declining to examine the circuit court's finding of unfitness under section (b) after concluding that the parent was unfit pursuant to ground (m)). Accordingly, "this court need not consider whether respondent was unfit based upon the trial court's findings that [she] failed to maintain a reasonable degree of interest, concern, or responsibility toward" the minors, or whether she made reasonable efforts to correct the conditions which caused the removal of the children. *Id.* at 891.

¶91 Moreover, although respondent contends, in general, that the circuit court's determination of unfitness was erroneous, her argument in her opening brief focuses on the court's finding that she failed to make "reasonable progress" under section (m)(ii-iii). She does not advance any

argument relating to grounds (m)(i) or (b), nor set forth any supporting case law for those specific grounds. 750 ILCS 50/1(D)(b), (m)(i) (West 2010). As such, any contention related to the trial court's determination of unfitness under these grounds has been waived on appeal. *In re Parentage of Janssen*, 292 Ill. App. 3d 219, 221 (1997) (a party waives an issue if he or she fails to raise it on appeal); Ill. S. Ct. R. 341(h)(7) (eff. July 1, 2008) ("Points not argued are waived and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.") See also *Chicagoland Chamber of Commerce v. Pappas*, 378 Ill. App. 3d 334, 365 (2007) (quoting *Eckiss v. McVaigh*, 261 Ill. App. 3d 778, 786 (1994) ("A reviewing court is *** entitled to have issues clearly defined with pertinent authority cited and coherent arguments presented; arguments inadequately presented on appeal are waived. [Citation.] Mere contentions without argument or citation of authority do not merit consideration on appeal [citation], nor do statements unsupported by argument or citation of relevant authority.")).¹⁰

¶92 We additionally note that, although respondent's notice of appeal indicates that she was appealing from the trial court's order finding her unfit and finding that it was in the minors' best interests to terminate her parental rights, respondent presents no argument on appeal regarding

¹⁰ However, we note that with respect to section (m)(i), although the children and respondent no longer lived in the house which contained dangerous conditions, the reasons for removal also included inadequate supervision, and, based on the evidence previously discussed, respondent failed to correct this basis for removal considering the issues with her parenting skills, her failure to acknowledge the reasons for DCFS involvement, and her inability to recognize or meet the children's various emotional and other types of needs. Further, relevant to section (b) is the parent's efforts to visit and maintain contact with the child or otherwise demonstrate an interest in the child's welfare in light of the parent's particular circumstances. 750 ILCS 50/1(D)(b) (West 2010); *In re J.S.*, 2012 IL App (1st) 113427, ¶ 28. In this case, the trial court's determination that respondent failed to maintain a reasonable degree of interest was supported by her failure to successfully complete individual therapy, "the minimum requirement in the process toward reunification[.]" *Id.* ¶ 31. Respondent also failed to maintain a connection to the older children who did not wish to visit her, and she demonstrated a lack of concern for the children's welfare by her repeated violation of court orders and by continuing to involve her boyfriend despite the children's distress.

the best interests aspect of the trial court's decision. As stated, an appellant waives an argument if she fails to raise or brief it on appeal. Ill. S. Ct. R. 341(h)(7) (eff. July 1, 2008); *In re Parentage of Janssen*, 292 Ill. App. 3d at 221; *Pappas*, 378 Ill. App. 3d at 365. See also *In re S.P.*, 2012 IL App (1st) 112280, ¶ 104 (finding that any challenge to the trial court's best interests determination was waived and not properly before the court where the respondent failed to challenge it in her opening brief and did not raise it until her reply brief). Accordingly, we decline to address whether the trial court erred in concluding that it was in the children's best interests to terminate respondent's parental rights.

¶93

CONCLUSION

¶94 For the reasons stated, we affirm the judgment of the circuit court of Cook County.

¶95 Affirmed.