

NOTICE
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NOS. 4-12-0537, 4-12-0538, 4-12-0539, 4-12-0540 cons.

FILED

November 6, 2012
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT
OF ILLINOIS

FOURTH DISTRICT

In re: T.B., Minor,)
THE PEOPLE OF THE STATE OF ILLINOIS,)
Petitioner-Appellee,)
v. (No. 4-12-0537))
LISA WOODARD,)
Respondent-Appellant.)

) Appeal from
) Circuit Court of
) Vermilion County
) No. 09JA79

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In re: A.R., a Minor,)
THE PEOPLE OF THE STATE OF ILLINOIS,)
Petitioner-Appellee,)
v. (4-12-0538))
LISA WOODARD,)
Respondent-Appellant.)

) No. 09JA80

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In re: A.B., a Minor,)
THE PEOPLE OF THE STATE OF ILLINOIS,)
Petitioner-Appellee,)
v. (4-12-0539))
LISA WOODARD,)
Respondent-Appellant.)

) No. 09JA81

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In re: F.B., a Minor,)
THE PEOPLE OF THE STATE OF ILLINOIS,)
Petitioner-Appellee,)
v. (4-12-0540))
LISA WOODARD,)
Respondent-Appellant.)

) No. 09JA82
)
) Honorable
) Michael D. Clary,
) Judge Presiding

JUSTICE KNECHT delivered the judgment of the court.
Justices Steigmann and Pope concurred in the judgment.

ORDER

¶ 1 *Held:* (1) The trial court properly found respondent mother unfit as she failed to make

reasonable progress toward the return of her children within the initial nine months after the adjudication of neglect or abuse.

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

¶ 2 Respondent mother, Lisa Woodard, appeals the orders finding her an unfit parent to A.B. (born February 10, 2002), F.B. (born November 27, 2002), T.B. (born June 10, 2004), and A.R. (born September 3, 2005) and terminating her parental rights. Woodard argues the trial court erroneously found her unfit and the decision terminating her parental rights is against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In June 2009, the State filed petitions for adjudication of wardship on behalf of A.B., F.B., T.B., and A.R. The State alleged the children were neglected in that their environment was injurious to their welfare due to Woodard's substance abuse and mental-health issues (705 ILCS 405/2-3(1)(b) (West 2008)). In August 2009, the trial court adjudicated all of the children abused or neglected because their environment was injurious to their welfare as a result of Woodard's alcohol abuse (705 ILCS 405/2-3(1)(b) (West 2008)).

¶ 5 The August 2009 service plan set forth the circumstances that led to the involvement of the Department of Children and Family Services (DCFS). DCFS's initial involvement with the family occurred after a call had been made to the DCFS hotline, reporting Woodard's boyfriend, Willie Red, arrived drunk at Woodard's home one evening in February 2006. At that time, the children wanted to play with him, but he did not want them around and he spanked them. The caller reported it was not the first time Red "had been out of control throwing things outside and busting them up." Red had a history of criminal damage and Woodard told the

caller she would get an order of protection.

¶ 6 Another report to the DCFS hotline involving these children was made in May 2009. The caller reported Woodard was not feeding her children. The children had "code words" with certain relatives. They used these code words to request food and to report whether they had eaten at their home on that day. It was further reported Woodard was selling her LINK card and using the proceeds to purchase alcohol. Woodard received approximately \$700 per month on her LINK card. According to the report, Woodard sometimes gave her children cough syrup and "green pills" so they would get "knocked out" at night. Two of the children reported Woodard drank every day and they feared Red.

¶ 7 In November 2011, the State petitioned to terminate Woodard's parental rights. In support of its petition, the State alleged the following grounds of parental unfitness: (1) Woodard failed to maintain a reasonable degree of interest, concern, or responsibility as to her children's welfare (750 ILCS 50/1(D)(b) (West 2008)); (2) Woodard was subject to habitual drunkenness and drug addiction for at least one year before the filing of the termination petition (750 ILCS 50/1(D)(k) (West 2008)); (3) Woodard failed to make reasonable efforts, within nine months of the adjudication of neglect or abuse, to correct the conditions that were the basis for the children's removal (750 ILCS 50/1(D)(m)(i) (West 2008)); (4) Woodard failed to make reasonable progress toward the return of the children within the initial nine months after the adjudication of neglect or abuse (750 ILCS 50/1(D)(m)(ii) (West 2008)); and (5) Woodard failed to make reasonable progress toward the children's return within any nine-month period after the neglect or abuse adjudication (750 ILCS 50/1(D)(m)(iii) (West 2008)).

¶ 8 The hearing on the State's petition proceeded over two days in March and April

2012. Caseworkers from Lutheran Social Services of Illinois (LSSI), counselors, and Woodard testified.

¶ 9 Patricia Bratton, a child welfare specialist with LSSI, testified she was the caseworker for Woodard and her children from October 2009 to September 2010 and from August 2011 until the time of her testimony. According to Bratton, the children entered care as a result of Woodard's alcohol abuse and domestic-violence issues. The initial service plan required Woodard to attend drug and alcohol counseling, parenting classes, individual counseling, and domestic-violence counseling. Woodard was also expected to establish employment and housing. As of February 2010, Bratton rated Woodard's progress as satisfactory. Bratton explained Woodard was engaged in treatment at Prairie Center at that time. Woodard's urine drops were clean, but she did have a positive Breathalyzer test on February 2, 2010, at 8:30 a.m. This positive test occurred approximately five months into Woodard's drug treatment. Woodard had a paramour named Sam Crosby. The children feared him.

¶ 10 Bratton testified Woodard began substance-abuse treatment at Prairie Center on July 6, 2009, but was discharged three days later for failing to follow the rules. Woodard then participated in treatment at Hour House from July 15 to August 26, 2009. Woodard refused Hour House's offer for aftercare, because she wanted to be with Crosby.

¶ 11 From September 2009 to February 2010, Bratton rated Woodard's progress in her mental-health treatment satisfactory. Woodard had been diagnosed with bipolar disorder and depression. She was receiving treatment and taking her medication. As of February 2010, Woodard was employed and maintained visits with her children.

¶ 12 Bratton testified, from February 2010 to September 2010, Woodard "began to

deteriorate” in her substance-abuse treatment. Woodard “just began getting caught at drinking.” Woodard had a positive Breathalyzer test on April 9, 2010. In addition, Woodard was hospitalized for four days that same month and the medical records indicated she was intoxicated. On May 23, 2010, Woodard and Crosby “got into a physical altercation” and spent a night in jail.

¶ 13 Bratton also testified, at the end of the six-month period, ending in August 2010, Woodard’s progress was rated unsatisfactory. In this time period, Woodard relapsed three times. Woodard was not honest about the relapses. Regarding the fight with Crosby, she first denied they had been drinking, but she later admitted they had been drinking together. Crosby “busted her lip,” and Woodard broke his window. Woodard was not honest about her relationship with Crosby.

¶ 14 Bratton testified, in April 2010, Woodard had been referred to treatment at Gateway. Woodard completed a phone assessment in May 2010, but she was not honest about her drinking. Bratton testified, as of August 2010, Woodard’s progress related to her mental-health treatment was rated satisfactory. Bratton believed Woodard was taking her medication as prescribed.

¶ 15 According to Bratton, for the same period of March to August 2010, Woodard's visitation goal was rated satisfactory. Woodard's progress regarding drug-and-alcohol treatment was unsatisfactory, however, because Woodard continued to consume alcohol despite regularly attending treatment. Bratton further testified Woodard, who was involved with Family Treatment Court, had remained in "Phase One" during this time period. Phase one, according to Bratton, was intended to last four months. Woodard remained in this phase for a longer period due to sanctions she received. These included sanctions for having a positive Breathalyzer test

result and her admission she consumed "a six-pack" in April 2010 and for her lack of honesty regarding a May 2010 telephone assessment.

¶ 16 For the period of March to September 2011, Woodard was rated unsatisfactory regarding her substance-abuse treatment. On September 13, 2011, Woodard was admitted to Haymarket Residential Center (Haymarket) for inpatient treatment. Regarding her mental-health goals, Woodard was also rated unsatisfactory. After her discharge from treatment, she was prescribed medication but admitted taking the medication inconsistently or not at all. Woodard informed Bratton, once she arrived at Haymarket, she began taking her medication.

¶ 17 According to Bratton, Woodard, in that same period, was rated unsatisfactory in regard to employment. Woodard was not employed and had no source of income. As to individual therapy services, she was rated unsatisfactory because she was unsuccessfully discharged by Catholic Charities on August 30, 2011. Woodard had not yet been rereferred due to the agency's policy of a waiting period. Woodard was rated unsatisfactory on her housing goal, because she had been residing in another individual's residence in violation of Section 8 rules.

¶ 18 Bratton testified Woodard was rated satisfactory in her visits with her children. Woodard missed three visits. The goal for the period of March to September 2011 was to return home within 12 months.

¶ 19 Bratton testified, on November 14, 2011, she and Woodard had a conversation about this case. Woodard admitted "she lied about everything since DCFS['s] involvement." Woodard stated she drank almost daily and knew how to get around the tests. Woodard admitted seeing Crosby and not taking her medication due to drinking. Bratton testified Woodard

admitted the same again almost two weeks later during a phone conference with a shelter.

¶ 20 On cross-examination, Bratton testified Woodard registered with Family Treatment Court on October 1, 2009. Woodard complied until her relapse on February 2, 2010. Woodard had begun treatment at Prairie Center on December 16, 2009. In May 2010, Bratton received notice that Woodard had gone to the hospital on April 20, 2010, because she was depressed. The medical records showed Woodard had been drinking and taken an overdose of her psychiatric medication. Woodard had an evaluation with an inpatient facility on May 17, 2010. She stated she had not consumed alcohol in 38 days, not mentioning the April 20 incident. Woodard was rejected for inpatient treatment. In June 2010, Woodard admitted she was not honest during the evaluation because she did not want inpatient treatment.

¶ 21 According to Bratton, after Woodard was denied inpatient treatment, Woodard immediately sought another evaluation. She was put on a wait list for another phone assessment. Woodard had to call in each week to try to get another assessment. Bratton believed Woodard continued drinking. Bratton could not tell when she saw her if she had been drinking because "she could put on—she's very good."

¶ 22 Bratton testified during this time Woodard had been employed at Papa Murphy's, but lost her job following her hospitalization on April 20, 2010.

¶ 23 On further cross-examination, Bratton testified, as of August 29, 2011, Woodard "was very defensive" and blaming others for her situation. As of November, Lisa was more open. At that time, she was trying to get into a homeless shelter. Bratton testified, based on reports from Haymarket, which provided inpatient substance-abuse treatment to Woodard for three months in late 2011, Woodard's progress there was rated satisfactory. Bratton, who

believed Woodard had lied to her about her medication, had doubts about whether Woodard was succeeding in her treatment.

¶ 24 Bratton testified Woodard, a week before, had informed her she would be taking job training in housekeeping at the homeless shelter and she had an interview. When Bratton talked to Woodard the day before, Woodard had not provided any information and had not yet started work.

¶ 25 According to Bratton, Woodard had recently begun individual counseling. She continued to reside in the homeless shelter, but had plans to move to a recovery home where she would have her own room in April 2012. Woodard was successfully discharged from Haymarket in December 2011, where she had been for approximately three months. Bratton had difficulty communicating with Haymarket. Haymarket did not supply a closing report; Bratton received one from the case manager at the homeless shelter. While at Haymarket, Woodard completed anger-management treatment and domestic-violence classes. Woodard was also enrolled at Malcolm X College. Just after the permanency goal was changed to "substitute care pending termination of parental rights," Woodard began treatment at Haymarket.

¶ 26 On redirect examination, Bratton testified Woodard had been receiving substance-abuse treatment at Prairie Center since September 2009 and relapsed over eight months later. A domestic-violence incident in May 2010 also involved alcohol usage. At the Family Treatment Court meeting on April 16, 2010, the court advised Woodard to return to inpatient treatment.

¶ 27 Jessica Neaveill, a child welfare supervisor at LSSI, testified she supervised this case from October 2010 until March 2011, she was the caseworker on the case from March to June 2011, and she became the supervisor again in August 2011.

¶ 28 Neaveill testified regarding the service plan written in March 2011, which she approved in May 2011. The plan covered September 2010 until March 2011. According to the plan, Woodard was to maintain employment, provide stable housing, and complete a substance-abuse assessment. During this reporting period, Woodard was rated unsatisfactory regarding her substance-abuse treatment. She "missed 16 drops in terms of the substance abuse." When Woodard participated in the drops, there were no positive results for alcohol. In that time, she was still engaged at Prairie Center. The reasons Woodard gave for the missed drops were "[w]ork and illness." Woodard received a satisfactory rating for her employment. Regarding her mental-health treatment, she had achieved the goal and stopped seeing her doctor. Woodard's participation in individual therapy was rated satisfactory and she maintained housing. Her visits also went well. The children were excited to see her and played with her. Woodard prepared activities for them and interacted "very appropriately with her children." Neaveill further testified the goal was to return home. Woodard received an overall satisfactory rating, but she had not completed her substance-abuse treatment.

¶ 29 Neaveill testified, in the period of March to June 2011, Woodard engaged in substance-abuse treatment, individual therapy, and family therapy with her children. During this time, Woodard was sanctioned in Family Treatment Court "because she forged [Alcohol Anonymous] letters and signatures" and "a letter stating that it was from Sygma" and indicating Woodard "missed a drop because she had a job interview." Sygma was contacted and indicated the signature on the letter did not belong to anyone who worked there. When Neaveill asked Woodard about the interview letter, Woodard insisted the individual did work there, but then stated the woman perhaps worked at Manpower. When contacted, Manpower stated the

signature did not belong to anyone who worked there either.

¶ 30 Neaveill further testified Woodard was discharged unsuccessfully from Prairie Center on April 29, 2011. She had been engaged in substance-abuse treatment there for approximately two years. Woodard was discharged because she had not made progress and her attitude was "very negative," impacting others in the group. In May 2011, Woodard was referred to New Directions for substance-abuse treatment. She completed her assessment in June 2011.

¶ 31 On cross-examination, Neaveill testified, at the permanency review hearings in December 2010 and March 2011, the trial court found Woodard had been making reasonable efforts and progress. This finding occurred even after the incidents of January and February 2011. Since March 2011, Woodard missed drops in March, April, and June. In August 2011, Woodard was ticketed for consuming alcohol while in a car. Woodard did not report the August 2011 ticket.

¶ 32 Meghan Tellier, a child welfare specialist with LSSI, testified she was the caseworker on this case from the first week of June 2011 until the last week of August 2011. In this time, LSSI transferred Woodard's counseling sessions from one counselor to another. She had been with the previous counselor for over a year and failed to make progress. After the transfer, Woodard's attendance "was very sporadic." She was unsuccessfully discharged from counseling on August 30, 2011, due to her attendance and her lack of honesty regarding the reasons for her absences.

¶ 33 According to Tellier, from June through August 2011, Woodard received substance-abuse treatment at New Directions. There, Woodard attended six hours of classes per week. In September 2011, Woodard admitted to her counselor she had been drinking daily. Her

treatment at New Directions ended when Woodard went to Haymarket for treatment.

¶ 34 Tellier testified, when supervising a parent-child visit at Mary Wilson's residence, in which Woodard was living, she found a half full bottle of whiskey in the fridge. When Tellier confronted Woodard, both Woodard and Wilson gave inconsistent answers about who owned the whiskey. In addition, Wilson's residence was not a legal placement for Woodard. Wilson's residence "was actually Section 8," and, according to Tellier, it was illegal for Woodard to reside there.

¶ 35 Tellier testified Crosby and Woodard were involved in a domestic-violence incident on August 1, 2011. Woodard did not report the incident to Tellier, but the police report indicated Crosby slashed Woodard's wrist. Woodard told individuals "in residential" about the incident and admitted drinking. At no point did Woodard admit to Tellier she had a relationship with Crosby.

¶ 36 Tellier did not believe Woodard had ever been honest with her. Woodard had stated her sobriety date was in May 2010. Tellier remembered congratulating Woodard on her year of sobriety. Woodard responded by saying she had come a long way and made statements indicating she was sober. Woodard continued to stick to her story until Bratton showed her the documentation.

¶ 37 Tellier testified, until August 2011 when Woodard was ticketed for illegal transportation of alcohol and the team learned of the domestic-violence incident with Crosby, counseling was going well. The children and Woodard appeared bonded. During the counseling sessions, the children asked Woodard often about her drinking and Crosby. Woodard denied drinking and seeing Crosby. After the above-mentioned incidents, however, Tellier learned any

progress was based on lies.

¶ 38 Jessica Jordan, a substance-abuse counselor at Prairie Center, testified Woodard was her client from October 2009 until April 2011. Woodard had been referred to Prairie Center for alcohol dependence and cannabis dependence. Woodard had reported her last-use date for alcohol as July 2, 2009, and for cannabis, April 23, 2009. In October 2009, Woodard was provided intensive outpatient services. As part of these services, Woodard had to be present between 9 and 20 hours each week. Woodard was also required to attend a treatment group, which was the Family Treatment Court, a parenting group, and five Narcotics Anonymous (NA) or Alcoholics Anonymous (AA) meetings per week. Woodard also met with Jordan once each week.

¶ 39 According to Jordan, in December 2009, Woodard's treatment intensified to day treatment. This followed Woodard's admission, *i.e.*, when she drank, she drank heavily. Woodard admitted she would mix beer and gin and would drink fifths of gin at a time. Woodard relapsed in February 2010, after she had been kicked out of the residence where she was staying. She reported drinking two fifths of liquor. She stopped drinking in the evening, hoping to avoid a positive Breathalyzer test result, but she had a positive result. At Prairie Center, testing was done in the mornings. Because of the rate alcohol leaves a body, alcohol is difficult to detect if a person drinks a lot in the day but stops in the evening. No night testing could be done at Prairie Center.

¶ 40 Jordan testified, in March 2010, Woodard successfully completed the day treatment program. On April 8, 2010, she consumed alcohol. Six days later, they set up an assessment with Gateway for residential treatment. Gateway put Woodard on a wait list. After

the completion of the day treatment program, Woodard was advanced to intensive outpatient treatment. On April 21, 2010, Woodard ended up hospitalized for suicidal thoughts. At that time, Woodard tested positive for alcohol, but she did not tell anyone she had been drinking.

¶ 41 Jordan testified Gateway called her on May 18, 2010, stating it had a bed available for her. Woodard, however, was reporting her last use date as April 8, 2010. Because Woodard reported being clean for over 38 days, Gateway denied her admission to inpatient treatment. Jordan twice told Woodard if she had used alcohol at any time after April 8 to tell her, because Gateway would take her. Five days later, Woodard, who had been drinking, was arrested following a physical altercation.

¶ 42 According to Jordan, Woodard "was really motivated" in the beginning. As her treatment progressed, however, Jordan began to have increasing concerns regarding Woodard's truthfulness. Woodard, at times, would acknowledge her problem, but then at other times deny it. Between March and August 2010, Woodard had no positive test results.

¶ 43 Jordan testified, between September 2010 and February 2011, Woodard had "a lot of hit-and-misses as far as drug testing, home visits, NA meetings, [and] AA meetings." In this time period, Woodard missed 10 drops. Jordan doubted Woodard's veracity, because Woodard would give nonspecific answers regarding her employment and she could not substantiate "she was where she said she was." Woodard also had issues of not turning in verification of her attendance of NA and AA meetings or signatures not matching on verification papers.

¶ 44 Jordan testified Woodard was unsuccessfully discharged from Prairie Center in April 2011. Woodard missed drug screens on March 26, April 17, and April 19. Regarding the March 26 missed screen, Woodard provided a paper verifying she had a job interview. Accord-

ing to Jordan, the paper was not authentic. Woodard gave no explanation for the other two missed screens.

¶ 45 On cross-examination, Jordan testified she and Woodard called Gateway on June 1, 2010, with the new information about Woodard's last use date. At that time, Woodard was placed on a waiting list. Woodard called every week, generally on her own. As of July 26, 2010, "due to funding cuts, Gateway no longer had any beds available for CASA clients," like Woodard. Jordan testified they also called New Leaf regarding inpatient care in August 2010, but there were no beds available. They stopped looking for inpatient options as of mid-August 2010, because, as more time passed since her last use date of May 23, 2010, it was less and less likely she would get inpatient care. The problems, however, became apparent in November 2010.

¶ 46 Woodard testified on her own behalf. Woodard stated it had taken her "a while to learn not to manipulate and lie about the things that [she] knew were going to get [her] in trouble." Woodard "learned a lot of skills to not be ashamed of what [she'd] done to [herself] and [her] family." Woodard testified she was hateful and deceitful in the past. She attempted to manipulate the system so she could act as she wanted and still get her children back. Woodard felt ashamed and guilty when her lies were exposed.

¶ 47 Woodard testified she was, at that time, open to discussing the matters that happened. Woodard averred she would answer questions about her alcohol usage honestly. Her last drink of alcohol was on September 13, 2011. Five days after she entered "detox," Woodard wrote a letter to a judge of the circuit court, asking that her parental rights not be terminated. Woodard acknowledged she was not entirely truthful in her letter, but she stated she was seeking

help at Haymarket and would stay there until she was "fully ready to leave."

¶ 48 Woodard testified she spent six days in detox in September 2011. After those six days, she entered the inpatient program. Woodard was not permitted to leave the building. While involved in the inpatient program at Haymarket, Woodard was involved in programs there. She attended parenting, anger-management and domestic-violence classes. Woodard also saw a psychiatrist at Haymarket and had been prescribed psychiatric medication.

¶ 49 Woodard testified, earlier in her involvement with DCFS, she was able to beat Breathalyzer tests by stopping drinking by a certain time of the day—sometimes just several hours before, in order to get the alcohol out of her system. Woodard did not feel she could "beat" the tests given at Haymarket.

¶ 50 According to Woodard, she completed the inpatient programs at Haymarket on December 19, 2011. Woodard then enrolled in intensive outpatient services. Haymarket helped Woodard find housing at A Safe Haven (Safe Haven), a homeless shelter. Safe Haven was typically a four-month program, and Woodard was due to have it completed on April 19, 2012. While at Safe Haven, Woodard's goals included obtaining employment and housing and continuing working with DCFS. Drug and alcohol tests were randomly performed once or twice each week. As part of the intensive outpatient services, Woodard was also subjected to random drops. She continued counseling at Safe Haven. Woodard successfully completed her services while in Safe Haven.

¶ 51 Woodard averred she took psychiatric medications: citalopram, an antidepressant, and trazadone, a sleep aid. Trazadone was a medication she could skip. At Safe Haven, the medications were distributed and residents were watched as they took their medication.

¶ 52 Woodard testified the primary focus of her time at the shelter was to prepare her to live on her own and stay sober. Woodard was required to be employed or attend school. Woodard, who had a high-school diploma, registered for college-level courses. Woodard had begun the housekeeping program. Because, however, she was also working in the kitchen, Woodard's case manager told her the housekeeping program would clash with her work in the kitchen. Woodard thus did not complete the housekeeping program.

¶ 53 Woodard testified she had been taking domestic-violence classes, learning how domestic violence affects not only the adults but also the children. Woodard learned the consequences of remaining in a relationship with domestic violence and how to recognize the red flags before beginning a relationship. Woodard learned how she chose older men with the same addictions she had.

¶ 54 According to Woodard she had a successful transition from Safe Haven to a recovery home. A recovery home is designed specifically for people in recovery. Woodard was permitted to stay in the recovery home as long as she paid rent, participated in screenings, and attended meetings. Woodard's children were permitted to stay with her at the recovery home. Woodard also had a full-time job at a warehouse set to begin the day after her testimony. Woodard intended to leave the recovery home after she gained employment and began saving money.

¶ 55 Woodard averred the key to her success in the Chicago area versus in Danville was that she had been able to get away from the people, places, and things that led her to get drunk or high. She also credited the information she learned through the Family Treatment Court.

¶ 56 Woodard expressed remorse for her actions in Family Treatment Court. She testified she would apologize for her defiance, calling her actions "very childish, very selfish, manipulative, very angry, hateful," and deceptive. Woodard wished she had taken the suggestions and help offered to her. She had believed DCFS "was just designed to take your children and make your life miserable." Woodard concluded her depression did not help with her drinking.

¶ 57 On cross-examination, Woodard testified she had been drinking throughout DCFS's involvement until September 13, 2011. Woodard's children could reside at the recovery home. Woodard had her own bedroom. At the recovery home for recovering addicts, the floors contained bedrooms for the individual residents and a kitchen and a bathroom to share. The third floor had more bedrooms with attached bathrooms to accommodate children. The children would each have their own bedroom. At the time of her testimony, only one other woman resided in the home. The floors locked individually, and it was possible she and her children could live on one floor with no other residents.

¶ 58 According to Woodard, she attended school at night three times a week. Woodard would finish school on May 8, 2012. She would have acquired credits for African-American studies, English, child development, and health and safety. She intended to gradually continue with her education. Woodard began inpatient treatment at Haymarket before the termination proceedings were filed and continued treatment despite the filing of the petition.

¶ 59 The guardian *ad litem* called Trevor Kendrick, a counselor with Rock Counseling Group, to testify. According to Kendrick, she counseled the children individually since November 2009. Initially, the children had been placed in a relative foster home. The children began

having behavioral issues in the foster home and at school. The children had not been following rules, were wetting the bed and places around their room, and the boys were also having bowel movements in the room.

¶ 60 Kendrick testified the children were moved to Woodard's sister's home in Champaign. Almost immediately after their new placement, the children disclosed severe physical and sexual abuse in prior foster care. The process was begun to stabilize the children. In this process, the children also began to discuss their mother and their fear of living with her again due to her prior abusive relationships. The children also reported they often did not have food because Woodard spent the money on beer. The children reported Woodard was usually drunk.

¶ 61 Kendrick testified the children were, at some point, moved to traditional foster homes. The older two boys went to one and the younger two children went to another. All four continued counseling with Kendrick. In the time between the end of 2010 through 2011, the children continued to express fear. During this time, family therapy with Woodard began. The children were beginning to trust their mother. They were consistent with the family therapy sessions in the summer of 2011. Woodard was engaged and active with the children. The children, however, learned during this time Woodard maintained contact with Crosby and continued to consume alcohol. The children were devastated, openly crying. They began to act out. All progress was gone. When Kendrick picked up Woodard at the bus station before a family-therapy session, Kendrick confronted Woodard about her contact with Crosby and the continued drinking. Woodard responded about being angry at the system, claiming the system was designed to have mothers fail. Woodard stated she was with Crosby so she could have

money to have things for the children during their visits. Soon after this time, Woodard entered Haymarket.

¶ 62 Kendrick testified she explained to Woodard the effect it would have on her children and their bonding if she maintained a relationship with Crosby. These conversations occurred off and on throughout 2011, and when family therapy began. In the first family session Woodard had one-on-one with each child, she told them she was not drinking alcohol and not seeing Crosby. Kendrick believed Woodard was being truthful. Kendrick advocated for Woodard and the reunification of her and her children.

¶ 63 On cross-examination, Kendrick testified the last time she spoke with Woodard was in November 2011, shortly after Woodard arrived at Haymarket.

¶ 64 At the end of the hearing, the trial court found Woodard unfit. The court summarized the evidence as follows:

"[T]here's been a pattern since the beginning of the case of the mother drinking, getting better for several months, doing well, then a relapse. Never an admission of use. In particular, getting caught in the relapse is how it comes to light and then the renewal of the efforts to have treatment completed, never being successfully completed, a pattern of being in denial and not the best of attitudes towards everyone involved in the case by the mother. Clearly deception was involved, which for someone with an addiction that's not unusual, but certainly is not productive and not appropriate in trying to reach a goal of return home of children. So[,] that's

been the pattern really until November of 2011. So that would be the pattern from August of 2009 through really November of 2011."

The court found the State proved by clear and convincing evidence that Woodard failed to make reasonable efforts within the nine months after the adjudication, specifically from August 5, 2009, to May 5, 2010. The court further found the State proved its allegations Woodard failed to make reasonable progress toward the return of the children within the initial nine months after the adjudication. The court further found a lack of reasonable progress during other nine-month periods, including May 5, 2010, to February 5, 2011, and February 5 to November 5, 2011.

¶ 65 In June 2012, a hearing was held on the best interests of the children. Bratton testified for the State. According to Bratton, the children resided in two separate foster homes. A.B. and F.B. resided together in one, and T.B. and A.R. resided together in another. These children had been in these foster homes since December 28, 2010. They had not resided with Woodard since September 2009. Bratton visited the children in their foster homes "many times" and their needs were being met. The children had "[v]ery close relationships" with their foster parents, referring to them as "Mom and Dad." The children told Bratton they loved these parents and felt safe in their homes. They wanted to remain in their foster homes. In addition, the children's foster homes were less than a mile apart and the children saw each other. Both sets of foster parents were willing to adopt. Bratton acknowledged the children did, at times, say they wanted to stay in their foster homes "if we can't go back home with Mom." She stated the two oldest sometimes felt conflicted.

¶ 66 Bratton testified the children continued to attend weekly counseling with

Kendrick. They were not involved in any other services. Bratton had no concerns about the children's foster homes. Since November 2011, the children had three visits with Woodard: one in March, April, and May. Woodard did not request visits earlier.

¶ 67 On cross-examination, Bratton testified she believed the children were not placed in the same home because of the behavioral problems they were exhibiting at the time of their placements. In A.B. and F.B.'s home, there were two foster parents and their 14-year-old son. A.B. and F.B. had individualized education programs (IEPs) at their school to help meet their needs. Bratton knew the two struggled with reading and writing. Bratton knew the two were behind because, as the teachers reported, they did not get some of the basics in their earlier grades. All four children were attending summer school. T.B. and A.R. also had IEPs. One adult resided in T.B.'s and A.R.'s foster home. Another foster child also resided in the home.

¶ 68 Bratton testified visitation for the children with each other is scheduled for four hours each month. T.B. and A.R.'s foster mother included F.B. and A.B. in some visits and outings. A.B.'s and F.B.'s foster parent had, Bratton believed, scheduled a similar visit once.

¶ 69 According to Bratton, the children rarely mentioned Woodard. Bratton visited the foster homes three times each month. She spoke with the children alone during each visit. The children talked about visits with their siblings. They discussed seeing Hendrick. When Bratton would ask about Woodard, they would report where they had been to eat and what she purchased for them. The children did not talk about loving Woodard and wanting to live with her. Regarding A.R., Bratton reported she was adamant about not wanting to live with Woodard. During the six-month period when there were no visits with Woodard, the children did not ask to see her.

¶ 70 Bratton testified the children each passed their grade levels that year. The foster mother for the younger two children was a librarian. She intended to enroll the children into a private school, believing it would give them a better opportunity to catch up.

¶ 71 Bratton testified regarding the children's activities. All were involved in something, including basketball, gymnastics, and Brownies. The children had a swim pass for the same place, so they could swim together. The foster mother for A.R. took all four children on an overnight trip to Chicago for A.R.'s birthday.

¶ 72 Kendrick also testified for the State. According to Kendrick, once Woodard entered rehabilitation, the children began to settle into their foster homes and schools. The children were more interactive in therapy and less sad. A.R., who had "sort of this zoned-out, shut-down sort of attitude," was more talkative and brighter from December 2011 until late March 2012. T.B. was less distracted. Both had "very few, if any, issues at school." The pictures drawn by A.B. and F.B., which had previously been "quite dark and broken," "were much more united." Kendrick believed they felt more stable. A.B. and F.B. were not stealing food. The bed wetting became more sporadic. The children did not have problems in school.

¶ 73 Kendrick testified, around April 2012, the children's behavior began regressing. The teachers approached Kendrick during this time for this reason. F.B. was distracted. He had been walking around the classroom and shouting out answers—something he had not done for months. A.B. was aggressive toward a female student in class and began stealing food. T.B. was also being disrespectful to his teacher. These behaviors were similar to those the children were exhibiting in November 2009, when Kendrick met them. Kendrick addressed these changes with the children. The regression "appeared to be correlated with having visitation" with Woodard

again. The children were confused by the visitation. A.B. was worried if he lived with Woodard again, whether he would have food. A.R. was adamant she wanted to stay with her foster mother.

¶ 74 On cross-examination, Kendrick testified A.B., when he talked about his mother, wanted to know that she was safe. He wanted to know that she was not consuming beer. A.B. did not want to live in Chicago or with Crosby. Kendrick called A.B. "the most closed" of the children. He did not readily talk about Woodard. F.B. was more expressive. He is the child who appeared the most loyal to Woodard. F.B. was a worrier, having more anxiety than the others. F.B. worried whether Woodard was safe and not drinking. Once he learned Woodard was not drinking and was in treatment in Chicago, F.B. relaxed and began to improve. This was when F.B. began calling his foster parents "mom and dad."

¶ 75 According to Kendrick, T.B. "is quite expressive" and full of energy. T.B. was very clear about his desire to stay with his foster mother. T.B. was suspended from school because of his behaviors in October 2011, shortly after the children learned Woodard had been drinking and seeing Crosby.

¶ 76 Kendrick testified A.B. had been the child who expressed a struggle with not having a relationship with his biological father. A.B. wanted his father to go to games with him and shoot hoops with him. His foster father did those things with A.B.

¶ 77 Woodard testified on her own behalf. Woodard testified, at the time she entered rehabilitation, there was a court order in place prohibiting contact with the children while she was in treatment. After going to rehabilitation in September 2011, Woodard would call Bratton and Kendrick regarding the children. Woodard asked about visits, but was told by Bratton the

trial court ordered no contact while Woodard was in rehabilitation. Woodard, who was employed, stated she sent \$15 to each of her children in September. She also spoke with them over the phone. Woodard sent more money in October. She did not call her children during that month. In November 2011, Bratton told Woodard she could not have telephone contact with her children. Woodard sent the children Thanksgiving cards and money that month. In December 2011, Woodard sent the children photographs, Christmas cards, and money.

¶ 78 Woodard testified she requested visits after she arrived at Safe Haven. She was told she would get one two-hour visit each month and arrangements would be made to visit with her children when she appeared in Champaign for court. Woodard visited her children in February 2012 on a court date. Woodard sought more visitation. She was informed the supervisor would have to sign off on a bus ticket. Because the supervisor was not in the office, Woodard missed one visit. Another visit was missed when Bratton was sick and had to leave work early. In 2012, Woodard continued to send pictures, money, and cards. Woodard brought Christmas gifts to a visit.

¶ 79 Woodard described her children's behaviors during visits. A.B. was very withdrawn and quiet, but he was the one to suggest what Woodard and the children should do during visits. Whenever Woodard would leave, A.B. "just kind of looked sad." Woodard would hug and kiss him and tell him everything would be fine. F.B. was "very touchy and grabby." F.B. liked to hug and kiss Woodard "a lot." He would tell Woodard he loved her. F.B. liked to talk about school and would ask when Woodard would return. At the end of visits, F.B. would withdraw and get quiet. T.B. was "very jumpy" and did not like to be told no. T.B. asked a lot of questions, such as when would Woodard come back and when would the children get to return

home to Woodard. When the visits ended, T.B. would sometimes cry and "throw[] a fit." A.R. was withdrawn and "very inward." A.R. wanted to sit on Woodard's lap and hug and kiss her, rather than play with her brothers. A.R. talked to Woodard during their last visit about school and her foster mother. A.R. had an "okay attitude" at the end of visits.

¶ 80 The State called Bratton to testify in rebuttal. Bratton testified Woodard did not ask her for visits after she left treatment at Haymarket. Bratton denied Woodard ever asked her for a visit. According to Bratton, the first time visitation came up was on March 6, 2012, when someone asked her why she had not sought visits with her children. Woodard responded her attorney told her not to ask for visits because she would not be allowed such visits.

¶ 81 Bratton testified she attended the March 22, 2012, visit with A.B. and F.B. A.B. and F.B. did not tell Woodard they loved her, despite Woodard's continually telling each of them she loved them. At one point, F.B. responded, "I hear you." Bratton also attended the May 19 visit. Bratton stated the visits lasted four hours, not two hours. The case aide was told to pay attention to see if the children expressed their love to Woodard. The case aide reported the children did not tell Woodard they loved her, though she "several times" told the children she loved them. Bratton acknowledged the trial court did place restrictions on Woodard while she was in inpatient treatment, which was completed in December 2011.

¶ 82 The trial court found termination of Woodard's parental rights to be in the children's best interests. The court concluded the children were bonded to their foster parents and had stability and certainty. The court held, given what the children had experienced since 2009, the stability and certainty was in the children's best interests. The court concluded it had not "heard a great deal" about Woodard's plans for the future. The court believed Woodard's

goals were to stay clean and sober, maintain employment, and find a place to live that is safe and appropriate, but it found Woodard had not yet met those goals.

¶ 83 The consolidated appeals followed.

¶ 84 II. ANALYSIS

¶ 85 A. Fitness Determination

¶ 86 A parent will be found unfit if the State proves, by clear and convincing evidence, any one or more of the grounds listed in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2010)). See *In re A.P.*, 277 Ill. App. 3d 593, 597, 660 N.E.2d 1006, 1010 (1996). In this case, the trial court found Woodard unfit based on multiple grounds in section 1(D): (1) Woodard failed to make reasonable efforts within the initial nine months following the adjudication of neglect or abuse to correct the conditions that were the basis for the children's removal (750 ILCS 50/1(D)(m)(i) (West 2010)); (2) she failed to make reasonable progress toward her children's return within nine months of the neglect or abuse adjudication, specifically from August 5, 2009, to May 5, 2010 (750 ILCS 50/1(D)(m)(ii) (West 2010)); and (3) she failed to make reasonable progress toward her children's return within any nine-month period following the initial nine months after the neglect or abuse adjudication, specifically May 5, 2010, to February 5, 2011, and February 5 to November 5, 2011 (750 ILCS 50/1(D)(m)(iii) (West 2010)).

¶ 87 A trial court's decisions regarding parental fitness are entitled to great deference, because that court is able to view witnesses and their demeanor at trial. *A.P.*, 277 Ill. App. 3d at 598, 660 N.E.2d at 1010. We will not disturb a fitness finding unless it is against the manifest weight of the evidence, meaning "the correctness of the opposite conclusion is clearly evident from a review of the evidence." *In re T.A.*, 359 Ill. App. 3d 953, 960, 835 N.E.2d 908, 913

(2005).

¶ 88 Woodard contends she made reasonable progress during the first nine months after the adjudication of neglect, from August 5, 2009, to May 5, 2010. Woodard maintains during this time, she was attending intensive outpatient substance-abuse treatment, taking a college course, participating in counseling, receiving treatment for depression, working, and receiving food stamps. Woodard further emphasizes her progress on the March 12, 2010, service plan was rated satisfactory and the April 7, 2010, permanency order concluded she had made reasonable and substantial progress toward the goal.

¶ 89 A court determines reasonable progress based on an objective standard. See *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 605 (2004). Reasonable progress necessitates, at a minimum, measurable or demonstrable movement toward the objective of returning the child to the parent's custody. See *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067, 859 N.E.2d 123, 137 (2006). The benchmark for determining whether a parent's progress is reasonable under section 1(D)(m) includes the parent's compliance with court directives and service plans in light of the conditions giving rise to the children's removal and other conditions that later become known that would prevent the court from returning the children to the parent's custody. *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001). A court will find progress to be reasonable when it can conclude it will be able to order the children's return to parental custody in the near future because the parent will have complied fully with the court directives. *In re A.L.*, 409 Ill. App. 3d 492, 500, 949 N.E.2d 1123, 1129 (2011) (quoting *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991)).

¶ 90 We find the trial court's decision is not against the manifest weight of the

evidence. The children were removed from Woodard's care because of her alcohol abuse and the domestic-violence issues. The record supports a finding Woodard's "progress" from this benchmark was not reasonable. The conclusions drawn in the March 2010 service plan and the court's April 7, 2010, order regarding Woodard's progress carry no weight. On April 9, 2010, just two days after the cited order, Woodard tested positive for alcohol. She was also intoxicated when she was hospitalized from April 20 to 24, 2010. Woodard failed to report these incidents to the Family Treatment Court or her caseworkers. Woodard admitted knowing how to beat the Breathalyzer test. She admitted to consuming alcohol and seeing an abusive paramour during her involvement with DCFS, which included these initial nine months. These actions coupled with her positive alcohol tests in April 2010 undermine her alleged satisfactory participation in any of the services. Woodard's progress was not reasonable.

¶ 91 We find no error in the trial court's decision of unfitness based on a ground listed in section 1(D) (see 750 ILCS 50/1(D)(m)(ii) (West 2010)). Only one statutory ground must be proved to established parental unfitness, and we need not consider whether other bases for the court's findings regarding Woodard's fitness are proper. See *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006).

¶ 92 B. Best-Interests Finding

¶ 93 After finding a parent unfit, a trial court 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.

¶ 94 The burden of proving the children's best interests require the termination of

parental rights falls on the State. See *D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228. A trial court may not terminate parental rights, unless the State proves by a preponderance of the evidence it is in the children's best interests such rights are terminated. See *D.T.*, 212 Ill. 2d at 366, 818 N.E.2d at 1228. This court will not disturb an order terminating parental rights unless the court's best-interests finding is against the manifest weight of the evidence. *T.A.*, 359 Ill. App. 3d at 961, 835 N.E.2d at 914.

¶ 95 Woodard contends termination of her parental rights is not in her children's best interests. Woodard emphasizes she maintained loving and appropriate visits with her children. She contends, during her inpatient treatment, the trial court ordered her to refrain from visits and she misinterpreted this as a ban on all visits and telephone calls. Woodard, however, continued to send pictures, money, and gifts to her children. Woodard maintains she took advantage of each visit she could and her children and she were bonded to each other. Woodard further argues the children had been in three foster homes and, in two of those homes, were victims of sexual and physical abuse. She believes it is unfair to say the children, who have only been in their current foster homes for one year, could feel the stability sufficient to end their relationship with their mother, who had been succeeding at her services.

¶ 96 We find the trial court's conclusion is not against the manifest weight of the evidence. The evidence shows the children were doing well in their current foster placements and these placements offered the children permanency. The evidence further establishes the children's behavioral problems improved in the six-month period of time when the children were not visiting Woodard but returned once she reentered their lives. The trial court found Woodard had not yet met her own goals of remaining clean and sober, maintaining employment, and

finding stable housing. The children had been in foster care for over three years. There is no error in the conclusion the children's best interests would not be served by denying them stability while waiting to see if their mother could, someday, provide them the stability they deserve. The finding terminating Woodard's parental rights is not against the manifest weight of the evidence.

¶ 97

III. CONCLUSION

¶ 98

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

¶ 99

Affirmed.