

NOTICE
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2022 IL App (5th) 220411-U

NO. 5-22-0411

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

<i>In re</i> SARAH N., a Minor)	Appeal from the
)	Circuit Court of
(The People of the State of Illinois,)	Champaign County.
)	
Petitioner-Appellee,)	
)	
v.)	No. 19-JA-58
)	
Maurice W.,)	Honorable
)	Matthew D. Lee,
Respondent-Appellant).)	Judge, presiding.

JUSTICE WELCH delivered the judgment of the court.
Justices Cates and Moore concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court’s finding that the respondent father was unfit because he failed to make reasonable progress was not against the manifest weight of the evidence. Also, the trial court’s finding that it was in the minor child’s best interests to terminate the respondent father’s parental rights was not against the manifest weight of the evidence. Accordingly, we affirm the court’s termination of the respondent father’s parental rights.

¶ 2 The respondent father, Maurice W., appeals the judgment of the circuit court of Champaign County terminating his parental rights to his minor child, S.N. On appeal, Maurice W. argues that the court’s finding that he was an unfit parent under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2020)) was against the

manifest weight of the evidence. He also contends that the court's best-interests finding was against the manifest weight of the evidence. For the reasons that follow, we affirm the trial court's findings.

¶ 3

I. BACKGROUND

¶ 4 Rachel N.¹ and Maurice W. had one child, S.N., born July 31, 2019. S.N. was taken into protective custody on September 23, 2019, just prior to her discharge from the neonatal intensive care unit at Carle Hospital. She had been there since birth because of prematurity and exposure to marijuana. On September 24, 2019, the State filed a petition for adjudication of neglect, alleging that S.N. was neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2018)) as her environment was injurious to her welfare when residing with Rachel N. because Rachel N. failed to correct the conditions that resulted in a prior adjudication of parental unfitness (Champaign County case No. 19-JA-20) with regard to S.N.'s half-sibling and S.N. was exposed to substance abuse in that residence. The petition also alleged that S.N. was neglected as her environment was injurious to her welfare in that Maurice W. had committed domestic violence.

¶ 5 That same day, the Illinois Department of Children and Family Services (DCFS) filed a shelter care report, which indicated that, on July 31, 2019, it was reported that Rachel N. was 27 weeks pregnant when she gave birth to a child; the child weighed two pounds, one ounce; Rachel N. had tested positive for marijuana; and the infant cord test was positive

¹Although Rachel N.'s parental rights were also terminated, she was not part of this appeal.

for marijuana. Rachel N. admitted to drinking alcohol and using marijuana twice per week during the pregnancy. Maurice W. was in the Champaign County jail at the time of the birth for violating an order of protection. He had been convicted of domestic battery to Rachel N., violated his probation, and was resentenced to probation. In July 2019, he was arrested and charged with violating an order of protection with previous domestic violence.

¶ 6 Also, on September 24, the trial court entered a temporary custody order, after Maurice W. stipulated to probable cause and immediate and urgent necessity, placing temporary custody of S.N. with DCFS. On December 2, 2019, the court entered an adjudicatory order, finding that, based on Maurice W.'s stipulation, S.N. was neglected as she was in an environment that was injurious to her welfare.

¶ 7 On December 23, 2019, a dispositional report was filed, which indicated that, on January 1, 2019, it was reported that there was a domestic violence altercation between Maurice W. and another woman. According to the report, the woman and Maurice W. were in a romantic relationship with a second woman, and the first woman no longer wanted to be in the relationship; this angered Maurice W. In response, he struck her multiple times, and, as she tried to leave the home, he dragged her back inside. He was subsequently arrested for domestic battery. While in custody, he started running into walls causing injury to himself. He also caused harm to himself six weeks prior. Because he was incarcerated when S.N. was born, he had never met her, but he had been writing letters to her. He expressed willingness to complete his service plan tasks once he was released so that he could obtain custody of S.N. He was diagnosed with bipolar one disorder and

borderline personality disorder. He was currently taking medication for his bipolar disorder and admitted that he struggled with anger issues when not taking medication.

¶ 8 On January 8, 2020, the trial court entered a dispositional order, which was later amended. In the order, the court found that it was in S.N.'s best interests that she be adjudicated neglected; that Maurice W. was unfit and unable to care for, protect, train, or discipline S.N.; and S.N.'s health, safety, and best interests would be jeopardized if she was in his custody.

¶ 9 On May 5, 2020, DCFS filed a permanency hearing report, which indicated that Maurice W. was required to complete the following services: monthly meetings with his caseworker, following the service plan recommendations, signing all required consents, remaining in contact with his caseworker, and notifying the caseworker of any changes to his phone number or living situation; attending counseling; completing parenting classes; completing domestic violence classes; and obtaining and maintaining appropriate housing. As for satisfying these tasks, Maurice W. had remained in contact with his caseworker and alerted the agency to any changes in his living situation. He was referred to Cognition Works and Rosecrance for counseling. He had an appointment scheduled with Cognition Works but did not attend. He also had the option of receiving services through his probation program at Compass Counseling. However, at that time, he had not attended any counseling sessions. He reported that, as long as he was taking his medication, he felt stable and in control.

¶ 10 Maurice W. was referred to Cognition Works for a parenting class on February 7, 2020, but he had not started classes. He took a substance abuse assessment and was not

recommended for services; there were no concerns with his substance use. He completed one drug screen while on probation, and it was negative. He was also referred to Cognition Works for a domestic violence assessment and treatment, but he had not started classes. He was homeless and was working with the agency to find appropriate housing, and, although he was employed at McDonald's for a few weeks, he was ultimately fired. He reported to his caseworker that he had never been able to maintain employment for an extended period of time. He had supervised weekly visits with S.N., and, although he was doing well, he admitted that he was still uncomfortable caring for an infant. He was very affectionate with S.N. and understood her basic needs. The recommended permanency goal was for S.N. to return home within 12 months.

¶ 11 On June 16, 2020, the Champaign County Court Appointed Special Advocates (CASA) for children submitted a permanency hearing report to the trial court, which indicated that Maurice W. had approximately three face-to-face visits with S.N. and was receiving one video chat per week. However, he had not been to a visit in the last three weeks. The report indicated that he recently informed S.N.'s foster mother that he would be terminating his parental rights. The following day, he told the caseworker that he had changed his mind about terminating his rights. The caseworker cancelled his visits until he got his thoughts together. He had also violated his probation by contacting Rachel N., he committed additional acts of domestic violence, and he was reportedly posting inappropriate things about Rachel N. and her children on Facebook.

¶ 12 On June 25, 2020, an addendum to the permanency hearing report was filed, which noted that Maurice W. had secured housing and started virtual domestic violence classes

on June 9, 2020. However, he cancelled two visits because he did not want to continue with the case. He also ended two visits early because he was upset about things happening in the foster home and the other children there. He still needed to engage in parenting classes and individual counseling.

¶ 13 On August 3, 2020, the trial court entered a permanency order, finding that Maurice W. must reengage in services, that custody of S.N. remained with DCFS, and that the permanency goal was for S.N. to return home. On November 2, 2020, CASA submitted a permanency hearing report, noting that, although Maurice W. was consistent with most of his visits, when told that one was being cancelled because S.N. was sick, he sent disrespectful emails to the foster parents. He had also been going back and forth on surrendering his rights to S.N. throughout the case.

¶ 14 On November 3, 2020, DCFS filed a permanency hearing report, indicating that, although Maurice W. had made reasonable efforts toward S.N.'s return home, he had not successfully completed his service plan tasks. He obtained employment and was engaged in individual counseling. His counselor reported that he vocalized his desire to understand his mental health struggles and to do what was necessary to gain custody of S.N. It was recommended that he continue counseling. He was engaged in parenting courses and parent coaching, but the caseworker did not have a report from the service provider. He was also engaged in the C.H.A.N.G.E. program at Cognition Works, but the caseworker also did not have a report from this service provider. He had been in constant communication with the agency.

¶ 15 As for visits, Maurice W. had missed three visits, two of which he cancelled. He cancelled a visit on September 29, 2020, and reported that he was “angering nearing rage,” and he did not want to be around S.N. in that state. He cancelled his October 27, 2020, visit and reported that he was in low spirits due to S.N. being sick (the October 26 visit was cancelled because S.N. was sick). During visits, he fully engaged with S.N. and always brought wipes, food, diapers, and a blanket. He greeted her with hugs and kisses and actively engaged with her. He received parenting coaching from Family Advocacy Center during some of his visits, and he attempted to apply that knowledge in his interactions with S.N. To achieve permanency, he was required to successfully complete his required services and demonstrate that he was able to parent S.N. at all times as well as remain stable in his mental health.

¶ 16 On November 4, 2020, an addendum to the permanency report was filed, which indicated that an October 13, 2020, progress report from the Family Advocacy Center noted that Maurice W. would complete his parenting sessions on October 22, 2020, and he had done an exceptional job during the classes. During the sessions, he was very attentive and willing to learn about taking care of S.N. He was eager to spend time with S.N. and wanted to be a good father.

¶ 17 On November 9, 2020, the trial court entered a permanency order, finding that Maurice W. had made reasonable efforts and reasonable progress toward S.N. returning home. The court noted that he was engaged in parenting classes, visits, and services with Cognition Works. The permanency goal remained to return home within 12 months.

¶ 18 On February 22, 2021, CASA filed a permanency hearing report, noting that S.N. was quarantined with her foster family from January 7 through 17, 2021, and, during quarantine, Maurice W. could only do video chats with S.N. Because S.N. was young, it was difficult to keep her interested, and Maurice W. was unhappy that she was not interacting with him. When offered help on how to get her interested, he refused. He also had not been consistent with visits since late December 2020.

¶ 19 On February 26, 2021, another permanency hearing report was filed, which indicated that there had been concerns about Maurice W.'s lack of respect towards staff as well as the foster family. He continued to express mistrust with the agency and had sent several accusatory and concerning emails to agency staff where he expressed his displeasure with S.N.'s care, about the foster parents posting S.N.'s photographs on their social media, and about the virtual visits. He also left a disturbing voicemail for the foster care supervisor on January 4, 2021, in which he expressed his extreme frustration with the foster parents posting photographs of S.N. on social media. In the voicemail, he called the supervisor several derogatory names. He secured housing with the help of community resources, and he was unemployed but was receiving income through unemployment. He spoke to the caseworker about looking into employment opportunities and had registered to attend a forklifting class but was unable to attend because he did not have a driver's license. He reported that he completed parenting courses, but the caseworker had not verified that with the service provider. He was engaged in domestic violence services with Cognition Works and had completed 12 sessions with one absence. He was willing to

complete all assignments, participated in discussions, and demonstrated an understanding of the material.

¶ 20 Maurice W. was attending counseling and asked about other types of therapy and support groups to help him with his bipolar diagnosis. However, he did not want to cooperate with the agency because he felt wronged by the staff throughout the case. He remained strong in his focus on regaining custody of S.N., but he wanted limited interactions with the agency and the foster family. He believed that therapy was not helpful for him, that the work he did in counseling was redundant, and that group therapy would be more beneficial so he could engage with others who suffered from bipolar disorder. He was not consistent with his medication. The counselor noted that he displayed aggressive behaviors and tones when he felt disrespected.

¶ 21 Maurice W. had visits with S.N. two days per week, and in-person visits went well. He cared for, played with, and fed S.N.; he demonstrated his understanding that he needed to be flexible with discipline and in interacting with children; and he showed that he could be playful and interact appropriately with S.N. He attended all in-person visits except one that he missed because of an interview. During the reporting period virtual visits were offered because of COVID-19 concerns, and he found it difficult to interact with S.N. virtually, and several visits either were ended early or were not attended.

¶ 22 On May 21, 2021, DCFS filed a permanency hearing report, which indicated that Maurice W. completely disengaged in services during this reporting period, and he had been making escalating threats via email to the caseworker, other agency staff, and Rachel N. He was discharged from counseling for nonattendance in April 2021, and he referred

to himself as a “sociopath” in his May 2021 email. Although he requested a psychological evaluation, he was unable to complete it because of the lack of available providers. He refused to work with anyone from the agency, and, on numerous occasions in May 2021, stated that he no longer wanted any involvement in the case. He stated that he knew he could not parent S.N. and wanted to distance himself from her. He had refused to participate in supervised visits with her since mid-March 2021. When the caseworker reached out to him through email, he responded by calling her a “bitch” and told her to never contact him again.

¶ 23 The report also indicated, that, on April 30, 2021, Maurice W. emailed other agency staff members and threatened that the day they terminated his parental rights would be the day that he would “get killed afterward in the courthouse.” The threat was reported to the Champaign Police Department. On May 3, 2021, he sent another email, which was intended as a letter to S.N., where he stated that he gave up so he would not kill anyone.

¶ 24 The report further indicated that, on May 9, 2021, Maurice W. emailed the caseworker and her supervisor and informed them that the police came to his apartment when he was not at home, and he was told that the caseworker sent them. According to the report, the police were doing a welfare check on him because of his threats of harm. In that email and in subsequent emails, he called all of the female agency staff disparaging names, such as liars and manipulators; used curse words against them; and called them racial slurs. He denied making any threats against anyone but stated that he wanted nothing to do with his case or with S.N. On May 21, he sent an email threatening harm to Rachel N. and stated that, if she contacted him again, he would use “deadly force” against her and

her partner. He also stated that he felt that Rachel N. needed to obtain an order of protection against him.

¶ 25 Because of the threatening emails, Maurice W. was not allowed at the agency office at that time. Also, the foster parents obtained an order of protection against him. The caseworker indicated that Maurice W. was not in a safe or stable mindset; he disengaged from the agency, S.N., and all supportive services that were put in place for him; he was not willing to engage in any conversation with the agency regarding his care or reengaging in services; and he expressed that he was unable to safely parent S.N.

¶ 26 On June 1, 2021, the trial court entered a permanency order, finding that Maurice W. had not made reasonable progress and efforts toward S.N. returning home because he stopped engaging in services. The permanency goal remained to return S.N. home within 12 months. On August 16, 2021, the State filed a motion seeking a finding of unfitness and termination of parental rights, asserting that Maurice W. was unfit under section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2020)) in that he failed to maintain a reasonable degree of interest, concern, or responsibility as to S.N.'s welfare; under section 1(D)(m)(i) of the Adoption Act (*id.* § 1(D)(m)(i)) in that he failed to make reasonable efforts to correct the conditions that were the basis for S.N.'s removal during any nine-month period after the adjudication of neglect; and under section 1(D)(m)(ii) of the Adoption Act (*id.* § 1(D)(m)(ii)) in that he failed to make reasonable progress toward S.N.'s return during any nine-month period after the adjudication of neglect. The following was identified as the relevant nine-month time period: November 13, 2020, through August 13, 2021.

¶ 27 On September 2, 2021, CASA filed another permanency hearing report, which indicated that, during Maurice W.'s last visit with S.N., he was insulting to the agency workers and had to be escorted out of the office by security staff that were on site for this specific visit; this incident occurred in front of S.N. His outbursts were more frequent and frightening, and the foster parents were on guard for S.N.'s safety as well as their family's safety. The recommendation was that Maurice W.'s visits be temporarily suspended until he reengaged in services.

¶ 28 On September 9, 2021, DCFS filed a permanency hearing report, which indicated that Maurice W. had successfully completed the C.H.A.N.G.E. Program with Cognition Works, but he had discontinued counseling because he did not think the counselor could help him, and he did not trust his counselor. He was arrested on July 26, 2021, for theft of property less than \$300, and he had upcoming criminal court hearings for charges of theft, criminal trespass to land, and criminal trespass to vehicles. He also had five previous convictions for assault, four convictions for invasion of privacy, and two convictions for robbery. In June 2021, he reported that he was banned from Mass Transit District (MTD) services for harassing people on the bus. However, he felt that he was the one being harassed. His previous caseworker could not obtain any information from MTD about the incident because it was an ongoing investigation. He was subsequently given a bicycle so that he could attend visits with S.N.

¶ 29 The report indicated that, in March 2021, Maurice W. stated that he was going through a manic episode and did not feel stable enough to have visits with S.N. He also reported he wanted to have nothing to do with the case. In June 2021, he contacted the

agency to reinstate visits. On June 17, 2021, a meeting was held with him to review expectations for future visits and to inform him that due to his previous threats, the agency would have security present. He attended visits regularly between June and August 2021.

¶ 30 The report further indicated that, at the August 5, 2021, visit, Maurice W. believed that the supervising caseworker was not taking his concerns about S.N.'s health seriously, so he became upset and asked to end the visit. However, the caseworker reported that Maurice W. demanded that she change S.N.'s diaper, and when she told him that he needed to do it himself, he escalated, started yelling at her, and called her derogatory names. The security guard got involved to deescalate the situation. Maurice W. reported that he was not yelling, but he was instead using his assertive communication techniques. He also felt like the caseworker did not remove S.N. from the room quickly enough, and he felt like that contradicted any safety concerns. It was later decided that his visits would be temporarily suspended since the incident occurred in front of S.N.

¶ 31 Before his visits could resume, Maurice W. was required to engage in anger management, mental health treatment, and individual counseling. He disagreed with the decision to suspend his visits, and he felt like the agency had lied to make him look bad and was attempting to ruin his progress and his relationship with S.N. He was adamant that he did not need counseling and refused to engage in counseling. Later, he left a voicemail saying that he did not need anger management, and it was the caseworkers that caused him to react.

¶ 32 During visits, Maurice W. always brought food and snacks, listened to music with S.N., and watched movies with her. However, he occasionally brought food and drinks that were known to upset her stomach.

¶ 33 On February 24, 2022, DCFS filed another permanency hearing report, which indicated that Maurice W. started anger management classes, and, on February 14, 2022, the provider reported that he only had three more sessions to complete. On September 20, 2021, he was charged with aggravated battery, which was committed against a McDonald's employee. He also had an active warrant for missing a court date. He turned himself in on January 3, 2022, was subsequently released, and had a court date set in March 2022. On October 5, 2021, his visits with S.N. resumed. When S.N. arrived at the visits, she looked for Maurice W. and smiled when she saw him. He was very engaged during visits and was attentive to S.N.'s needs. He greeted her with a hug and kiss, and he was always prepared with food for lunch. He had attended all visits since they resumed. He had housing, but the caseworker had not seen his apartment because of safety concerns. He had a psychological evaluation scheduled in March and wanted to see what services were recommended before he reengaged in counseling.

¶ 34 The fitness hearing took place on February 9, 2022, and April 12, 2022. At the fitness hearing, Kyle Dunlap testified that he was the caseworker from late October 2020 until April 2021. During this time period, Maurice W. completed parenting courses, he was referred for mental health and was attending counseling, and he completed domestic violence courses. Maurice W. had twice per week supervised visits with S.N., and he was consistent with his visits. Dunlap observed those visits and noticed that Maurice W. was

attentive, asked questions, interacted well with S.N., and provided food for her. At the time that Dunlap wrote the February 2021 permanency report, Maurice W. had “no-showed” three visits and ended a few virtual visits early. Dunlap did not have any concerns about Maurice W.’s behavior during visits. However, after the March 2021 permanency hearing, Maurice W. became really angry and was calling out insults to Dunlap. Maurice W. was also yelling at Dunlap’s supervisor outside the courthouse that day.

¶ 35 Jessica Firmand, a site supervisor at the Center for Youth and Family Solutions, testified that she supervised this case in May and June 2021. Maurice W. included her on a group email in April 2021 that was also sent to the assigned caseworker and Firmand’s supervisor. In the email, Maurice W. expressed that he did not want to be contacted because he did not want to be involved in the case. She was also included on an email exchange at the end of April between Maurice W. and the caseworker where Maurice W. again expressed that he did not want to be contacted. He was not engaging in visits at this time; he stopped visits in either March or April. In June, he reached out to the caseworker to reengage in visits, and he was placed back on the visitation calendar for once per week visits. He attended the June visits. However, his visits were temporarily suspended in August 2021 because the staff felt threatened by him. They wanted him to engage in anger management services with the hope that it would help his communication. His visits restarted in October 2021. He was referred for a psychological evaluation, but it had not been completed while she was supervisor because of lack of resources.

¶ 36 Although Firmand did not personally feel threatened by Maurice W., he had sent a threatening email to the caseworker before the June 2021 hearing. In the email, he

expressed that he felt that his parental rights would be terminated at the hearing, and, if that occurred, he would act in a manner that would get him killed in the courthouse. Firmand subsequently had a phone conversation with him about the email to explain that the hearing was a normal permanency hearing, and his rights would not be terminated at that time. However, he did not believe her, and he was adamant that his rights were being terminated. After the June hearing, they had a child and family team meeting between her, the assigned caseworker, the regional coordinator, and Maurice W. to talk to him about expectations for future visits. They discussed how he needed to be appropriate and nonthreatening with staff and that there would be security present during the visits. The threatening emails that he sent to staff were sent after he completed domestic violence services. He was not engaging in mental health services and was discharged in April for nonattendance.

¶ 37 Firmand testified that, in November 2020, Maurice W. sent emails expressing his concerns about S.N. being taught a religion that he did not agree with and about the foster parents sharing private information about S.N. on social media. The assigned caseworker at that time talked to the foster parents about his concerns, and the posts were removed from social media.

¶ 38 Elsa Bielser, an intact family caseworker with the Center for Youth and Family Services, testified that she was the caseworker from July to September 2021. The majority of her communication with Maurice W. went through her supervisors because he was combative and threatening toward her, and she had a difficult time communicating with him. Maurice W. reported that he was employed, and she requested confirmation from his employer but was told that, although he had worked there for some time, he had been fired

at the time of her request. He completed a mental health assessment but refused to engage in counseling. He refused to engage in any services at that time.

¶ 39 Maurice W.'s visits with S.N. were temporarily suspended in August 2021 after Bielser had an incident with him during a visit. Bielser explained that she was supervising the visit when he asked her a question, but she did not fully understand the question, and a "switch flipped" for him. He became very agitated and stated that the visit needed to end. She then explained to him that she would end the visit once the room was cleaned up, and he started yelling at her and insulting her. When he started walking toward her in a threatening manner, security became involved and escorted him from the building. At the time of the incident, S.N. was standing behind him in the room. Subsequently, it was decided that his visits would be temporarily suspended until he engaged in anger management and fully cooperated with the agency. Before that incident, he was consistent with visits, and his interactions with S.N. were, for the most part, appropriate. There was an issue with him bringing food and drinks that S.N. was unable to have because of dietary restrictions. He believed that, since he was S.N.'s father, he knew what was best for her and continued to bring restricted items every week.

¶ 40 Bielser noted that Maurice W. had reported concerns he had with S.N.'s health to her; he was concerned that S.N. had eczema. Bielser talked with the foster parents about Maurice W.'s concerns, and they took S.N. to multiple doctors to get her checked out.

¶ 41 Grace Mitchell, the director of the Family Advocacy Center (Center), testified that Maurice W. completed parenting classes at the Center in November 2020, and, starting in September 2020, his visits with S.N. were held at the Center. Mitchell was able to observe

Maurice W., and she noticed that his engagement with S.N. was very good, he communicated well with her, and he played games with her and read to her. He used the skills that he learned from his parenting classes to help potty train and discipline her in an appropriate manner. He loved S.N. deeply, and she called him daddy. Mitchell considered him to be a responsible father. She only had one issue with him feeding her inappropriate food, but when she addressed it with him, he immediately stopped. Although he had his own ideas about parenting initially, he was willing to engage and take the time to learn additional parenting skills and apply them to S.N. He expressed that his concerns about S.N.'s care were not taken seriously and felt that he was capable of taking care of her.

¶ 42 Mitchell observed his interactions with the caseworkers and noted his frustration, and at times, anger due to a difference of opinion, how an issue was handled, or how they answered his questions. He felt like his questions were not being answered honestly. She never felt threatened by Maurice W.

¶ 43 Amy Smith testified that she had been in a romantic relationship with Maurice W. since November 16, 2020. She believed that Maurice W. and S.N. had a close relationship, and he frequently spoke about S.N. Smith and Maurice W. talked about the things that they wanted to do with S.N. as well as the places they wanted to take her.

¶ 44 Maurice W. testified that he resided in a two-bedroom apartment and had his second bedroom set up for S.N. When he found out that S.N. was born, he was incarcerated. He was released on January 23, 2020. His first visit with S.N. was on February 20, 2020. During visits, he read to S.N., played with her, and brought her toys, books, food, and clothing. He denied being told that S.N. had dietary restrictions and claimed that he was

never told that the food he was bringing was inappropriate. He described his relationship with her as positive and strong.

¶ 45 Maurice W. successfully completed parenting classes and coaching, and he found the coaching helpful. He also completed the domestic violence class. He was told that, if he thought that mental health counseling was unnecessary, then not to worry about it. However, he did engage in individual counseling from November 2020 to January 2021. He requested a psychological evaluation and believed that the evaluation would tell him whether counseling was necessary. However, the caseworker was unable to find someone to do it because of the pandemic.

¶ 46 From November 2020 to January 2021, Maurice W. was in a good mental space. However, the March 2021 permanency hearing triggered a manic phase for him, he felt very defeated, and he was afraid to interact with the agency staff. He was unable to regulate his emotions and was afraid of how that would impact the case, so he decided to not participate in visits for a few months. At some point in early 2021, he stopped taking his medication for bipolar disorder. However, he never hurt S.N., and he believed that he was able to appropriately interact with her. He explained that she made him feel peaceful and that she made everyone feel good. He also explained that there had been points where he believed that his parental rights would be terminated, so he tried to act like that was what he wanted, but he never wanted to give up his rights. He acknowledged that he “ran into barriers” because of how he communicated, explaining that he was a big guy, and, when he raised his voice, it seemed like he was yelling. However, he claimed that was his excited tone of voice.

¶ 47 Maurice W. had six caseworkers throughout this case, and not all of them were responsive when he expressed concerns. He relayed health concerns that he had about S.N. to the caseworkers, and he was told that the issues would be dealt with if they came to fruition. Specifically, he told the caseworker that he suffered from seizures as a child, and S.N. ultimately had a seizure, but she was not checked out by a doctor before the seizure occurred. He had complained about how S.N.'s clothing was not appropriate for the weather. However, after expressing those concerns, she was not dressed more appropriately. He bought her a winter coat, and he never saw her wearing it; he later learned that the foster parents donated it. He also expressed concern that S.N. had eczema, but nothing was done about her skin condition. The foster parents made social media posts regarding S.N. that offended him, and he had to ask the caseworker several times before they were taken down.

¶ 48 Maurice W. did not attend the June 2021 permanency hearing because he feared that his parental rights would be terminated, and he was embarrassed about the emails that he sent to the agency staff. However, that month, he reached out to the agency to reengage in visits. He started taking his medication again in late May or early June 2021.

¶ 49 On April 20, 2022, the trial court held a hearing to announce its ruling on the fitness determination. At the hearing, the court found that the State did not prove, by clear and convincing evidence, that Maurice W. had failed to maintain a reasonable degree of interest, concern, or responsibility as to S.N. and that Maurice W. had not made reasonable efforts to correct the conditions that were the basis for S.N.'s removal. In making this decision, the court explained that it was not willing to find that the two-to-three-month

period where Maurice W. disengaged in services, which was in a large part caused by his mental illness, was evidence of him not making reasonable efforts. However, the trial court found that the State had proven, by clear and convincing evidence, that he had not made reasonable progress during the relevant time period following the adjudication of neglect. The court noted that, although Maurice W. appropriately engaged with many of the recommended services, and he clearly loved S.N., his behavior and actions did not demonstrate that he was ready to care for S.N., especially given that his inability to comport his behavior appropriately was what originally brought S.N. into care. The court explained that there was a lot of evidence about his behavior toward his caseworkers, the foster parents, and people in the community, and the testimony called into question how much progress he had truly made.

¶ 50 The trial court acknowledged that an individual suffering from a mental illness would inevitably have “wild swings in behavior from time to time” and that Maurice W.’s manic phase did not speak to his efforts or how hard he was trying. However, from the reasonable progress objective standard, the behavior he exhibited during the manic phase must be given the appropriate weight, especially since it was precipitated by his decision to stop taking his prescribed medication.

¶ 51 The trial court noted that Maurice W. accosted the foster parents outside of court on March 1, 2021, which resulted in them obtaining an order of protection against him; he completely disengaged from the case; he sent disturbing emails to agency staff about going to court and doing something that would get him killed; and he had an incident with Bielser on August 5, 2021, where he threatened her, called her names, and got close enough to her

that she felt compelled to end the visit early and have security escort him from the room. The court also noted that Maurice W. failed to comply with the most important service recommended by the agency, individual counseling to address his mental health issues, because he felt that it would not be helpful. The court found this significant because his erratic behaviors, and his decision to completely disengage from services, including visits, were due to his falling into a manic phase while not taking his medication and not attending to any mental health counseling. The court noted that it could not find that, as of August 13, 2021, the end of the nine-month period, it could return S.N. to Maurice W.'s custody in the near future.

¶ 52 On April 25, 2022, the trial court entered an adjudicatory order on parental fitness, reiterating its finding that the State had proven, by clear and convincing evidence, that Maurice W. was an unfit parent in that he failed to make reasonable progress toward S.N.'s return during the nine-month period set forth in the State's motion.

¶ 53 On June 13, 2022, a best interests report was filed, which indicated that S.N. resided in her foster home since September 23, 2019 (she was almost two months old when placed in the foster home); she shared a bedroom with her foster sibling; her bedroom was clean and free of clutter; and she had stuffed animals that belonged to her. The foster parents had a toy room in the house that included learning stations for the children and pictures displayed in the home of S.N. with the rest of the family. She was placed with her half-sibling, had a bond with her foster parents, and also had a bond with her foster parents' biological children. She was thriving in the placement. Her physical safety and welfare, including food, shelter, health, and clothing, had been met by the foster parents. The foster

parents were able and willing to continue meeting her basic needs, they provided her with nutritious foods, and they provided her with a safe and stable home. She had a set routine in the home and was in daycare while the parents were at work. The foster parents were both employed full-time and were able to provide for her financially. They ensured that S.N.'s medical needs were met by scheduling wellness, dental, and hearing appointments. On October 13, 2021, she had a seizure, and the foster parents ensured that she took her prescribed medication.

¶ 54 The caseworker observed S.N.'s interactions with the foster parents on several occasions and noticed that she had a strong bond with them and called them mom and dad. She also had strong bonds with her foster siblings and her half-sibling. S.N. was attached to her foster family and looked to them for reassurance and security. She identified their residence as her home.

¶ 55 S.N. was a very energetic, loving, and caring child; she loved dancing, singing, drawing, and having books read to her; and she was developing her own identity and demonstrated age-appropriate behaviors when expressing her feelings. She was approaching the age where she was finding her personality and expressed it by being independent and wanting to achieve daily activities on her own. The foster parents continued to ensure that S.N. maintained knowledge of her biological family, they wanted her to be connected to her extended family, and they expressed how important it was for her to stay connected to both of her cultures, African American and Caucasian. S.N. had strong connections with her foster family's extended family.

¶ 56 At the June 20, 2022, best-interests hearing, the trial court took judicial notice of the following documents: a no trespass notice that was issued to Maurice W. on May 13, 2022, indicating that Maurice W. was no longer allowed in his landlord's office due to him yelling at employees; a police report from the Urbana Police Department that described an incident of alleged verbal domestic violence that occurred at Maurice W.'s address on June 11, 2022, between him and Smith; an eviction complaint filed June 9, 2022, which indicated that Maurice W.'s landlord was moving to evict Maurice W. from his apartment due to him interfering with the quiet enjoyment of other neighbors and engaging in multiple acts of violence or threats of violence toward the landlord's office maintenance staff; and a pending felony theft charge, a pending aggravated battery charge, and a pending criminal trespass charge against Maurice W. After taking judicial notice of the above documents, the court then heard the following testimony.

¶ 57 Mitchell testified that she had been supervising Maurice W.'s visits with S.N. since September 2021. During the visits, Mitchell observed that Maurice W.'s relationship with S.N. was positive, he dearly loved her, he took care of her and provided for her, and he regularly told her that he loved her. Mitchell also heard S.N. tell Maurice W. that she loved him, and S.N. referred to him as daddy. S.N. also sought comfort from him, and, if he was late to a visit, she would get upset.

¶ 58 Maurice W. testified that, with regard to the eviction complaint, he had spoken to the apartment staff and was told that they assumed he would not be able to pay rent since he was no longer getting rental assistance. He also explained that there was a misunderstanding about where the threats to the apartment staff came from, but it had been

resolved, and they were not seeking an immediate eviction as long as he paid rent. He had consistently taken his medication for over one year. With the exception of counseling, he completed all of his required services. He also took a psychological evaluation. In June 2021 and then again in April 2022, he asked his caseworker to reengage in counseling; he was placed on the waitlist. His primary care physician also referred him to a counselor, and he had an appointment with that counselor in September.

¶ 59 Maurice W. testified that S.N. was strong-willed, hyper, and intelligent. During the June 9, 2022, visit, S.N. had a seizure. He knew it was a seizure because he had a history of having seizures. However, her foster parents did not take her to the doctor until June 16, and he was told that she had a temper tantrum. He was concerned that she would have seizures in the future, and her medical condition was being untreated. He subsequently emailed the agency staff expressing his concern about the lack of care. He also did not believe that S.N.'s skin condition was being properly treated. He bought special soap and oil for sensitive skin and sent them to the foster parents, but he never heard whether they used the items.

¶ 60 Maurice W. testified that he advocated for S.N.'s health because he had a lot of health issues in his family. He had provided clothing for S.N., but she never wore what he bought. He asked the caseworkers if the foster parents could put her in those clothes, so he could take pictures, but that never happened. He felt like S.N. was being dressed in clothing that was not in line with her culture or his religion. He had never physically harmed the foster parents, caseworkers, or S.N., and he had never threatened or attempted to verbally harass or intimidate S.N. He would never threaten or physically injure S.N.,

his main goal in life was to prevent harm to her, and he felt like he had enough control over his emotions to constructively discipline her. He fought for S.N.'s birth certificate to show her racial identity as African American as her primary race and Caucasian as her secondary race; there was no racial identity initially listed on her birth certificate, and DCFS had labeled her as Caucasian. DCFS had also noted that S.N. was a Christian (the foster family were Christians), but Maurice W. was not Christian. He was concerned that the foster parents were not preserving his culture and that S.N. would lose her sense of identity. He previously expressed concerns that S.N. had not been allowed to meet his family; she had never met his father, siblings, nieces, or nephews.

¶ 61 Maurice W. understood that he needed to use an even tone when addressing issues with the caseworkers. He explained that, when he got upset, people thought he was going to explode, but he was just excited. Mitchell explained to him how that could be misinterpreted and be intimidating since he was a big guy, and he understood that.

¶ 62 During visits, Maurice W. tried to help S.N. learn new things, such as new words; he brought her food; and he showed her affection. She sought comfort from him, was attached to him, and was comfortable around him. He had been a consistent presence in her life. He was able to provide food and shelter to her on a full-time basis. If he regained custody, he would encourage a relationship with her biological siblings and foster siblings as well as her foster parents. He intended to remain in the same community that S.N. was living in, he was going to school for a business administration degree, and he would keep S.N. in the same daycare. He believed that his extended family could provide her with a cultural and religious identity. He was committed to ensuring that she would never end up

in foster care again. He had an alternative care plan if he had another mental health episode; S.N. would go to his family. There was a never a time where he did not want to be S.N.'s father.

¶ 63 After hearing the testimony, the trial court found that the State had proven, by clear and convincing evidence,² that it was in S.N.'s best interests that Maurice W.'s parental rights be terminated. In deciding, the court noted that the foster family provided for S.N.'s basic needs, and she was well cared for and loved by them. As for Maurice W.'s concerns about how S.N.'s medical issues were addressed, the court found that there was nothing there that raised a red flag about how S.N. was being cared for. The court noted that eczema was a complicated issue that might not be resolved by a specific type of skin care cream or oil. Regarding the seizures, S.N. had a seizure in October 2021, and, since then, the foster parents had been very diligent about seeking medical care and giving S.N. her prescribed medication. After the seizure, the foster parents immediately scheduled her an appointment with her doctor and an appointment with a neurologist. Thus, the court found that she was being well cared for and attended to with regard to her safety and health.

¶ 64 The trial court found that, although Maurice W. had the determination to provide S.N. with food, shelter, and clothing, his ability to provide those things was more speculative since he was not yet financially independent. The court noted that, when S.N.

²The trial court noted, for a best-interests determination, that the State was required to prove, by a preponderance of the evidence, that it was in the minor child's best interests that the parental rights be terminated. However, the court found that the State had proven that here by clear and convincing evidence.

was taken into care, Maurice W. was incarcerated, so there was no history as to whether he could care for S.N.

¶ 65 The trial court found that the best-interests factor relating to S.N.'s background and ties, including culture and religion, was the most complicated factor because she was a biracial child. The court noted that the foster parents recognized that it was important for S.N. to maintain her African American culture as well as her Caucasian culture. However, the court agreed that, if Maurice W.'s parental rights were terminated, and he was not allowed to have contact with S.N., it would represent a loss in her ability to maintain her African American heritage, and this was an issue of import and concern that the foster parents would need to address. However, the court found that the idea that the way S.N. was dressed by her foster parents was erasing her African American culture was a "step too far" as it was not established that the entire African American experience was a monolithic institution in which everyone dressed a specific way. The court also did not believe that S.N.'s religious identity would be erased by being raised in a Christian household because she was two months old when she was placed with her foster parents and was never raised in any type of religious household prior to this placement. The court noted that, although Maurice W. identified as Muslim, he testified that he was not religious.

¶ 66 The trial court acknowledged that S.N. was attached to Maurice W., loved him, and referred to him as daddy. However, she was also attached to her foster parents, who she had lived with since she was two months old. She also referred to her foster parents as mommy and daddy and was treated the same as their biological children. She was placed in a home with her half-brother.

¶ 67 As for permanency, the trial court noted that there was a clear path toward achieving permanency, and the foster parents were able to provide her with that. The court acknowledged that it was possible for Maurice W. to achieve permanency as he had completed most of his services, he was involved in the case, and he had always wanted to take care of S.N. However, the court found that it had been established that Maurice W.'s decision to stop taking his medication had catastrophic consequences and that it was inappropriate to minimize his behavior. The court noted that he had accosted the foster parents to the point where they obtained an order of protection against him, he threatened caseworkers to the point where security had to be present at his visits, and he had criminal charges filed against him related to behavior he exhibited to community members. The court also noted that, although Maurice W. wanted to care for S.N., he acknowledged that there would be days where he would be unable to care for her because of his mental illness.

¶ 68 The trial court found that it was in S.N.'s best interests to be in a stable and permanent home. The court commended Maurice W. on how much he cared about S.N. and acknowledged that he had S.N.'s best interests at heart. However, the court noted that it did not have the luxury of allowing him more time to achieve permanency because of the risks associated with entering and being in substitute care.

¶ 69 On June 20, 2022, the trial court entered a permanency order, finding that the appropriate permanency goal was adoption. That same day, the court entered an order of termination of parental rights, reiterating its finding that the State had proven that it was in S.N.'s best interests that the parental rights of Maurice W. be terminated. Maurice W. appeals.

¶ 70

II. ANALYSIS

¶ 71

A. Fitness Determination

¶ 72 Termination of parental rights proceedings are governed by the Juvenile Court Act (705 ILCS 405/1-1 *et seq.* (West 2020)) and the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 2020)). *In re D.F.*, 201 Ill. 2d 476, 494 (2002). A petition to terminate parental rights is filed under section 2-29(2) of the Juvenile Court Act, which delineates a two-step process in seeking to terminate parental rights involuntarily. 705 ILCS 405/2-29(2) (West 2020). It must first be established, by clear and convincing evidence, that the parent is an unfit person under one or more of the grounds of unfitness enumerated in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2020)). 705 ILCS 405/2-29(2), (4) (West 2020); *In re D.F.*, 201 Ill. 2d at 494-95.

¶ 73 Our courts have recognized that parental rights and responsibilities are of deep importance and should not be terminated lightly. *In re C.P.*, 191 Ill. App. 3d 237, 244 (1989). Thus, parental rights may be terminated only after a finding of unfitness that is supported by clear and convincing evidence. *In re Gwynne P.*, 346 Ill. App. 3d 584, 590 (2004). The burden of presenting clear and convincing evidence of unfitness is on the party petitioning for adoption. *In re Adoption of L.T.M.*, 214 Ill. 2d 60, 67-68 (2005). A finding of parental unfitness will not be disturbed unless it is against the manifest weight of the evidence. *In re D.D.*, 196 Ill. 2d 405, 417 (2001). A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent. *In re C.N.*, 196 Ill. 2d 181, 208 (2001).

¶ 74 A trial court's finding of unfitness is given great deference because it has the best opportunity to view and evaluate the parties and their testimony. *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064 (2006). A reviewing court, therefore, does not reweigh the evidence or reassess the credibility of the witnesses. *In re M.A.*, 325 Ill. App. 3d 387, 391 (2001). Each case is unique and requires a close analysis of its individual facts. *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 19.

¶ 75 Here, Maurice W. first contends that the trial court's finding that he was unfit was against the manifest weight of the evidence. The court found Maurice W. unfit on the following ground: he had not made reasonable progress toward S.N.'s return during any nine-month period following the adjudication of neglect.

¶ 76 Reasonable progress is judged using an objective standard that focuses on the amount of progress toward the goal of reunification one can reasonably expect under the circumstances. *In re C.M.*, 305 Ill. App. 3d 154, 164 (1999). Reasonable progress is measured from the conditions existing at the time of removal. *In re P.S.*, 2021 IL App (5th) 210027, ¶ 37. It requires, at a minimum, measurable or demonstrable movement toward the goal of reunification. *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. The standard by which progress is measured is the parent's compliance with the court's directives and the service plans in light of the conditions that gave rise to removal and other conditions that later become known and would prevent the court from returning custody of the child to the parent. *Id.* There is reasonable progress when the court can conclude that it will be able to return the child to parental custody in the near future. *Id.*

¶ 77 The trial court identified the following nine-month time period as relevant for the fitness determination: November 13, 2020, to August 13, 2021. Maurice W. contends that, for the majority of the nine-month period, he was an active participant in his case. He had frequent contact with his caseworkers to express his concerns for S.N.'s welfare; he met the goals of the service plan in effect in February 2021; he was willing to get a psychological evaluation; once he resumed visits after his manic episode, he only missed visits when S.N. was sick; he built a strong bond and relationship with S.N.; and he had his own apartment with a bedroom for S.N. In support, he pointed to Mitchell's testimony, which indicated that he proved himself to be a responsible father, and he learned new skills from his parenting classes and coaches and applied them in his interactions with S.N. He argues that the incidents with the foster parents and caseworkers occurred when he was not taking his medication, but, once he resumed his medication in June, those episodes ceased. He acknowledges that he has mental health issues, and he had difficulty expressing his frustrations regarding S.N.'s care but argues that his caseworkers could not relate to him and did not have the qualifications to "get through" to him.

¶ 78 In finding that Maurice W. had not made reasonable progress, the trial court acknowledged that he had appropriately engaged in many of the recommended services during the relevant nine-month time period. The court also acknowledged that he clearly loved, cared for, and advocated for S.N., which was supported by the record. However, the court found that his behaviors and actions during this time period showed that he was not ready to care for S.N. and called into question how much progress he had actually made during services. Although he was suffering from a mental illness where swings in behavior

were expected, the behavior he exhibited during his manic phase was concerning and likely brought on by his decision to stop taking his medication. During this time period, he completely disengaged from the case, sent threatening emails to agency staff, had to be escorted out of a visit because the supervisor felt threatened by him, and had an order of protection entered against him after an incident involving the foster parents outside of court. He also failed to engage in an important service recommended by the agency, individual counseling to address his mental health issues. The court found this a significant consideration because Maurice W.'s erratic behaviors, and his decision to completely disengage from services, including visits, occurred at a time when he was in a manic phase, not taking his medication, and not attending counseling. Given the testimony presented at the fitness hearing, and considering the trial court's thoughtful reasoning for its decision, we conclude that the court's finding that Maurice W. failed to make reasonable progress during the relevant nine-month time period was not against the manifest weight of the evidence.

¶ 79

B. The Best-Interests Determination

¶ 80 If the trial court finds that the parent is unfit, the matter proceeds to a second hearing, at which it must be proven that termination of parental rights is in the best interests of the child. 705 ILCS 405/2-29(2) (West 2020); *In re D.F.*, 201 Ill. 2d at 495. Following a finding of parental unfitness, the focus shifts entirely to the child. *In re S.K.B.*, 2015 IL App (1st) 151249, ¶ 48. At the best-interests stage, all considerations must yield to the best interests of the child and the parent's interest in maintaining a parent-child relationship yields to the child's interests in a stable, loving home life. *In re D.T.*, 212 Ill. 2d 347, 364-

65 (2004). The State has to prove the child's best interests by a preponderance of the evidence. *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 80. The trial court's decision to terminate parental rights will not be reversed unless it is contrary to the manifest weight of the evidence. *In re M.C.*, 2018 IL App (4th) 180144, ¶ 35.

¶ 81 In reaching a best-interests determination, the trial court must consider, within the context of the child's age and developmental needs, the following factors: (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. *In re Dal. D.*, 2017 IL App (4th) 160893, ¶ 52; see also 705 ILCS 405/1-3(4.05) (West 2020).

¶ 82 Here, Maurice W. contends that the trial court's finding that termination of his parental rights was in S.N.'s best interests was against the manifest weight of the evidence. Specifically, he contends that the evidence demonstrated the love and bond between him and S.N.; that he was an active participant in his case, with the exception of the two-to-three-month period during his manic phase; his ability to utilize the skills that he learned in the parenting classes and parenting coaching; and his instinct to protect S.N.'s interests and welfare.

¶ 83 Considering the above best-interests factors, the trial court found that the foster family provided for S.N.'s basic needs; they loved and cared for her; and they were diligent in addressing any medical concerns that arose, including her seizure condition. The court found that Maurice W.'s ability to provide S.N. with food, stable housing, and clothing was speculative because he was not yet financially independent and had never been fully responsible for taking care of those needs since he was incarcerated when she was born. The court acknowledged that the best-interests factor relating to S.N.'s background and ties was complicated because she was biracial while the foster family was Caucasian and terminating Maurice W.'s parental rights would represent a loss in her ability to maintain her African American heritage. However, the court noted that the foster parents recognized that it was important for S.N. to maintain her African American culture. Although the court noted that S.N. was attached to Maurice W. and loved him, she was also attached to her foster parents, who she had lived with since she was two months old. Her half-brother was placed in the same home, and her foster parents also had biological children. She referred to her foster parents as mommy and daddy.

¶ 84 The trial court noted that the foster parents were able to provide S.N. with permanency, and, although it was possible for Maurice W. to reach that point, it did not have the luxury of allowing him more time because of the risks associated with entering and being in substitute care. The court also noted that Maurice W.'s decision to stop taking his medication had catastrophic consequences, and even Maurice W. acknowledged that there would be days where he would be unable to care for S.N. because of his mental illness. Thus, the court found that it was in S.N.'s best interests to be in a stable and

permanent home. Even though we acknowledge that the record reveals that Maurice W. loves and cares for S.N., that he fought to protect her interests and welfare, and that they have a bond, we find that the trial court's determination that it was in S.N.'s best interests to terminate Maurice W.'s parental rights was not against the manifest weight of the evidence. S.N. has a stable, loving home life with her foster parents, who she has lived with for most of her young life, and, as the trial court noted, it was still uncertain whether Maurice W. would be able to provide her with permanency, no matter how much he desired it. Accordingly, we affirm the trial court's decision to terminate Maurice W.'s parental rights.

¶ 85

III. CONCLUSION

¶ 86 For the foregoing reasons, we affirm the judgment of the circuit court of Champaign County.

¶ 87 Affirmed.