

NOTICE
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2024 IL App (5th) 230455-U
NOS. 5-23-0455, 5-23-0456, 5-23-0457,
5-23-0458, 5-23-0459 cons.

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT

In re J.W., G.W., H.W., A.W., and A.W.,) Appeal from the
Minors) Circuit Court of
) Marion County.
(The People of the State of Illinois,)
)
Petitioner-Appellee,)
) Nos. 19-JA-7, 19-JA-8,
v.) 19-JA-9, 19-JA-10, 19-JA-11
)
Elizabeth W.,) Honorable
) Ericka A. Sanders,
Respondent-Appellant.) Judge, presiding.

JUSTICE MOORE delivered the judgment of the court.
Justices Cates and Barberis concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court’s unfitness finding was against the manifest weight of the evidence where Mother demonstrated reasonable efforts and made reasonable progress towards the return home goal.

¶ 2 Elizabeth W. (Mother), biological mother of J.W. (DOB 3/27/08), G.W. (DOB 11/29/09), H.W. (DOB 4/16/11), A.W. (DOB 11/7/13), and A.W. (DOB 3/7/17) (collectively, Minors), appeals from the circuit court’s October 18, 2022, order finding Mother unfit and June 21, 2023, order finding it was in the Minors’ best interests to terminate Mother’s parental rights. For the following reasons, we reverse.

¶ 3

I. BACKGROUND

¶ 4 In January 2019, in Marion County case Nos. 19-JA-7, 19-JA-8, 19-JA-9, 19- JA-10, and 19-JA-11, the State filed petitions for adjudication of wardship alleging that the minors were neglected in that their environment was injurious to their welfare (705 ILCS 405/2-3(1)(b) (West 2018)).¹ The petitions specifically alleged that respondent had not cooperated with the intact services that she had been receiving since 2015 and that she could not adequately care for the minors in that she had allowed her home “to be in a deplorable condition with food and trash throughout the home, dirty dishes in the sink and on the counters, no cooking stove, and no heat other than space heaters in the home.” The petitions were accompanied by motions for temporary custody and advised that the minors had been taken into protective custody.

¶ 5 At a subsequent shelter care hearing, Department of Children and Family Services (DCFS) investigator, Brian Usery, testified that on January 16, 2019, he investigated a report regarding the conditions of the rental house where Mother and the children were living. Photographs were submitted as evidence depicting the state of the residence. Usery testified that the house did not have a working furnace. Mother instead had space heaters in the living room for heat. Usery testified that the children were taken into protective custody because the condition of the home was contrary to their welfare. The children were placed with a family friend and the maternal grandmother expressed her willingness to temporarily care for the children.

¶ 6 Usery then testified that prior to January 2019, Mother had previous indicated reports with DCFS. Since 2015, Lutheran Child and Family Services (LCFS) had been providing her with intact family services. Usery testified that in 2016, due to inadequate supervision and environmental

¹Only facts relevant to the children and Mother will be included in this brief, as no fathers are participating in this appeal.

neglect, the minors had been taken into protective custody. However, mother complied with the service plan and the children were returned to Mother in 2017. Prior to the removal of the children, Mother was given a day to clean the house. When the agency returned the next day, Mother had not cleaned, so the children were taken into custody. The trial court granted DCFS temporary custody of the minors and noted, *inter alia*, that “Mother ha[d] been given the opportunity to correct the problem, but ha[d] not done so.”

¶ 7 A service plan was filed with the court on February 13, 2019, directing Mother to complete specific services, including demonstrating skills learned in parenting classes, not allowing the children outside unattended, following recommendations of mental health assessment/counselor, securing appropriate housing for her children, ensuring the home remains clean and free of any trash and bugs, paying her bills on time, engaging with her children during visits, notifying the agency if she had to miss a visit, attending visits with the children, and cooperating with the agency.

¶ 8 On February 20, 2019, a court report was filed indicating that Mother was staying with a friend and was employed. She had sought mental health treatment, she was seeing a counselor, and medication was prescribed to treat her mental health. She had also applied for housing and had not missed a visit with the children.

¶ 9 A March 25, 2019, court report indicated that Mother was working with a housing advocate at Addus and had changed her employment. She had suffered a medication reaction and was referred to a specialist. She had been following up with that provider as required.

¶ 10 In April 2019, the cause proceeded to an adjudicatory hearing where Mother admitted the allegation that she could not adequately care for the minors in that she had allowed her home to be in a deplorable condition. Finding that the minors’ environment was injurious to their welfare, the

trial court ordered that the minors remain in DCFS custody, reserved determining whether they were neglected or abused, and set the cause for a dispositional hearing.

¶ 11 On May 8, 2019, LCFS filed a report advising that the minors were doing well in their placement with their maternal grandmother, that Mother had attended all scheduled visits at the home, and that Mother was receiving assistance from Addus. The report indicated that Mother was employed and was still waiting for housing to become vacant. The report also indicated that Mother had completed her mental health assessment.

¶ 12 A dispositional hearing was held at which Mother agreed to custody and guardianship being placed with the agency, but the question of reasonable efforts of the agency, specifically LCFS, was raised by her counsel. In support of Mother's concerns, defense counsel presented the testimony of Toni Young, the caseworker for LCFS, who testified that certain services had not been offered or provided to Mother during her intact services. Toni had been the caseworker during intact services, prior to the shelter care hearing. Mother's counsel asked that the case be removed from LCFS and returned to DCFS for failing to make reasonable efforts to provide services to the family. The State conceded that LCFS had failed to offer appropriate services. The trial court agreed that Mother had not been provided adequate services and the case was referred to DCFS to manage. Then, a dispositional order making the children wards of the court was entered.

¶ 13 A service plan dated August 19, 2019, was filed with the court on August 30, 2019. This plan found Mother unsatisfactory in that she needed to secure employment and housing, address her mental health and any substance abuse issues, and remain consistent with medication. It also indicated that Mother was going to undergo hysterectomy surgery with an expected recovery time of four to six weeks. The caseworker noted that this surgery would "slow her progress and participation."

¶ 14 A September 5, 2019, permanency court report was filed indicating that Mother was engaged in services and compliant with agency's requests. Her visits with the children were described as appropriate, and it was noted there were no safety concerns present. Mother was working with Family Foundations and was on a waitlist for Wraparound services. The permanency order entered on September 11, 2019, set a goal of "Return Home," but the order did not reflect whether Mother was making reasonable efforts or substantial progress toward achieving her goal. The report also noted Mother's past of making "self-defeating attachment choices" and her reluctance to address her mental health.

¶ 15 In January 2020, a report was filed from Spero Family Services wherein it noted that Mother had successfully completed its Family Foundations parenting program. It further indicated that she was living in a home in Salem, Illinois, and that she had sufficient room for her minor children. However, she still needed to secure stable employment.

¶ 16 The February 5, 2020, service plan indicated Mother had been arrested for possession of methamphetamine (this was later found to be false) but had passed two drug screens since that time and engaged in substance abuse treatment in which she was making progress. She still had not obtained housing but had applied. She was not employed. She was rated satisfactory for demonstrating what she learned in her Family Foundations parenting class. She had completed another mental health assessment but was considered noncompliant with mental health treatment because she had been arrested. Mother was engaged in treatment for her mental health and receiving medication but was still struggling with depression. Mother was rated satisfactory on almost all other tasks.

¶ 17 On March 5, 2020, DCFS filed a permanency hearing report advising that respondent had recently advised that she had obtained employment but was still unstable in housing. The report

indicated that respondent was relying on others for her housing. She had completed her substance abuse counseling and had passed all drug screens. The report indicated that since October 2019, respondent had worked “several temporary job assignments.” The report indicated that respondent was otherwise compliant with her service plan and had attended talk therapy. The report noted that due to the lack of substantial progress that had been made since the case was opened, the length of time that the minors had been in care, and respondent’s admitted use of methamphetamine in December 2019, the case would be referred for legal screening.

¶ 18 At a hearing on March 11, 2020, it was noted that Mother had already completed most of the tasks on her service plan. However, Mother was still only receiving one visit a week. Concerns were raised by Mother because the visits were scheduled on Mondays at the DCFS office, but that office was frequently closed on Mondays. Mother had been attending extracurricular activities with the children, had offered to drug test, and wanted her visits to increase to promote the return home goal. The only barrier at that time was housing, and a misconception on the part of the agency that Mother had been found to be in possession of methamphetamine. In fact, she had not been found in possession, but had been briefly detained in a traffic stop where a passenger was found to be in possession, and that passenger had admitted the methamphetamine belonged to him. Mother was never charged with any drug offense. However, Mother did admit to methamphetamine use sometime in December 2019.

¶ 19 At the hearing, DCFS placement supervisor, Misty Huff, emphasized that housing had been a constant concern and that Mother had exhibited a pattern of frequently changing jobs and residences. Huff indicated that if the case’s legal screening resulted in a deferral, then the goal of return home would remain and Wraparound services would be made available. Huff explained that Wraparound services are only offered to parents who were making reasonable progress, and that

Mother was not considered by DCFS to be making reasonable progress due to lack of satisfactory housing and employment. The State and the guardian *ad litem* (GAL) both recommended that the goal remain return home in 12 months. The trial court entered orders retaining the goal of return home within 12 months and set the cause for a June 2020 permanency hearing. Noting Mother's history of inconsistent employment and housing, the trial court refused to find that Mother had been making reasonable progress despite Mother's counsel's request to do so.

¶ 20 Another permanency hearing report was filed on May 29, 2020. This report noted that Mother had been employed when COVID-19 started, but that employment had been interrupted and she had struggled to maintain employment since that time. However, she was presently awaiting a start date for a new job she had recently obtained at a pizza restaurant. She had signed a lease for a residence to move to in early June 2020.

¶ 21 On June 3, 2020, a review hearing was held at which the court was advised that Mother had obtained housing and had signed a six-month lease to be followed by a month-to-month lease. The court was also advised that contrary to the reports claiming that Mother had refused services such as budget-making assistance, Mother had agreed to participate in those services, and was in communication with the worker who offered those services. It was also clarified that Mother had not missed a drug test as one report indicated, but that the agency had not been able to reach Mother in time to request that she test. The final issue discussed at review was that a psychological evaluation was being requested of Mother, and that although the case had been referred to legal screening, a finding had been deferred due to the lack of that psychological evaluation. The goal remained return home. The permanency order again failed to indicate whether Mother had made substantial progress.

¶ 22 Another permanency hearing report was filed on July 20, 2020, indicating that Mother had been successfully discharged from cognitive behavioral therapy in January 2020, had completed substance abuse treatment in January 2020, and had passed all drug screens. Her visits with the children went well and she had obtained housing, although not through the use of the habilitation worker.

¶ 23 On August 27, 2020, another permanency hearing report was filed. Mother had tested positive for benzodiazepine despite having completed substance abuse treatment; she admitted she had self-medicated her anxiety. Mother had since reengaged in substance abuse treatment and had been prescribed citalopram and clonazepam to treat her anxiety. Mother's visits were rated satisfactory, but there were concerns about her ability to manage all five children at the same time. Mother was otherwise rated satisfactory in most tasks, as indicated by an August 4, 2020, service plan. Also, the report noted that Mother had recently started working at a gas station.

¶ 24 At the September 2020 status hearing, Mother's counsel advised the trial court that Mother had obtained a job and housing. Counsel noted that a psychological evaluation had been scheduled in Kankakee, but counsel objected to the evaluation and questioned its necessity and the qualifications of the evaluator. Counsel suggested that DCFS was manufacturing a reason to argue against reunification and "doctorshopping." Counsel also noted that Mother was still not receiving increased visits despite completing almost all her services, and the children were still not in stable placements; he argued that DCFS was dragging its feet to avoid ever sending the children home to Mother. Further, regarding the State's argument that Mother may not be capable of taking care of all the children at once, counsel pointed out that no one had been able to manage all five children successfully, including foster homes and case aides, which is why they were not all placed together. One of the foster parents was having to get help from the children's grandmother to keep his home

clean, as he was not capable of doing so either and that was the exact problem that had caused the removal of the children from Mother.

¶ 25 Supervisor Huff acknowledged that respondent seemed to do well for periods of time but emphasized the evidence of Mother's illegal drug use. Huff indicated that the psychological evaluation was needed to assess respondent's present mental health and ability to parent. The GAL emphasized that her main concern was that respondent maintain stable employment and housing. The GAL reminded the court that when minors were returned before, "things went downhill," and "the same thing happened again." However, the GAL agreed that Mother should have more visits with the children and acknowledged that the agency had stated a concern with Mother's ability to manage all five children at once. The GAL repeated her concern that one hour of visits per week was not acceptable, but the agency had no other acceptable options for people to assist in supervision. The trial court concluded the status hearing by setting the cause for a December 2020 permanency hearing, and in October 2020, the court entered a permanency order finding that respondent had made substantial progress towards the minors' return.

¶ 26 In December 2020, DCFS filed a report advising that on the advice of her attorney, respondent had cancelled the scheduled evaluation in Kankakee. The report also recommended a new substance abuse assessment. The report advised that as of October 2020, respondent was no longer working at Biggies and was again unemployed. The permanency order entered on December 16, 2020, again found that Mother had made substantial progress towards the return home goal.

¶ 27 A February 24, 2021, status report indicated that Mother had completed both mental health and substance abuse treatment and had been discharged. She had a home that had been approved by the agency as it was structurally sound, in good condition, and clean. She was working at a job

that she started in early January 2021. With respect to the specific tasks of respondent's service plan, the February 2021 report indicated that respondent had been rated satisfactory in all areas except mental health and substance abuse. The report advised that respondent needed a new substance abuse assessment and an updated prescription for her anxiety medication even though Mother had not failed a drug test since July 2020. Mother had been exercising her parenting time and was allowed unsupervised parenting time, as well as supervised visits that went well.

¶ 28 At a status hearing held on March 10, 2021, Mother's counsel advised the court that he had just learned that A.W. was being moved from her foster home again, and that considering Mother's progress in services, she should be placed back with Mother rather than another foster placement. Counsel informed the court that respondent had obtained a new substance abuse assessment, had been prescribed clonazepam by her new provider, and had thus done everything DCFS had asked her to do. Counsel suggested that the placement might also ease respondent's transition to other minors' return. Counsel also pointed out that the status report continued to refer to a psychological evaluation counsel would not allow Mother to participate in, and that the court had said it would not order a psychological evaluation at the late date it was requested.

¶ 29 Mother's new caseworker, Courtney Schnake, confirmed that a new placement was needed for one of the minors and that DCFS was attempting to find one. The GAL noted that respondent was doing well but questioned whether the minor should immediately be placed in her care. Schnake indicated that the results of respondent's most recent drug test were pending and possibly positive and that respondent had missed two tests that had since been scheduled. The trial court indicated that it wanted more information concerning respondent's recent drugs tests and change in medication. The court emphasized that respondent had mental health issues that had resulted in the environmental neglect that led to the minors' removal. The court noted that respondent's

“mental health issues were the bases of the environmental neglect” and that her compliance with her prescribed medication was “very relevant” and would be relevant at the next permanency hearing, which the court set for June 2021.

¶ 30 In May 2021, DCFS filed a report detailing the mental health services and prescribed medications that respondent had received in the present case. The report noted that respondent’s “ongoing struggles with depression and poor coping skills have contributed to the ongoing environmental concerns in the home and an inability to safely provide for her children’s needs.” Based on respondent’s integrated assessment, psychotherapy and medication had been recommended because there were unaddressed mental health concerns. The report also noted that unsupervised visits with the minors had commenced in February 2021 but were stopped in early April 2021 after respondent took the children to an unapproved location. It was reported that respondent was having problems interacting with the minors during supervised visits and that the children spent the visits on their phones. The report noted that in-home parenting services through Spero had recently commenced.

¶ 31 At a June 30, 2021, hearing, counsel again raised the issue of Mother only being given one visit a week, despite having raised the issue repeatedly. Mother had been allowed unsupervised visitation but had lost it due to taking the children to an “unauthorized location,” but that was not explained further in the report. The caseworker explained that Mother had taken the children to a house she wanted to rent and was helping to clean the home. Mother’s boss was present for part of the visit. The information presented at the hearing was not about Mother at all but about the foster father of some of the children, who was advertising on Facebook for a different placement for the children in his care, which counsel felt that the agency had glossed over in its report. Counsel again asked that the children return home rather than be moved from yet another

placement. The caseworker admitted foster father had been advertising for a placement for the children on social media, and a person who was not known to him or the children responded to the ad. A woman responded to the ad to “help out” for an evening, and ended up taking the children with her where they remain. A hotline call was made by that woman. The GAL disagreed with all counsels about the propriety of returning the children home to Mother as housing was still an issue and there were concerns about whether she could financially provide for them. Referencing respondent’s Facebook page, the GAL also opined that respondent had put the oldest minor “in the middle” of the family’s problems. The GAL advised that the minors were “in excellent homes right now.” The court ruled that since the children had been in care for 15 of the last 22 months, the State was required to file a petition to terminate the parents’ rights.

¶ 32 On July 1, 2021, a permanency order was entered with a finding that Mother had not made reasonable progress, in that housing and employment were still an issue. The trial court observed that the purpose of a service plan was not to require a parent to “just jump through hoops” or “get credit” for doing things and that a parent had to demonstrate what he or she had learned from the services received. The court further observed that although respondent had “worked hard” and “tried” for several years, “We’re still not at the point where the kids can go home.”

¶ 33 In July 2021, DCFS prepared a service plan and filed a report advising that in June 2021, respondent quit her job at Country Crossroads and had since begun working for a landlord in Wayne City, who paid her in cash. Mother stated that she was also going to apply for employment at a restaurant in Cisne. The report noted that respondent was still seeing her provider in Herrin and that the psychiatric examination that was scheduled for June 2021 in Carbondale had been rescheduled for September 2021. The report reiterated that a psychological evaluation was recommended.

¶ 34 On July 26, 2021, DCFS filed a status report indicating no changes other than that Mother had been compliant with her new medication provider. Wraparound services had begun. One week later, on August 3, 2021, an addendum report was filed to advise the court that the case had passed legal screening on the basis that the children had been in care for a lengthy period of time. It passed for all the minors, except J.W., who had only been in her current placement for 2½ months. The agency continued to request a psychological evaluation.

¶ 35 A status hearing was held on August 4, 2021. At that hearing, Mother again raised the issue of visits being cancelled by the agency, and not having seen her daughters in several weeks. She also asked what more the agency wanted her to do to satisfy their requirements. The caseworker was given 14 days to provide counsel with a short list of remaining tasks for Mother to complete. At some point during the hearing, the trial court became aware that J.W. was present on the Zoom call. Foster mother admitted that J.W. was present. Counsel argued that it was noteworthy that foster mother was including J.W. in the very conversation about Mother being inappropriate with J.W. by tagging her on Facebook, etc. The court admonished foster mother about having included J.W. in the call, not having advised the court J.W. was present, and otherwise including J.W. in adult matters. Foster mother responded that the caseworker had authorized her to include J.W. Foster parent was admonished about not talking to J.W. about the case.

¶ 36 The respondent's counsel noted that respondent's visits with the minors seemed to be going well and that respondent was employed, had appropriate housing, was compliant with her treatment and drug tests, and was receiving in-home services. Counsel argued that there was no objective reason why the minors should not be returned to respondent's care and suggested that DCFS would never be satisfied that she had demonstrably changed.

¶ 37 The GAL agreed that respondent had been achieving goals but then referenced the trial court's previous observation that the purpose of a service plan was not to require a parent to "just jump through hoops" or "get credit" for things. Noting that the minors were taken into protective custody in January 2019, the GAL emphasized that the only reason legal screening had recently been deferred was because as a matter of DCFS policy, four of the minors had not been in their present homes for six months. The GAL argued that petitions to terminate parental rights needed to be filed and requested that another status hearing be held in 30 days.

¶ 38 On August 19, 2021, Mother filed a motion to return the children home. The motion noted that respondent had either completed or was compliant with all services and that she would be subject to ongoing monitoring through her aftercare services. Further, noting that respondent had yet to receive the written summary that DCFS was ordered to prepare, the motion alleged that DCFS was antagonistic towards the goal of reunification and had ultimately done more harm than good.

¶ 39 On August 27, 2021, DCFS subsequently filed an addendum report summarizing what respondent still needed to complete. The report stated that respondent needed to attend her psychiatric evaluation in Carbondale that had previously been rescheduled for September 2021, complete early intervention services at Community Resource Center (CRC), and complete a psychological evaluation directed at her ability to care for the minors. The report further stated that respondent's visits with the minors were going well but that continued good reports were needed to increase visitation. The report recommended that the goal presently remain return home.

¶ 40 At the September 2021 status hearing, respondent's motion to return home was addressed first. In support of the motion, Mother testified that she had been living in Cisne since May 2021 and that her visits with the children occurred there. Mother stated that her visits were presently

supervised, and she requested that she be granted overnight visits. Mother testified that she had been unable to visit her daughters for several weeks because they had been quarantined, but she had been able to visit her sons. Respondent testified that she was receiving in-home services, which assisted her in a variety of ways. Respondent testified that she was presently looking for a new residence because she was afraid of her landlord. Respondent explained that her landlord had shown up at her house during one of her recent visits with the minors and had caused a commotion outside. Respondent testified that she told the landlord to leave and would not let him in, because only approved people could be present during the visits. Respondent stated that she had told Addus and DCFS about the incident. A DCFS worker was present during the incident. Respondent stated that she had not had any problems with the landlord since, but she was scared and wanted to move as soon as possible. Mother did not know when or where she was going to move, but she wanted to return to Marion County. Respondent indicated that she had furnishings for bedrooms for the minors that would not “take very long to set up.” Respondent stated that she was presently employed doing “odd jobs for a landlord on Wednesdays” and was looking for a job in Salem or Centralia. Respondent testified that she was compliant with her medications, that she was attending early intervention substance abuse counseling at CRC, and that her appointment with the psychiatrist in Carbondale was in less than a week. Respondent indicated that she would continue to see the psychiatrist periodically for medication management. Respondent acknowledged that she had not participated in a psychological evaluation during the pendency of the present case, but she noted that she had completed mental health assessments. Respondent further noted that she had not been required to complete a psychological evaluation because it had never been made part of her service plan.

¶ 41 DCFS worker Schnake testified that she had been respondent's caseworker since January 2021. Schnake testified that Mother's visits with the minors were recently moved to a park near respondent's residence because the incident with respondent's landlord had been deemed a safety concern. Schnake stated that respondent's recent visits had reportedly been going well. Schnake acknowledged that respondent had completed or was complying with all the components of her service plan and that respondent was not required to obtain a psychological evaluation. Schnake acknowledged the problematic nature of the incident involving the foster parent who had attempted to find a replacement on Facebook. Schnake testified that respondent had missed two recent drug tests, claiming a work-schedule conflict on one occasion and lack of gas money on the other. Respondent had not yet provided confirmation of her present employment.

¶ 42 Respondent's counsel argued that the minors had been taken into care because they were living in a "squalid home." Counsel suggested that respondent had corrected the conditions and now "keeps her house clean." Counsel argued that respondent had appropriately dealt with the landlord situation and was taking steps to find different housing. Counsel emphasized that respondent had otherwise completed or was complying with all of the components of her service plan. Counsel contended that the children "were experiencing trauma at the hands of DCFS" and that the agency was not dedicated to the goal of reunification. Noting that the minors needed stability, counsel argued that there was no objective reason why they should not be returned home. Referencing DCFS's repeated request for a psychological evaluation, counsel argued that DCFS was "on a fishing expedition trying to make excuses and make hoops for [Mother] to jump through for no apparent reason." Counsel asked the trial court to grant respondent's motion to return, arguing that it was in the minors' best interests that the family be unified.

¶ 43 Conceding that the minors were removed from respondent’s care because they were found living in an unsuitable environment, the State noted that although respondent was presently keeping a clean house, she had moved several times since the case was opened and was planning to move again. The State argued that safe and stable housing was “not just a matter of being clean.” The State noted that Mother had not provided proof of her present employment and was apparently having trouble making ends meet. The State further noted that respondent had requested overnight visits, but by her own admission, she did not have the children’s rooms ready. Noting that presently there were supervised visits every week, the State argued that respondent’s motion to return home should be denied because it would be premature to return the children home under the circumstances. The GAL joined the State’s request that the motion be denied, arguing that an “abrupt return home” would not serve the minors’ best interests. Noting that in June 2021, the trial court found that respondent had not been making reasonable progress, the GAL suggested that respondent had failed to demonstrate what she had learned from services.

¶ 44 The trial court noted that by her own testimony, respondent felt unsafe in her present home and intended to move. The court noted that respondent had already moved four times in the nearly 2½ years that the case had been open, despite the assistance of a caseworker and an in-home service worker. The court observed that respondent had mental health issues and had been inconsistent with her medications and appointments. The court explained that it could not return the children because those issues were “obviously relevant.” The court also noted that the reason the children came into care was environmental neglect, and then acknowledged that there had been no indication that any of Mother’s four residences during the case had been unclean. The court then went on to deny Mother’s motion to return home, briefly commented on respondent’s “efforts versus progress,” and specifically stated the following:

“The case law regarding efforts indicates that a Court shall consider the adjudicated reason that the children were brought into care in determining whether a parent has made reasonable efforts. That’s relevant. The children were adjudicated neglected because of environmental neglect. The testimony today did not reveal that any of the [subsequent] places that she has lived have been in deplorable shape. However, the Court should also consider whether a parent has made reasonable progress. And in considering reasonable progress, the Court is not limited to the adjudicated reason for neglect. The Court must consider all issues which could form the basis of a neglect allegation and what services are recommended to make sure the parents can provide a safe home for their children. So, I’ve considered those issues as well, particularly with regard to [Mother’s] psychiatric history ***.”

By agreement, the trial court set the cause for a November 2021 status hearing.

¶ 45 A November 2, 2021, status hearing Report indicated that Mother was almost ready for discharge from early intervention substance abuse treatment at CRC. On November 9, 2021, a service plan was filed. This service plan found Mother to be unsatisfactory in her employment in that she had changed jobs in June 2021 to one that paid her in cash so that it was not verifiable by the agency. However, she had secured safe housing, after possibly having been evicted from her home in April 2021. She was indicated as unsatisfactory in demonstrating what had been learned in parenting courses. At the November 10, 2021, hearing, Schnake admitted that Mother was compliant in her services, and was still looking for better housing.

¶ 46 On December 1, 2021, the State filed a petition for termination of parental rights as to each minor, alleging that Mother failed to make reasonable efforts towards the goal of return home of the children during any nine-month period following the adjudication, specifically between June

10, 2019, to March 10, 2020; March 11, 2020, to December 11, 2020; December 7, 2020, to September 7, 2021; and/or February 28, 2021, to November 28, 2021, and that she failed to make reasonable progress toward the return home of the child between June 10, 2019, to March 10, 2020; March 11, 2020, to December 11, 2020; December 7, 2020, to September 7, 2021; and/or February 28, 2021, to November 28, 2021.

¶ 47 On January 26, 2022, a permanency hearing report was filed. As a result of the filing of the petition to terminate parental rights, Wraparound services were discontinued. A new service plan was developed and filed with the court on February 1, 2022. In this plan, Mother was found unsatisfactory in housing as she had not paid her rent and had not ensured her water bill was paid regularly; unsatisfactory for not sending the caseworker her work schedule for some time, as she had previously done reliably; unsatisfactory for not disciplining her child or remaining engaged during visits; unsatisfactory for not consistently attending psychiatric appointments so that she could consistently fill her prescriptions; and unsatisfactory for failing to appear at her first January 2022 drug test. All other tasks were rated satisfactory. The report also noted that Mother had been discharged from her early intervention services with CRC in December 2021, that she was looking for new housing while living in Cisne, and was supplementing her income working for DoorDash and Instacart.

¶ 48 At the February 2022 permanency hearing, Mother's counsel advised that Mother was compliant with her medication, was still employed and attending visitation, and had recently moved to Mt. Vernon. Counsel again objected to DCFS's continued seeking of a psychological evaluation for mother. The GAL reported that the minors were doing well in their foster homes. The GAL suggested that given the mother's recent change in residence, she had made no meaningful progress since the last permanency hearing. She further attested to her belief that it

would be in the minors' best interest that the cause proceed on the State's petitions to terminate Mother's parental rights. The State also requested the permanency goal be changed to substitute care pending determination of the petitions to terminate parental rights.

¶ 49 The trial court found that it was in the minors' best interest to change the goal as requested by the State. The trial court noted that Mother had been inconsistent with housing and employment. And that although Mother had not been caring for the minor children, she had been unable to pay her rent and had allegedly stolen from a previous employer. The trial court further noted that Mother had mental health issues and had been inconsistent with her medication. The court further found that the respondent was unable to demonstrate what she had learned from her services.

¶ 50 On April 20, 2022, August 31, 2022, and September 28, 2022, the cause proceeded to the fitness-hearing phase of the termination proceeding. The following evidence was adduced.

¶ 51 Allendria Benson testified that she had been respondent's caseworker from June 2019 through December 2020 and had prepared and reviewed the service plans that DCFS filed in August 2019, February 2020, and August 2020. With respect to all three plans, Benson testified that respondent's overall progress had been rated unsatisfactory. Benson acknowledged that in the 18 months that she worked the case, respondent successfully completed several service tasks, had at times been rated satisfactory for demonstrating what she learned in parenting classes, and always had positive interactions with the minors during visits. Benson further explained, however, that respondent had been inconsistent with services, had "lived various places," and had changed jobs several times. Benson also suggested that respondent tended to rely too heavily on her mother.

¶ 52 Courtney Schnake testified next. She testified that she was respondent's present caseworker and had been her caseworker since January 2021. Schnake prepared and reviewed the service plans that were approved in February, July, and October 2021 and filed in June, September,

and November 2021. Schnake testified that the minors had been taken into care due to environmental neglect. Schnake indicated that Mother had been rated unsatisfactory on her service plans due to failures to complete services. Schnake did testify that Mother did well with her parenting skills, had completed parenting classes, another mental health assessment, completed mental health counseling, treated her anxiety with a physician, had safe housing, and expressed interest in attending the children's school activities. Schnake never had any difficulty communicating with Mother.

¶ 53 With respect to housing, Schnake testified that Mother had rented a house in Salem before moving to Cisne in May 2021. When Mother indicated that she was moving from Salem to Cisne, she claimed that she was not happy with her landlord in Salem, but an eviction notice was observed on her door around the same time. Additionally, Mother had lived with a friend for several weeks before moving to Cisne. Schnake testified that the home in Cisne was clean and appropriate, but the bedrooms were apparently being used for storage. Schnake acknowledged that Mother's house in Salem had also been clean and appropriate. Schnake testified that Addus had supervised respondent's visits with the minors and that unsupervised visits had been discontinued in April 2021, after respondent took the children to an unapproved location. Supervised visits occurred at Mother's home in Cisne until the incident when "the landlord *** showed up banging at the door." Schnake acknowledged that she had never encountered difficulties communicating with Mother, that Mother had completed several of the components of her service plans, and that respondent's recent residences had consistently been clean. Schnake noted that Mother had three different jobs in 10 months. The October 2021 service plan showed Mother was rated satisfactory on all mental health tasks, had been successfully discharged from treatment, and was compliant with medication management.

¶ 54 Marge Starwalt, an Addus worker, then testified. She testified that she frequently transported the children for Mother’s visitation, and often sat in on the visits, from August 2021 to November 2021. The house was clean and appropriate, and Mother interacted well with the children. On August 30, 2021, she was present at a visit with the boys in Mother’s home in Cisne, when she heard a loud knocking at the front door, then at the back door. Starwalt asked Mother if she wanted her to answer it, and was told that she did not, as Mother did not want to talk to him. The person knocking at the door was identified as the landlord and he subsequently left. Starwalt did not think the boys even noticed what was going on with the landlord, as they were playing with the pets and toys. Starwalt also observed other visits when all of the children were present. It seemed to her that the oldest daughter usually took over and the other children did what they wanted to do; they did not mind the older sister. At some point, the visits changed to the Long John Silver’s restaurant in Mt. Vernon, where Mother worked, and it was difficult to supervise visits there, as the children were bored. The children were often on their electronics. Starwalt or the other supervisor would sometimes suggest that Mother play a game, or redirect Mother, and it seemed as if Mother’s interaction improved during the visits. She usually followed any redirection given, but at the next visit, it was like “starting over” again. Starwalt acknowledged that Mother had always been pleasant and never argumentative.

¶ 55 Rob Benca testified that he had been respondent’s landlord while she lived in Cisne and that before she was fired for theft, she had also worked for him at Country Crossroads, which he stated was a convenience store that he owned. Ron Benca testified that Mother rented one of his houses and had worked for him at Country Crossroads, a convenience store, for approximately a year. He rented her a home in Cisne for \$400 per month; she was to take care of the property, and pay the utilities, while the bills would remain in Benca’s name. He believed she lived on the

property for close to a year, but ultimately, he evicted Mother for making only one rent payment. Benca admitted that Mother had asked him to make several repairs to the property and claimed that he had sent contractors to the residence to see if anything needed to be worked on but believed Mother would not let them in the house. Mother disputed this testimony. Benca admitted he never spoke directly to Mother about his concerns with her not letting the contractor in the house. Benca denied he was banging on the door and hollering outside during the August 31 incident and stated that he just knocked on the door.

¶ 56 Jennifer Harmon testified that she worked for Addus and had been supervising respondent's visits with the minors since September 2019. Harmon stated that the visits occurred weekly and varied in length from two to four hours. Harmon explained that the visits had taken place at various locations over the course of the case and had recently been taking place at the DCFS office in Mt. Vernon. Harmon indicated that between September 2019 and November 2021, J.W., who was 14 at the time of the hearing, seemed to handle some of the parenting role that she felt Mother should have done. Harmon indicated that she and Mother had discussed the issues, and she had prompted Mother to be more interactive with the children. However, Harmon testified that she never had any major safety concerns for the children in Mother's care. Harmon testified that at some point, G.W.'s and H.W.'s phone use had to be limited during visits. Harmon also indicated that there had been some concerns during recent visits at the DCFS office in Mt. Vernon because the younger minors liked to stand on the tables and H.W. liked to crawl on top of the filing cabinets. Harmon further indicated that security had to sometimes intervene when she and Mother could not correct H.W.'s behavior. Harmon explained respondent obtained housing "pretty easily" but had troubles keeping it. Harmon acknowledged that Mother had never yelled at her and would generally listen to her.

¶ 57 Mother then testified. She testified that the minors were removed from her care in the present case because her home was dirty. She started participating in mental health services at the Angel Center because DCFS believed that her depression was the underlying cause of her alleged problems. She also commenced services at CRC. Mother testified that the Angel Center had placed her on various medications, but she had negative reactions to them all. As a result, she sought treatment from a provider in Herrin and was presently taking clonazepam for anxiety, as directed. She testified that she completed mental health and substance abuse counseling. Mother's Exhibit 1, a copy of Mother's discharge papers from Community Resource Center, was admitted into evidence. Later, it was suggested that Mother return to CRC for more treatment following a false report by DCFS that Mother was arrested for drug possession. Mother completed that treatment, and Mother's Exhibit 2, a copy of Mother's discharge papers from Community Resource Center the second time, was admitted into evidence. Next, Mother's Exhibit 3, a copy of Mother's certificate of completion of Family Foundations, a parenting class, was admitted into evidence.

¶ 58 Mother testified regarding the incident that caused her to have to do early intervention substance abuse treatment due to an alleged arrest for drug possession in December 2019. She testified that she "never got arrested for any drugs" and "was technically not charged with anything." Mother explained that she had given a relative's friend a ride, and the car had been stopped by police. During the stop the police discovered methamphetamine on the passenger and arrested him. Mother was not charged with possession of the drugs.

¶ 59 With respect to visitation, Mother discussed how many visits were missed by her daughters, for various reasons not related to her. Also, she testified that G.W. had been placed in a residential facility in Chicago, and Mother had not seen him in five months, because the agency did not have transportation, among other reasons. She indicated that video visits had been denied until just the

month prior. Mother also testified that the office space that DCFS often provided for visits was too small, and that her visitation time with the minors had never been increased. Mother indicated that she had been living in her present residence in Mt. Vernon since February 2022 and that since the minors' removal from her home in 2019, all her houses had been deemed clean, safe, and appropriate.

¶ 60 Mother testified that she had been working at the same restaurant in Mt. Vernon since September 2021. Respondent explained that the house she rented in Cisne from her previous boss, Benca, needed repairs that he had failed to make despite her repeated requests that he do so. When he appeared to bang on the door during a visit, she texted him to go away as she was visiting with her children. She believed he was waiting for the visitation supervisor to leave so he could approach her, so she texted him that she was going to call the police if he did not leave. The children continued to play through the entire incident. Mother further explained that she had stopped paying rent because she could not afford to pay rent and try to move at the same time. Mother explained that Benca also had fired her and falsely accused her of theft. He then "kept" her final paycheck at Country Crossroads.

¶ 61 During closing arguments, the State noted that multiple witnesses had testified that throughout the course of the case, Mother had struggled to maintain stable employment and housing. The State suggested that Mother was in no better position to care for the minors than she was when they were removed from her care. The State emphasized the testimony that there were still concerns regarding Mother's ability to manage and interact with the children. The State argued that respondent had failed to make reasonable efforts or progress during any of the nine-month periods alleged and asked the trial court to accordingly find her unfit.

¶ 62 The GAL agreed with the State’s position. She noted that Mother had changed homes and jobs several times since the case was opened and that she had admittedly failed to pay rent while she lived in Cisne. The GAL referenced the testimony that J.W. essentially mothered her siblings during visits, while Mother “sat back and watched.” The GAL contended that Mother had failed to learn from her years of services and had failed to demonstrate “any true change.” The GAL further argued that Mother had shown that she was not receptive to help or suggestions.

¶ 63 Mother’s counsel noted that the minors had been removed from her care due to the conditions of her home and that the evidence had clearly established that she had since corrected those conditions. Counsel emphasized all the services Mother had successfully completed, and with respect to her recent visits, counsel suggested that DCFS had put Mother in a “crap situation” and later blamed her for it. Counsel contended that after Mother had “literally” done everything that her service plan required, a psychological evaluation had been ordered as an additional task. Further contending that Mother had done everything that she had been asked to do, counsel argued that the State had not met its burden of proving that respondent had failed to make reasonable efforts or progress.

¶ 64 At the conclusion of the hearing, the trial court took the matter under advisement. On October 18, 2022, the court entered written orders finding that the State had proven that respondent was unfit for failing to make reasonable efforts or progress with respect to all four nine-month periods specified in the termination petitions. The court noted that Mother had consistently made efforts to engage in mental health services, and her attendance had been rated both satisfactory and unsatisfactory. The court noted Mother had consistently visited the minors. The court observed, however, that despite being employed and “[w]hile receiving assistance in several forms from DCFS and while not having children in her care for which she was financially responsible,

[Mother] still was not able to maintain a suitable and consistent residence to which her children could return.” The trial court also noted that the purpose of services was to effectuate real and lasting behavioral changes in a parent, but Mother had not demonstrated that she had internalized the information that she had been provided in mental health counseling and parenting classes. The court opined that respondent had merely “checked boxes” and “jumped through hoops.” Therefore, the court found Mother failed to make reasonable efforts to correct the conditions that brought the children into care and failed to make reasonable progress toward the return home goal in all of the nine-month periods alleged in the State’s motion to terminate.

¶ 65 Following this decision, the circuit court went on to hold best interest hearings for the minors as well. The circuit court ultimately decided it was in the best interest of the minors to terminate Mother’s parental rights.

¶ 66 Mother filed this timely appeal.

¶ 67 **II. ANALYSIS**

¶ 68 On appeal, Mother argues the court’s unfitness and best interest findings were manifestly erroneous. However, before addressing the respondent’s claims, we find it appropriate to first discuss the timing of our decision. This is an accelerated appeal pursuant to Illinois Supreme Court Rule 311(a) (eff. July 1, 2018). Subsection (a)(5) of that rule provides that we are required to issue our decision within 150 days after the filing of the notice of appeal, except where good cause is shown. Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2018). We cannot properly review a case and render our decision until we are fully briefed on the issues and the arguments of the parties. This makes the timely filing of the briefs imperative. This case was not ready for review until Mother’s reply brief was filed on November 14, 2023, due to multiple extensions requested by the parties.

¶ 69 Mother’s notice of appeal was filed on June 22, 2023. On August 18, 2023, Mother’s motion for extension of time to file appellant’s opening brief was granted, which extended the briefing schedule. On September 7, 2023, this court allowed another extension for Mother, and thus, the briefing schedule was again extended. Despite these two extensions, on September 26, 2023, following Mother’s missing of the September 21, 2023, filing deadline, this court entered an *Aliwoli* order and rule to show cause as to why counsel for Mother had not yet filed Mother’s opening brief. On October 2, 2023, Mother filed her brief. The State then requested an extension of time on October 18, 2023, to respond which extended the briefing schedule. And we subsequently granted the State’s motion to file a brief in excess of our standard page limitations. Mother’s reply brief was filed on November 14, 2023. This appeal addresses the termination of Mother’s parental rights to five minors. Each of those common law records are over 6000 pages. The record on appeal is also over 1500 pages. Thus, good cause was shown to issue this decision beyond the deadline.

¶ 70 We begin our review with the trial court’s determination of Mother as an unfit parent.

“The State must prove by clear and convincing evidence that a respondent was an unfit parent. [Citation.] A trial court’s finding of unfitness is afforded great deference because it has the best opportunity to view and evaluate the parties and their testimony; the trial court’s finding will not be disturbed on appeal unless it is against the manifest weight of the evidence. [Citation.] A decision is against the manifest weight of the evidence where the opposite result is clearly evident from the record. [Citation.] Each case concerning parental unfitness is *sui generis*, requiring close analysis of its individual facts; consequently, factual comparisons to other cases by reviewing courts are of little value. [Citation.] 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.” *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064 (2006).

¶ 71 The trial court found that Mother failed to make both reasonable efforts *and* reasonable progress in the return of the children. Thus, we address both below. However, we do note that the State in its response brief fails to properly address the issue of reasonable efforts or make any argument that Mother failed to make reasonable efforts. Thus, it appears to this court that the State, for all intents and purposes, is conceding that the trial court erred on this issue. In its response brief, the State only addresses the issue of reasonable progress and notes that “any one ground, properly proven, is sufficient to enter a finding of unfitness.” *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006); see also *In re C.M.*, 305 Ill. App. 3d 154, 163-64 (1999) (noting that reasonable efforts and reasonable progress are distinct, and each requires separate analysis).

¶ 72 A. Reasonable Efforts

¶ 73 Despite the State’s apparent concession on the issue of reasonable efforts, we briefly address it. “Reasonable efforts relate to the goal of correcting the conditions that caused the removal of the child from the parent [citation], and are judged by a subjective standard based upon the amount of effort that is reasonable for a particular person.” *In re Daphnie E.*, 368 Ill. App. 3d at 1066-67. In this case, the children were removed from Mother because her home was filthy. By all accounts, she addressed that problem. There has never been another complaint during this matter about her home being dirty or unfit for children. Thus, Mother has not only made reasonable efforts toward correcting the conditions that brought the children into care, but she has also actually corrected the condition. Any finding to the contrary is against the manifest weight of the evidence and cannot stand. Therefore, we reverse the trial court’s finding that Mother failed to make reasonable efforts.

¶ 74

B. Reasonable Progress

¶ 75 Pursuant to section 1(D)(m)(ii) of the Adoption Act, a parent may be found unfit for failing to make reasonable progress toward the minor's return within any nine-month period following an adjudication of abuse or neglect. 750 ILCS 50/1(D)(m)(ii) (West 2022).

“[T]he benchmark for measuring a parent's progress under section 1(D)(m) of the Adoption Act must take into account the dynamics of the circumstances involved; the reality that the condition resulting in removal of the child may not be the only, or the most severe, condition which must be addressed before custody of the child can be returned to the parent; the appropriate role of service plans in addressing these conditions; and the overriding concern that a parent's rights to his or her child will not be terminated lightly. Accordingly, we hold 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. We believe this result is consistent with the overriding purpose of the Juvenile Court Act (705 ILCS 405/1-2 (West 1998)), and naturally follows from the language of section 1(D)(m), when read in conjunction with the other statutory provisions discussed above.” *In re C.N.*, 196 Ill. 2d 181, 216-17 (2001).

¶ 76 Thus, the difference between reasonable progress and reasonable efforts is that reasonable progress is more concerned with the effect the parent's efforts has on the ability of the parent to care for the child, rather than on actual the effort itself.

“[R]easonable progress is judged by an objective standard based upon the amount of progress measured from the conditions existing at the time custody was taken from the parent. [Citation.] At a minimum, reasonable progress requires measurable or demonstrable movement toward the goal of reunification. [Citation.] *** Reasonable progress exists when the trial court can conclude that it will be able to order the child returned to parental custody in the near future.” *In re Daphnie E.*, 368 Ill. App. 3d at 1067.

¶ 77 Ultimately, the “reasonable progress” standard does not require that a parent complete all required tasks or services during the relevant nine-month period, but rather, at a minimum, the parent must make measurable steps toward the goal of reunification through compliance with court directives, service plans, or both. See *In re D.F.*, 332 Ill. App. 3d 112, 125 (2002); *In re J.A.*, 316 Ill. App. 3d 553, 564-65 (2000); *In re Sheltanya S.*, 309 Ill. App. 3d 941, 953-54 (1999).

¶ 78 Thus, we now turn to the facts of this case to determine whether the trial court’s finding Mother unfit as a parent was against the manifest weight of the evidence. We find that it was.

¶ 79 First, we start by noting how the children came into protective custody. The reason for the removal of the children was the condition of Mother’s home. It was filthy and lacked certain utilities necessary for a safe home environment. However, there was never any allegation of abuse, physical or emotional, or other issues of concern. Thus, we keep this in mind as we examine her progress throughout her case.” See *In re C.N.*, 196 Ill. 2d at 216 (“in light of the condition which gave rise to the removal of the child”). Additionally, we keep in mind that the trial court determined, following the State’s concession and testimony from Mother’s caseworker, that proper intact services were not offered to Mother prior to the issue arising and removal of the children which could have prevented the necessity of removing the children in the first instance. Mother

was not offered any financial support, nor referred to any support services prior to the children's removal.

¶ 80 Further, looking to the case as a whole, this court is left to question whether DCFS truly assisted to its fullest abilities or with the diligence required in attempting to return these children to Mother. Throughout the record, we see multiple instances of mistaken reporting to the court and inflexibility in how DCFS handled Mother's case. DCFS at one point reported to the court that Mother had been arrested for possession of methamphetamine. This was false. We would expect such an allegation to be properly vetted before being relayed to a judge. Even with Mother's admission of use of the drug, the factual surroundings as to how that information was derived (here, voluntarily) give important context to the court. At times, the trial court was informed that Mother missed drug tests. Later, it was revealed that DCFS had not properly contacted Mother in sufficient time to require the tests. As to DCFS's inflexibility, Mother requested visitations be moved from Mondays because often holidays fall on or are observed on Mondays. These holidays would result in the visits being cancelled because the DCFS office was closed. They refused to move the visitation day. Also, despite repeated requests by Mother throughout her case for additional time so that she could make more progress towards her return home goal, DCFS declined to award it. This request was refused despite all parties involved agreeing that additional time was warranted or would be beneficial. We have DCFS's decision to revoke Mother's unsupervised visits in April 2021 shortly after awarding those visits in February 2021. The only reason offered for revocation was Mother's decision to take her children to see a potential new home, which was done with the landlord of the property present. This court recognizes this excursion may have been a technical violation of the rules governing unsupervised visits in that

the location and individual present were “unauthorized,” but standing alone we question whether revocation on the first offense for such an infraction was appropriate.

¶ 81 While we consider these things in determining whether Mother made reasonable progress, we still must determine if the State proved by clear and convincing evidence that Mother did not make reasonable progress towards the return of the children. The trial court found that Mother failed to make reasonable progress for all four different nine-month periods alleged.

¶ 82 Looking at the first nine-month period, June 10, 2019, to March 10, 2020, we see that Mother was making reasonable progress. The September 2019 permanency order indicated Mother was cooperating with DCFS and was working diligently toward the return home goal by completing the tasks of her service plan. She had already completed a mental health assessment and was seeking medical treatment for her anxiety and depression. In February 2020, there was some discrepancy whether Mother had obtained housing, but all other tasks of her service plan were in progress or completed. Specifically, during this period, she had short-term employment throughout, she was searching for housing, and she completed her mental health assessment, substance abuse treatment, and graduated from her parenting class. Visits were going well and were consistent. All reports during this time were that the homes Mother was residing in were clean and safe. Thus, the evidence suggests that Mother made reasonable progress during this time.

¶ 83 The second nine-month period, March 11, 2020, to December 11, 2020, it was clear that Mother made reasonable progress. In October 2020 and December 2020, the trial court found explicitly that Mother had made substantial progress towards the return home goal. After our review of the evidence, we agree with these findings. Thus, the trial court’s contradiction with its own findings and ruling that Mother did not make reasonable progress during this period was against the manifest weight of the evidence.

¶ 84 The third nine-month period was from December 7, 2020, to September 7, 2021. During this time, Mother had progressed to being awarded unsupervised visitation with the children. She had completed essentially all tasks on her service plan. She was rated as unsatisfactory for failing to participate in a psychological evaluation which had been recently added to her service plan. She did not participate in this evaluation at the direction of her attorney. The trial court never ordered this evaluation. Thus, her nonparticipation in this evaluation cannot be held against her under the circumstances.

¶ 85 In July 2021, a report essentially indicated that no major changes had occurred. Mother was seeing a new doctor to manage her medication. The following service plan indicated that Mother had safe, appropriate housing and a new job. Visitations again were consistent and generally went well without any safety concerns. Mother had continued to pass drug screenings. Despite repeated requests to increase visitation, the request was denied. Further, during this period, Mother had to force DCFS through court order to disclose exactly what she still needed to do to make progress towards her return home goal because it appeared she had accomplished everything. The main sticking point here was the psychological evaluation, but again, that was never ordered by the trial court. Mother even filed a motion to return the children during this period arguing that she had fulfilled all that was required. Thus, we find that the trial court's determination that Mother failed to make reasonable progress during this period was error.

¶ 86 Finally, the fourth nine-month period, February 28, 2021, to November 28, 2021, overlaps considerably with the previous period. The only real change during this time is the encounter with the landlord knocking on her door during a visit. We discuss this event in more detail below; however, this alone is insufficient to defeat the other reasonable progress made as discussed during our evaluation of the third nine-month period. Again, Mother's housing is clean and safe for

children. No significant concerns are related regarding the visitations. Visitations are consistent. Mother has essentially completed all required service plan tasks during this time. Thus, we find that the trial court's determination that Mother failed to make reasonable progress during this period was error.

¶ 87 Looking more generally at this case, the majority of the focus, both by the trial court in its decision and DCFS throughout the case, was the issue of housing and employment. The fact that Mother moved four times over the course of the case was a focus. However, moving residences is not automatically equivalent to unstable housing. The homes Mother resided in were always reported as clean and safe for the children. It was never reported that Mother had backslid into living in an unsanitary or unsafe home. And while it took Mother several months before she obtained housing on her own, she had housing throughout the span of the case and was never without a place to stay. People move. It is not uncommon. And it is even more common in those who possess less financial means. We recognize that nonpayment of rent is a concern, and one which the trial court considered; however, what was never discussed was that Mother, upon the return of the children, would be eligible for increased government assistance for housing and financial support. Without the children in her care, Mother lost eligibility for these programs. Further, Mother explained that at least some of the nonpayment of rent was due to her landlord's refusal to make repairs. Again, most importantly, the homes were always found in good condition and were capable of housing the children safely. Finally, it appears that the trial court and DCFS both held the encounter with the landlord allegedly banging on her door against Mother. However, we cannot see how Mother mishandled the situation. She refused to allow an unauthorized person (the same category of individual that she previously allowed around during visitation, and which had resulted in her unsupervised visits being revoked) into the home. She felt that the behavior of

banging on the door and yelling was concerning and indicated to the trial court that she intended to find new housing as a safety precaution. While Mother's nonpayment of rent may have been why the landlord came to her home and acted in the manner he did, to hold her accountable for his actions is not proper. And this court is not going to find that a single mother must endure an environment in which she feels unsafe to ensure she is maintaining a "stable" housing situation for DCFS purposes. Further, we cannot ignore the fact that housing in foster care for the children was even less stable. The five minors were moved to multiple homes, multiple times, and sadly, separated from one another. On one occasion, the foster parents of one of the children advertised the child's placement on social media. A truly disturbing scenario, no doubt traumatizing to the child. While it is true that the children may have had to move homes multiple times had they been in the care of Mother, they would have at least been together and done so as an intact family.

¶ 88 The other focus was Mother's changing of jobs. Changing jobs is not necessarily evidence of inability to obtain or hold employment. Towards the end of 2019, Mother underwent a hysterectomy, which is a significant medical procedure requiring a significant recovery. A gap in employment during this time would be expected given the nature of the type of work that Mother could perform. Additionally, in March of 2020, the worldwide workforce was thrown into chaos as the COVID-19 pandemic took grip. It would be a rare case to find a person whose main form of employment was in the service industry (*e.g.*, waitress, cashier, etc.) that did not experience an interruption in employment during that time. Many places of employment cut jobs, or at least hours, and few were hiring. What the evidence does demonstrate is Mother consistently held short-term employment and constantly tried to find work when she was not employed. At times, she held more than one job. To demand more seems unrealistic.

¶ 89 Finally, we look to the visits Mother had with the children. Throughout the entirety of this case, Mother consistently attended visits and pleaded for increased visitation. Despite agreement from all parties that such increased visitation was warranted, it was never awarded by DCFS. Instead, the visits were often forced to be held in inconvenient locations not suitable for meaningful interaction with young children (a corner of a Long John Silver's restaurant or small conference room at the DCFS office), especially for extended periods of times. One of the central concerns put forth was Mother's inability to control the children in these environments. This court would be hard pressed to find an individual who could control five young children in such a place over the course of multiple hours. Again, to demand more appears unrealistic. There were never any reports that Mother was abusive towards the children, struck them, yelled at them, criticized them, or acted in any overtly detrimental way. There were complaints that Mother allowed them to be on their phones too often, but that is a modern-day problem every single parent in this country faces. Further, ultimately, it is not DCFS's job to determine the best way to parent the children. Parents have many different tolerances, practices, and preferences in how they raise their children. What one might deem too much time, another might deem acceptable. Additionally, the claim that the oldest minor child, J.W., essentially took on the mother role is not determinative. A single mother with five children is going to need help. If J.W. is capable and willing, then this alone is not something to necessarily be counted against Mother. It is not uncommon for older children to help supervise their younger siblings. Many would view such a relationship between siblings as beneficial to the entire family dynamic. Overall, the evidence suggested that visitations went very well with Mother and children. Mother was always consistent with visitation, even despite being denied additional visitation which was universally recognized as warranted. Such perseverance is indicative of reasonable progress.

¶ 90 Examining everything together, Mother consistently complied with her service plan. She accomplished all required tasks. When asked to repeat programs, she did. She completed her Family Foundations parenting class. Despite being denied increased visits, she was not confrontational with DCFS employees and continued to be consistent. While Mother did admit to use of methamphetamine early on in this process, the overwhelming evidence of her regularly passing drug tests throughout the entirety of her case indicates no ongoing substance abuse dependence. While Mother changed jobs frequently, she always found employment. While Mother moved frequently, housing was always clean and appropriate. Much of this was accomplished without the assistance of services. Considering that the sole reason the children were taken from Mother was the condition of her home, and that issue had not reoccurred since the case was opened, we find that the State failed to meet its burden and the trial court erred in finding that Mother failed to make reasonable progress and was unfit as a parent.

¶ 91 In light of the foregoing, we do not need to address the issue of the trial court's best interest determination.

¶ 92 III. CONCLUSION

¶ 93 As stated in our reasoning above, the trial court's October 18, 2022, order finding Mother unfit as a parent was against the manifest weight of the evidence.

¶ 94 Reversed.