

NOTICE  
Decision filed 11/23/22. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2022 IL App (5th) 220436-U

NO. 5-22-0436

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).

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<i>In re</i> H.B., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Macon County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 20-JA-23
	)	
Jacqueline D. and Jarred B.,	)	Honorable
	)	Thomas E. Little,
Respondents-Appellants).	)	Judge, presiding.

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JUSTICE WELCH delivered the judgment of the court.  
Justices Barberis and Vaughan concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court’s findings that the respondent mother and respondent father were unfit because they failed to make reasonable progress and efforts were 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 parental rights was not against the manifest weight of the evidence. Accordingly, we affirm the court’s termination of their parental rights.

¶ 2 The respondent mother, Jacqueline D., and the respondent father, Jarred B., appeal the judgment of the circuit court of Macon County terminating their parental rights to their minor child, H.B. On appeal, Jacqueline D. argues that the court’s findings that she was an unfit parent under sections 1(D)(b), 1(D)(i), 1(D)(m)(i), and 1(D)(m)(ii) of the Adoption

Act (750 ILCS 50/1(D)(b), (i), (m)(i), and (m)(ii) (West 2020)) were against the manifest weight of the evidence. Jarred B. argues that the court's findings that he was an unfit parent under sections 1(D)(b), 1(D)(m)(i), and 1(D)(m)(ii) of the Adoption Act (*id.* § 1(D)(b), (m)(i), and (m)(ii)) were against the manifest weight of the evidence. They also contend 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 Jacqueline D. and Jarred B. had a child, H.B., born July 4, 2016. On January 30, 2020, the State filed a juvenile petition, alleging that H.B. was neglected pursuant to section 2-3(1)(a) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(a) (West 2018)) in that she was not receiving the proper or necessary care for her well-being because, on January 27, 2020, Jacqueline D. was taken into custody for driving under the influence (DUI), child endangerment, unlawful possession of drug paraphernalia, and illegal transportation of alcohol and drugs. At that time, H.B., who was three years old, was in the vehicle with Jacqueline D. It was also alleged that H.B. was neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act (*id.* § 2-3(1)(b)) as her environment was injurious to her welfare and abused under section 2-3(2)(ii) of the Juvenile Court Act (*id.* § 2-3(2)(ii)) as Jacqueline D. created a substantial risk of physical injury to her.

¶ 5 On January 31, 2020, the Illinois Department of Children and Family Services (DCFS) filed a shelter care report, which indicated that, when Jacqueline D. was arrested, pills, a crack pipe, a heroin spoon, and an open bottle of Jim Beam were found in her vehicle. Jacqueline D. and H.B. were living in the vehicle at the time. Jarred B. lived in

Punta Gorda, Florida. That same day, the trial court entered a temporary custody order, finding that there was an immediate and urgent necessity to remove H.B. from Jacqueline D.'s custody and placing temporary custody with DCFS. On August 3, 2020, the court entered an adjudicatory order, finding that H.B. was neglected in that she suffered from a lack of support, education, and remedial care as Jacqueline D.'s ongoing substance abuse issues led to her not taking care of H.B. and not making plans for H.B.'s care.

¶ 6 The integrated assessment filed September 2, 2020, indicated that Jarred B. had been living in Florida since approximately 2017, and his contact with H.B. since then had been minimal. He was residing with friends and was laid off from his employment due to COVID-19. He had a support system in Florida, and H.B. would have access to her extended family if she lived there. Jacqueline D. and Jarred B. had another child together, and this child was adopted by Jacqueline D.'s mother, who also lived in Florida.

¶ 7 Also, on September 2, a dispositional report was filed, which indicated that Jacqueline D. was required to engage in the following services: cooperate with any recommended services, attend monthly meetings with the caseworker, complete random drug screens, complete a substance abuse assessment and follow all recommendations from that assessment, and refrain from using illegal substances. Jacqueline D. completed the integrated assessment, and it was recommended that she complete substance abuse treatment, random drug screens, individual therapy, and a psychiatric evaluation. She had a substance abuse history that needed to be addressed before she could provide H.B. with a safe environment or before she could fully benefit from other recommended services.

¶ 8 In March 2020, Jacqueline D. initiated inpatient treatment at Crossings Recovery Center (Crossings), and, although she successfully completed this program, she was subsequently arrested for possession of methamphetamine on April 16, 2020. During the review period, she completed 7 out of 11 drug screens. She tested positive for cocaine, delta-9-tetrahydrocannabinol (THC), and amphetamines/methamphetamine on March 12, 2020; for cocaine and amphetamines/methamphetamine on April 24, 2020; for marijuana on June 3, 2020; and for marijuana and heroin on June 26, 2020. She tested negative for all substances on May 15, 2020, and August 21, 2020.

¶ 9 The report also indicated that, on June 29, 2020, Jacqueline D. stated that she attempted to contact Crossings to engage in substance abuse treatment, but she had not heard back from them. She also reported that she did not know what her treatment plan was following her discharge from inpatient treatment, and she was instructed to contact Crossings to obtain clarification, so she could fully engage in outpatient treatment. As for parenting services, on April 6, 2020, she was referred to the Webster Cantrell Youth Advocate Program (Webster) for parenting education. She had attended seven out of eight parenting sessions and was working on the nurturing parenting curriculum. She was also referred to mental health counseling services on April 21, 2020, and was attending her counseling sessions. She was diagnosed with bipolar disorder and mania. As for housing, although she reported she was living with a friend, DCFS was unable to confirm this residency.

¶ 10 The report further indicated that, on February 4, 2020, Jacqueline D. pled guilty to endangering the life of a minor child, a Class A misdemeanor, and was placed on 12

months' probation. On July 17, 2020, she pled guilty to retail theft with a prior conviction, a Class 4 felony, and was placed on 24 months' probation and ordered to continue with substance abuse treatment. On August 28, 2020, she pled guilty to possession of methamphetamine, a Class 3 felony, and was again placed on probation for 24 months. Her January 2020 DUI charge was still pending. At the time of the report, she was not in compliance with the terms of her probation due to her lack of engagement in substance abuse treatment, ongoing positive drug screens, and failure to complete all of the requested drug screens.

¶ 11 Jacqueline D. received weekly supervised visits with H.B., the visits went well, and H.B. looked forward to seeing Jacqueline D. each week. They had continuous conversations, and Jacqueline D. was working on not showing as much emotional distress during the visits because it was upsetting H.B.

¶ 12 With regard to Jarred B., the report indicated that, as a result of the integrated assessment, it was recommended that a home assessment be completed to determine the appropriateness and safety of his residence, his personal stability, and whether any other services would be required. The home assessment would be completed by the Interstate Compact Placement Center (ICPC) in Florida. He had weekly supervised visits with H.B. through video conference; the visits remained positive, and H.B. enjoyed showing him things around the house and sharing stories with him.

¶ 13 On September 10, 2020, the trial court entered an adjudicatory order, reiterating its finding that H.B. was neglected. It also entered a dispositional order, finding that Jacqueline D. was unfit because of her substance abuse issues and that Jarred B. was unable

to care for H.B. because he lived in Florida and a home assessment had not been completed due to COVID-19 issues.

¶ 14 On January 4, 2021, DCFS prepared a family service plan that reported that Jacqueline D. had missed seven parenting sessions, mostly due to being in jail. During the sessions that she attended, she was prepared and ready to engage. However, there were concerns about her being unstable, and there were times where she did not appear to be listening. She missed a video visit in June, two of her September visits were canceled due to her being in jail, she was a no show for an October visit, and a December visit was canceled because she was in jail. Overall, she was doing well at visits, but she had to be told not to reassure H.B. that H.B. would be home soon, and there were some concerns with her crying at the end of the visits, which was upsetting H.B. She began mental health services at the end of June and had been fairly consistent, she was consistently taking her prescribed medication for her mental health issues, and it was noted that she was trying. Although she reported that she was attending groups at Crossings but missed the last session due to legal issues, this had not been verified. She had housing, but there was no heat in the house, and she was unemployed. She failed to appear for four of the six drug screens, but the two drug screens that occurred were negative for all substances.

¶ 15 The report indicated that, on September 16, 2020, Jacqueline D. pled guilty to a petition to revoke her probation and was sentenced to 60 days in jail. On December 5, 2020, she was charged with four counts of possession of drug paraphernalia, a Class A misdemeanor. She explained that the person that she was with possessed

methamphetamine, but she denied knowing this when she got into a vehicle with the person.

¶ 16 The report further indicated that Jarred B. had only contacted DCFS twice during the reporting period, and he had not responded to a letter asking that he participate in a child and family team meeting. The ICPC referral was completed but could not be submitted until H.B.'s birth certificate was obtained.

¶ 17 On February 25, 2021, a permanency hearing report was filed, which indicated that, although Jacqueline D. was reportedly engaged in substance abuse treatment at Crossings, that could not be verified because she had not signed a new consent for release of information. Jacqueline D.'s therapist reported that she was not consistently attending substance abuse treatment. Because there was no method of consistent communication with Jacqueline D., she had only been asked to complete one random drug screen on November 23, 2020; that drug screen was negative for all substances. Jacqueline D. was engaged in parenting classes and had attended 17 out of 28 sessions. She had been working on the nurturing parenting curriculum, which was 32 sessions, for over eight months. She interacted with H.B. on more of a friend level than a parent-child relationship level.

¶ 18 Jacqueline D. was engaged in mental health services, and over the last three months, attended 11 out of 17 sessions; she missed sessions when she was in jail. She was working on stability and regulating her emotions but had made little progress on her goals. Although during the first three months she was medication compliant, she was currently not attending appointments for medication management, so it was unlikely that she was taking her medication as prescribed. She was required to engage in habilitation services but did not

engage with any consistency; she stopped by the office when she was in the building for other services. She was motivated when there but displayed little follow through when not in the office. She had been living in a shelter but left there without another place to reside. In January 2021, she obtained housing but never notified DCFS and had no way of paying March rent. She missed six visits due to being in jail or work (although she was unemployed during this reporting period), and she was a no show for one visit.

¶ 19 The report stated that Jarred B. was not engaged in parenting classes, but DCFS was going to connect him with parenting services in his area. He had not maintained monthly contact with DCFS. He was invited to participate in three meetings, but he did not participate in them. However, it was discovered that he had not provided DCFS with a current address and likely did not receive the invitations for two of the meetings.

¶ 20 On March 3, 2021, a report prepared by the Court Appointed Special Advocate (CASA) indicated that Jacqueline D. was living with a friend. Since April 2020, Jacqueline D. had provided six different phone numbers and three different addresses. There had been no contact with her since October 26, 2020. Her August 2020 drug screen was positive for heroin, and she stated that she had no idea how heroin got into her system because her drug of choice was methamphetamine; she believed that either her caseworker set her up or it was in the methamphetamine that she used months ago.

¶ 21 The report indicated that Jarred B. admitted to using marijuana for sleep and anxiety. He reported that he felt powerless in this situation, and his communication with DCFS had been minimal and sporadic. In mid-October 2019, when Jacqueline D. was incarcerated, he brought H.B. to Florida to live with him at his sister's home. However, when Jacqueline



D. was released, she demanded that H.B. be returned to her and threatened to have him arrested for kidnapping. After consulting with a local police officer, he returned H.B. to her. He felt guilty for returning H.B. to Jacqueline D.

¶ 22 On March 3, 2021, the trial court entered a permanency order, finding that neither parent had made reasonable efforts or progress toward H.B.'s return home and that the appropriate permanency goal was to return H.B. home within 12 months. On August 17, 2021, DCFS filed a permanency hearing report, which indicated that Jacqueline D. was not engaged in substance abuse services because she was incarcerated. Before her incarceration, she tested positive for THC on April 7, 2021; she tested positive for amphetamines/methamphetamine on May 11, 2021, and May 26, 2021; and she failed to appear on June 9, 2021, due to being in jail.

¶ 23 Jacqueline D. was also not engaged in parenting services due to her incarceration. The parenting service provider last saw her at the jail for parenting services on June 24, 2021. She still needed to learn to talk to H.B. in an age-appropriate manner and not as a friend, to learn how to keep H.B. safe, and to learn about H.B.'s development. She was rated unsatisfactory, and this service was closed out due to her incarceration. Her mental health service provider also closed out her counseling services due to her incarceration. Jacqueline D. received visits with H.B. while in jail, but H.B. struggled during visits because she could not touch Jacqueline D.; the visits only lasted 15 minutes. However, Jacqueline D. had improved on being too emotional during visits, and she was typically upbeat and positive and engaged in activities with H.B.

¶ 24 The report indicated that Jarred B. provided DCFS with a certificate of an online course completion for parent education and family stabilization. However, his ICPC referral was closed by Florida and Illinois due to his instability and lack of housing. He maintained monthly contact with DCFS but did not provide updates on his living situation and employment status unless asked. He had once-per-week video visits with H.B., and he had a good attitude during those visits. However, he did not engage in activities with her. Instead, he watched television or videos with her. Although it had been suggested that he read books to/with her, he was not doing this. The visits usually lasted approximately 15 to 20 minutes; he ended the visits when H.B. said she was finished.

¶ 25 On December 14, 2021, the guardian *ad litem* (GAL) filed a motion seeking a finding of unfitness and permanent termination of parental rights, asserting that Jacqueline D. and Jarred B. were unfit under section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2020)) in that they failed to maintain a reasonable degree of interest, concern, or responsibility as to H.B.'s welfare; under section 1(D)(m)(i) of the Adoption Act (*id.* § 1(D)(m)(i)) in that they failed to make reasonable efforts to correct the conditions that were the basis for H.B.'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 they failed to make reasonable progress toward H.B.'s return during any nine-month period after the adjudication of neglect. The following were identified as the relevant nine-month time periods: September 10, 2020, through June 10, 2021; and March 14, 2021, through December 14, 2021.

¶ 26 The petition also asserted that Jacqueline D. was unfit under section 1(D)(i) of the Adoption Act (*id.* § 1(D)(i)) in that she was depraved because she had been criminally convicted of at least three felonies (Macon County case No. 18-CF-1078, Macon County case No. 20-CF-259, Macon County case No. 20-CF-581, and Macon County case No. 21-CF-153).<sup>1</sup>

¶ 27 On February 16, 2022, a permanency hearing report was filed, which indicated that Jacqueline D. was not engaged in services due to her being incarcerated for the entire review period. She agreed to decrease her visits with H.B. to every other week during this time because of the distance between H.B.'s home and the prison. The in-person visits went well except for the fact that Jacqueline D. could not touch H.B., which caused H.B. to cry and have difficulties after the visits. On February 18, 2022, a CASA report was filed, which stated that Jacqueline D. was in the Decatur correctional facility, and her parole was scheduled for April 2022. She did not accept responsibility for her incarceration and maintained that it was due to unfortunate events or alliances in her personal life. She did not have a good support system as she had a tumultuous past with her family, especially her mother. DCFS closed out her service plan due to her incarceration.

¶ 28 The report also indicated that Jarred B. was maintaining stable employment, had a good support system in Florida, and satisfied some of his service plan requirements. However, his ICPC referral was denied because of his inability to find stable housing. He had unsuccessfully searched for housing for the past two years, and he had a pattern of

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<sup>1</sup>The petition mistakenly named the wrong party with regard to this allegation, but, at the fitness hearing, the petition was amended to name Jacqueline D. as the proper party.

bouncing between different friends' houses every two to three weeks. He had difficulty saving money because he compensated his friends for allowing him to stay with them. He claimed that he could not find housing because he had a marijuana conviction from four years ago. Although, on several occasions, CASA recommended that he reach out to the local housing authority, he had not done so; he procrastinated and displayed a lackadaisical attitude toward obtaining stable housing.

¶ 29 On February 23, 2022, the trial court entered a permanency order, changing the permanency goal to substitute care pending a determination on termination of parental rights. The fitness hearing was held on April 14, 2022, and Jarred B. was not present. At the fitness hearing, Mykaile Warfield, a DCFS child welfare specialist, testified that she had been the caseworker since January 2021, and H.B. had been in care since January 29, 2020. Warfield testified that the services recommended for Jacqueline D. dealt with substance abuse treatment, parenting, mental health treatment, her legal issues, personal stability, and independence. Jacqueline D. was rated overall unsatisfactory on all of her service plans; she did not consistently engage in the beginning and then she was incarcerated. Although she made progress in parenting, there were still concerns that she needed to talk to H.B. in an age-appropriate way.

¶ 30 During Warfield's time as the caseworker, Jacqueline D. had not been consistent with her drug screens, and she had several positive tests. However, she had not had any positive drug tests since she was paroled in February 2022. She was never rated satisfactory for substance abuse treatment. She did not consistently engage in mental

health services before her incarceration, and those services were closed out due to her being incarcerated (she went to jail in June 2021 and then prison shortly thereafter).

¶ 31 Warfield met with Jacqueline D. while she was incarcerated, and Jacqueline D. reported that she was unable to participate in any services there because there was a lack of providers and due to COVID-19 issues. Warfield explained that she did not contact anyone about Jacqueline D.'s services while incarcerated because Jacqueline D. had already attempted to obtain services and was denied. After Jacqueline D. was paroled, all referrals were submitted for her to reengage in services.

¶ 32 Jacqueline D.'s stability and independence goals were rated as unsatisfactory because Warfield was unable to confirm her actual residence. Jacqueline D.'s visits with H.B. when she was incarcerated were sporadic because of the visitation policy. Those visits were difficult for H.B. because she could not touch Jacqueline D. and had to talk to her through plexiglass; H.B. would cry, scream, and kick. Following visits, H.B. would cry for several days. Even before Jacqueline D. was incarcerated, H.B. would become upset after visits because she missed Jacqueline D. and did not want to leave Jacqueline D. During visits, Jacqueline D. was hands on with H.B. and did different things with her.

¶ 33 Since Jarred B. lived outside the state, he was required to cooperate with the ICPC process. His recommended services also included participating in random urine screens, parenting services, and maintaining monthly contact with DCFS. All of his service plans were rated unsatisfactory overall, and ICPC closed him out due to his instability and lack of housing (she believed it was closed out sometime in 2021). Jarred B. said that he did not want to proceed, and he would contact Warfield when he was stable and had a home.

Warfield talked with Jarred B. about his lack of progress, but he indicated that it was a struggle for him. He recently contacted her because he moved into his girlfriend's apartment. However, for him to be a placement option, he would need to do another ICPC. He indicated that he wanted to reinitiate with the ICPC and that he was going to set a bedroom up for H.B.

¶ 34 Although Jarred B. completed an online four-hour parenting course, Warfield indicated that four hours was short for parenting, and he was not approved as completing parenting. He was required to complete random drug screens, but he was living in Florida, so they did not have any drug screens for him. He indicated that he was employed but had not provided proof of employment. Even if he did reengage with the ICPC, Warfield felt that he still would not be a good placement option for H.B. She explained that, during her time as the caseworker, he was not truthful about what was going on in his home; none of his visits with H.B. were in person; and his virtual visits with H.B. were short because of H.B.'s attention span. She acknowledged that he was consistent with visits. For the most part, he was also consistent with contacting her monthly; she explained that he sometimes fell off for a month or two.

¶ 35 The State then requested that the trial court consider certified copies of Jacqueline D.'s criminal convictions for aggravated battery when she drove her vehicle into another person (Macon County case No. 18-CF-1078), for retail theft (Macon County case No. 20-CF-259), for possession of methamphetamine (Macon County case No. 20-CF-581), and for possession of methamphetamine (Macon County case No. 21-CF-153). The court agreed to consider those certified convictions.

¶ 36 Jacqueline D. testified that she attended parenting classes, and she believed that she learned from those classes. As for talking to H.B. in an age-appropriate manner, she acknowledged that it was a work in progress but that she had improved. She went to Crossings for inpatient rehabilitation, and she subsequently engaged in classes until they conflicted with her work schedule. She was consistently attending counseling until she was incarcerated, and her counselor only went to the jail one time. Her parenting class teacher went there two times, and, on the second visit, told her that her parenting services were being closed out because she was incarcerated. She wanted to continue services while incarcerated, signed up for them, and was in contact with her caseworker. However, there were no classes being held because of a lack of teachers. She was released in February 2022. That same day, she went to Webster and was told that her caseworker would initiate the paperwork so that she could reengage in services, but she never heard anything further about restarting services. Before her incarceration, she only missed two visits with H.B. During visits, she brought H.B. gifts and food. After she was released, she had two visits.

¶ 37 After hearing the testimony, the trial court found that the State had proven the allegations in the petition by clear and convincing evidence, noting that Warfield's testimony was credible. With regard to Jarred B., the court noted that there was no satisfactory rating on any of his service plans throughout the case, and he was closed out due to instability and lack of housing. Regarding Jacqueline D., she was inconsistent from the beginning of the case and then she spent a significant amount of time incarcerated in either the Macon County jail or the Illinois Department of Corrections. She was also never rated satisfactory on any of her service plans.

¶ 38 On May 6, 2022, a best-interests report was filed, which indicated that H.B., who was five years old, had been living in the same home since she was three years old; she was thriving in that placement; and she was attending school full-time. She participated in Girl Scouts and gymnastics, and her teacher believed that she would benefit from summer school. She did not have any noticeable behavior issues, and she was doing well overall. However, it was recommended that she engage in mental health treatment to address her out-of-home placement and her relationship with Jacqueline D. She did not have any medical concerns and was potty trained.

¶ 39 Although H.B.'s foster parents recently divorced, and she primarily resided with her foster mother, she still had contact with her foster father. Her foster mother openly expressed a desire and willingness to provide H.B. with permanency; she remained committed to H.B.'s overall well-being, stability, and permanency; she was vested in H.B.'s success; and she provided H.B. with one-on-one attention, love, and affection. H.B.'s foster mother was also consistent and extremely supportive of H.B. throughout the duration of the placement, ensured that all of H.B.'s medical and development needs were met, and provided H.B. with an overabundance of love and support.

¶ 40 Jacqueline D. had supervised visits with H.B. one day per week for a minimum of two hours. Jarred B. had virtual supervised visits one day per week. Due to Jacqueline D. being incarcerated and Jarred B. living in Florida, they were unable to successfully increase visitation to monitored, overnight, or extended visits. DCFS was unable to proceed with reunification due to Jacqueline D.'s lack of communication, incarceration, and noncompliance with services. Although Jacqueline D. loved H.B., she had not



demonstrated her ability to remain committed to or her understanding of her role as a full-time parent.

¶ 41 Also, Jarred B. had not been an active participant throughout the case. While he completed a four-hour parenting course, he was unable to demonstrate through in-person visits what he learned. He was also unable to demonstrate his ability to remain committed to or his understanding of his role as a full-time parent. Thus, DCFS recommended that Jacqueline D. and Jarred B.'s parental rights be terminated.

¶ 42 At the June 30, 2022, best-interests hearing, Warfield testified that H.B. was placed in her foster home in January 2020. There was another child living in that home, and the two children were bonded, got along well, and played very well together. H.B. attended elementary school full-time, she was going to attend summer school, and she was doing well in school. She was really happy in her foster home, she was always smiling, and she was always telling Warfield things that she was doing. She was engaged in T-ball, gymnastics, and Girl Scouts. She was bonded to her foster mother, and she was given a lot of love and affection. Her foster parents recently divorced, but H.B. was doing well with the divorce, and she still visited her foster father.

¶ 43 Although Warfield had not consistently observed Jacqueline D.'s visits with H.B., she saw the visit reports and kept in frequent contact with the visitation worker. She believed that it was difficult for H.B. to adjust because she was not consistently seeing Jacqueline D. and noted that H.B. cried during the visits. After Jacqueline D. was released from prison, Warfield rereferred her for services, but the service providers closed out her services because they were unable to reach her.

¶ 44 Warfield testified that Jarred B. received virtual visits with H.B., and the visits went well. However, there was difficulty keeping H.B.'s attention during a two-hour visit, so she encouraged Jarred B. to get creative during visits. There was nothing in the visit notes showing that he took her advice. He reported that he was employed and had housing.

¶ 45 Jacqueline D. testified that, during her visits with H.B., H.B. seemed happy and excited to see her. It was difficult at the end of the visits because H.B. did not want to leave her. H.B. referred to both her and the foster mother as mommy, and sometimes H.B. called her by her name. Initially, H.B. was upset that her foster parents were getting divorced because she felt like her foster father did not want to live with her, and it was her fault. However, H.B. had been doing better with it.

¶ 46 Jacqueline D. attempted to reengage in services once she was released from prison, and she spoke to Warfield about how the service providers were unable to reach her. She then went to the providers and was told that Warfield would have to reenter the referrals, but she had not heard anything further. She was working on obtaining stable housing and recently obtained employment.

¶ 47 Jarred B. testified that, before the case started, he lived with H.B. for about 1½ years in Illinois. He then separated from Jacqueline D. and moved to Florida (he was originally from Florida). After the case started, he had virtual visits with H.B. His visits were after H.B.'s visits with Jacqueline D., so H.B. was usually distraught, and it was hard to keep her attention and calm her down. He had an in-person visit with H.B. before the best-interests hearing, and they had a good time and played with a bunch of toys. She was very happy to see him, hugged him, and called him daddy.

¶ 48 Jarred B. believed that he had completed his service plan. He had housing, and he requested that the ICPC be reengaged, so his housing could be inspected, but he was found unfit before that occurred. He believed that his house was suitable for H.B. He worked three days per week, and, if H.B. lived with him, his sister or his niece would watch her while he was at work. Jacqueline D.'s mother, who also lived in Florida, said that she would help too. He had no substance abuse issues and little criminal history. He believed that he could provide H.B. with a good place to live, and she would be happy with him.

¶ 49 After hearing the testimony, the trial court found that the State had proven, by a preponderance of the evidence, that it was in H.B.'s best interests that Jacqueline D. and Jarred B.'s parental rights be terminated. In deciding, the court noted that the most important best-interests factors were H.B.'s sense of attachment, her sense of security, her sense of familiarity and continuity, the least disruptive placement for her, and her need for permanent placement and continuity of relationships with parental figures. Looking at these factors, the trial court found Warfield's testimony credible. The court noted that H.B. was in the same home since she was three years old, and she was thriving there. She attended school full-time and participated in activities, such as gymnastics and Girl Scouts. Although her foster parents recently divorced, her foster mother expressed a desire and willingness to continue to provide her with permanency. Her foster mother was committed to her overall well-being and stability, was invested in her success, and provided her with one-on-one attention, love, and affection. Her foster mother also remained consistent and extremely supportive throughout the placement and met all of H.B.'s medical and development needs. H.B. was bonded with the other child in the home, she was doing well

in school, and she was described as being really happy. She was living in an environment where she received a lot of love and affection.

¶ 50 The trial court noted that H.B. was bonded with both Jacqueline D. and Jarred B. The court acknowledged that Jarred B. made efforts to visit with H.B. virtually, which was understandably difficult with a child of H.B.'s age. However, the court explained that it must consider the entire picture and that H.B. needed stability and continuity of relationships with her foster family. Thus, it found that termination was in her best interests.

¶ 51 On June 30, 2022, the trial court entered a judgment as to parental fitness and permanent termination, reiterating its findings that the State had proven, by clear and convincing evidence, that Jacqueline D. and Jarred B. were unfit because they failed to maintain a reasonable degree of interest, concern, or responsibility as to H.B.'s welfare; failed to make reasonable efforts to correct the conditions that led to H.B.'s removal during any nine-month period following the adjudication of neglect; and failed to make reasonable progress toward H.B.'s return during any nine-month period following the adjudication of neglect. The court noted that the relevant nine-month time periods were those identified in the GAL's petition seeking a finding of unfitness. The court also reiterated its finding that the State had proven, by clear and convincing evidence, that Jacqueline D. was depraved because she had been convicted of at least three felonies. The court further found that it was in H.B.'s best interests that Jacqueline D. and Jarred B.'s parental rights be terminated. Jacqueline D. and Jarred B. appeal the fitness findings and the best-interests determination.

¶ 52

## II. ANALYSIS

¶ 53

### A. Fitness Determination

¶ 54 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.

¶ 55 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, the State must prove parental unfitness by clear and convincing evidence. *In re Tiffany M.*, 353 Ill. App. 3d 883, 889 (2004). 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).

¶ 56 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.

¶ 57 Here, Jacqueline D. and Jarred B. contend that the trial court's findings that they were unfit were against the manifest weight of the evidence. As noted above, the court found them unfit on the following grounds: they failed to maintain a reasonable degree of interest, concern, or responsibility as to H.B.'s welfare; they failed to make reasonable efforts to correct the conditions that were the basis for H.B.'s removal during any nine-month period after the adjudication of neglect; and they failed to make reasonable progress toward H.B.'s return during any nine-month period after the adjudication of neglect. The court also found Jacqueline D. unfit because she was deprived.

¶ 58 Although section 1(D) of the Adoption Act sets forth numerous grounds under which a parent may be deemed unfit, any one ground, properly proven, is sufficient to support a finding of unfitness. *In re C.W.*, 199 Ill. 2d 198, 210 (2002). As we affirm the trial court's findings that Jacqueline D. and Jarred B. were unfit on the basis of their failure to make reasonable efforts to correct the conditions that led to H.B.'s removal and reasonable progress toward H.B.'s return, we do not address the remaining bases for the trial court's unfitness findings.

¶ 59 Reasonable efforts and reasonable progress are two distinct grounds of unfitness under section 1(D)(m). *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. Reasonable efforts relate to the goal of correcting the conditions that caused the child's removal and are judged by a subjective standard based upon the amount of effort that is reasonable for a particular person. *In re P.S.*, 2021 IL App (5th) 210027, ¶ 34. For reasonable efforts,

the trial court must determine whether the parent has made earnest and conscientious efforts toward correcting the conditions that led to the removal of the minor child from the home. *In re L.J.S.*, 2018 IL App (3d) 180218, ¶ 24.

¶ 60 In contrast, 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 L.L.S.*, 218 Ill. App. 3d 444, 461 (1991). 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. *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. 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.*

¶ 61 The following were identified as the relevant nine-month time periods: September 10, 2020, through June 10, 2021; and March 14, 2021, through December 14, 2021. H.B. was taken into care in January 2020 after Jacqueline D. was arrested for a DUI, child endangerment, possession of drug paraphernalia, and illegal transportation of alcohol; pills, a crack pipe, a heroin spoon, and an open bottle of Jim Beam were discovered in her vehicle. At that time, H.B. was three years old, she was in the vehicle with Jacqueline D.,

and they were living in that vehicle. Jarred B. was living in Florida and had minimal contact with H.B. since moving there.

¶ 62 Jacqueline D. was required to engage in services that dealt with substance abuse treatment, parenting, mental health treatment, her legal issues, her personal stability, and her independence. During the relevant time periods, she tested positive for amphetamines/methamphetamine on May 11, 2021, and May 26, 2021; and she was never rated satisfactory for substance abuse treatment. She quit outpatient substance abuse treatment in March 2020 because it conflicted with her employment, even though her substance abuse was the reason why H.B. was brought into care and rectifying this issue was critical to her ability to safely parent H.B.

¶ 63 Before Jacqueline D.'s incarceration in August 2021, she did not sufficiently engage in mental health services. Her stability and independence were rated as unsatisfactory because Warfield was unable to confirm that she had appropriate housing. She made some progress with respect to parenting services, but she still needed to learn how to interact with H.B. in an age-appropriate manner. Also, throughout the duration of this case, she was never rated satisfactory on a service plan.

¶ 64 Although Jacqueline D.'s efforts and progress were hampered by her incarceration, her incarceration for a drug offense at a time when she was supposed to be addressing her substance abuse issues demonstrated her lack of progress. Moreover, we note that our supreme court has held that the time spent in prison does not toll the nine-month time period for reasonable progress. See *In re J.L.*, 236 Ill. 2d 329, 341 (2010). Even though she was consistent with visits and had a close bond with H.B., the evidence demonstrated



that she failed to make reasonable efforts or progress toward addressing her substance abuse issues, which was the reason H.B. was initially brought into care and, at least in part, why she was unable to achieve permanency and provide H.B. with a stable and safe home.

¶ 65 Also, with regard to Jarred B., since he lived outside Illinois, he was required to cooperate with the ICPC process. He was also required to participate in random urine screens, complete parenting services, and maintain monthly contact with DCFS. However, the ICPC closed out his case due to his instability and lack of housing, and he never received an overall satisfactory rating on any of his service plans. During the relevant time periods, he never had stable housing. He only obtained housing shortly before the fitness hearing and that house had not been inspected to determine whether it was appropriate. Although Warfield spoke to him about his lack of progress, he indicated that it was a struggle for him. He did complete an online parenting course, but Warfield indicated that a four-hour course would not be sufficient to complete his parenting services. Although he reported that he had employment, this was not verified.

¶ 66 Warfield testified that, even if Jarred B.'s current housing was appropriate, he would still need to reengage with the ICPC to be a placement option for H.B. However, she still did not believe that he was a good placement option because he was not truthful about what was going on in his home, and his visits with H.B. were mainly virtual and of a short duration. Thus, there was no assurance that he could provide a safe and stable home for H.B. Accordingly, the trial court's findings that Jacqueline D. and Jarred B. were unfit parents because they failed to make reasonable efforts and progress were not against the manifest weight of the evidence.

¶ 67

## B. The Best-Interests Determination

¶ 68 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 D.T.*, 212 Ill. 2d 347, 364 (2004). 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. *Id.* The State has to prove that termination is in the child's best interests by a preponderance of the evidence. *In re T.A.*, 359 Ill. App. 3d 953, 961 (2005). The trial court's decision to terminate parental rights will not be reversed unless it is contrary to the manifest weight of the evidence. *Id.*

¶ 69 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). It is not in a child's best interests for her status to remain in limbo for extended periods of time. *In re S.L.*, 2014 IL 115424, ¶ 23.

¶ 70 Here, Jacqueline D. and Jarred B. contend that the trial court's finding that termination of their parental rights was in H.B.'s best interests was against the manifest weight of the evidence. Specifically, Jacqueline D. argues that H.B. loved her, was always happy and excited to see her at visits, and was upset at the end of visits because H.B. did not want to let go of her. Jarred B. contends that he owned a home, he was employed, and he believed that he completed all of his services. They also argue that H.B.'s foster home was not stable because the foster parents recently divorced, which impacted H.B. as she believed it was her fault and that her foster father did not want to live with her anymore. They further contend that it would be in her best interests to live with parents who loved and fought for her.

¶ 71 Considering the above best-interests factors, the trial court found that the State had proven, by a preponderance of the evidence, that it was in H.B.'s best interests that Jacqueline D. and Jarred B.'s parental rights be terminated. The court noted that the most important best-interests factors were H.B.'s sense of attachment, her sense of security, her sense of familiarity and continuity, the least disruptive placement for her, and her need for a permanent placement and continuity of relationships with parental figures. She had been living in the same home since she was three years old, and she was thriving in that placement. She attended school, was doing really well there, and participated in activities.

¶ 72 Although the foster parents recently divorced, H.B.'s foster mother expressed a desire and willingness to provide H.B. with permanency, was committed to her well-being

and stability, and was invested in her success. H.B. was bonded with the other child in the home, was described as being really happy, and was living in an environment where she received love, affection, and support. Her medical and developmental needs were also being met in that home.

¶ 73 Even though H.B. was bonded with Jacqueline D. and Jarred B., the trial court noted that it must consider the entire picture and that H.B.'s need for stability and continuity of relationships with the foster family compelled a conclusion that termination was in her best interests. We agree. H.B. was living in a loving and nurturing environment where she had a strong bond with her foster mother while her biological parents had made insufficient progress toward demonstrating that they could provide her with safety and stability. As noted above, it is not in H.B.'s best interests for her to continue to remain in limbo to see whether her parents are able to achieve permanency. Accordingly, we affirm the trial court's best-interests finding.

¶ 75

### III. CONCLUSION

¶ 76 For the foregoing reasons, we affirm the judgment of the circuit court of Macon County.

¶ 77 Affirmed.