2022 IL App (5th) 220195-U

NO. 5-22-0195

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

In re A.R., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Macon County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 17-JA-217
	)	
Ryan R.,	)	Honorable
	)	Thomas E. Little,
Respondent-Appellant).	)	Judge, presiding

JUSTICE WHARTON delivered the judgment of the court.
Justices Cates and Vaughan concurred with the judgment.

ORDER

¶ 1 *Held*: Where the trial court's orders finding that Ryan D. was an unfit parent and that the best interest of the minor child warranted termination of his parental rights were not contrary to the manifest weight of the evidence, we affirm the orders.

¶ 2 I. BACKGROUND

¶ 3 A. History of the Department of Children and Family Services' Involvement

¶ 4 A.R. is a female child born on January 26, 2010. A.R.'s mother is Meghan C. and her father is Ryan R. Meghan and Ryan were not married. When A.R. was not quite three years of age, Ryan was incarcerated for aggravated domestic battery committed upon Meghan. A.R. continued to live with Meghan. Meghan had a son, B.D., in 2015 with Michael D. Meghan and Michael were not married. Meghan and both children lived with Meghan's mother.

¶ 5 On July 20, 2017, someone made a hotline call to the Department of Children and Family Services (DCFS) about Meghan and the children. Police were called to Michael's home. Michael and Meghan had argued because Meghan was intoxicated and had driven to his house with A.R. the previous evening. Michael alleged that Meghan threatened him with a knife, and then cut herself with the knife. No injuries or property damage were visualized by the police upon arrival. A.R. informed the police that she did not see a knife. DCFS opened an Intact Family Services plan for Meghan and the children. At that time, Ryan remained incarcerated.

¶ 6 On September 29, 2017, someone made another hotline call to DCFS. When investigating the call, DCFS discovered that A.R. had a black eye and bruises on her legs. Meghan allegedly struck her when the family was staying at a St. Louis hotel. A.R. informed the reporter that Meghan pulled her hair and that her head hurt. A.R. informed the DCFS investigator that Meghan placed her hand over her brother's nose and mouth and announced that she wanted to kill him. The investigator learned that Meghan was intoxicated during these events, and the next morning, she could not remember what she had done. At that time, Ryan remained incarcerated.

¶ 7 Following receipt of the hotline call, child protection investigator, Leandra Tate, was assigned to the case. Tate went to A.R.'s school and met with and examined A.R. A.R. was then transported to the Child First Center and forensically interviewed. From the interview, DCFS discovered that A.R.'s injuries occurred during the family's vacation to St. Louis. A.R., her half-brother, B.D., Meghan, and B.D.'s father, Michael D., were together in the hotel. Additionally, A.R.'s paternal grandmother and grandfather[1] were present on this trip.

[1]The man A.R. considers to be her grandfather may not be biologically related to A.R. In testimony during the fitness hearing, Alice Risley, A.R.'s paternal grandmother, referred to this man as her husband. See ¶¶ 7-8.

¶ 8 Following the September 29, 2017, interview, Tate met with the paternal grandmother and took protective custody of the sibling, B.D. The paternal grandmother's husband who lived in the same house had been indicated for sexual molestation of another child, and thus A.R. and B.D. were not placed in the paternal grandmother's home. Instead, DCFS placed A.R. and B.D. in the maternal grandmother's home.

¶ 9 B. Shelter Care and Dispositional Hearings

¶ 10 On October 3, 2017, the State filed its petition requesting that the court hold a shelter care hearing relative to A.R. and B.D. The trial court held the shelter care hearing the same date and found that the children were neglected in that they were living in an injurious environment. A.R. and B.D. were placed in the home of Meghan's mother. The trial court admonished the parents to cooperate with DCFS on the terms of the service plan and to correct the conditions that required the minors to be taken into care or risk termination of parental rights. At that time, Ryan remained incarcerated.

¶ 11 In mid-January 2018, Lutheran Child and Family Services, acting on behalf of DCFS, filed its dispositional report with the court. At that time, Ryan remained incarcerated. Lutheran Child and Family Services (LCFS) recommended maintaining A.R.'s status in substitute care, while physical custody of B.D. was soon to be returned to his father, Michael D., to be followed with after care.[2] At that time, Ryan remained incarcerated.

¶ 12 On January 24, 2018, the trial court held its dispositional hearing, at which it concluded that both Meghan and Ryan were unfit and unable to care for, protect, train, educate, supervise, or discipline A.R. The trial court supported its conclusion by stating that Meghan was struggling with

[2]In 2019, B.D. was returned to the custody of his biological father, Michael, and thereafter was no longer in foster care with A.R. Therefore, the balance of the factual background in this order will not include B.D. and will focus strictly on A.R.

substance abuse and domestic violence, while Ryan was incarcerated and had not responded to attempts to contact him.

¶ 13 C. Permanency Reviews, Orders, Family Service Plans, and Motions

¶ 14 On March 16, 2018, LCFS filed its permanency review report with the court. LCFS reported that Ryan "has not been involved since case opening, a diligent search has been made, but no contact has been made." The permanency goal was to return A.R. home within 12 months with a date of September 2018. A.R. continued to reside with Meghan's mother. Meghan engaged in supervised visits.

¶ 15 The trial court entered a permanency order on April 4, 2018, maintaining the permanency goal at returning A.R. home within 12 months. Ryan was rated as not having made reasonable and substantial progress nor reasonable efforts toward returning A.R. home. Guardianship and physical custody were maintained with DCFS. At that time, Ryan remained incarcerated.

¶ 16 On August 31, 2018, LCFS filed its next permanency review report with the court. LCFS reported that Ryan "has not been involved since case opening, he is currently incarcerated at East Moline Correctional Center in Moline IL and is projected to be released in January of 2019." The permanency goal remained the same. A.R. continued to reside with Meghan's mother. Meghan engaged in supervised visits.

¶ 17 The trial court entered a permanency order on September 5, 2018, maintaining the permanency goal at returning A.R. home within 12 months. Ryan continued to be rated as not having made reasonable and substantial progress nor reasonable efforts toward returning A.R. home. The court ordered that physical custody of A.R. was to be returned to Meghan, but that legal custody continued in DCFS. At that time, Ryan remained incarcerated.

¶ 18 On February 8, 2019, LCFS filed its next permanency review report with the court. LCFS reported that A.R. had been returned to Meghan's care on September 5, 2018, and was to remain in after care with case closure intended for February 2019. However, on January 22, 2019, Meghan was arrested in Macon County for driving under the influence. In speaking with A.R., the LCFS caseworker learned that Meghan was no longer sober, and was described by A.R. as being "mean." A.R. reported that Meghan would become intoxicated and fall asleep. A.R. was removed from Meghan's care and returned to Meghan's mother. LCFS reported that Ryan

> "just got released from prison earlier this month and would like his daughter, he is willing to do anything to gain custody of his daughter, he currently gained employment and his house has been cleared for visitation, currently, he is on house arrest and meets with his probation office regularly. He is willing to complete services and will participate in the Integrated Assessment to see if any services are in need to completion."

The permanency goal remained the same. A.R. continued to reside with Meghan's mother.

¶ 19 The trial court entered a permanency order on February 20, 2019, maintaining the permanency goal at returning A.R. home within 12 months. The court noted that Ryan had just been released from prison and needed to undergo assessments and engage in any recommended services. Ryan continued to be rated as not having made reasonable and substantial progress nor reasonable efforts toward returning A.R. home.

¶ 20 In April 2019, Ryan reached out to DCFS and visits were scheduled with A.R. Thereafter, on June 17, 2019, Ryan filed a petition asking the court to release A.R. into his care. In support, Ryan stated that on March 28, 2019, in the Macon County family case (Macon County No. 2011-F-177), he had been granted sole decision-making power and the majority of the parenting time for A.R. The court called the motion for hearing on July 30, 2019, and at the conclusion of the hearing, ordered DCFS to conduct an integrated assessment within 14 days and to establish a service plan within 21 days thereafter.

¶ 21 On August 12, 2019, the Macon County Court Appointed Special Advocates (CASA) filed its permanency review report with the court. CASA reported that Ryan was scheduled to meet with the caseworker and caseworker supervisor, but he did not attend the meeting, and did not notify CASA that he was not going to be able to attend the meeting. CASA expressed its concern that Ryan was not communicating with the involved agencies, and that he had not attended scheduled visits with A.R.

¶ 22 On August 9, 2019, LCFS filed its permanency review report with the court. LCFS noted that the court had ordered it to conduct the integrated assessment in July but indicated that although it had made several attempts to schedule the assessment and visitations, Ryan "has refused to meet with [the child welfare specialist] to accomplish any of the recommended tasks." The permanency goal remained the same.

¶ 23 The trial court entered its permanency order on August 20, 2019, in which the permanency goal remained to return A.R. home within 12 months. The court noted that Meghan was doing well with her service plan, while Ryan had yet to complete his integrated assessment. However, the court found that both Meghan and Ryan had made reasonable and substantial progress and reasonable efforts toward returning A.R. home. The court ordered that physical custody and guardianship of A.R. was to be continued with DCFS.

¶ 24 DCFS through LCFS prepared its family service plan to include Ryan on September 24, 2019. DCFS indicated that Ryan had begun to comply in August 2019 but had yet to complete his integrated assessment. DCFS reported that he had a one-hour visit with A.R. each week. DCFS reported that A.R. was reluctant to have visits with Ryan, but "has come around." A.R. reported that she wanted to live permanently with her maternal grandmother. DCFS stated that Ryan needed to successfully complete services in the areas of domestic violence, mental health, substance abuse,

and parenting, and to engage in visitation with A.R. DCFS listed the following action steps as being important to Ryan's compliance with his family service plan and his goal to be reunited with A.R.:

(1) Complete a domestic violence assessment;

(2) Complete any recommended domestic violence services;

(3) Complete a mental health assessment;

(4) Complete any recommended mental health services;

(5) Complete a substance abuse assessment;

(6) Complete any recommended substance abuse services;

(7) Complete a parenting assessment;

(8) Complete any recommended parenting services;

(9) Comply with LCFS/DCFS;

(10) Update LCFS/DCFS with any changes in residence and/or employment; and

(11) Engage in visitation with A.R. and communicate 24 hours prior to a scheduled visitation if cancellation is necessary.

¶ 25 On September 27, 2019, LCFS filed its next permanency review report with the court. The permanency goal remained the same. LCFS indicated that in addition to the stated action steps of Ryan's family service plan, he needed to also obtain/maintain employment and a safe home, and that he needed to report for random drug testing. LCFS reported that after the last court date, it had reached out to Ryan to set up visits and to conduct its integrated assessment. The date selected for the integrated assessment was August 5, 2019. Ryan did not complete the integrated assessment on that date, but he contacted LCFS on August 14. Thereafter, LCFS set up supervised visits for Ryan and A.R. LCFS noted that although the visits were going well, Ryan "puts up an argument

with each agency member that is handling his case, and tends to get aggressive with his words, and threatens the worker." Ryan's first case aide was removed from his case because of this behavior and the aide's fear of Ryan. Ryan reported to LCFS that he was employed by a flooring company. He would not provide LCFS with specific information about where he resided, other than to state that he either lived at his mother's house or at his own house.

¶ 26 On October 17, 2019, the trial court called Ryan's motion asking the court to release A.R. into his care *instanter*. Although not in the record on appeal, the docket entry indicates that witnesses were called and provided testimony. The trial court denied Ryan's motion.

¶ 27 On January 2, 2020, LCFS filed its next permanency review report with the court. The permanency goal remained the same. LCFS reported that Ryan completed his integrated assessment on October 28, 2019, and had completed anger management in late 2019 as a condition of parole. Ryan had also completed a mental health assessment with no services recommended. A.R. had begun counseling and LCFS indicated that Ryan would be "introduced into those sessions soon." Ryan had been referred to begin his own counseling services through LCFS. LCFS stated:

> "The agency feels that we have given [Ryan] ample opportunity to fully engage and while he seemed complaint [*sic*] at first, he has become non-complaint [*sic*]. When CWS [child welfare specialist] Chevalier took over the case [Ryan] was compliant and committed to doing whatever needed to be done to ensure reunification. [Ryan] continued to visit with [A.R.] and build a positive relationship with her so much that [A.R.] herself is requesting longer visits with her father. However once CWS Chevalier mentioned that [Ryan] would have to engage in counseling this is where his compliance ended. Per [Ryan] counseling is not court ordered and he has already engaged in anger management and that was not even a requirement for him. [Ryan] stated that he would engage in counseling only if CWS Chevalier would engage in counseling and expose her life story."

¶ 28 On January 3, 2020, CASA filed its next permanency review report with the court. CASA expressed its concerns with Ryan's inconsistent compliance and recommended that A.R. remain under DCFS guardianship with a permanency goal of returning her home within 12 months.

¶ 29 On January 8, 2020, the court entered its permanency order noting that Ryan's involvement with the program was waning and that Meghan was uninvolved. The court maintained the same permanency goal and found that both Meghan and Ryan had not made reasonable and substantial progress and reasonable efforts toward returning A.R. home. The court ordered that physical custody and guardianship needed to be continued with DCFS. As with all permanency orders, the trial court admonished the parents that cooperation was required and failure to correct the conditions that brought A.R. into care could result in termination of their parental rights.

¶ 30 The next family service plan was dated January 8, 2020. As of that date, Ryan was living in the home of his mother and stepfather. The plan contained a completion date of March 31, 2020. DCFS maintained that Ryan needed to successfully complete services in the areas of domestic violence, mental health, substance abuse, and parenting, and to engage in visitation with A.R. The action steps were identical to the last family service plan. No assessment or progress by Ryan was included by DCFS in this plan.

¶ 31 The record contains another family service plan dated March 9, 2020,[3] at which time Ryan was reportedly involved in "criminal troubles." The target completion date was listed as being March 31, 2020. Ryan was evaluated as making unsatisfactory progress and refusing to engage in services. DCFS reported that Ryan had been consistent in visits with A.R., but that at the time of the report, A.R. was refusing to have visits with him.

¶ 32 On June 29, 2020, CASA filed its next permanency review. CASA reported that Ryan was not consistent with compliance and continued to refuse to comply with the one-on-one counseling

[3]During the 2021 fitness hearing, LCFS child welfare specialist, Erica Chevalier, testified that the March 2020 service plan was prepared just two months after the previous service plan because of a change of the parties involved in the case. Michael and B.D. were reunited and DCFS was no longer involved with them. Erica then prepared a new service plan to only address the needs of Meghan, Ryan, and A.R.

referral. CASA recommended that the court change its permanency goal for A.R. to substitute care pending termination of parental rights.

¶ 33 The trial court entered its permanency order on July 1, 2020, modifying the permanency goal to substitute care pending determination of termination of parental rights because "[n]either parent [is] making efforts or progress." The court referenced the CASA permanency review and another report filed with the court on June 25, 2020. A copy of the June 25, 2020, report is not included in the record on appeal.

¶ 34 DCFS issued its next family service plan on September 17, 2020. The target completion date for this plan was March 31, 2021. The services and action steps required to be completed by Ryan remained the same. Ryan was evaluated as making unsatisfactory progress. DCFS noted that Ryan had refused to engage in any services. Ryan had not visited with A.R. since January 2020. DCFS noted that A.R. was no longer wanting to engage in these visits, and that Ryan had not asked about having visits.

¶ 35 Meghan surrendered her parental rights to A.R. on October 1, 2020.

¶ 36 On December 23, 2020, CASA filed its permanency review report with the court. CASA reported that it had not had any contact with Ryan throughout the reporting period. Meghan's mother, who was A.R.'s foster parent, advised the CASA advocate that Ryan was incarcerated.

¶ 37 On December 28, 2020, LCFS filed its permanency report with the court. The LCFS child welfare specialist assigned to the case, Erica Chevalier, included details in the report about the events leading up to Ryan's revocation of consents for LCFS to communicate with his parole officer. The events and revocation occurred in early 2020. Erica received a report that Ryan's home had been raided, and a large amount of money was seized. Erica questioned Ryan about this event, and he acknowledged that there was a raid, but stated that the raid was conducted by his parole

officer. Erica then contacted Ryan's parole officer who advised that she had never been to Ryan's home. Thereafter, LCFS asked Ryan to come into the office to discuss this situation. During this early 2020 meeting, Ryan revoked his consent for LCFS to communicate with his parole officer. Erica had not had any contact with Ryan since February 2020.

¶ 38 The trial court's permanency order dated December 30, 2020, noted that Meghan surrendered her parental rights, and that Ryan had made no efforts or progress. The court again concluded that the appropriate permanency goal was substitute care for A.R. pending termination of Ryan's parental rights.

¶ 39 On December 31, 2020, the State filed its motion asking the trial court to find that Ryan was an unfit parent, and that termination of his parental rights was in A.R.'s best interest. At that time, Ryan was incarcerated in Kankakee on pending federal charges. The State alleged six grounds for finding that Ryan was unfit as follows: (1) he failed to maintain a reasonable degree of interest, concern, or responsibility as to A.R.'s welfare (750 ILCS 50/1(D)(b) (West 2018)); (2) he failed to make reasonable efforts to correct the conditions that were the basis for A.R.'s removal during any nine-month period following the adjudication of neglect (*id.* § 1(D)(m)(i)); (3) he failed to make reasonable progress during any nine-month period following the adjudication of neglect, specifically from December 21, 2017, through September 21, 2018 (*id.* § 1(D)(m)(ii)); (4) he failed to make reasonable progress during any nine-month period following the adjudication of neglect, specifically from September 21, 2018, through June 21, 2019 (*id.*); (5) he failed to make reasonable progress during any nine-month period following the adjudication of neglect, specifically from June 21, 2019, through March 21, 2020 (*id.*); and (6) he failed to make reasonable progress during any nine-month period following the adjudication of neglect, specifically from March 21, 2020, through December 21, 2020 (*id.*).

¶ 40 On March 4, 2021, DCFS issued a family service plan. Ryan was evaluated as having made unsatisfactory progress on all action steps as he had refused to engage in any services and was then incarcerated at the Kankakee County jail.

¶ 41 On June 1, 2021, Ryan filed a motion for a mental examination of A.R. He argued that A.R. may have been improperly influenced by those caring for her that resulted in an alienation of his relationship with her. On June 16, 2021, the trial court held a hearing on this motion and entered its order denying the motion.

¶ 42 On June 30, 2021, the trial court entered its permanency order. The court noted that Ryan had been in federal custody since August 2020. The court set the fitness and termination hearing date for July 19, 2021. Subsequently, on July 15, 2021, the trial court entered its writ of *habeas corpus ad testificandum* to allow Ryan's participation at the July 19, 2021, hearing by conference call.[4]

¶ 43 On July 19, 2021, Ryan's attorney filed a motion seeking to have the adjudicatory order and all subsequent orders declared void for lack of jurisdiction. Ryan's attorney argued that when the case was opened, Ryan was then incarcerated in a state prison, and that no summons was issued or served upon him. Ryan's attorney also filed a motion to strike three of the grounds the State cited as the grounds for its request that the court find that Ryan was an unfit parent. At issue was the incident that caused DCFS to seek guardianship and custody of A.R. Ryan argued that because he was then incarcerated, and thus the conditions that brought A.R. into this DCFS case were solely caused by Meghan, he would have had no ability to correct those conditions. That same date, the

[4]Ryan's attorney sought to have his client transported to Macon County for all fitness and best interest hearings. The trial court denied the request stating that in the court's experience with parties in federal custody, the court is typically unable to effectuate those requests because the custodial relationship was based on federal law. However, the court authorized, and the Kankakee jail facilitated, Ryan's appearance by telephone at these critical hearings.

trial court denied Ryan's motion on jurisdictional grounds, but granted his motion to strike two of the three contested paragraphs in the State's fitness motion—allegations 3 and 4 as listed in paragraph 39 of this order. After ruling on the motions, the trial court went forward with the fitness hearing.

¶ 44 D. Fitness Hearing and Ruling

¶ 45 1. *Part One—July 19, 2021*

¶ 46 The State called LCFS child welfare specialist, Erica Chevalier, to testify. Erica testified that she had been on this case since October 4, 2019. She testified that A.R. had been in care since 2017. When she took over the case file, there had been no progress by Ryan, but he had participated in meetings with her predecessor, Amber Baker, and the LCFS supervisor, Tamica Hatchett. Erica indicated that Ryan was recommended to complete services for domestic violence, substance abuse, parenting, and mental health and was also required to cooperate with LCFS and to engage in visitation with A.R. She testified that she does not know how these services were initially determined as necessary for Ryan because he had not completed the integrated assessment designed to assist in those determinations until October 28, 2019, after she was assigned to the case. After the integrated assessment, Ryan was also directed to participate in family counseling with A.R. after he progressed with the required individual counseling.

¶ 47 Erica testified that on January 23, 2020, LCFS held a child and family team meeting with Ryan to discuss his service plan. During this meeting, Ryan revoked all consents, including his consent that LCFS be allowed to communicate with his parole officer. Ryan informed Erica that he had completed substance abuse and anger management services through his parole process. However, as Ryan's parole officer had these records, and as Erica had no ability to contact the parole officer, LCFS could not confirm that he had completed services. Erica testified that she

never obtained confirmation that Ryan completed those services. Erica acknowledged that she did not supervise his visits with A.R. but stated that A.R. had eventually indicated that she did not want to visit with her father. The family counseling requirement was later added to Ryan's service plan, but individual counseling was a prerequisite for family counseling. As Ryan refused to engage in individual counseling, he could not engage in family counseling.

¶ 48 Erica testified about each family service plan that included Ryan. She explained that a child and family team meeting was conducted to discuss services plans, scheduled visits, and administrative case review meetings. Erica stated that Ryan seemed to believe that he only had to engage in services if the trial court ordered him to do so. Ryan also did not believe that he needed to complete services because he had not been the offending parent, and thus that he should not be held responsible. Although A.R. sustained trauma in the incident involving Meghan, Ryan took no steps to address A.R.'s trauma though services. Erica identified family service plans dated September 24, 2019, January 8, 2020, March 9, 2020, September 17, 2020, and March 4, 2021. She testified that other than completing the integrated assessment, Ryan participated in no services, completed no services, and was noncooperative with LCFS.

¶ 49 On cross-examination, Erica confirmed that Ryan told her that he had completed anger management classes late in 2019, but she stated that she had no confirmation or ability to confirm that Ryan had done so. Erica agreed that Ryan had completed his integrated assessment and had a mental health evaluation with no additional mental health services required. She acknowledged that the mental health plan objective should have been deleted from Ryan's family service plan requirements. Erica testified that while Ryan did not sign the service plans she prepared, he participated in the service plan review from the Kankakee jail. However, she noted that she handed

him a hard copy of the relevant family service plan on October 13, 2019,[5] before he was jailed. In addition, the required services were always discussed during the two child and family team meetings held during the time she served on this case.

¶ 50 Erica testified specifically about the January 23, 2020, meeting with Ryan, stating that Ryan was very aggressive and combative. Ryan refused to sign the document attesting to his presence at the meeting and would not take a copy of the plan. This was the meeting at which Ryan revoked LCFS's consent to speak with his parole officer. Erica testified that although she had called and left voicemails for Ryan, she had not spoken to him since the January 23, 2020, meeting.

¶ 51 Erica stated that she does not believe that Ryan ever received a copy of the September 17, 2020, service plan because he was then jailed on a pending federal charge, and she had no information about how to reach him. However, in March 2021, Ryan participated in an administrative case review meeting that included his service plan requirements.

¶ 52 Erica testified that there were several supervised visits that Ryan participated in with A.R. after he was released from the Illinois Department of Corrections. Erica was present for one of these visits, and she testified that Ryan was engaged and that A.R. was happy to see him.

¶ 53 On cross-examination by the guardian *ad litem*, Erica testified that when she first began working with Ryan in October 2019, she conducted the integrated assessment. She explained that it was not typical for a child welfare specialist to conduct an integrated assessment, but she did so because Ryan had not yet completed the integrated assessment even though it had been nine months since he was released from prison. Erica stated that the interaction with Ryan was positive until she informed him that he needed to engage in individual counseling. She explained that Ryan

[5]Erica later testified that the date of this meeting was October 15, 2019.

said that he would go to counseling only if Erica also went to her own counseling. After the January 2020 meeting, Ryan told the LCFS workers not to contact him again.

¶ 54 On redirect examination, Erica talked about the last in-person visit A.R. had with Ryan. During the visit, Ryan allegedly had A.R. hold "a ridiculously [large] amount of money." Erica testified that A.R. was scared, and after that visit, she refused any additional visitation opportunities.

¶ 55 2. *Part Two—August 30, 2021*

¶ 56 On the second date of the fitness hearing, Erica Chevalier was again called to testify. On recross examination by Ryan's attorney, Erica stated that she was unable to verify whether Ryan engaged in a substance abuse assessment pursuant to his parole. Ryan's attorney then went through several text message exchanges Erica and Ryan had during her time on the case. In doing so, Erica's recollection in her previous testimony—that she had no further contact with Ryan since the January 2020 date when he revoked his consent for communication with his parole officer—was incorrect.

¶ 57 Erica testified that she and Ryan frequently communicated via text messaging. Ryan's attorney highlighted November 2019 texts when Ryan's visits with A.R. were going well. Ryan was accusing Meghan's mother, with whom A.R. lived, of being manipulative and controlling. In November and December 2019, Ryan was also seeking longer visits with A.R. to better transition her into his life.

¶ 58 On January 2, 2020, before Ryan revoked his consents, he asked Erica to contact his parole officer. Erica spoke with Ryan's parole officer that same date and confirmed that he completed an anger management class, but not counseling services as Ryan maintained. Erica asked Ryan to complete a mental health assessment as soon as possible. Ryan then texted Erica that he completed

a six-hour mental health assessment and had three weeks of one-on-one counseling sessions. Erica said that she never received confirmation of these mental health and counseling services, and by the end of January, he had revoked his consents.

¶ 59 Erica confirmed that although Ryan may have completed anger management classes, DCFS had not required him to participate in anger management classes as part of his family service plan. Erica testified that she sent a consent for a document release to the provider where Ryan said he received mental health and counseling services, but she never received documents confirming that Ryan received these services. Erica also texted Ryan to remind him that he did not have the power to determine what services were necessary.

¶ 60 The State next called Amber Baker, a former LCFS child welfare specialist assigned to A.R.'s case. She was eventually removed from the case and informed by her director and supervisor that she had gotten "too close" to A.R. Amber was the caseworker in August 2019 and she prepared a permanency report filed with the court. The report indicated that on July 20, 2019, the trial court ordered LCFS to schedule an integrated assessment with Ryan. The permanency report indicated that Amber had made several attempts to schedule the integrated assessment and to set up visitation, but Ryan had refused to meet with Amber to accomplish the tasks. Amber testified that Ryan informed her that he did not feel that he needed to engage in any services, because he was not any part of the reason that A.R. was brought into care. Amber testified that during the six months that she was the caseworker, Ryan completed no services.

¶ 61 On cross-examination, Amber testified that Ryan's visits with A.R. had to be supervised because of DCFS "policy and procedure." Amber indicated that Ryan's mother reached out to her about getting visits for her son. Amber went to her director and supervisor and was told that she needed to set up supervised visitation and to obtain an integrated assessment. Amber supervised

two of Ryan's visits with A.R. The first visit went well except that A.R. was initially nervous. However, Amber testified that the second visit did not go well. Amber was not asked to provide further details about the second visit.

¶ 62 In Ryan's case, the first witness called was Lori Tinker, records manager for LCFS. She verified that various records related to Ryan's case were part of the LCFS official file.

¶ 63 Ryan next called his mother, Alice Risley, to testify. Alice testified that A.R. lived with her for most of 2017. She testified that she supervised many visits with Ryan and A.R. during April and May 2017 and stated that Ryan was always engaged during these visits. Later, Alice was allowed to supervise A.R.'s visits with Ryan, and at the same time, Alice was supervised by an LCFS case aide.

¶ 64 In January 2019, Alice held a birthday party for A.R. Ryan had just been released from prison and, as a surprise to A.R., Alice invited Ryan to the party. Alice testified that A.R. was thrilled to see her father. In late September 2019, Alice and Ryan went to the LCFS office for a visit. On that date, A.R. was not there. Allegedly, the LCFS worker who answered the door informed Ryan that she did not believe that he would appear for the visit, so LCFS had not brought A.R. to the facility. Alice also testified that in December 2020, when Ryan was in jail, he expressed his desire to speak with A.R. Alice stated that Ryan called her from jail almost daily and always asked about A.R.

¶ 65 Ryan testified next at the fitness hearing. He testified about his continued interest in A.R. Ryan testified that there were obstacles to his relationship with A.R.:

> "Continuous court dates, legal fees, classes, seminars. You know, just saying if I do this class, I'll be able to get her; and then I do that, and I don't get her; another court date; more legal fees. You know, just from day one of me being released, I was just in debt from dealing with this."

During his testimony, the State and the guardian *ad litem* stipulated that Ryan desired to have a relationship with A.R. and that he made some efforts to do so.

¶ 66 Ryan testified that he attended all court hearings, child and family team meetings, and administrative case review meetings. He testified that he was never provided with a DCFS family service plan until his attorney mailed him copies of the plans to the jail after August 2020. However, he completed his integrated assessment requested by LCFS, a substance abuse assessment, and anger management classes as required by his parole officer. He stated that he authorized his parole officer to provide those records to LCFS, and that he signed written consent forms presented to him by LCFS. He denied that he revoked his consent in writing or verbally. He acknowledged telling Erica Chevalier of LCFS that she was not allowed to speak with his parole officer but stated that he had only intended to restrict Erica from aspects of his living situation. Ryan testified that no one told him that he would have to do individual counseling before he participated in joint counseling with A.R. Later, Ryan contradicted himself by testifying that he had been told he had to have individual counseling. He testified that if Erica or anyone else with LCFS had informed him that he had to do individual counseling before joint counseling that he would have done so. Ryan summed up his participation in LCFS-mandated services as follows: "everything I did, I complied with what they asked; but I wasn't getting anything in return for what they said was going to happen."

¶ 67 Ryan acknowledged that Erica had asked him about officers showing up at his house. In court, Ryan admitted he lied when he told Erica that the officers were just with the parole office. However, he explained that the law enforcement officers were asking for his assistance in finding drug offenders and that they instructed him to tell everyone that they were parole officers instead of law enforcement officers.

¶ 68 Ryan also testified that A.R. did hold a large sum of his money during a supervised visit. He testified that the cash was in a paper bag, and the money was intended to pay for a vehicle. Ryan stated that his son found the bag of money and A.R. took the bag from her half-brother.

¶ 69 3. *Part Three—September 30, 2021*

¶ 70 When the fitness hearing resumed, Ryan was recalled to continue his testimony. He again testified about his interactions with A.R. and focused on the text messages he sent to and received from A.R.

¶ 71 Ryan testified that no one advised him that he was required to engage in parenting classes. He stated that he did have a mental health assessment, and that he was told that he did not need further mental health services.

¶ 72 The guardian *ad litem* cross-examined Ryan about his text messages with A.R. in the summer of 2020. There was only one text message from Ryan to A.R. in June 2020 in which he texted, "Hi." A.R. did not respond. In July 2020, A.R. texted Ryan, "WYD [What you doing?]. Do me a favor." Ryan did not respond to this text but testified that he moved his conversation with A.R. over to the social media application, TikTok, and continued their conversation on that platform. The guardian *ad litem* also asked Ryan to confirm the text messages he had with Erica Chevalier from August 16, 2019, until February 2020. He acknowledged the accuracy of those texts.

¶ 73 Ryan's attorney next recalled Alice Risley to identify various photographs of A.R. and Ryan.

¶ 74 Ryan was recalled to state that he continued to communicate with A.R. via TikTok until he became jailed on pending federal charges.

¶ 75 The guardian *ad litem* called Erica Chevalier to testify about the structure and content of both child and family team meetings and administrative case review meetings. Erica testified that during the child and family team meetings, the recommended services, progress of the case, and the child's progress are all discussed. At administrative case review meetings with DCFS, the service plans, related documentation from service providers, and case updates are discussed. Regarding services, Erica testified that the service plan objectives are graded during an administrative case review meeting, and reviewed with Erica, the parents, and the foster parents. The child and family team meetings are held quarterly, and the administrative case review meetings are held every six months.

¶ 76 4. *Fitness Order*

¶ 77 At the conclusion of the fitness hearing on September 30, 2021, the trial court reviewed the evidence on the record. The court found that Erica Chevalier's testimony was credible, while Ryan's testimony was not credible. The trial court did not believe Ryan's claim that he did not receive any information about the family service plans and his required services. The court noted that he had been rated as making unsatisfactory progress with all of the plans. The court stated that Ryan always had the knowledge and means to contact LCFS to reestablish contact after he revoked his consents in early 2020. Ryan chose not to contact LCFS. The court also noted that even though Ryan did not sign his family service plans, he was still aware of the plans and their contents. The trial court concluded that the State had established by clear and convincing evidence that Ryan was an unfit parent on all remaining bases contained in the State's fitness petition.

¶ 78 5. *Pleadings Filed After the Fitness Determination*

¶ 79 On November 1, 2021, Ryan filed a motion to reconsider the order finding that he was an unfit parent. On November 2, 2021, Ryan's attorney filed a motion to withdraw. On November 3, 2021, Alice Risley filed a petition to intervene and a petition seeking visitation with A.R.

¶ 80 On November 19, 2021, the trial court called the motions for hearing, heard arguments of counsel, and denied all three motions.

¶ 81 E. Best Interest Hearing and Ruling

¶ 82 1. *Best Interest Reports to the Court, Motions, and Orders*

¶ 83 On October 5, 2021, LCFS on behalf of DCFS, filed its best interest report to the trial court. LCFS reported that A.R. was a happy and healthy 11-year-old. She was at ease in living with her maternal grandmother and had expressed her desire to continue living with her. A.R. was reported to be thriving "mentally, emotionally, developmentally, educationally and socially." She was involved in extracurricular activities including theater, volleyball, and cross country. A.R.'s medical needs were being met, and she continued to engage in counseling. LCFS reported that A.R. refused to have a relationship with Ryan and asked Erica if she would be allowed to change her surname to match her maternal grandmother's surname, because "she is embarrassed of her last name."

¶ 84 LCFS recommended that the court keep custody and guardianship with DCFS and change the permanency goal from substitute care pending termination of parental rights to adoption. The report was signed by Erica Chevalier and Kanitra Keaton, both LCFS child welfare specialists.

¶ 85 On November 18, 2021, Ryan filed his objection to the best interest report and a motion to strike, and for appointment of a new unbiased child welfare professional to create a new, unbiased report. Ryan argued that LCFS child welfare specialist Erica Chevalier was biased against him.

Attached to his motion was an affidavit of his parole officer, Kim Horton, who averred that she received two consents for release of information signed by Ryan from LCFS—dated March 20, 2019, and October 17, 2019. Kim stated that her file contained "no documentation from Amber Baker, Erica Chevalier or anyone at LCFS for any documents I had on Ryan R[.]." Kim stated that if she had received a specific request for service documents from LCFS, she would have forwarded the requested documents to LCFS.[6] The trial court called this motion for hearing on November 19, 2021. The court denied Ryan's motion but struck the "services" portion of LCFS's report that outlined what services Ryan had not completed throughout the history of the case.

¶ 86 On November 24, 2021, CASA filed its permanency review with the trial court. A.R. was reported as being a happy, energetic, and motivated young lady. She was then in the sixth grade. She ran for a student council position and was voted the student liaison. She had recently switched counseling providers. CASA reported that A.R. struggled when relationships ended, and she was hesitant to begin new relationships. CASA reported that A.R. was frustrated that she had not yet been adopted by her grandmother as they had a close relationship, and she wanted to change her surname. A.R. informed the CASA advocate that she did not want to have a relationship with Ryan. CASA expressed its concerns that Ryan would try to delay the process of allowing A.R. to obtain permanency.

¶ 87 On November 29, 2021, Ryan filed a motion asking the court to order A.R. to undergo a mental examination to determine her actual feelings about her relationship with Ryan and to determine if an LCFS worker, Meghan, or A.R.'s maternal grandmother exerted improper influence over A.R. to alienate her from Ryan. In support of his motion, Ryan attached copies of

[6]The consents for release of information attached to parole officer Horton's affidavit revealed that the LCFS consents Horton received requested all information/documents held by the Macon County Probation Department about Ryan in various categories.

text messages he and A.R. exchanged during this case. He also attached an affidavit of his mother, Alice Risley, in which she stated that on September 29, 2019, and on other occasions, A.R. told Alice that "Miss Amber says my daddy doesn't want to see me." At that time, Amber Baker was the LCFS child welfare specialist on this case.

¶ 88 On December 9, 2021, LCFS filed a best interest report to the court. As of the date of the report, A.R. had been in foster care for 1521 days. LCFS excluded the service portion in this second best interest report. Stating again that it recommended that A.R. have permanency, LCFS noted:

> "A[.R.] loves being with her maternal grandmother, in fact Ms. Meghan C[.] surrendered her rights as A[.R.] is very instrumental in where she wants to live and where she is most happy. A[.R.] has been in care for four years and it is a dire need for her that permanency is sustained as soon as possible. A[.R.] craves stability and consistence and her current placement offers these instruments plus so much more."

The report was signed by Erica Chevalier and Shelley Hussemann, the LCFS director. Attached to the report were education reports from three of A.R.'s teachers. A.R.'s grades were extremely high and there were no negative reports.

¶ 89 2. *Part 1 of Best Interest Hearing—December 17, 2021*[7]

¶ 90 The State called Erica Chevalier to testify at the best interest hearing about the December 9, 2021, best interest report she prepared. She testified that A.R. had been with her maternal grandmother since September 2017 and that she was thriving in that environment. Erica testified that A.R.'s placement was safe and that her grandmother provided food, shelter, and clothing, and met her educational and other needs. Erica confirmed that this placement would satisfy A.R.'s

[7]Ryan was available for this hearing by phone from the Kankakee jail, but he was in a quarantine pod and his ability to hear anyone other than the trial judge was limited. During the hearing, the judge spoke with a Kankakee jail correctional officer who informed the court that she had no authority to move Ryan outside of the pod because of the COVID quarantine currently in place. Ryan's attorney asked the court to continue the hearing until Ryan could be placed in a more private setting so he could hear the testimony of the witnesses. The trial court denied the motion.

"need for permanency, stability and the continuity of her ongoing relationships." Erica testified that the maternal grandmother was an adoptive placement.

¶ 91 The guardian *ad litem* questioned Erica about her home and school visits to confirm that A.R.'s needs were being met.

¶ 92 On cross-examination by Ryan's attorney, he asked Erica if Ryan's visits with A.R. went well. She confirmed that some of the visits were good, but others were not.

¶ 93 Ryan's attorney called Carlyssa Brown to testify. Carlyssa and Ryan have a son together, L.R., who was seven as of the date of the hearing. Carlyssa testified that she had seen and heard A.R. tell Ryan that she loved him on multiple occasions during video calls. She also testified that Ryan calls her daily and always asks her about A.R., but that she had no information to convey to Ryan. Carlyssa described Ryan's relationship with her son as being great.

¶ 94 The State asked Carlyssa when she last saw Ryan with A.R. She testified that it was sometime during the summer of 2019 when he was on house arrest.

¶ 95 The guardian *ad litem* called A.R. to testify. A.R. testified that she was 11 and in the sixth grade at St. Patrick. She stated that she had attended St. Patrick since prekindergarten. A.R. testified that her grandma was a lunch lady at St. Patrick. She testified that she had lived with her grandma since she was about seven years old.

¶ 96 A.R. was asked about the text messages she had exchanged with her father. She testified that she did remember texting with him but does not know when the last text message was. A.R. testified that she did not "want to be associated with him." She stated that some of the in-person visits were good, but she just did not want to go to the visits any longer. She testified that she was at times afraid of him, and that fear factored into her desire not to continue with the visits.

¶ 97 A.R. testified that she would love to stay with her grandmother permanently, because she had always been there for her and had raised her. A.R. stated that she could trust her grandma.

¶ 98 Ryan's attorney asked A.R. about Ryan's mother, Alice Risley. A.R. acknowledged that she had lived with Alice for some time. She no longer visits with her, however, because of the court case. A.R. testified that once this case was over, she might visit with Alice again. A.R. admitted that she did not care for the case aide, Jamie, who would take her to see Ryan, but said that her dislike involved both Jamie and Ryan.

¶ 99 Ryan's attorney then asked A.R. about many of her text message exchanges with Ryan. She acknowledged that she had loved him, but that she did not love him as much any longer.

¶ 100 The State next called Lisa C., A.R.'s foster parent and maternal grandmother. She testified that during the first year of A.R.'s life, Meghan, Ryan, and A.R. lived with her. A.R. had lived with her since she was in the second grade. Lisa told the court that she believed that termination was in A.R.'s best interest. She stated that Ryan was imprisoned when A.R. was less than three years old and then he was not released from prison until A.R. was in the third grade. Lisa testified that A.R. does not really know her father. Lisa stated that she could not say that A.R. does not love her father because "deep down [A.R.] would love to have been with her dad and her mom."

¶ 101 On cross-examination, Lisa testified that a DCFS case started when school workers began noticing "things" when A.R. was in the first grade. A.R. lived with Alice Risley for approximately three months but was removed from Alice's care for two reasons. First, Alice did not inform DCFS about the incident in St. Louis where Meghan struck A.R. Second, DCFS discovered background information about Alice's husband that precluded children from staying in his household. Ryan's attorney asked Lisa about her daughter, Meghan. Lisa acknowledged that although Meghan surrendered her parental rights, she allows Meghan to visit A.R. Lisa stated: "I want the best for

A[.R.]. She wants a relationship with her mom. If her dad was out and she wanted a visit, I want the best for A[.R.]. The more people in her life that love her, the better off this little girl's gonna be." However, she testified that she would not want Ryan to see her because of "the reasons he's in prison." She stated that with some of the supervised visits with Ryan, A.R. reported that he spent most of the time on his phone and she spent her visit talking with Alice. Lisa also testified that during one visit, he took A.R. and his son to the basement and pulled money from the ceiling. Ryan's attorney stopped Lisa from further testimony about the money.

¶ 102 3. *Part 2 of Best Interest Hearing—March 3, 2022*

¶ 103 Ryan's attorney first called Ryan's mother, Alice Risley, to testify. Alice testified that she had known A.R. since her birth. In the last five years, Alice stated that she often had A.R. over to her home. Prior to 2019, when Ryan was released from the Illinois Department of Corrections, Ryan would call Alice during her visits with A.R. and A.R. spoke with her father by phone. She described A.R.'s response to speaking to her father as "loving." In January 2019, when Ryan was released from prison, he was on house arrest at Alice's home. She held a birthday party for A.R. at her home and surprised her with Ryan's presence. Alice testified that A.R. jumped into Ryan's arms and cried with excitement. She acknowledged that there were other visits between Ryan and A.R. just after Ryan was released from prison that she later learned were not allowed pursuant to DCFS rules. Alice said that DCFS informed her that Ryan had "to go through all these steps" to properly have a visit with A.R. She also acknowledged that A.R. was then living with Lisa, her maternal grandmother, and that Lisa was not likely aware that Ryan was present when A.R. was allowed to visit with Alice. Alice testified that during her official supervised visits between Ryan and A.R., A.R. was always happy. Alice testified that in her opinion, Ryan's paternal rights should not be terminated because A.R. "always favored her father."

¶ 104 Ryan was called to testify on his own behalf. He testified that he was present when A.R. was born. He stated that he loved A.R. very much and that A.R. told him that she loved him. After Ryan was released from prison in January 2019, he testified that DCFS made it difficult for him to be able to see A.R. to reconnect with her. Ryan said that the difficulties included conflicts with scheduled visits, requirements that he participate in services, and the lack of a driver's license. He said that at times, the caseworker would say that A.R. did not want to see him. He testified that he would text A.R. to ask her about the missed visit, and she would tell him that the issue was she did not like the case aide who would be with her during the visit. Ryan testified that he did not believe that it would be in the best interest of A.R. for his parental rights to be terminated.

¶ 105 On cross-examination by the State, Ryan confirmed that he went to state prison in 2013 and was not paroled until January 2019, and then he was arrested again and had been in jail since August 4, 2020, on pending federal charges. The guardian *ad litem* asked Ryan when he believed he would be out of custody. He explained that his parole for the state charge would end on November 30, 2022, and that he believed that after that date he would be able to be scheduled for a bond hearing on the pending federal charges. Ryan confirmed that he did not yet know what the outcome of the federal charges would be.

¶ 106 4. *Best Interest Order*

¶ 107 At the conclusion of the second part of the best interest hearing, the trial court issued its ruling. The court noted that the State bore the burden of proof by a preponderance of the evidence. The court stated that it had considered the statutory factors. The court found that certain factors were most applicable. Those factors included the child's sense of attachment, the child's wishes and long-term goals, the physical safety and welfare of the child, the child's ties to the community, and the child's need for permanence. 705 ILCS 405/1-3(4.05) (West 2020). The trial court stated

that it had no doubt that Ryan loved A.R. and that his love never wavered. However, the court noted that there had been no contact between Ryan and A.R. since July or August of 2020. The court stated that it respected Ryan's wish to maintain his parental rights, but stated that the focus had to be on the best interest of A.R. The trial court found that the State abundantly met its burden of proof and ruled that Ryan's parental rights be terminated.

¶ 108 The court entered its permanency order the same date changing the permanency goal to adoption.

¶ 109 II. ANALYSIS

¶ 110 The legal authority for the involuntary termination of parental rights in Illinois is found in the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2020)) and in the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 2020)). *In re J.L.*, 236 Ill. 2d 329, 337 (2010) (citing *In re E.B.*, 231 Ill. 2d 459, 463 (2008)). The procedural basis for the involuntary termination of parental rights is found in section 2-29 of the Juvenile Court Act of 1987 (705 ILCS 405/2-29(2) (West 2020)). The procedure involves two steps. With step one, the State must prove, by clear and convincing evidence, that the parent is an "unfit person" as defined by the Adoption Act. *Id.*; 750 ILCS 50/1(D) (West 2020); *In re A.J.*, 269 Ill. App. 3d 824, 828 (1994). If the trial court finds that the parent is unfit, the process moves to step two. With step two, the State must prove, by a preponderance of the evidence, that it is in the child's best interest that the parent's rights be terminated. 705 ILCS 405/2-29(2); *In re J.L.*, 236 Ill. 2d at 337-38.

¶ 111 On appeal from a trial court's findings that a parent is unfit and that terminating the parental rights is in the child's best interest, the reviewing court must not retry the case but, instead, must review the trial court's findings to determine if the findings are against the manifest weight of the evidence. *In re A.W.*, 231 Ill. 2d 92, 104 (2008). A decision is contrary to the manifest weight of

the evidence if the opposite conclusion is apparent or when findings appear to be unreasonable, arbitrary, or not based on the evidence presented. *In re Vanessa K.*, 2011 IL App (3d) 100545, ¶ 28 (citing *In re Joseph M.*, 398 Ill. App. 3d 1086, 1089 (2010)); *In re S.R.*, 326 Ill. App. 3d 356, 360-61 (2001).

¶ 112 We first review the evidence to determine if the State met its burden of proving, by clear and convincing evidence, that Ryan was an "unfit person." The trial court determined that the State met its burden of proof on the following bases: (1) he failed to maintain a reasonable degree of interest, concern, or responsibility as to A.R.'s welfare (750 ILCS 50/1(D)(b) (West 2018)); (2) he failed to make reasonable efforts to correct the conditions that were the basis for A.R.'s removal during any nine-month period following the adjudication of neglect (*id.* § 1(D)(m)(i)); (3) he failed to make reasonable progress during any nine-month period following the adjudication of neglect, specifically from June 21, 2019, through March 21, 2020 (*id.* § 1(D)(m)(ii)); and (4) he failed to make reasonable progress during any nine-month period following the adjudication of neglect, specifically from March 21, 2020, through December 21, 2020 (*id.*).

¶ 113 "Reasonable progress" is determined by an objective standard, based upon the amount of progress measured from the conditions existing at the time custody was taken from the parent. *In re D.T.*, 2017 IL App (3d) 170120, ¶ 17 (citing *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067 (2006)). "The benchmark for measuring a parent's reasonable progress under section 1(D)(m) of the Adoption Act encompasses the parent's compliance with the service plans and court's directives in light of the condition that gave rise to the removal of the child and other conditions which later become known that would prevent the court from returning custody of the child to the parent." *Id.* (citing *In re C.N.*, 196 Ill. 2d 181, 216-17 (2001)). A parent makes reasonable progress when the trial court can find that the progress "is sufficiently demonstrable and of such a quality"

that the trial court may soon be able to order the return of the minor to the parent's custody. *Id.* (citing *In re J.H.*, 2014 IL App (3d) 140185, ¶ 22).

¶ 114 In this case, Ryan made virtually no progress. He completed his integrated assessment and a mental health assessment, and when he was not incarcerated, he had supervised visits with A.R. However, over time, A.R. withdrew from Ryan and stated that she feared him. That fear was exacerbated by the incident involving a large sum of cash that Ryan acknowledges. LCFS child welfare specialist Erica Chevalier testified that she informed Ryan that he needed to comply with the family service plan and that the court did not need to order him to complete the specific services required by his plan. Additionally, the trial court specifically ordered Ryan to comply with his service plan in the court's multiple permanency orders. Despite the repeated warnings, Ryan did not complete a substance abuse assessment and complete any recommended services, did not complete a domestic violence assessment and complete any recommended services, did not complete a parenting assessment and complete any recommended services, did not engage in individual counseling to allow him to engage in family counseling with A.R., and did not submit to the random drug testing program. As the trial court noted, Ryan's claim that he had no knowledge that he was required to complete these services strains credulity.

¶ 115 We specifically comment on the court's conclusion that Ryan failed to maintain a reasonable degree of interest, concern, or responsibility as to A.R.'s welfare. Ryan's defense to this charge was framed in his expressions of interest in and love for A.R. While love for the child should not be discounted, Ryan was required to fully engage in the DCFS-required services. These requirements were repeatedly presented and explained to Ryan. Whether Ryan was involved in the incident that brought A.R. into DCFS care is irrelevant. The child was DCFS's focus and, thus, services were assessed and mandated to ensure A.R.'s health, safety, and welfare. Completion of

services is necessary to establish the required interest, care, and responsibility to the trial court. We also note that while Ryan claimed that he had completed a substance abuse assessment and individual counseling services, he did not assist LCFS in obtaining documentation when Chevalier told him that they had not received documentation. The path to reunification with A.R. was clear, but Ryan made conscious choices to disregard his service plan. By disregarding his service plan, Ryan established that he did not maintain the reasonable degree of interest, concern, or responsibility toward A.R. as required in the State of Illinois.

¶ 116 Ryan's failure to fully engage in and complete his service plan objectives does not support the reasonable progress standard. Accordingly, we find that the trial court considered the evidence in the record and at the fitness hearing. We conclude that the trial court's finding that Ryan was an "unfit person" was not contrary to the manifest weight of the evidence. *In re A.W.*, 231 Ill. 2d at 104.

¶ 117 Having determined that the trial court correctly found that Ryan was an unfit parent, we turn to the best interest of A.R. Termination of a parent's rights is an extreme act. *In re Adoption of Syck*, 138 Ill. 2d 255, 274-75 (1990). A parent maintains a superior right to raise his or her own children. *Id.* Once a parent has been determined to be unfit, "the parent's rights must yield to the child's best interest." *In re Tashika F.*, 333 Ill. App. 3d 165, 170 (2002); *In re J.L.*, 236 Ill. 2d 329, 337-38 (2010). Until the court determines that a parent is unfit, the interests of both the parent and the child are concurrent "to the extent that they both 'share a vital interest in preventing erroneous termination of their natural relationship.' " *In re D.T.*, 212 Ill. 2d 347, 363 (2004) (quoting *Santosky v. Kramer*, 455 U.S. 745, 760-61 (1982)).

¶ 118 After finding that a parent is unfit, the State must establish proof that termination of a parent's rights is in the child's best interest by a preponderance of the evidence. 705 ILCS 405/2-

29(2) (West 2020); *In re D.T.*, 212 Ill. 2d at 366. On appeal of a best-interest determination, we must decide whether the trial court's decision is contrary to the manifest weight of the evidence. *In re Jay H.*, 395 Ill. App. 3d 1063, 1071 (2009); *In re S.J.*, 368 Ill. App. 3d 749, 755 (2006). A best-interest determination is against the manifest weight of the evidence only if the facts clearly demonstrate that the court should have reached the opposite result. *In re Daphnie E.*, 368 Ill. App. 3d at 1072. On appeal from an order terminating a parent's rights, the reviewing court gives great deference to the trial court's decision because the trial court is in a much better position to see the witnesses and judge their credibility. *In re K.B.*, 314 Ill. App. 3d 739, 748 (2000).

¶ 119 "[A]t a best-interests hearing, the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *In re D.T.*, 212 Ill. 2d at 364. The trial court must consider several factors within "the context of the child's age and developmental needs" when considering if termination of parental rights serves a child's best interest. 705 ILCS 405/1-3(4.05) (West 2020). These factors include:

> "(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
> (b) the development of the child's identity;
> (c) the child's background and ties, including familial, cultural, and religious;
> (d) the child's sense of attachments, including:
> (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
> (ii) the child's sense of security;
> (iii) the child's sense of familiarity;
> (iv) continuity of affection for the child;
> (v) the least disruptive placement alternative for the child;
> (e) the child's wishes and long-term goals;
> (f) the child's community ties, including church, school, and friends;
> (g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;
> (h) the uniqueness of every family and child;
> (i) the risks attendant to entering and being in substitute care; and
> (j) the preferences of the persons available to care for the child." *Id.*

¶ 120 During the best interest hearing, the trial court stated that it had considered the statutory best interest factors and found that A.R.'s physical safety and welfare, her sense of attachment, her wishes and long-term goals, her ties to the community, and her need for permanence were the most pertinent. We also note that the trial court's ultimate determination and order does not need to reference and discuss each factor. *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19; *In re Tiffany M.*, 353 Ill. App. 3d 883, 893 (2004). The court can also consider the length of the child's relationship with his or her foster parents and the emotional and/or physical effect of a change of placement on the well-being of the child. *In re Brandon A.*, 395 Ill. App. 3d 224, 240 (2009) (citing *In re Austin W.*, 214 Ill. 2d 31, 50 (2005)). Furthermore, the trial court may consider the likelihood of adoption. *In re Tashika F.*, 333 Ill. App. 3d at 170.

¶ 121 In this case, the record clearly reflects that termination of Ryan's parental rights was the appropriate outcome for A.R. By the date of the best interest hearing, A.R. had lived with her maternal grandmother, Lisa, for approximately four years. The trial court found that A.R. was bonded and secure in her grandmother's home. A.R. testified that she wanted to continue living with her grandmother and that she wanted to change her surname to match her grandmother's surname. Lisa kept A.R. enrolled in the same parochial school she had attended since prekindergarten. A.R. was thriving in school on an academic and social basis and was engaged in several extracurricular activities. A.R. testified in court that trust was important to her and that she trusted her grandmother. Furthermore, Lisa had agreed to formally adopt A.R.

¶ 122 Ryan had spent a large portion of A.R.'s life in prison. A.R. was born in 2010. By 2013, Ryan was incarcerated. Upon parole in January 2019, Ryan engaged in supervised visits and phone, text messaging, and social media contact with A.R. His last contact with A.R. was in July or August 2020. Depending upon the outcome of his pending federal charges, he may remain

incarcerated. We recognize that Ryan did not want his parental rights terminated and that he has exhibited love for his daughter. Despite Ryan's love for A.R., the court had to determine what was in the best interest of A.R. We conclude that the trial court's decision to terminate Ryan's parental rights was not contrary to the manifest weight of the evidence. *In re D.F.*, 201 Ill. 2d 476, 498-99 (2002).

¶ 123 III. CONCLUSION

¶ 124 For the foregoing reasons, we affirm the judgments of the circuit court of Macon County.

¶ 125 Affirmed.