

NOTICE
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2012 IL App (4th) 110762-U

Filed 1/13/12

NO. 4-11-0762

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

In re: Ch. C., So. C., and Sa. C., Minors,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Champaign County
v.)	No. 10JA36
JACQUELINE CAMFIELD,)	
Respondent-Appellant.)	Honorable
)	Richard P. Klaus,
)	Judge Presiding.

JUSTICE POPE delivered the judgment of the court.
Justices Appleton and Cook concurred in the judgment.

ORDER

¶ 1 *Held:* In this termination proceeding, the trial court's ruling, which found respondent, Jacqueline Camfield, unfit for termination purposes, was not against the manifest weight of the evidence.

¶ 2 In July 2011, the trial court found respondent mother Jacqueline Camfield unfit for termination purposes. In August 2011, the court found it was in the minors' best interests to terminate her parental rights. Camfield appeals, arguing the State failed to prove she was unfit by clear and convincing evidence. She also argues the trial court's finding of unfitness was against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Because no challenge is made to the trial court's best interest determination, we summarize only the evidence relating to the court's finding of unfitness. In May 2010, the State

filed a petition for adjudication of neglect and shelter care on behalf of Ch. C. (born May 22, 2002), So. C. (born February 22, 2006), and Sa. C. (born April 4, 2009). A shelter-care report prepared on May 5, 2010, noted the Department of Children and Family Services (DCFS) had been called on May 2, 2010. The caller stated Sa. C. was at risk for harm. The reporter alleged Camfield and her paramour were involved in a domestic dispute, which started when the paramour tried to stop Camfield from leaving to buy cocaine while Sa. C. was asleep upstairs. Camfield was arrested for domestic battery.

¶ 5 Camfield's father, the children's maternal grandfather, took Sa. C. after his daughter's arrest. He was concerned because Camfield's mother (the legal guardian of Ch. C. and So. C.), Marlene Long, allowed Camfield to care for Ch. C. and So. C. as soon as Camfield was released from jail. The investigator noted in the report protective custody was taken of the children from Long because (1) Camfield had lived with Long for extended periods of time and had used alcohol and engaged in behavior that put the children at risk, and (2) Long had allowed Camfield to take care of the children even though she knew about Camfield's substance-abuse problems.

¶ 6 The report noted Cyrus Wildman, father of Ch. C. and So. C., had signed a consent making Long the guardian of Ch. C. and So. C. He had no contact with the children. However, Wildman's wife told the investigator they had been trying to get in touch with the children, but no one would return their calls.

¶ 7 The investigator recommended Ch. C. and So. C. be placed in the temporary custody of DCFS. On May 6, 2010, the trial court placed temporary custody of the children with the guardianship administrator for DCFS. The court granted Camfield, Wildman, and Long

supervised visitation with the children.

¶ 8 At a July 7, 2010, hearing, Camfield stipulated to count II of the petition for adjudication of neglect; Wildman waived his right to an adjudicatory hearing; and Long stipulated to count III of the petition. The trial court adjudicated the children abused or neglected, finding their environment was injurious to their welfare. 705 ILCS 405/2-3(1)(b) (West 2008).

¶ 9 In August 2010, the court-appointed special advocate (CASA) filed a dispositional-hearing report. The report noted Ch. C. and So. C. were currently in relative foster placement with their paternal grandfather and his wife. Sa. C. was placed in a traditional foster home. The children had separate weekly supervised visits with Camfield and Long. The report noted Ch. C. and So. C. were healthy and well-groomed, appropriately developed for their age, and had no apparent physical problems.

¶ 10 The report noted Camfield was unemployed and had entered a 30-day treatment program in Charleston, was attending Narcotics Anonymous, and had a Narcotics Anonymous sponsor. According to the CASA, Camfield stated she wanted to parent her children and was willing to make the necessary changes in her life to be able to do so. Camfield said her mother made it too easy for her not to parent her children. According to the report, Camfield had no physical or medical limitations preventing her from parenting.

¶ 11 The CASA recommended the trial court take guardianship and wardship of the three minor children at issue and place them in the custody of DCFS. The CASA also recommended the trial court remove Long as Ch. C. and So. C.'s guardian and dismiss her as a party in the case.

¶ 12 In August 2010, the trial court entered a dispositional order, finding it in the children's best interests they be made wards of the court and adjudged neglected. The court found both Camfield and Wildman unfit and unable to care for, protect, and train or discipline the minors. The court found Camfield had "profound substance abuse issues." The court found Long unable to care for, protect, and train or discipline the minors. The court ruled it was in Ch. C. and So. C.'s best interests that custody and guardianship be removed from the respondent parents and placed with DCFS. The court dismissed Long as a party to the case and discharged her counsel. The court's decision to dismiss Long as a party was recently affirmed by our supreme court. *In re C.C.*, 2011 IL 111795.

¶ 13 The trial court directed respondent parents to cooperate fully and completely with DCFS and CASA, comply with the terms of the service plans, and correct the conditions that required the minors to be in care and be adjudged wards of the court. The court further directed respondent parents to cooperate fully and truthfully with and complete alcohol/drug usage evaluations and to immediately begin and then complete any course of counseling, education, or treatment recommended. The court also ordered respondent parents to refrain from using any mood or mind altering substances, except for prescribed medication. The court directed respondent parents to submit to blood, breath, and urine testing at DCFS's request. The court advised respondent parents they risked termination of their parental rights if they failed to correct the conditions that required the children's removal and/or failed to comply with the terms of the court's order.

¶ 14 In November 2010, DCFS filed a permanency report prepared by Catholic Charities. The report noted Camfield entered the Hour House in Charleston for substance abuse

treatment on July 19, 2010. On August 23, 2010, she was discharged from in-patient treatment and referred to outpatient services. At that time, she was meeting with Sandra Long, her counselor for the Central East Alcoholism and Drug Council, on a weekly basis. She was also participating in a weekly disease education group. The report noted Camfield's visits with the children appeared to go well.

¶ 15 On November 12, 2010, Catholic Charities filed an addendum to the permanency report. According to the addendum, Camfield was discharged from outpatient treatment for lack of attendance as of November 3, 2010. Sandra Long told Catholic Charities she had not seen Camfield since October 5, 2010. The report noted Camfield moved back to the Champaign-Urbana area on November 4, 2010. On November 8, she met with Lori Owen, the foster care case manager for Catholic Charities, to complete the substance abuse screen. She completed a global appraisal of individual needs short screen assessment, and a comprehensive assessment was scheduled for November 15. Camfield was told to call Catholic Charities every day to see if she was scheduled to submit to a drug drop.

¶ 16 In February 2011, DCFS filed another permanency report prepared by Catholic Charities. According to the report, between November 4, 2010, and February 3, 2011, Camfield had five positive drug drops and one negative drug drop. She failed to appear for drug drops eight times. Three of the positive drops were for hydrocodone for which she had a prescription. However, on two occasions, she tested positive for cocaine. In addition, she was supposed to call daily to Catholic Charities to see if she was scheduled to drop. She only called twice in the month of January 2011.

¶ 17 The report also noted Camfield was referred to Cognition Works for the Option

Program on November 12, 2010. She completed the assessment on December 7, 2010.

However, she was discharged from the program for lack of participation. Camfield was also referred for counseling at Catholic Charities but was not attending consistently. The report stated Camfield was actively involved with visitation.

¶ 18 On April 29, 2011, the State filed a motion seeking a finding of unfitness and the termination of Camfield's parental rights. The motion alleged she was unfit within the meaning of section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2008)) because she failed to make reasonable progress toward the return of the minors within 9 months of the adjudication of neglect.

¶ 19 On May 2, 2011, DCFS filed a permanency report prepared by Catholic Charities. The report noted Camfield finally finished her comprehensive assessment, which she began in November 2010, on March 24, 2011. Level II treatment, Mondays through Fridays from 8 a.m. to 1 p.m, was recommended. The report noted Camfield attended orientation for level II treatment on April 18, 2011, and was attending the treatment program. Between February 8, 2011, and April 18, 2011, Camfield missed 10 of 11 drug drops and failed to call in daily as directed. Again, the report noted Camfield was actively involved in her visitation.

¶ 20 On May 2, 2011, the CASA filed a report which noted:
"[Camfield] was admonished at the last hearing for her failure to comply with the mandated random drug screenings. [She] continues to disregard the service plan to which she agreed to call in daily to Catholic Charities and to produce a screening on the day ordered. It is clear that little has changed in the past year that

demonstrates [her] willingness to make progress toward parenting her children."

¶ 21 On July 15, 2011, the trial court held an adjudicatory hearing on the State's petition for a finding of unfitness and termination of parental rights. At the State's request and without objection, the court took judicial notice of its prior orders and Camfield's admissions to the State's request to admit. The court also accepted into evidence certified documents from the Prairie Center Health Systems and drug screen test results.

¶ 22 Jacqueline Allen, an addiction counselor at the Prairie Center, testified she worked with Camfield. Camfield began a comprehensive substance abuse evaluation on November 29, 2010. However, she did not complete the evaluation until March 24, 2011. Allen testified a comprehensive substance abuse evaluation normally only takes two hours. However, Camfield left before completing the evaluation and did not return until March 24, 2011.

¶ 23 Allen testified to the following information provided to her by Camfield. Camfield began using cocaine when she was 18 and last used cocaine in February 2011. Camfield reported using up to a gram of cocaine three times weekly until February 2011. She began using marijuana at age 16 and last used marijuana in January 2011. Camfield smoked two joints daily. She began using opiates when she was 22 and last used them in February 2011. Camfield told Allen she was taking four to five Vicodin daily. The amounts were based on usage during the peak of Camfield's addiction during the 12 months prior to the evaluation and did not necessarily represent her average usage. Allen testified Camfield did not engage in any treatment through the Prairie Center from the end of November 2010 through the end of March 2011.

¶ 24 The State also introduced into evidence calendars kept by Catholic Charities showing Camfield's lack of compliance with telephone-check-in and drug-drop requirements.

¶ 25 Karen Roam, Camfield's aunt, testified on Camfield's behalf. Although she was unable to testify to the number of times she had seen Camfield with her children since the inception of this case, she testified Camfield was loving toward her children. Roam testified she was aware of Camfield's addiction issues and stated Camfield had attempted to address that addiction. When asked if there was reason to believe Camfield was overcoming her addiction, Roam stated "I think she is trying to overcome it, yes."

¶ 26 Camfield testified she had an issue with substance abuse, which had troubled her for some time. She testified she had engaged in treatment from time to time. In July 2010, she went to in-patient treatment at the Hour House in Charleston for approximately 32 days, which she successfully completed. She testified she began out-patient treatment through Central East Alcoholism and Drug Counseling in Mattoon and was meeting weekly with an outpatient counselor named Sandra. However, she stopped seeing the counselor in October 2010.

¶ 27 Camfield testified she moved back to the Champaign-Urbana area to be closer to her children and take part in services. However, she did not take part in all the services she was offered. She was directed to call Catholic Charities every day beginning in October 2010 to see if she was scheduled for a drug drop that day. Camfield testified she attempted to comply but missed some days and drops.

¶ 28 She testified it took four months to complete her substance abuse assessment because she was fighting her addiction and did not want to do it. She admitted Jacqueline Allen's testimony regarding her peak drug usage was accurate. However, she testified she was clean and

had not used drugs for around 1 ½ to 2 months as of the time of this hearing. This was beyond the nine-month period at issue.

¶ 29 The trial court found the State proved by clear and convincing evidence Camfield was an unfit parent and later found it in the minors' best interests to terminate Camfield's parental rights.

¶ 30 This appeal followed.

¶ 31 II. ANALYSIS

¶ 32 Because no challenge has been made to the trial court's best interest determination, we limit our analysis to the finding of unfitness. Before a trial court can terminate parental rights, the State must prove by clear and convincing evidence (*In re M.H.*, 196 Ill. 2d 356, 365, 751 N.E.2d 1134, 1141 (2001)) the parent is unfit as defined by the Adoption Act (750 ILCS 50/1 through 18.06 (West 2008)) (*In re B.B.*, 386 Ill. App. 3d 686, 698, 899 N.E.2d 469, 480 (2008)). A reviewing court will reverse a trial court's finding of unfitness only when it is against the manifest weight of the evidence. *In re D.F.*, 201 Ill. 2d 476, 495, 777 N.E.2d 930, 940-41 (2002). A decision is against the manifest weight of the evidence only where the opposite result is clearly evident or where the determination is unreasonably arbitrary and not based on the evidence presented. *In re Cornica J.*, 351 Ill. App. 3d 557, 566, 814 N.E.2d 618, 626 (2004). The manifest-weight-of-the-evidence standard of review applied to a court's fitness findings calls for deference to be given to the court's decision.

¶ 33 Camfield argues the State failed to prove by clear and convincing evidence she was unfit for failing to make reasonable progress toward the return of her children within the first nine months after the adjudication of neglect. The trial court entered an adjudicatory order

pursuant to section 2-21 of the Juvenile Court Act of 1987 (Juvenile Act) (705 ILCS 405/2-21 (West 2008)) finding the children were abused or neglected as defined by section 2-3 of the Juvenile Act (705 ILCS 405/2-3 (West 2008)) on July 7, 2010. The nine-month period at issue ended on April 7, 2011. Camfield also argues the trial court's finding she was unfit was against the manifest weight of the evidence. We disagree.

¶ 34 Camfield points to the fact she completed in-patient treatment at the Hour House in Charleston at the beginning of this nine-month period. While this is true, after she was discharged from the in-patient treatment program, the record reflects she failed to make any progress addressing her substance abuse issues. As of November 3, 2010, she had been discharged from recommended out-patient treatment for lack of attendance.

¶ 35 Between November 4, 2010, and February 3, 2011, Camfield tested positive for cocaine twice. She was discharged from the Option Program at Cognition Works for lack of participation. She did not consistently attend counseling at Catholic Charities. She did not engage in any treatment at the Prairie Center from the end of November 2010 to the end of March 2011. While Camfield started the comprehensive assessment process to determine her DSM-IV diagnosis and appropriate level of care in November 2010, she did not finish it until March 24, 2011. The assessment should have been completed in two hours.

¶ 36 In addition, while directed to call Catholic Charities daily to determine if she was scheduled to give a drug drop on that particular day, Camfield did not consistently meet this directive, which resulted in her missing many scheduled drug drops. Out of 31 days in January, she only called in twice. She continued using drugs during the nine-month period. It is clear from the record in this case Camfield had a serious addiction problem which she failed to address

in the nine months after the adjudication of neglect. Camfield admitted as much at the fitness hearing.

¶ 37 Camfield argues "[a] question arises as to how to measure [her] progress toward the return of her children" because the State did not introduce any evidence regarding a service plan against which to measure her progress. In this case, the State presented sufficient evidence to show Camfield did not make reasonable progress. Our supreme court has stated:

"[T]he benchmark for measuring a parent's 'progress toward the return of the child' under section 1(D)(m) of the Adoption Act encompasses the parent's compliance with the service plans *and the court's directives*, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later become known and which would prevent the court from returning custody of the child to the parent." (Emphasis added.) *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001).

Based on the record in this case, the trial court's finding of unfitness was not against the manifest weight of the evidence as Camfield did not comply with the court's detailed directives, which included addressing her addiction to controlled substances and cooperating with DCFS and CASA.

¶ 38 III. CONCLUSION

¶ 39 For the reasons stated, we affirm the trial court's judgment with regard to the termination of Camfield's parental rights.

¶ 40 Affirmed.

