

**NOTICE**

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2021 IL App (4th) 210440-U  
NOS. 4-21-0440, 4-21-0441 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

**FILED**

December 23, 2021  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

<i>In re S.S., a Minor</i>	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Sangamon County
Petitioner-Appellee,	)	No. 19JA167
v.	)	
Angel W. and Edward S,	)	Honorable
Respondents-Appellants).	)	Karen S. Tharp,
	)	Judge Presiding.

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JUSTICE DeARMOND delivered the judgment of the court.  
Justices Holder White and Steigmann concurred in the judgment.

**ORDER**

¶ 1 *Held:* The appellate court affirmed, holding the trial court did not err in terminating respondents' parental rights.

¶ 2 In August 2019, the State filed a petition for adjudication of neglect with respect to S.S., the minor child of respondents, Angel W. and Edward S. In December 2019, Angel W. stipulated to one allegation in the State's petition and the trial court adjudicated the minor neglected, made her a ward of the court, and placed custody and guardianship with the Department of Children and Family Services (DCFS). In July 2020, paternity testing confirmed to a 99.9% certainty that Edward S. fathered S.S. The State filed a motion to terminate respondents' parental rights in April 2021. Following a hearing on the State's motion in July 2021, the court found respondents "unfit person[s]" within the meaning of section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2020)), and then found it was in the minor's best

interests to terminate respondent's parental rights. Both respondents appealed.

¶ 3 On our own motion, this court consolidated the two cases into this one appeal. On appeal, respondents argue the trial court erred in terminating their parental rights; specifically, Angel W. alleges the trial court's unfitness finding stands against the manifest weight of the evidence while Edward S. challenges both the unfitness and best-interests determinations as contrary to the manifest weight of the evidence. We affirm.

¶ 4 I. BACKGROUND

¶ 5 On August 20, 2019, the State filed a petition for adjudication of neglect with respect to S.S. (born July 16, 2019), minor child of respondent mother (Mother or Angel W.), and respondent father (Father or Edward S.) alleging the child was neglected under various sections of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(a), (b) (West 2018)). After a shelter care hearing and a stipulation from Mother, the trial court found probable cause for neglect based upon the following: Mother and Father's history of domestic violence, Mother relapsing on alcohol, and Mother and Father's other children remaining in DCFS's care. The trial court placed temporary custody and guardianship of the child with DCFS.

¶ 6 DCFS previously opened an intact family services case for Mother and Father and their three older children based on two incidents in September 2018 where the children (all less than three years of age) were left either unsupervised or with an inappropriate caregiver and two children showed physical signs of neglect (*i.e.*, rashes or open sores). On September 23, 2018, a concerned citizen phoned police to report Father and Mother's one-year-old child standing alone on the curb of MacArthur Boulevard in Springfield. Father eventually emerged from behind the home and stated he "lost track" of the child. Two days later, Mother left the couple's one-year-old child and three-month-old child in the care of a family member known to abuse alcohol.

Mother left no food or bottles. After four hours, the family member contacted the police to report he could not care for the children. When police arrived, the family member appeared intoxicated. The children had rashes and open sores. When police encountered the parents after both incidents, Mother and Father appeared intoxicated. Because of the open case for Mother and Father's three children in foster care, DCFS was contacted when Mother gave birth to S.S. in July 2019. DCFS's investigator determined Mother was no longer in a relationship with Father and had completed substance abuse treatment. Consequently, DCFS did not take protective custody of S.S., leaving her in Mother's care.

¶ 7 One month later, however, DCFS took protective custody of S.S. and placed her in a traditional foster home after learning (1) Mother and Father rekindled their relationship, (2) Mother had suspicious bruises on her arms and legs, (3) Father had not been cooperating with services, and (4) Mother and Father allegedly beat and robbed a relative with S.S. present. DCFS continued Mother and Father on their current service plans, as they already had an open case for their three older children in foster care. Mother and Father's service plans required them to maintain stable housing and income as well as participate in substance abuse treatment, mental health services, parenting classes, domestic violence services, and comply with probation requirements.

¶ 8 A. Adjudicatory Proceedings

¶ 9 On December 5, 2019, Mother admitted to one allegation of neglect in the State's petition based on injurious environment. Accordingly, the trial court issued an adjudicatory order, finding S.S. was neglected because "the minor's environment is injurious to her welfare as evidenced by minor's siblings being adjudicated neglected and the Mother's failure to make reasonable progress toward having the children returned to her care and remaining in the care of

DCFS, specifically Sangamon County cases 18JA214-216.” At this same hearing, Mother and Father surrendered their parental rights to their older three children and consented to the children’s adoption by their foster parents.

¶ 10 The trial court issued a dispositional order on January 2, 2020, finding Mother unfit, unable, and unwilling to care for, protect, train, educate, supervise, or discipline S.S. and determined placement with her was contrary to the child’s health, safety, and best interests because “Mother must engage in and show progress in services including substance abuse treatment, mental health services, and parenting.” The court adjudged S.S. a ward of the court and placed custody and guardianship of S.S. with DCFS. The court’s order admonished S.S.’s “parents that they must cooperate with DCFS, comply with terms of the service plan, and correct conditions that require the minor to be in care, or risk termination of their parental rights.” The parents’ service plans continued, and Father was ordered to submit to deoxyribonucleic acid testing to confirm paternity of S.S.

¶ 11 B. Termination of Respondents’ Parental Rights

¶ 12 On April 5, 2021, one year and three months after the dispositional order, the State filed a motion seeking findings of unfitness and termination of Mother and Father’s parental rights to S.S. The State alleged Mother and Father were unfit persons pursuant to section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2020)). The State’s petition identified three counts as to both parents: (1) Mother and Father had failed to maintain a reasonable degree of interest, concern, or responsibility as to the minor’s welfare (750 ILCS 50/1(D)(b) (West 2020)); (2) Mother and Father had failed to make reasonable efforts to correct the conditions which were the basis for the removal of the minor from them within nine months after an adjudication of neglect under the Juvenile Court Act, specifically December 5, 2019, through September 5, 2020

(750 ILCS 50/1(D)(m)(i) (West 2020)); (3) Mother and Father had failed to make reasonable progress toward the return of the minor to them within nine months after an adjudication of neglect under the Juvenile Court Act, specifically December 5, 2019, through September 5, 2020 (750 ILCS 50/1(D)(m)(ii) (West 2020)). The State further contended termination of Mother and Father's parental rights was in the child's best interests and asked for custody and guardianship to remain with DCFS, with authority to consent to the children's adoption.

¶ 13 In July 2021, the trial court held a hearing on the State's motion. The State called one witness, Emily Dorsey, the first DCFS caseworker assigned to S.S.'s case. Dorsey testified she had also been the caseworker for the parents' three older children. She stated she worked on S.S.'s case from August 2019, when the case opened, to September 2020, when she was assigned to a different office. Dorsey recounted how S.S. came into care and Mother and Father's history with DCFS. She stated she updated the parents' service plans to include S.S. and informed Mother and Father of what services they needed to complete in order to have all their children returned to them.

¶ 14 As for Mother, Dorsey testified "[s]he was recommended to maintain stable housing and income, complete parenting services, substance abuse treatment, cooperate with DCFS, comply with her probation, which included domestic violence perpetrator services and domestic violence victim services and mental health." She testified Mother needed these services in order "to correct the conditions which led to her children's placement in foster care." Dorsey stated she made all necessary referrals for Mother to access and successfully complete services. Dorsey testified DCFS reviewed Mother's service plan at an administrative case review in March 2020. DCFS rated Mother's permanency goal "unsatisfactory overall." Mother failed to show she maintained stable housing and employment. She missed 18 visits with S.S. and DCFS ended 2

visits early because Mother arrived intoxicated. Dorsey noted Mother completed parenting classes before S.S. was born, but DCFS still recommended parenting coaching due to concerns about Mother's ability to parent during her visits with S.S. Specifically, DCFS believed Mother had difficulty implementing what she learned in prior parenting classes. Dorsey testified Mother was rated unsatisfactory on substance abuse because she arrived at her substance abuse assessment intoxicated. Dorsey noted Mother arrived at visits and court hearings under the influence of alcohol. Mother twice tested positive for alcohol. Dorsey stated she reviewed several police reports dated between August 2019 and March 2020 that noted Mother was intoxicated. Dorsey explained Mother was rated unsatisfactory on her goal of complying with probation because she failed to engage in domestic violence services, which was a condition of her probation. Similarly, Mother failed to engage in mental health treatment because she believed "she did not need counseling and that she was too busy to go." Dorsey rated Mother's cooperation with DCFS as unsatisfactory because Mother did not maintain consistent contact and failed to engage in services.

¶ 15 Dorsey testified Mother's tasks and goals remained the same for the next service plan covering the period of March 2020 to September 2020 and that she provided Mother a copy of the service plan. Furthermore, Dorsey discussed with Mother what she must do to complete the tasks successfully. At the next administrative case review in September 2020, Mother's service plan was again rated unsatisfactory overall. She had not maintained stable housing and income because she had sporadic employment and moved from place to place. Dorsey testified mother attended no virtual visits with S.S. from March to July 2020. Dorsey noted Mother informed her she did not have a phone to do virtual visits. Dorsey testified DCFS would have helped facilitate virtual visits had Mother maintained some contact with the agency. When in-

person visits resumed in July, Mother did not immediately resume visiting S.S. She attended two of four August visits. Dorsey testified Mother was rated satisfactory as to substance abuse services because she began treatment in July 2020 and completed it successfully in September 2020. DCFS rated Mother unsatisfactory for domestic violence services. Although she began preventing abusive relationship (PAR) services, “it was towards the end of the reporting period, and the director of the program [reported] that [Mother] was not displaying accountability during her group sessions.” Dorsey testified Mother failed to cooperate with DCFS because she did not maintain contact and did not sign certain authorizations to allow DCFS to check her progress. Dorsey noted Mother was referred to Memorial Behavioral Health for mental health services in June 2020. Mother engaged with a counselor but was rated unsatisfactory because she had not started services by September. Dorsey testified that there was a never a time while she worked on this case when DCFS was close to returning S.S. to Mother’s care because Mother had not “completed recommended services or visited consistently.”

¶ 16           Turning to Father, Dorsey testified his first service plan required him “to obtain and maintain stable housing and employment, complete parenting services, cooperate with DCFS, engage in mental health services, comply with probation, which included domestic violence services and substance abuse.” She opined Father, like Mother, needed these services “to correct the conditions which led to [S.S.]’s placement in foster care.” Dorsey stated she discussed with Father “what he must do to successfully complete each task.” She made all necessary referrals.

¶ 17           Dorsey testified DCFS reviewed Father’s service plan in administrative case review in March 2020. Father’s “permanency goal of return home was rated unsatisfactory.” He missed 18 visits with S.S. He arrived at one visit under the influence of alcohol and smelled of

alcohol at another visit. Dorsey testified DCFS suspended Father's visits with S.S. in February 2020 because he had "missed so many visits, and he had not completed a paternity test for [S.S.], even though [DCFS] had scheduled approximately five separate tests for him to attend." He failed to follow through with parenting classes and, consequently, had been unsuccessfully discharged both times. Father did not complete a substance abuse assessment, nor did he engage in any substance abuse treatment during the reporting period. Father "failed to attend every requested drug test" during this time. Father attended a mental health staffing at Rutledge Youth Foundation, but his counseling was deferred until he addressed his substance abuse problems. Dorsey finally noted Father failed to engage in domestic violence services and had been arrested twice for domestic violence incidents during the reporting period.

¶ 18 Since Father had been rated unsatisfactory in all areas and did not complete any of the recommended services, his next service plan, for the period of March 2020 to September 2020, remained the same. DCFS mailed him the new service plan and Dorsey discussed with him what he must do to become successful in those tasks. DCFS reviewed this service plan at an administrative case review in September 2020 and, again, Father was rated unsatisfactory overall. He did complete the paternity test in July 2020, which established he fathered S.S. and allowed his visits to resume. Father, however, did not visit S.S. during this time frame because DCFS could not contact him. Father did not engage in parenting classes during this time either. Nor did he engage or participate in substance abuse treatment, mental health treatment, or domestic violence services. Noting he had not completed recommended services, Dorsey testified there was never a time when DCFS was close to returning to S.S. to Father's care.

¶ 19 Besides asking the trial court to take judicial notice of the adjudicatory and dispositional orders, the State rested.



¶ 20 Mother testified on her own behalf. She acknowledged moving a few times but insisted she had stable housing and a place for S.S. Mother testified she currently worked at Dunkin' Donuts and held a few jobs during the pendency of the case. Mother admitted she had an alcohol problem, but she stated she completed substance abuse treatment three times, most recently just days before the July 2021 hearing. Mother addressed her lack of communication with DCFS, explaining she sometimes did not have a phone and when she did, she did not reach out to the agency because she believed it was closed due to the COVID-19 pandemic. Mother stated she did not participate in virtual visits with S.S. because she did not have a phone, she did not understand the technology, and she believed it was easier to have in-person visitation. Mother testified she participated in domestic violence services, namely PAR, as a requirement of probation. She stated she attended 20 of 26 sessions, but she stopped attending those sessions once her probation period ended. Mother testified she resumed PAR when DCFS referred her back for treatment. She stated she was currently receiving mental health counseling from Memorial Behavioral Health. Mother noted she believed she completed all services DCFS requested of her.

¶ 21 Father's counsel called Melissa Pease, S.S.'s current caseworker from Rutledge Youth Foundation. Pease testified she began working on the case in February 2021 and was still assigned to the case. She stated she provided Mother and Father with their service plans when she started working with them. She noted they had the same service plan. Both were referred for parenting classes, domestic violence services, mental health treatment, substance abuse treatment, and cooperation with DCFS. Pease testified Father was rated satisfactory on the current service plan. He had completed substance abuse, but his prognosis was guarded. Father had reengaged in mental health treatment in April 2021, after he missed several visits before

then. Pease noted Father previously did not complete domestic violence services, but she reported he recently reengaged with a different service provider. Pease testified Father was attending domestic violence classes, but she noted the service provider did not report if Father engaged in the classes or how he was progressing in the classes. Pease confirmed Father completed parenting classes sometime before she was assigned to the case. She testified Father attended toxicology screens and had no positive results for drugs or alcohol.

¶ 22 Pease noted Father provided proof he received Social Security Disability benefits and cash assistance. She noted the parents' home was appropriate and had a room for S.S. Pease testified the parents currently had supervised visitation with S.S. in their home. Pease noted Mother had also reengaged in services and completed parenting classes, but Mother still required parent coaching. Pease testified Mother completed substance abuse treatment in September 2020, but she relapsed in March 2021 and was re-referred for more treatment. Pease noted Mother completed substance abuse treatment the day before the hearing and Mother's recent toxicology screens had all been negative. Mother reengaged in mental health treatment but was not currently receiving treatment because her counselor was on maternity leave. Pease noted Mother engaged in domestic violence services; however, Mother denied she and Father had problems with domestic violence. Pease expressed concern over Mother's failure to see domestic violence as a problem given Mother and Father's long history of domestic violence. Pease said Mother never successfully completed domestic violence services, noting she had been unsuccessfully discharged four times.

¶ 23 Pease testified to an episode of domestic violence between Mother and Father in March 2021. Based on a report from a third party, Pease learned the parents were "very intoxicated" during the incident. Having reviewed the police report describing the domestic

disturbance, Pease said the parents argued loudly at a relative's home, recalling, "they were both very intoxicated and yelling at each other." Pease stated she had concerns about ongoing domestic violence between Mother and Father.

¶ 24 During his testimony Father confirmed he lived with Mother. He denied receiving a paper service plan, though he said he understood the services DCFS required him to complete. Father testified he completed parenting classes and substance abuse treatment. He said he put a lot of effort into intensive outpatient substance abuse treatment, and it changed his life. Father testified he attended domestic violence classes weekly. He denied a domestic disturbance between him and Mother in March 2021. He stated Mother's sister did not want them at the home, but he insisted they did not argue. Father testified he received counseling services over the phone. He said it helped him and kept him focused on not drinking. Father acknowledged he was currently on probation for domestic violence against Mother. He explained he committed the offense when he was still abusing alcohol.

¶ 25 The State argued Mother and Father each met the definition of an "unfit person" because they failed to maintain a reasonable degree of interest, concern, or responsibility as to S.S.'s welfare; failed to make reasonable efforts to correct the conditions that led to S.S.'s removal from their care; and failed to make reasonable progress toward the return of S.S. to them during the nine-month period from December 5, 2019, through September 5, 2020. The State commended the parents for their recent cooperation and completion of some services but noted, "[a]s a whole, throughout the entirety of [S.S.]'s life neither parent has fully engaged and fully addressed the conditions that led her coming into care."

¶ 26 Mother's counsel argued she was not unfit, highlighting strides Mother made in her service plan and noting services she completed. Counsel argued the State did not meet its

burden and, in fact, Mother had shown a reasonable degree of interest and had made reasonable efforts and reasonable progress toward the return of S.S. to her.

¶ 27 Father's counsel likewise argued Father was not unfit because he "has either completed or engaged in every service" and "is satisfactory in his current service plan." Counsel emphasized the effort Father put into his substance abuse treatment. Counsel acknowledged Father did not engage in services "the way that he should" have from December 5, 2019, through September 5, 2020, but explained his alcohol dependency did not allow him to properly engage in services. Counsel noted Father overcame his problem with alcohol. Counsel argued Father was not unfit "because he is making reasonable progress and has been in 2021, and he's shown a lot of effort that is necessary under the service plan and under the requirements."

¶ 28 The guardian *ad litem* (GAL) also noted the parents' recent efforts but "believe[d] [S.S.] deserve[d] permanency, and at this point, over a year and a half after adjudication, the parents are just now kicking it into gear." The GAL ultimately argued "the State has proved by clear and convincing evidence" the three allegations as to each parent in the motion to terminate parental rights.

¶ 29 The trial court first noted that "the purpose of juvenile court is to get parents to correct conditions in order to reunite them with their children, but it's very clear in the statute and what is clearly stated to the parents throughout the pendency of the case that there is not an unlimited amount of time [to] do that." The trial court elaborated that parents do not have an "open-ended" time frame to make progress and the court will not "sit around and wait" for them to do services. Recounting the witness testimony, the trial court noted the parents' successes and failures in their service plans. As to Mother, the trial court noted Mother needed to complete substance abuse treatment earlier in the service plan and not just days before the termination

hearing so the court could gauge whether or not she would relapse. The trial court referenced Dorsey's testimony that by September [2020] she was not close to being able to return S.S. to Mother and agreed, noting it also "would not have been close to being able to place the child back with [Mother] in September of [2020]." "[L]ooking at the evidence," the trial court found "the State has shown by clear and convincing evidence, all of the allegations"—Mother "did not maintain a reasonable degree of interest, concern or responsibility," "she has not made reasonable efforts to correct conditions through the period of September of [2020]," and "[s]he has also failed to make reasonable progress towards the return of the child to her within that same time period, again, despite doing the substance abuse, it was right at the end of the nine months with no time to see whether or not she would relapse."

¶ 30 As to Father, the trial court noted he did not complete any services prior to September 2020. The trial court further noted Father was currently on probation for a domestic violence incident between him and Mother. The trial court also recognized Father completed some services in 2021 but observed his recent success "shows he was capable of doing those things early on" in the case. The trial court opined Father "certainly could have done those services last year by September 2020, but for whatever reason, chose not to do those. He waited almost a year and a half since this child has been in care [before] he decided to engage in services." The trial court went on to find: "For those reasons, I do find that the State has shown by clear and convincing evidence that [Father] failed to maintain a reasonable degree of interest, concern or responsibility as to the minor's welfare." The court further found that Father "likewise failed to make reasonable effort to correct conditions up through September of [2020], failed to make reasonable progress in that same time period."

¶ 31 After a brief recess, the trial court proceeded to the best-interests hearing. The

State called the child's current caseworker, Melissa Pease, as its lone witness. She testified S.S. turned two years old in July 2021 and had been placed in the same traditional foster home since DCFS took her into custody at four weeks old. Pease stated she observed S.S. in the foster home and saw her interactions with the foster parent. Pease noted "[S.S.] is very happy to be where she is at." Pease reported S.S. went to the foster parent for her needs and "she appears to be doing well." Pease stated: "I don't have any concerns about any of her wellness there." Pease testified S.S. was bonded to her foster parent, explaining that the foster parent could no longer drop-off S.S. to parental visits because S.S. would cry and would keep running to the door looking for the foster parent.

¶ 32 Pease testified all S.S.'s needs were met in the foster home. She noted S.S. calls the foster parent "mom." Pease also said the foster parent was willing to adopt S.S. Pease opined S.S.'s current placement was best for her because "[t]his is the only home that she has ever known" and "[s]he is attached to the foster parent." Pease acknowledged Mother and Father's "current progress in the case" but concluded, "from a two-year-old's standpoint, it would be very detrimental to her to remove her from the only home that she knows, to go to someone as a familiar face, but not someone that she views as her parent that is consistently there every single day for her."

¶ 33 Pease testified she believed continuing this case would not benefit S.S., observing S.S.'s behavior changed on days she visited her parents. For example, S.S. regressed in potty training after visiting Mother and Father. Similarly, S.S. would not take naps on days she visited her parents. Pease stated S.S. did not have a strong bond to Mother and Father, explaining that S.S. "recognizes them, but doesn't know them in a parental capacity." Pease ultimately opined it would serve S.S.'s best interests to terminate Mother and Father's parental rights.

¶ 34 On cross-examination, Pease acknowledged the parents had some bond with S.S. but said “there’s a very clear and distinct difference” in the way S.S. interacts with the foster parent as compared to Mother. She said S.S. hangs on the foster mother and wants to play with her and she does not do that with Mother. Pease acknowledged there was no father figure in the foster home. Pease stated she could not say for sure if S.S.’s regression in potty training was directly related to the visits with her parents, but Pease could not rule out a connection between the two.

¶ 35 Mother testified she “felt really close to [S.S.]” She stated she believed S.S. “had a lot of fun” during visits and would sometimes whine and cry when she had to leave. Mother testified S.S. had bonded with Father and called him “Daddy.” She said S.S. called her “Mommy.” Mother stated she believed she and Father would bond more with S.S. if they had more visits and the same aide brought S.S. to each visit. Mother testified she believed it was in S.S.’s best interests to live with her parents. She confirmed they had a room for her with a bed, toys, and a potty chair.

¶ 36 Father testified S.S. enjoyed her visits with him because they play, have fun, and exchange hugs and kisses. He stated he had been able to soothe S.S. when she cried. Father testified he had a “big bond” with S.S. and she calls him “Daddy.” He stated he wanted to have S.S. home with him. He testified he bought S.S. clothes, shoes, and toys for the home. Father stated having S.S. home was his highest priority.

¶ 37 In ruling, the trial court indicated it had considered all the statutory best-interests factors. As for S.S.’s physical safety, welfare, food, shelter, health, and clothing, the trial court found S.S.’s “needs are obviously being met currently in the foster home. She is doing well there.” The trial court further found S.S.’s social and medical needs were met in the foster home.

Considering S.S.'s background and familial or cultural ties, the trial court noted S.S. was able to have contact with her older siblings who had been adopted. As for S.S.'s attachments, the trial court credited Pease's testimony "that the way the child reacts to foster parent is very different than the way she acts with [Mother] and [Father]." The trial court further noted S.S. "does appear to be secure in the current foster home" as "[i]t's the only home she has [known] since she was four weeks old."

¶ 38 The trial court went on to "acknowledge, that yes, the parents have engaged in many, if not all the services in the past few months, but they still are leaving me in a position of not knowing whether or not any progress that they may be making, any abstinence from alcohol, will that remain, will that continue. There have been numerous relapses in the past." The trial court stated: "I would still not even today with the cooperation that they have shown, I would still not be able today to say I'm ready to place the child back in their care." The trial court noted the parents left it with many questions about their living situation and whether they could have a relationship free from domestic violence. The trial court said it could not "wait and see" if the parents' recent progress proved long lasting. It noted: "The time has come where this child needs permanence. I will not wait any longer to see whether or not the parents will maintain any sort of stability. The child has spent almost her entire life in the care of someone else. The caseworker has stated that it would be detrimental to remove her from that home. I agree with her."

¶ 39 The trial court concluded the State proved by a preponderance of the evidence that it was in the minor's best interests that Mother's and Father's parental rights be terminated. DCFS remained as S.S.'s guardian and custodian with authority to consent to adoption.

¶ 40 The trial court's written judgment outlined its findings from the termination hearings. Specifically, the court's order found: (1) the State had proved by clear and convincing



evidence that Mother and Father were unfit persons within the meaning of section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2020)) and (2) it was in the best interests of the minor child (S.S.) that Mother and Father have their parental rights and responsibilities terminated as to S.S.

¶ 41 This appeal followed.

¶ 42 II. ANALYSIS

¶ 43 Both parents argue the trial court erred in terminating their parental rights to S.S. Mother argues the trial court erroneously terminated her parental rights because the court's unfitness finding stands against the manifest weight of the evidence. Father, by contrast, challenges both the court's unfitness finding and its best-interests determination as against the manifest weight of the evidence. We disagree on all points and affirm the trial court's judgment.

¶ 44 The Juvenile Court Act (705 ILCS 405/1-1 *et seq.* (West 2018)) and the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 2020)), govern how the State may terminate parental rights. *In re D.F.*, 201 Ill. 2d 476, 494, 777 N.E.2d 930, 940 (2002). Together, the statutes outline two necessary steps the State must take before terminating a person's parental rights—the State must first show the parent is an “unfit person,” and then the State must show terminating parental rights serves the best interests of the child. *D.F.*, 201 Ill. 2d at 494-95 (citing the Adoption Act (750 ILCS 50/1(D) (West 1998)) and the Juvenile Court Act (705 ILCS 405/2-29(2) (West 1998))).

¶ 45 A. Unfitness Finding

¶ 46 “ ‘The State must prove parental unfitness by clear and convincing evidence\*\*\*.’ ” *In re A.L.*, 409 Ill. App. 3d 492, 500, 949 N.E.2d 1123, 1129 (2011) (quoting *In re Jordan V.*, 347 Ill. App. 3d 1057, 1067, 808 N.E.2d 596, 604 (2004)). The Adoption Act

provides several grounds on which a trial court may find a parent “unfit,” including: the parent’s failure to maintain a reasonable degree of interest, concern, or responsibility as to the child’s welfare (750 ILCS 50/1(D)(b) (West 2020)); the parent’s failure to make reasonable efforts to correct the conditions that were the basis for the removal of the minor from the parent during any nine-month period following the adjudication of neglect or abuse or dependency under the Juvenile Court Act (750 ILCS 50/1(D)(m)(i) (West 2020)); and the parent’s failure to make reasonable progress toward the return of the child to the parent during any nine-month period following the adjudication of neglect or abuse (750 ILCS 50/1(D)(m)(ii) (West 2020)). Despite several potential bases for unfitness, “sufficient evidence of one statutory ground \*\*\* [is] enough to support a [court’s] finding that someone [is] an unfit person.” (Internal quotation marks omitted.) *In re F.P.*, 2014 IL App (4th) 140360, ¶ 83, 19 N.E.3d 227; see also *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064, 859 N.E.2d 123, 135 (2006) (“A finding of unfitness will stand if supported by any one of the statutory grounds set forth in section 1(D) of the Adoption Act.”) (citing *In re D.D.*, 196 Ill. 2d 405, 422, 752 N.E.2d 1112, 1122 (2001)).

¶ 47 This court pays “ ‘great deference’ ” to a trial court’s fitness finding “ ‘because of [that court’s] superior opportunity to observe the witnesses and evaluate their credibility.’ ” *A.L.*, 409 Ill. App. 3d at 500 (quoting *Jordan V.*, 347 Ill. App. 3d at 1067). We “will not reverse a trial court’s fitness finding unless it was contrary to the manifest weight of the evidence, meaning that the opposite conclusion is clearly evident from a review of the record.” *A.L.*, 409 Ill. App. 3d at 500. Since “[e]ach case concerning parental unfitness is *sui generis*, requiring a close analysis of its individual facts” (internal quotation marks omitted) (*In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 19, 980 N.E.2d 91), we now turn our attention to the facts of this case.

¶ 48 The State alleged Mother and Father were unfit based on three statutory grounds:

failure to maintain a reasonable degree of interest, concern, or responsibility for S.S. (750 ILCS 50/1(D)(b) (West 2020)); failure to make reasonable efforts to correct the conditions which were the basis for removal of S.S. from them within nine months of the neglect adjudication (750 ILCS 50/1(D)(m)(i) (West 2020)); and failure to make reasonable progress toward having S.S. returned to them within nine months of the neglect adjudication, specifically December 5, 2019, through September 5, 2020 (750 ILCS 50/1(D)(m)(ii) (West 2020)). The trial court found the State proved all three statutory grounds by clear and convincing evidence. Nevertheless, we can affirm the trial court's unfitness finding on any statutory basis so long as there is sufficient evidence to support it. See *F.P.*, 2014 IL App (4th) 140360, ¶ 83. Applying a close analysis of this case's unique facts and circumstances, (*Jacorey S.*, 2012 IL App (1st) 113427, ¶ 19), we conclude the trial court's finding that Mother and Father failed to make reasonable progress during the nine-month period of December 5, 2019, through September 5, 2020, does not stand against the manifest weight of the evidence.

¶ 49           “ ‘[R]easonable progress’ is an ‘objective standard.’ ” *F.P.*, 2014 IL App (4th) 140360, ¶ 88, 19 N.E.3d 227, 238. “ ‘Progress’ ordinarily denotes movement or advancement toward a goal,” and the goal in these cases is family reunification, *i.e.*, “return of the child” to the parent. *In re C.N.*, 196 Ill. 2d 181, 211, 752 N.E.2d 1030, 1047 (2001). Consequently, we have said “that a parent had made reasonable progress when ‘the progress being made by a parent to comply with directives given for the return of the child is sufficiently demonstrable and of such a quality that the court, in the *near future*, will be able to order the child returned to parental custody.” (Emphasis in original.) *F.P.*, 2014 IL App (4th) 140360, ¶ 88 (quoting *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991)). Our supreme court has instructed “that the 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.” *C.N.*, 196 Ill. 2d at 216-17.

¶ 50

*1. Mother*

¶ 51

The evidence showed Mother made little progress during the nine months after the trial court adjudicated S.S. neglected because she did not comply with the service plan and court directives. Dorsey, the caseworker assigned to S.S.’s case from December 2019 through September 2020, testified Mother was rated “unsatisfactory” on her service plan during that nine-month period. Though Mother was required to maintain stable housing and income, she had sporadic employment and moved from place to place. Though she was supposed to comply with the terms of her probation, including mental health treatment and domestic violence services, Mother rebuffed those requirements for several months. She delayed starting domestic violence services, and when she did, “it was towards the end of the reporting period and \*\*\* she was not displaying accountability during her group sessions.” Likewise, Mother did not engage in mental health treatment until summer 2020; before then, she claimed “she did not need counseling and that she was too busy to go.” Even though she did eventually establish services with a provider, she had not started counseling services by September 2020.

¶ 52

Mother’s substance abuse loomed over DCFS’s involvement with her children, including S.S. She arrived at her first substance abuse assessment intoxicated, and she appeared intoxicated at two visits with S.S. and at one hearing before the trial court. Mother did not engage in substance abuse treatment until July 2020, and she completed treatment in September 2020. However, her prognosis was “guarded” because she did not admit she had an alcohol

problem. Mother relapsed on alcohol in March 2021 and had to reengage in treatment, which she successfully completed in July 2021. The trial court lauded Mother's completion of substance abuse treatment but lamented the timing. Mother did not leave DCFS, or the court, time to see if she would relapse on alcohol, as she had in the past.

¶ 53 We cannot say Mother demonstrated reasonable progress during the nine-month period of December 5, 2019, through September 5, 2020. As we have previously explained, “ ‘reasonable progress’ is an ‘objective standard,’ ” measuring whether the parent’s compliance “ ‘with directives given for the return of the child’ ” amounts to improvement “ ‘sufficiently demonstrable and of such a quality that the court, in the *near future*, will be able to order the child returned to parental custody.’ ” (Emphasis in original.) *F.P.*, 2014 IL App (4th) 140360, ¶ 88 (quoting *L.L.S.*, 218 Ill. App. 3d at 461). Mother’s refusal to engage in services early in the case, and then sporadic compliance with services from June 2020 to September 2020, was not of sufficiently demonstrable quality to have allowed the trial court to return S.S. to her custody in the *near future*. Notably, during those six months, she did little to correct the conditions that led to S.S.’s removal from her care. Mother did not demonstrate she could maintain sobriety or maintain stable housing or income. She failed to demonstrate she corrected the history of domestic violence between her and Father. What is more, DCFS rated Mother as unsatisfactory in her service plan goals throughout the case. See *In re K.H.*, 346 Ill. App. 3d 443, 455, 804 N.E.2d 1108, 1118 (2004) (explaining that section 1(D)(m)(ii) of the Adoption Act “mandates that parents must, with some degree of consistency, make reasonable progress toward their children’s return home or risk forfeiting their parental rights”).

¶ 54 Taken together, all the evidence relating to Mother reveals she failed to make demonstrable, quality progress from December 5, 2019, through September 5, 2020. The State,

therefore, proved Mother an unfit parent by clear and convincing evidence. And since the evidence does not point to the opposite result, the trial court's unfitness finding that Mother failed to make reasonable progress toward S.S.'s return home during the specified nine-month period following the neglect adjudication does not go against the manifest weight of the evidence. See *A.L.*, 409 Ill. App. 3d at 500.

¶ 55

## *2. Father*

¶ 56 The evidence likewise shows Father failed to make reasonable progress toward having S.S. returned home, specifically during the period of December 5, 2019, through September 5, 2020. Like Mother, he did not initially engage in services or cooperate with DCFS. For example, Father did not submit to paternity testing until July 2020, after missing five previously scheduled tests. Dorsey testified Father completed no services through September 2020. For the first year of this case, he failed to engage in, let alone complete, substance abuse services, visitation, mental health treatment, or domestic violence services. Dorsey stated there was never a time when she could have returned S.S. to Father's care in the near future.

¶ 57

No doubt to distract us from his earlier failures, Father points to evidence showing he eventually did some of what was asked of him. To be sure, the record shows Father took steps toward completing his services, albeit belatedly. Pease testified to Father's progress during 2021 after he engaged in and put effort into substance abuse treatment and maintained sobriety. She noted Father completed parenting classes sometime between September 2020 and February 2021. She further testified that between March and July 2021, Father engaged in domestic violence services and mental health treatment. He resumed visitation with S.S. and provided DCFS with proof of his income and stable housing. The trial court noted Father's 2021 accomplishments in services but noted, essentially, those later successes were too little, too late.

Indeed, the trial court opined that Father's completion of services in 2021 only signals that he had the capability to complete services in 2019 or 2020, but, for whatever reason, he did not. Father's later compliance with DCFS service plans and court directives cannot erase or excuse his prior noncompliance from December 5, 2019, through September 5, 2020. The statutory provision that a parent who does not make reasonable progress toward the return of his child during *any* nine-month period following an adjudication of neglect is an unfit person serves an important purpose—the child's interest in permanency. Indeed, requiring parents to make progress during nine-month intervals “acts to abate the harm that a perpetual lack of permanency inflicts on children.” *K.H.*, 346 Ill. App. 3d at 455. By waiting until 2021 to engage in and complete some services, Father delayed permanence for S.S. As of the July 2021 termination hearing, the trial court still needed to see if Father could sustain his recent sobriety and successes and could not return S.S. to him in the near future.

¶ 58 “Simply put, a parent is required to make reasonable progress during a nine-month period.” *K.H.*, 346 Ill. App. 3d at 455. If the parent fails to make reasonable progress during an entire nine-month period, he is an unfit person under the statute. Here, the evidence shows that after the trial court adjudicated S.S. neglected in December 2019, Father failed to comply with DCFS's recommend services or court directives and, consequently, made no advancement whatsoever toward family reunification. Since all the evidence relating to Father confirms he failed to make demonstrable, quality progress from December 2019 to September 2020, we conclude Father failed to make reasonable progress during the nine-month period the State identified in its petition. The State, therefore, proved Father an unfit person by clear and convincing evidence. Accordingly, the trial court's unfitness finding that Father failed to make reasonable progress toward S.S.'s return home during the nine-month period following the

adjudication of neglect does not go against the manifest weight of the evidence. See *A.L.*, 409 Ill. App. 3d at 500.

¶ 59 Because we can affirm the trial court’s unfitness finding on this basis, we need not consider the other statutory grounds on which the trial court found Mother and Father unfit. See *A.L.*, 409 Ill. App. 3d at 501 (“[O]n review, if sufficient evidence is shown to satisfy any one statutory ground, we need not consider other findings of parental unfitness.”) (citing *In re Katrina R.*, 364 Ill. App. 3d 834, 842, 847 N.E.2d 586, 593 (2006)).

¶ 60 B. Best-Interests Determination

¶ 61 Once a trial court finds a parent an “unfit person,” it must next consider whether terminating that person’s parental rights serves the child’s best interests. “[A]t a best-interests hearing, the parent’s interest in maintaining the parent-child relationship must yield to the child’s interest in a stable, loving home life.” *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004); see also *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 80, 966 N.E.2d 1107 (stating once the trial court finds the parent unfit, “all considerations, including the parent’s rights, yield to the best interests of the child”). When considering whether termination of parental rights serves a child’s best interests, the trial court must consider several factors within “the context of the child’s age and developmental needs.” 705 ILCS 405/1-3(4.05) (West 2020). These factors include:

“(1) the child’s physical safety and welfare; (2) the development of the child’s identity; (3) the child’s familial, cultural[,] and religious background and ties; (4) the child’s sense of attachments, including love, security, familiarity, continuity of affection, and the least disruptive placement alternative; (5) the child’s wishes and long-



term goals; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child.”

*Daphnie E.*, 368 Ill. App. 3d at 1072.

See also 705 ILCS 405/1-3(4.05)(a) to (j) (West 2020).

¶ 62 A trial court's finding that termination of parental rights is in a child's best interests will not be reversed on appeal unless it is against the manifest weight of the evidence. *In re Dal. D.*, 2017 IL App (4th) 160893, ¶ 53, 74 N.E.3d 1185. The court's decision will be found to be “against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or the decision is unreasonable, arbitrary, or not based on the evidence.” *In re Keyon R.*, 2017 IL App (2d) 160657, ¶ 16, 73 N.E.3d 616.

¶ 63 Father contends the trial court's determination that terminating his parental rights goes against the manifest weight of the evidence because he “completed the services that are required of him” and S.S. “has an opportunity to be returned to her father in an intact family unit that is capable to provide for [her] physical and emotional needs.” He claims he “is clean and sober” and “has a home and room available for the minor.” Father maintains “[t]he only justification” for terminating his rights is the length of time S.S. has spent in foster care and her bond with the foster parent. He believes the evidence shows “the possibility of a relationship between the child and her father,” meaning “termination is not warranted.”

¶ 64 The State, on the other hand, presented copious evidence showing that for more than a year Father did not do what was asked of him and that terminating his parental rights

serves S.S.'s best interests. Through testimony from S.S.'s current caseworker, Pease, the State presented the court with the following evidence of the child's best interests: two-year-old S.S. has lived in the same foster home since she was four weeks old—it is the only home S.S. has ever known; S.S. "is very happy to be where she is at" and "appears to be doing well" there; S.S. "is attached to the foster parent"; and S.S. has bonded with the foster parent. Pease opined, "it would be very detrimental to [S.S.] to remove her from the only home that she knows." Pease did not believe keeping the case open and allowing the parents to continue services would benefit S.S. Pease opined terminating parental rights would be in S.S.'s best interests.

¶ 65           The trial court noted it considered all the statutory best-interests factors. It first noted the foster parent meets S.S.'s needs, providing food, shelter, and clothing and ensuring her physical safety and welfare. The trial court then noted the foster parent had been able to maintain S.S.'s family ties while also fostering her identity by allowing S.S. to see her older siblings. Next, the court noted the evidence showed S.S. was secure in the foster home and shared a sense of familiarity with her foster parent. The trial court opined S.S. needed permanence and determined the evidence showed the foster parent has provided her permanence and stability and will do the same going forward. By contrast, the trial court found, "I have heard no evidence that the parents have put themselves in a position to parent this child," and "I will not wait any longer to see whether or not the parents will maintain any sort of stability." Ultimately, the trial court agreed with Pease "that it would be detrimental to remove [S.S.] from [the foster] home." Considering the statutory best-interests factors and the evidence before it, the trial court found by a preponderance of the evidence that terminating Father's parental rights served S.S.'s best interests. Since the evidence does not lead us clearly to opposite conclusions, we cannot say this best-interests determination goes against the manifest weight of the evidence. See *A.L.*, 409 Ill.

App. 3d at 500.

¶ 66

### III. CONCLUSION

¶ 67

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

¶ 68

Affirmed.