2017 IL App (4th) 170296-U

NO. 4-17-0296

FILED
September 18, 2017
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: L.D., a Minor,	)	Appeal from
	)	Circuit Court of
(The People of State of Illinois,	)	Sangamon County
Petitioner-Appellee,	)	No. 14JA16
v.	)	
Alan Meddows,	)	Honorable
Respondent-Appellant).	)	Karen S. Tharp,
	)	Judge Presiding.

JUSTICE STEIGMANN delivered the judgment of the court.
Justices Holder White and Knecht concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed the trial court's judgment terminating respondent's parental rights.

¶ 2 In February 2014, the State filed a petition for adjudication of neglect, alleging that respondent's minor daughter, L.D. (born Feb. 14, 2014), was neglected under section 2-3(1) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1) (West 2014)). At a September 2014 hearing, respondent stipulated that L.D. was neglected. In October 2014, the trial court entered a dispositional order adjudicating L.D. neglected and making L.D. a ward of the court.

¶ 3 In September 2015, the State filed a petition to terminate respondent's parental rights as to L.D. In March 2017, after multiple fitness hearings, the trial court found respondent an unfit parent. After an April 2017 best-interest hearing, the court found it was in the best interest of L.D. to terminate respondent's parental rights.

¶ 4 Respondent appeals, contending that the trial court erred by (1) finding that respondent was an unfit parent, (2) finding that it was in L.D.'s best interest to terminate respondent's parental rights, and (3) excluding respondent's proposed witness from testifying at the fitness hearing. We affirm.

¶ 5 I. BACKGROUND

¶ 6 A. Proceedings Prior To Filing the Petition To Terminate Parental Rights

¶ 7 On February 14, 2014, Melinda Dawson gave birth to L.D. and "indicated to hospital staff she was unable to care for her daughter and requested [the Department of Family and Children Services (DCFS)] be called." Dawson informed hospital staff "all of her other children were taken [by DCFS] or placed with her mother." Five days later, DCFS took protective custody of L.D.

¶ 8 In February 2014, the State filed a petition for adjudication of neglect alleging L.D. was a neglected minor in accordance with section 2-3(1)(b) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b) (West 2014)). Specifically, the State's petition alleged L.D. was in an environment injurious to her welfare because of (1) Dawson's having other children adjudicated as neglected and her failure to make reasonable progress toward their return home in Sangamon County case No. 09-JA-13, (2) Dawson's mental health diagnosis, and (3) domestic violence between Dawson and respondent. The trial court continued the matter to allow respondent time to find an attorney and further ordered respondent to undergo paternity testing.

¶ 9 After a February 2014 shelter-care hearing, the trial court entered an order granting temporary custody and guardianship of L.D. to DCFS.

¶ 10 In March 2014, the trial court ordered weekly supervised visitation between respondent and L.D. In April 2014, a paternity test confirmed respondent was the biological

father of L.D. In May 2014, respondent was arrested for domestic violence against Dawson for which he later pleaded guilty.

¶ 11 At a September 2014 hearing, respondent stipulated that L.D.'s environment was injurious to her welfare due to domestic violence. In an October 2014 dispositional order, the trial court adjudicated L.D. a ward of the court and placed guardianship of L.D. with DCFS.

¶ 12 In an October 2014 permanency review order, the trial court set a permanency goal to return L.D. home within 12 months and ordered respondent to undergo a psychological evaluation. In April 2015, respondent was again arrested for domestic violence against Dawson and again pleaded guilty. In September 2015, L.D.'s permanency goal was changed to substitute care pending adoption.

¶ 13 B. Petition to Terminate Respondent's Parental Rights

¶ 14 In September 2015, the State filed a petition to terminate respondent's parental rights, alleging respondent was unfit for the following reasons: (1) failure to maintain a reasonable degree of interest, concern, or responsibility as to L.D.'s welfare (750 ILCS 50/1(D)(b) (West 2014)); (2) failure to make reasonable efforts to correct the conditions which were the basis for the removal of L.D. (750 ILCS 50/1(D)(m)(i) (West 2014)); (3) failure to make reasonable progress toward the return of L.D. to him within the nine-month period from September 10, 2014, to June 10, 2015 (750 ILCS 50/1(D)(m)(ii) (West 2014)); and (4) abandonment of L.D. (750 ILCS 50/1(D)(a) (West 2014)). In April 2016, the State filed a supplemental petition, adding the allegation that respondent failed to make reasonable progress toward the return of L.D. within the nine-month period from June 10, 2015, to March 10, 2016.

¶ 15 1. *Fitness Hearings*

¶ 16 In May 2016, the trial court conducted a hearing on the State's petition for termination of parental rights. Testimony from that hearing is as follows.

¶ 17 a. Dr. Lori McKenzie

¶ 18 Dr. Lori McKenzie, a clinical psychologist, conducted psychological evaluations of respondent in April and July 2015. Her psychological evaluation indicated that respondent had no significant cognitive limitations and showed no significant evidence of depression, anxiety, or any psychiatric mood disorders. However, McKenzie found respondent met the criteria for obsessive-compulsive disorder (OCD) and schizotypal personality disorder.

¶ 19 McKenzie testified further that schizotypal personality disorder "is a pervasive way of approaching other people and the world" and is often characterized by "odd, eccentric behaviors," as well as "paranoid ideations." McKenzie acknowledged it was "concerning" that respondent "couldn't identify friendships or a support system," which is "not uncommon" for a person with a personality disorder. She testified, "It's unusual for someone to be in their 50's *** and not have social relationships, other people that you depend on for social support," and clarified she was referring to "relationships with others in general."

¶ 20 McKenzie opined that her evaluation raised concerns about respondent's ability to raise a child, specifically insomuch that his obsessive thoughts would prevent him from (1) focusing on L.D.'s needs and (2) properly perceiving her behavior. She further testified his schizotypal personality disorder would prevent him from making appropriate decisions based on reality. Dr. McKenzie also stated respondent has "some kind of significant feeling that other people are out to get him," which she admitted could have been a result of his interactions with DCFS in his attempts to gain custody of L.D. She acknowledged that while OCD can be treated

with medication, it was significant that respondent reported to her he did not have social relationships, design, or social support. According to McKenzie, an individual with OCD has "obsessive thoughts that cause anxiety and then engage in behaviors of some kind in order to reduce that anxiety, and those things occur at a level that cause significant problems for the individual."

¶ 21 On cross-examination, McKenzie admitted OCD in and of itself would not render respondent incapable of parenting L.D. However, she opined respondent's inability to parent L.D. stemmed from a combination of schizotypal disorder and dependent personality disorder, stating, "If someone is not able to understand their behavior is problematic, as is common with people with [a] personality disorder, then they're not going to be able to make an effort to change because they don't see any reason to need to change." McKenzie received a referral package from a caseworker indicating respondent had OCD, but stated other information in the referral package supported the caseworker's impression of OCD, including respondent (1) signing up for numerous parenting classes and (2) continuously asking questions about his parenting during visitation and whether or not he was doing things correctly. According to McKenzie, respondent could become overprotective and smother L.D. McKenzie found respondent's focus on his daughter's being pretty with long hair and beautiful clothes indicative of OCD, which could affect his ability to parent.

¶ 22 b. Ashley Horton

¶ 23 Ashley Horton, a foster care supervisor at the Family Service Center, oversaw respondent from July 2014 through December 2014. Respondent's first service plan was generated in February 2014, but was not delivered to him until April 2014. In August 2014, Horton held an annual case review for respondent's first service plan, in which she rated

respondent satisfactory in counseling, income, and parenting classes. However, she rated respondent unsatisfactory in having a stable residence and case cooperation. Horton testified respondent was argumentative with her and never fully cooperative with the tasks asked of him. Even though respondent was in counseling, he was still verbally aggressive toward staff at the Family Service Center.

¶ 24 Respondent's second service plan lasted from August 2014 through January 2015, for which Horton held an annual case review with respondent in February 2015. According to Horton, respondent rated satisfactory for counseling, mental health, and housing. However, respondent refused to provide information on his finances and, therefore, received an unsatisfactory rating for income. Although respondent attended parenting classes, he rated unsatisfactory for parenting by failing to display what he learned at visitations with L.D. Respondent rated unsatisfactory for anger management because he was verbally aggressive toward staff at the Family Service Center.

¶ 25 During the second service plan, respondent attended 23 out of 27 possible visitations with his daughter. He missed one visit due to the illness of L.D. and failed to appear for another visit. Horton did not have an explanation for respondent's absence from two visitations.

¶ 26 According to Horton, respondent failed to make enough progress in his service plans, so she was never close to placing L.D. in his custody. She testified respondent "took time to change a diaper. It wasn't that he necessarily did it wrong, it just took longer than what we would expect." During a visitation in September 2014, Horton found respondent had difficulty soothing L.D. when she was crying. As respondent attempted to calm down L.D., Horton provided parenting suggestions, which he resisted. Although Horton acknowledged respondent

improved during visitations, she observed L.D. would cry a lot and respondent was not sure how to handle her behavior. She expressed concern about respondent's parenting ability; opining respondent was unable to understand that a child could grow out of clothes and wanting to use certain toys that were no longer age appropriate.

¶ 27 c. Joshua Sproat

¶ 28 Joshua Sproat, a foster-care caseworker for L.D. from December 2014 through May 2016, testified about respondent's August 2015 annual case review for a service plan lasting from February 2015 through August 2015. According to Sproat, respondent rated unsatisfactory in income for failure to provide financial documentation. Respondent rated unsatisfactory in counseling due to "inconsistent" attendance and failure to complete the second part of a psychological evaluation after he was arrested for domestic violence against L.D.'s mother in April 2015. Respondent's domestic-violence arrest led to an unsatisfactory rating in anger management, and his failure to inform Sproat of his arrest served as the basis for an unsatisfactory rating in cooperation. However, in light of respondent's attendance at parenting classes and visits with L.D., Sproat was "optimistic" he would improve his parenting skills and, therefore, rated respondent satisfactory in parenting.

¶ 29 Sproat also testified to participating in an annual case review held in February 2016 for a service plan covering August 2015 through February 2016. Sproat rated respondent satisfactory in income after respondent provided him updated financial information. However, respondent did not obtain suitable housing. His apartment had a "large, steep metal staircase *** on the top floor of the house," which Sproat described as "extremely steep, open[-]sided, and represents a hazard to adults much less children." Sproat also found unfinished repairs in the house. Sproat concluded that respondent's housing was not suitable due to "uncorrectable safety

concerns, especially the staircase" and the lack of "independent space for a child." Respondent received satisfactory ratings for counseling and anger management but received an unsatisfactory rating in parenting due to difficulty recognizing when L.D. was tired or hungry.

¶ 30 Respondent attended 42 of 48 visitations available while Sproat was his caseworker. Sproat testified respondent missed visits while he was in Sangamon County jail for domestic abuse. During visitations, respondent was "always very affectionate, very verbal in his affection" but "[t]here were some issues in terms of his ability to provide [L.D.] space." For example, Sproat described respondent as "hovering" over L.D. as she napped. Respondent "would lay down on the floor next to her, and then she would wake up." At times, it was "clear that [respondent] may be missing a cue."

¶ 31 Sproat testified respondent gave L.D. age-appropriate cards, gifts, or letters and maintained weekly contact with her. Sometimes respondent "could be very animated," "clearly aggressive," and "very accusatory." According to Sproat, "[i]t didn't matter how many times we had spoken about something; *** invariably, it would pop back up, and he would want to reargue the issue."

¶ 32 d. Patricia Kaidell

¶ 33 Patricia Kaidell, the supervisor for L.D.'s case at the Family Service Center, testified that respondent's relationship with Horton "deteriorated," and Horton was removed from his case. Respondent often would have complaints about L.D.'s care, and Kaidell testified, "He came to me once because he felt the baby was placed in a home where there was a boa constrictor, and I assured him there was no boa constrictor in that home."

¶ 34 Kaidell stated, while entering a courtroom in June 2016, respondent "shut the door so I couldn't get in." After court that day, Kaidell testified that "Mr. Meddows was getting

on his bus and Josh Sproat and myself and Ashley Horton were outside the court, and Mr. Meddows told Josh that he had taken pictures of our vehicles, mine, Ashley's and Josh's *** and he knew where we lived." In another incident in July 2016, Kaidell saw respondent at the Dollar Tree taking pictures of her car with his cellular phone.

¶ 35 In September 2016, respondent, who "had a history of substance use when the case came into care" tested positive for marijuana.

¶ 36 Respondent had also threatened to sue Kaidell for "emotional abuse" for changing visitation dates and for violating his civil rights. Kaidell testified that in May 2016, respondent appeared outside the home of case aide Susan Price. Kaidell further testified to receiving "verbally aggressive" voicemails from respondent and that the threatening nature of his actions further indicated unsatisfactory achievement of goals of counseling and anger management.

¶ 37 e. Emily Roberts

¶ 38 Emily Roberts, who served as a case aide supervising various visitations between respondent and L.D., testified respondent was 30 minutes late to a visitation in December 2014. During a visitation in August 2015, respondent "would take a very long time to do something," causing L.D. to cry "very hard." Roberts noticed during that visit that respondent would get physically close to L.D. and make her uncomfortable. She also saw respondent chase L.D. around while she had a cookie in her mouth. According to Roberts, making timely diaper changes was a recurring issue for respondent, which she noticed during a visitation in September 2015.

¶ 39 f. Susan Price

¶ 40 Susan Price, a case aide at the Family Service Center, testified she observed approximately 35 visitations between respondent and L.D. During a February 2015 visit, Price

had to redirect respondent to stop talking about the pendency of the case and witnessed him having trouble changing L.D.'s diaper.

¶ 41 During multiple visitations, Price had to again redirect respondent to stop discussing the case and pay attention to L.D. In August 2015, respondent left a visit, stating L.D. "was mean like her mother after she scratched him and grabbed his glasses." When he left visitation, respondent also stated, "I can't take this." After respondent left, L.D. did not cry or act upset. Price noticed respondent would bring snacks for L.D. at visitation.

¶ 42 g. Tiffany Hampton

¶ 43 The State's final witness was Tiffany Hampton, a parenting coach who observed eight visitations between respondent and L.D. beginning in September 2015.

¶ 44 During Hampton's first visitation, she had to tell respondent not to feed L.D., who was at an age at which she could feed herself. Hampton also found, "He often forgot to have the items ready when changing [L.D.], so she would become very upset when he would lay her there half[-]changed to grab the items that he needed before he began fully changing her." Hampton worked with respondent on parenting techniques and requested he review parenting materials she provided him. She testified respondent failed to review the materials she provided him, which she found "very concerning."

¶ 45 During visitations, Hampton noticed respondent was not bringing food or supplies for L.D., provided by L.D.'s foster parents. At a visitation in October 2015, Hampton found respondent failed to implement her instructions on feeding L.D. and putting her down for a nap. At that same visit, respondent had trouble understanding a diaper required changing "even if it didn't smell."

¶ 46 Hampton testified that during a December 2015 visit, respondent brought gifts, toys, diapers, wipes, a sippy cup, and a Christmas dress for L.D. However, at that visit, he failed to put L.D. down for a nap.

¶ 47 h. Dr. Seleena Shrestha

¶ 48 Respondent's first witness was Dr. Seleena Shrestha, a board-certified psychiatrist who conducted a psychiatric evaluation of respondent in September 2015. According to Shrestha, respondent met the criteria for major depression, which appeared to be in partial remission due to the success of his medication. Shrestha opined respondent's DCFS involvement caused an adjustment disorder with depressed mood in respondent.

¶ 49 Shrestha disagreed with McKenzie's diagnosis of OCD and schizotypal personality disorder. Shrestha explained that respondent's obsessive thoughts stemmed from "working toward the goal" of obtaining custody of L.D. Shrestha testified psychologists, such as McKenzie, use "rating scales" to diagnose patients, whereas psychiatrists use clinical judgment premised upon the Diagnostic Statistical Manual.

¶ 50 Shrestha admitted that "[m]ajor depressive disorder can be really severe and can cause *** problems in a person's life." However, she did not think respondent's diagnosis was particularly severe and recommended he continue attending counseling and taking his prescribed medication.

¶ 51 i. Meghan Golden

¶ 52 Meghan Golden, a behavioral health consultant at the Southern Illinois University Center for Family Medicine, provided respondent psychotherapy beginning in July 2015. After interviewing and testing respondent, Golden found he had "a little bit of depression but that it's

not affecting him on *** a daily basis in multiple areas of his life." She ultimately diagnosed respondent with adjustment disorder with depressed mood.

¶ 53 Thereafter, Golden began meeting respondent weekly for counseling, stating respondent's cooperation in counseling was "very high."

¶ 54 Golden testified respondent's mental health would not impede his ability to parent. She stated respondent's obsessive thoughts did not equate to "a full-blown mental health disorder," such as OCD. Golden found respondent's obsessive thoughts stemmed from "love for his daughter and desire to regain custody and start parenting her himself." She also stated on cross-examination that, on one occasion, she attended a DCFS meeting and suggested respondent be rated satisfactory in counseling.

¶ 55 j. Michelle Herron

¶ 56 Michelle Herron, the director of clinical services at the Family Service Center, supervised counselors under respondent's service plan. Herron oversaw respondent's counselors, having regular meetings with them from July 2014 until September 2015.

¶ 57 According to Herron, respondent was consistent in attendance, except when he was out of town or in jail. Respondent had four counseling goals: (1) anger management, (2) coping with trauma, (3) "to develop activities to do in between visits with his daughter," and (4) emotional regulation. Herron testified respondent made significant progress in his counseling goals but failed to make significant progress in "[e]motional regulation and some of the anger management."

¶ 58 k. Troy Johnson

¶ 59 Troy Johnson, a counselor with the Family Service Center, counseled respondent from March to August 2015. Johnson established four counseling goals with respondent: (1)

anger management, (2) addressing childhood issues, (3) finding new personal activities, and (4) developing a new relationship with someone other than Dawson. Johnson enacted the last goal after respondent's arrest for domestic violence in April 2015.

¶ 60 Johnson testified respondent made progress toward all of his counseling goals and achieved the goal of addressing childhood issues. On cross-examination, Johnson admitted respondent's April 2015 arrest nullified progress in counseling. Johnson also stated respondent did not make progress in his anger-management counseling.

¶ 61 Johnson disagreed with McKenzie's diagnosis of respondent, stating, "I don't feel that a full diagnosis of schizotypal [disorder] was present, but that's just my opinion."

¶ 62 l. Roslyn Simmons-Lindsay

¶ 63 Roslyn Simmons-Lindsay, an advocate at Primed for Life, a local family advocacy center, worked with respondent from May 2015 to September 2016. As an advocate, Simmons-Lindsay accompanied respondent during visitations, home inspections, and DCFS meetings.

¶ 64 In March 2016, a city building inspector found respondent's staircase posed no safety hazard, even though it contributed to respondent failing two prior home inspections by DCFS. Simmons-Lindsay stated respondent was angry after DCFS barred him from going into the examination room at L.D.'s doctor appointment.

¶ 65 In summer 2015, Simmons-Lindsay noticed caseworker Sproat would interrupt visitations. She found respondent could recognize some cues from L.D. and showed improvement in identifying cues. No discussion took place at visitation about L.D.'s taking naps during visitation, which interfered with respondent's time to engage with L.D. On one occasion,

respondent was not allowed to speak during a meeting with DCFS to discuss McKenzie's psychological evaluation.

¶ 66 Simmons-Lindsay stated she accompanied respondent to three annual case reviews, and she disagreed with unsatisfactory ratings on his service plans. In September 2015, she found respondent should have been rated satisfactory in counseling because he only missed "three or two" appointments, and "he had had documentation that stated he didn't cancel, that his counselor cancelled." In respondent's February 2016 annual case review, Simmons-Lindsay found respondent should have received a satisfactory rating in domestic violence due to having obtained an order of protection against Dawson, whom "he had not had any dealings."

¶ 67 Simmons-Lindsay opined respondent could parent L.D. if provided "community supports," meaning parenting programs, family, and friends. However, she stated respondent could not parent independently. She noted respondent had aunts in the Springfield area and family in O'Fallon, Illinois.

¶ 68 m. Respondent

¶ 69 Respondent testified that Dawson "would always beat me. You know, it was not a healthy relationship." Respondent also acknowledged "incidents of physicality" with Dawson when police responded and took both Dawson and respondent to jail. However, respondent stated that "on several times they took [Dawson] to jail without taking me to jail because I had visible injuries." Respondent stated he never initiated physical altercations with Dawson.

¶ 70 Respondent acknowledged he pleaded guilty to domestic violence in 2014 and 2015. In 2016, respondent obtained an order of protection against Dawson. He testified that the 2015 incident did not involve a physical altercation but occurred after Dawson showed up at his apartment unannounced and started screaming, "Help!" Once Dawson started screaming,

respondent left and decided to get a prescription filled. Police arrested respondent at a CVS Pharmacy. Respondent explained his decision to plead guilty, as follows: "I could have fought it and won, but it would have ate up so much time on my service plan, and my top priority was my service plan."

¶ 71 After L.D.'s birth in February 2014, respondent moved to Springfield in an attempt to obtain custody of her. He engaged in his service plans but found most parenting classes "have nothing to do with parenting. The majority of it is your relationship with your partner." According to respondent, "none of [the parenting classes] taught you about bottle breaking, diaper changing, teething, nothing about raising a baby."

¶ 72 To comply with his service plan, respondent resumed taking medication and began counseling at the Family Service Center in February 2014. He has also benefited from counseling with Golden, stating it was "great" and he has learned to "stay away from abusive women."

¶ 73 Respondent stated he initially brought diaper supplies with him to visits with L.D., but stopped doing so after Horton and a case aide, K.J. Robinson, criticized him by claiming the wipes he brought were not good for sensitive skin. Respondent said he followed L.D. closely during visitations because of safety concerns about the facilities at the Family Service Center, such as a glass door, staples in the carpet, and dirty toys. Defendant testified, "I gave her plenty of space, but I was also very protective."

¶ 74 During visitations, Family Service Center staff would not answer respondent's questions about whether L.D. had eaten or taken a nap. L.D. would nap often during visitation, which respondent found concerning because "[t]he judge even instructed the visits be scheduled around her nap time so that she's awake during her visits, our visits." DCFS also told respondent

he could not provide L.D. cake and ice cream, indicating she could not have sugar with no further explanation.

¶ 75 Respondent admitted, "It's hard to pick up on [L.D.'s] cues at times." He explained, "Not always, sometimes it was very apparent, but without being around her all the time, it was hard to gauge and judge at times what exactly the need was, if there was a need. Respondent also stated:

> "I've done everything everybody involved in this case has asked of me and additional things, and I'm still willing to do anything and everything to satisfy any reasonable person that my daughter will be safe 24/7, properly educated, properly clothed, have a safe roof over her head until the day I die."

¶ 76 n. Robert Blackwell

¶ 77 Respondent sought to refute the State's testimony through that of Robert Blackwell, chief of the Office of Racial Equity Practice at DCFS. The State objected to Blackwell's testimony on relevance grounds. Respondent argued that Blackwell's testimony would show that the Family Service Center failed to comply with DCFS policies for child-welfare agencies. The trial court sustained the State's objection but agreed to hear Blackwell's testimony as an offer of proof.

¶ 78 Blackwell testified he first met respondent through a review conducted by his office in July 2015. In August 2015, Blackwell received complaints from respondent about his services, stating respondent's "particular concerns centered around issues of not *** feeling like he had direct involvement in his service plans, not feeling that he was being seriously considered for reunification efforts with [L.D.]." Respondent further complained to Blackwell that he was being mistreated and his visitations with L.D. were too infrequent.

¶ 79 In September 2015, Blackwell performed an investigation of respondent's complaints, interviewing the foster parents of L.D. and DCFS workers involved in L.D.'s care. Blackwell found there "appeared to be some bias on the part of the—the provider relative to adoptions versus reunification," denying respondent the chance to "fully engage in reunification services *** in light of the recommendation *** that was pending for his service change to a termination of parental rights." Blackwell stated respondent was denied a sufficient opportunity to provide his input and that documentation revealed conflicts between respondent and L.D.'s foster parents.

¶ 80 Blackwell had recommended transferring L.D.'s case to another service provider other than the Family Service Center. However, DCFS declined his recommendation and discontinued his review of L.D.'s case.

¶ 81 o. Cathy Smith

¶ 82 In response to respondent's offer of proof, DCFS called Cathy Smith, regional administrator for operations in central Illinois for DCFS. In September 2015, Blackwell requested she review L.D.'s case and consider removing the case from the Family Services Center. In November 2015, Smith completed a review of L.D.'s case files and found no issues with the case, stating, "Blackwell's report was in error and that the record correctly reflected what had been going on in the case." She also found changing L.D.'s permanency goal to substitute care "was the correct goal based on the information that was contained in the case record."

¶ 83 2. *The Trial Court's Fitness Finding*

¶ 84 In March 2017, the trial court found respondent unfit by clear and convincing evidence, citing "parenting and anger management and domestic violence," as well as diagnoses

of OCD and schizotypal disorder. The court noted, following his April 2015 arrest, respondent "stipulated that there was domestic violence between [Dawson] and he [*sic*]." The court explained, "He was arrested in May of 2014 for domestic violence, pled guilty to that. He was arrested in April 2015 [for domestic violence], pled guilty to that."

¶ 85 The trial court expressed concern about the May 2016 incident in which respondent appeared outside the home of Price, as well as Kaidell's testimony about seeing him outside the Dollar Tree photographing pictures of her car in June 2016. The trial court added, "I'm incredibly troubled by those actions by someone with a history of domestic violence." The court also indicated Blackwell's testimony, even if admitted, would not have changed the outcome of its finding.

¶ 86 The trial court noted the testimony of respondent's witnesses, Johnson and Herron, stating he did not make progress on his anger-management issues. Thereafter, the trial court observed, "[B]y the time this case had been a year past adjudication, pretty much every witness said [respondent] still can't figure out how to change a diaper, [respondent] can't set a routine, [respondent] can't understand [L.D.]'s cues, [respondent is not] bringing items that [L.D.] needs."

¶ 87 The trial court reasoned that respondent's lack of a support system was also a concern. The court stated respondent's "witness, Roslyn [Simmons-Lindsay], says [respondent] can't parent independently. *** I note that Roslyn [Simmons-Lindsay] stated that she believes [respondent] could parent. While [respondent] can't do it independently, [respondent] could if [respondent] had a support system." However, the court found, "[Respondent] told Dr. McKenzie [respondent] had no support system," which refuted his testimony to having a support

system in place. The court stated that respondent "gave no names" and that "nobody came in here to tell me they were going to be support for you."

¶ 88 According to the trial court, "[i]t's not just an issue about you knowing how to change diapers. Parenting doesn't get easier when kids are out of diapers, it gets harder." The court cited the instance when respondent stated L.D. was "mean like her mom." The court explained, "As a parent, you would be the one who would teach [L.D.] how to deal with situations when they don't go your way."

¶ 89 The trial court found respondent showed a reasonable degree of interest and concern, stating, "He visited, maintained visits." However, the court concluded the State showed by clear and convincing evidence respondent failed to show a reasonable degree of responsibility. The court also found the State showed respondent did not make reasonable efforts to correct conditions arising to an adjudication of neglect, citing domestic violence during his service plans and "the other issues that were addressed along the way."

¶ 90 The trial court then found respondent "clearly" did not demonstrate reasonable progress toward the return of L.D. to his custody "within nine months from adjudication, or any nine months, including the time frame up to June 10th, 2015[,] or up to March 10th, 2016." The court mentioned that respondent's caseworkers were never close to returning L.D. to his custody, stating, "the caseworkers themselves were here, testified subject to cross, I found them credible."

¶ 91 3. *The Best-Interest Hearing*

¶ 92 In April 2017, the trial court held a best-interest hearing. Testimony from the best-interest hearing is summarized as follows.

¶ 93 a. Joey Dawson

¶ 94 The State's first witness was L.D.'s great uncle, Joey Dawson, who served as her foster parent, along with his spouse. According to Dawson, L.D. had her own bedroom and resided with her 10-month-old sister. Dawson testified he was retired and spent time with L.D., making her breakfast and taking her to the park or mall. He also had enrolled L.D. in swimming classes. Under his care, L.D. had learned colors and "a lot of words." She was also seeing a speech therapist. Dawson testified L.D. visited often with other family members. She saw her older brothers on a weekly basis and attended her cousins' birthday parties.

¶ 95 According to Dawson, L.D. was not interested in visiting with respondent, stating she sometimes would avoid going by hiding behind his leg. After visitations, L.D. would be worn out and have nightmares. L.D. had never mentioned respondent in front of Dawson. Dawson testified he was willing to adopt L.D.

¶ 96 On cross-examination, Dawson admitted L.D. had once chewed on a nasal spray container and, on another occasion, chewed on an ointment container. Dawson stated he had concerns about respondent holding L.D., stating, "he kept repeatedly—held her up, got in her face, and said, [d]addy loves, [d]addy loves you, [d]addy loves you, over and over and over."

¶ 97 b. Holly Wheeler

¶ 98 The State's next witness was Holly Wheeler, a receptionist at the DCFS Director's office, who testified respondent had called her office several times regarding L.D.'s case. In March 2017, respondent called Wheeler, requesting to speak to the supervisor of the DCFS advocacy office, who was not available at the time. According to Wheeler, respondent told her he did not "understand why Ms. Hawkins was involved with visitation with his child." Respondent "also said that he hopes that everyone involved with his case had a child snatched

away from them either by DCFS, death[,] or kidnapping." Wheeler stated respondent then hung up the phone.

¶ 99 c. Christine Lindsey

¶ 100 The State's final witness was Christine Lindsey, executive director of the Family Service Center. According to Lindsey, L.D. had no specialized needs but received services for speech development. Lindsey indicated L.D. had been making progress in her foster placement, stating, "[s]he is very attached, well behaved, is doing well in her physical and emotional development, as well as her speech development, which is improving."

¶ 101 Lindsey found L.D.'s medical and social needs were being met under the care of her foster parents. She indicated L.D.'s educational needs were being met and that L.D. was being screened for placement in preschool. L.D.'s foster parents wanted to help provide for her college education, and "[t]hey expressed the desire to make her a permanent part of their family." L.D.'s foster parents signed a permanency commitment form.

¶ 102 During visitations, Lindsey noticed L.D. "prefers to play by herself." According to Lindsey, "Most of the interaction that I see is [respondent] kind of insinuating himself into her space." Lindsey had never heard L.D. refer to respondent as "daddy" and stated L.D. does not show behaviors indicating a "strong attachment" to respondent. Lindsey had "never seen [L.D.] hug or kiss [respondent] or *** say I love you or *** be fussy or tearful, crying, when the visit is over."

¶ 103 In April 2017, visitation between respondent and L.D. took place at the Springfield police department "[b]ecause [respondent] has made numerous threats against the Family Service Center staff, and DCFS warranted that the visits should be in a secure location."

On another occasion, Kaidell had obtained an order of protection against respondent after he had threatened her child.

¶ 104 Lindsey opined there would be no harm to L.D. if respondent's parental rights were terminated. She stated L.D. "does have a strong bond with her foster parents."

¶ 105 d. Candace Franks

¶ 106 Respondent's first witness was Candace Franks, a friend and ex-girlfriend who had known him for 34 years. Franks testified she accompanied respondent on two visitations in February 2016 and January 2017.

¶ 107 At a visitation in February 2016, Franks stated L.D. smiled upon seeing respondent. L.D. referred to him as "daddy" and "wanted to be held" by respondent. L.D. played hide-and-seek with respondent and sat down with him to open a birthday present. Franks noticed respondent checked and changed L.D.'s diaper.

¶ 108 Franks stated respondent brought a Christmas tree with presents to celebrate the holiday during visitation. Respondent also made "a special cake" for L.D., brought a Christmas dress for her, and gave her an age-appropriate "little fire truck."

¶ 109 At a visitation in January 2017, L.D. had "immediately beamed and ran up to" respondent upon seeing him. According to Franks, "immediately, [L.D.] wanted to be picked up, and he held her and stuff, and they hugged and kissed." She also heard respondent and L.D. say to each other, "I love you."

¶ 110 Franks observed a closer level of attachment between L.D. and respondent at the January 2017 visit. Toward the end of visitation, L.D. "started getting a little bit more somber. She acted like she didn't want the visit to end. And she seemed to cling to [respondent] a little bit more." At the end of visitation, L.D. started crying.

¶ 111 e. Donna Burns

¶ 112 Donna Burns, respondent's sister, accompanied him to a visitation with L.D. in January 2017. According to Burns, L.D. smiled when she first saw respondent at visitation and gave him a hug. She also noticed L.D. had a "big old sore" on her right foot and that there was no bandage on the sore, which was "all red" and "oozing." L.D. seemed "[v]ery happy" around respondent. When visitation was over, L.D. "got really upset and started crying and didn't want [respondent] to leave."

¶ 113 f. Respondent

¶ 114 Respondent testified he had visitation with L.D. several days prior to the best interest hearing in April 2017, and that "[a]s soon as [L.D.] got there, her whole face lit up like the sun." At that same visitation, L.D. told respondent she loves him and she misses him while referring to him as "daddy." Respondent had brought L.D. plastic Easter eggs, candy, and a stuffed bunny. According to respondent, his last visitation with L.D. was at the Springfield police department because "certain witnesses have fabricated stuff that's not reality based, and they say I'm a threat. I'm not a threat to anyone."

¶ 115 Respondent testified he did not allow L.D. to keep her gifts after his last visitation in April 2017, and a visitation celebrating Christmas in January 2017, because he did not know what would happen to his gifts once L.D.'s visitation ended. In January 2017, respondent stated L.D. had surgery on her foot, but nobody informed respondent. During visitation in January 2017, respondent bandaged and put alcohol on her foot.

¶ 116 Respondent stated he had a "[v]ery strong" relationship with L.D., who was "not so happy anymore" when visitations ended. He expressed concern over L.D.'s foster parents

allowing her to chew on ointment and nasal spray containers. According to respondent, "One time [L.D.] showed up at a visit, and she had an abrasion about the size of a nickel or a quarter *** in the center of her forehead." In another instance, he noticed L.D.'s foster parents were hesitant to allow him to hold L.D. at a medical appointment.

¶ 117 Respondent testified he could help L.D. with her educational needs. Respondent had counted numbers with her and "talked about shapes and colors." He had brought family to visitations with L.D., including his aunt and his sister. Concerning their relationship, respondent stated, "I feel both of our attachments [are] a lot stronger."

¶ 118 4. *The Trial Court's Termination Decision*

¶ 119 Following the best interest hearing, the trial court found the State proved by a preponderance of the evidence that it was in L.D.'s best interest to terminate respondent's parental rights to L.D. The court noted respondent "has not made it past supervised visits." In considering testimony from Burns, Franks, and respondent, the court stated:

> "I get that to some extent, the adults are saying that this child feels love for [respondent]. I'm not sure how much weight I give to what a three-year-old is saying at a visit. I love you. I miss you. Is she just parroting back [what?] she's hearing? She's giving hugs because somebody else is giving her hugs? You know, I'm not going to put a whole lot of weight on what a three-year-old is meaning by that."

¶ 120 The trial court emphasized that having L.D. remain with her foster parents was "the least disruptive placement alternative for the child" and provided permanence. The court noted L.D. is three years old and "has never lived with either parent, particularly, [respondent]."

The court further stated L.D. "has spent basically her whole life with the Dawsons. And I'm glad she is with family. I am glad she is with a sibling."

¶ 121 This appeal followed.

¶ 122 II. ANALYSIS

¶ 123 Respondent argues that the trial court erred by (1) finding that respondent was an unfit parent, (2) finding that it was in L.D.'s best interest to terminate respondent's parental rights, and (3) excluding Blackwell's testimony from the fitness hearing. We disagree.

¶ 124 A. The Trial Court's Fitness Determination

¶ 125 Respondent argues that the trial court's finding that respondent was an unfit parent was against the manifest weight of the evidence.

¶ 126 1. *Statutory Language and The Standard of Review*

¶ 127 At the time of the fitness hearing in this case, sections 1(D)(b) and (m) of the Adoption Act provided, in pertinent part, as follows:

> "D. 'Unfit person' means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following ***:
>
> * * *
>
> (b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.
>
> * * *
>
> (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 under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act, 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 Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act." 750 ILCS 50/1(D)(b), (m) (West 2016).

¶ 128 In *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001), the supreme court discussed the following benchmark for measuring "reasonable progress" under section 1(D)(m) of the Adoption Act:

> "[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."

¶ 129 In *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991), this court discussed reasonable progress under section 1(D)(m) of the Adoption Act and held as follows:

> " 'Reasonable progress' *** exists when the [trial] court *** can conclude that *** the court, in the *near future*, will be able to order the child returned to parental custody. The court will be able to order the child returned to

> parental custody in the near future because, at that point, the parent *will have fully complied* with the directives previously given to the parent ***." (Emphases in original.)

¶ 130 The supreme court's discussion in *C.N.* regarding the benchmark for measuring a respondent parent's progress did not alter or call into question this court's holding in *L.L.S.* For cases citing the *L.L.S.* holding approvingly, see *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067, 859 N.E.2d 123, 137 (2006); *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067-68, 808 N.E.2d 596, 605 (2004); *In re B.W.*, 309 Ill. App. 3d 493, 499, 721 N.E.2d 1202, 1207 (1999); *In re K.P.*, 305 Ill. App. 3d 175, 180, 711 N.E.2d 478, 482 (1999).

¶ 131 The State has the burden to prove unfitness by clear and convincing evidence. *In re Gwynne P.*, 215 Ill. 2d 340, 349, 830 N.E.2d 508, 514 (2005).

¶ 132 2. *This Case*

¶ 133 In explaining its finding that respondent was unfit, the trial court stated that following L.D.'s birth and the beginning of this case in February 2014, respondent had domestic-violence offenses with L.D.'s mother in May 2014 and April 2015. The court emphasized that respondent "never acknowledged being a perpetrator," even after pleading guilty twice. The court noted that respondent's own witnesses, Troy Johnson and Michelle Herron, testified that he did not make reasonable progress on his anger-management issues. Another witness of respondent's, Roslyn Simmons-Lindsay, stated respondent could not parent independently without a support system, which the court found respondent failed to demonstrate.

¶ 134 The evidence presented established that respondent was not ready to be responsible for parenting L.D. Dr. McKenzie noted that respondent would be unable to focus on the needs of L.D. A case aid indicated respondent could not recognize L.D.'s cues during visits.

Due to respondent's lack of progress in services, respondent was far from having L.D. in his permanent care—not even for supervised visits. When respondent did have supervised visits with L.D., he was unable to demonstrate that he was capable of providing her with the appropriate care.

¶ 135 We conclude that the aforementioned behavior supports the trial court's determinations that respondent failed to (1) make reasonable progress toward the return of L.D. within the nine-month period from September 10, 2014, to June 10, 2015 (750 ILCS 50/1(D)(m)(ii) (West 2014)) and (2) show a reasonable degree of responsibility toward L.D.'s welfare. The court's determination that respondent was an unfit parent was not against the manifest weight of the evidence.

¶ 136 B. The Trial Court's Best-Interest Determination

¶ 137 Respondent argues that the trial court's best-interest finding was against the manifest weight of the evidence. We disagree.

¶ 138 1. *Standard of Review*

¶ 139 At the best-interest stage of parental-termination proceedings, the State bears the burden of proving by a preponderance of the evidence that termination of parental rights is in the child's best interest. *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 290-91 (2009). Consequently, at the best-interest stage of termination proceedings, " 'the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life.' [Citation.]" *In re T.A.*, 359 Ill. App. 3d 953, 959, 835 N.E.2d 908, 912 (2005).

¶ 140 "We will not reverse the trial court's best-interest determination unless it was against the manifest weight of the evidence." *Jay H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at 291. A best-interest determination is against the manifest weight of the evidence only if the facts clearly demonstrate that the court should have reached the opposite result. *Id.*

¶ 141 2. *This Case*

¶ 142 The trial court recognized L.D. had an attachment to her foster parents, noting she had spent most of her life in the foster home and had never lived with respondent. Testimony showed L.D.'s needs, including speech therapy, were being met at her foster home. L.D. lived with a sister and visited with her brothers on a weekly basis. In emphasizing L.D.'s need for permanence, the court noted respondent could not move beyond supervised visitations. Evidence also showed L.D. referred to her foster parents as "daddy" and "momma." We conclude that the court's best interest finding was not against the manifest weight of the evidence.

¶ 143 C. Respondent Forfeited His Argument Regarding Blackwell's Testimony

¶ 144 Respondent asserts the trial court committed reversible error in excluding Blackwell's testimony as irrelevant at the unfitness hearing. However, respondent failed to develop his argument that Blackwell's testimony was relevant and he cited no authority supporting that proposition. We thus conclude respondent has forfeited his right to challenge the court's exclusion of Blackwell's testimony on grounds of relevance. See Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016) (stating an appellant's brief "shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on"); see also *Country Preferred Insurance Co. v. Groen*, 2017 IL App (4th) 160028, ¶ 12, 69 N.E.3d 911 ("A contention that is supported by some argument but no authority does not meet the requirements of Rule 341 and is considered forfeited.").

¶ 145 III. CONCLUSION

¶ 146 For the foregoing reasons, we affirm the trial court's judgment.

¶ 147 Affirmed.