

NOTICE
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2022 IL App (5th) 220425
NOS. 5-22-0425, 5-22-0428 cons.

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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

<i>In re</i> J.J., Z.G., M.J., and D.J., Minors)	Appeal from the
)	Circuit Court of
(The People of the State of Illinois,)	Champaign County.
)	
Petitioner-Appellee,)	
)	Nos. 19-JA-45, 20-JA-23
v.)	
)	
Shyanna G.,)	Honorable
)	Matthew D. Lee,
Respondent-Appellant).)	Judge, presiding.

JUSTICE BARBERIS delivered the judgment of the court.
Presiding Justice Boie and Justice Cates concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court’s findings that respondent mother was an unfit parent and that termination of her parental rights was in the minors’ best interest were not against the manifest weight of the evidence.

¶ 2 Respondent, Shyanna G. (mother), appeals from the judgments of the Champaign County circuit court terminating her parental rights to Z.G. (born May 24, 2014), M.J. (born January 18, 2018), D.J. (born January 1, 2019), and J.J. (born January 18, 2020). On appeal, mother argues that the court’s findings that she was an unfit parent and that it was in the children’s best interest to terminate her parental rights were against the manifest weight of the evidence. For the following reasons, we affirm the judgment of the court.

¶ 3

I. Background¹

¶ 4 On July 29, 2019, the State filed petitions for adjudication of neglect as to Z.G., M.J., and D.J. The State alleged the minors neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2020)), where the minors' environment was injurious to their welfare when they resided with mother, because the environment exposed them to domestic violence. On October 10, 2019, the circuit court held an adjudicatory hearing. Mother stipulated to the allegation that the minors were exposed to domestic violence when residing with mother. The same day, the court entered an adjudicatory order as to Z.G., M.G., and D.J., noting that mother stipulated to the petition "in open court with counsel present knowingly and voluntarily."

¶ 5 On July 25, 2019, prior to the filing of the State's petitions, the Department of Children and Family Services (DCFS) received a hotline call when mother physically fought with her paramour's mother with the children present. Law enforcement arrested mother for domestic battery. Within 24 hours of her release, father, Derrick Junious (Mr. Junious),² was arrested for prior offenses. Moreover, mother reportedly smacked Z.G. across the face and mouth at times, leaving red marks and welts. The caseworker noted that mother's criminal history included three assault charges and one weapons charge, with no convictions.

¶ 6 On November 7, 2019, following the filing of a dispositional report, the circuit court entered a dispositional order finding it in the best interests of the minors and the public that the minors be made wards of the court and adjudged neglected. As to mother, the court found her unfit

¹Unless otherwise noted, the information in the background comes from the record in 19-JA-45, pertaining to Z.G., M.J., and D.J. Information pertaining to J.J. comes from 20-JA-23. This court consolidated the cases on appeal on July 25, 2022.

²Mr. Junious is not a party to this appeal. Mr. Junious is father of M.J., D.J., and J.J. Tyler Craft, who is also not a party to this appeal, is the father of Z.G.

for reasons other than financial circumstances alone, noting that “the level of domestic violence is significant and must be addressed before custody may be returned.” The court placed custody and guardianship of the children with DCFS.

¶ 7 DCFS filed a permanency hearing report on February 18, 2020. The report noted that during the reporting period, DCFS received two hotline calls. On December 10, 2019, Z.G. arrived at school with a “healing red mark including a bruise and scab on his left side temple.” Z.G. disclosed that Mr. Junious kicked him. Z.G. advised that Mr. Junious watched Z.G. alone while mother went to the store. Z.G. stated that Mr. Junious frequently hit him. DCFS was seemingly unaware that Mr. Junious continued to live in the home with the children. According to the DCFS report, this constituted a direct violation of the service plan. Mother denied contact with Mr. Junious. Next, on January 9, 2020, the school reported that Z.G. had another bruise. Z.G. reported that mother threw him to the ground. It was unclear to the DCSF caseworker, Erica Foster (Foster), whether Z.G. simply fell, given he was a busy and active child.

¶ 8 DCFS became aware that mother was pregnant, and she was scheduled for a C-section on approximately January 17, 2020. DCFS received information on January 18, 2020, that mother delivered a baby boy, J.J. Mr. Junious was the father of the newly born child, J.J. On February 21, 2020, the circuit court entered a permanency order setting the goal as return home pending status hearing.

¶ 9 On February 24, 2020, the State filed a petition for adjudication of neglect as to J.J. Count I alleged J.J. neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b) (West 2020)) by reason of being a minor under 18 years of age whose environment is injurious to his welfare when he resided with mother, where mother failed to correct the conditions which resulted in a prior adjudication of parental unfitness to exercise guardianship and custody

of the minor's siblings in Champaign County case No. 2019-JA-45. Count II alleged J.J. neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act (*id.* § 2-3(1)(b)) by reason of being a minor under 18 years of age whose environment is injurious to their welfare when he resided with mother because the environment exposed him to domestic violence. On June 2, 2020, the circuit court entered an adjudicatory order as to J.J., finding the minor neglected, as defined by section 2-3 of the Juvenile Court Act (*id.* § 2-3), in that the minor was in an environment injurious to his welfare as defined by section 2-3(1)(b) of the Juvenile Court Act (*id.* § 2-3(1)(b)). The order noted that mother was previously adjudicated unfit to parent her children due to domestic violence in the home.

¶ 10 Foster filed a permanency hearing report on June 25, 2020. According to the report, on May 28, 2020, mother advised DCFS that she was pregnant with Mr. Junious's child. Mother miscarried on June 8, 2020. According to the permanency hearing report, mother completed domestic violence classes. She successfully completed parenting skills training and enrolled in anger management. At the time of the report, mother sought to engage in individual therapy. Foster recommended a goal of return home, as mother worked to correct the conditions in which the children came into care. DCFS recommended that she continue to attend parenting classes, domestic violence services, therapy, and supervised visitation with the children. The children remained in foster placements.

¶ 11 In a permanency report filed June 29, 2020, the circuit court set the goal as return home within 12 months. The court noted that, although mother made reasonable efforts toward returning the children home, she made reasonable, but not substantial, progress towards the goal of return home.

¶ 12 Foster filed a permanency report on September 28, 2020. Foster noted that during supervised visits, mother played, interacted, and fed the children properly. Mother sought domestic violence classes and completed domestic violence parenting classes. She also completed a parenting skills training on June 10, 2020. Mother engaged in individual therapy, and mother's therapist indicated that mother made progress. Foster recommended a permanency goal of return home within 12 months, because mother continued to work to correct the conditions in which the case came into care.

¶ 13 On June 24, 2020, DCFS filed a dispositional hearing report as to J.J. On June 30, 2020, the circuit court entered a dispositional order as to J.J. The court adjudged J.J. neglected, finding mother unfit for reasons other than financial circumstances to care for, protect, train, or discipline the minor.

¶ 14 On October 1, 2020, the circuit court entered a permanency order setting the goal as return home within 12 months for all four children. The court noted that mother completed some services, but additional services remained required for reunification.

¶ 15 DCFS filed a permanency hearing report on December 4, 2020. Mother completed domestic violence parenting class and parenting skills training. Mother continued to engage in therapy sessions. Mother completed a psychological assessment, where she received a bipolar disorder diagnosis. The psychological report noted concerns with the children returning to mother's care, as she may not be able to fully parent appropriately. The report recommended that she seek a psychiatrist. The recommended permanency goal remained return home within 12 months.

¶ 16 On December 8, 2020, the circuit court entered a permanency order setting the goal as return home within 12 months for all four children. The court noted that mother completed some services but required further mental health treatment.

¶ 17 On March 9, 2021, Foster entered a permanency review report. The report marked mother satisfactory for progress and reasonable efforts. However, the report noted that mother continued to need services to demonstrate that she could safely parent her children by not engaging in activities such as being involved with Mr. Junious, fighting, and being short tempered. Foster received screenshots from an online argument ensued by mother towards a woman allegedly involved with Mr. Junious. Foster also received phone calls from a woman stating that mother followed her into a grocery store and threatened to fight her due to her relationship with Mr. Junious. The woman reported that mother continued to harass her and consistently alleged that she was pregnant by Mr. Junious.

¶ 18 Mother's psychological report indicated that there were safety concerns with the children returning to mother's care given her intellectual disability and bipolar disorder. Mother's psychologist indicated that mother's intellectual disability, combined with mental disorders and trauma history, contributed to her poor prognosis for being able to discharge minimal parenting responsibilities. Mother's psychiatrist prescribed her medication to assist with her depression and to aid in sleeping.

¶ 19 Foster indicated that visitation occurred three times per week in person for three hours per visit. Mother played and interacted with the children appropriately. She fed the children meals and snacks. DCFS recommended a permanency goal of return home within 12 months. On March 12, 2021, the circuit court entered a permanency order for return home within 12 months, noting that mother made reasonable efforts toward returning all four children home.

¶ 20 On June 10, 2021, DCFS entered a permanency review report. DCFS received reports that mother continued involvement with Mr. Junious. DCFS requested that mother take a pregnancy test. The report noted that mother displayed aggression, anger, and outbursts during family team meetings. In particular, the report noted that on May 21, 2021, mother became “enraged” about Z.G. not wearing new shoes that mother purchased for him. The parenting capacity assessment report noted that mother may not be able to fully parent independently due to her intellectual and emotional deficits. However, mother completed domestic violence parenting class, parenting skills training, and engaged in therapy.

¶ 21 The psychological assessment noted that there were concerns with the children returning to mother’s care. The IQ testing indicated mother suffered from an intellectual disability, demonstrating chronic deficits in intellectual functioning including reasoning, problem solving, planning, abstract thinking, judgment, academic learning, and learning from experience.

¶ 22 In the service plan filed on June 10, 2021, DCFS marked mother unsatisfactory. Foster noted that although mother maintained appropriate visitation with the children and complied with recommended services, she was not able to demonstrate an understanding of information provided to her from service providers. As such, DCFS noted that reunification was not closer than it was previously.

¶ 23 In the June 10, 2021, service plan, Foster marked mother satisfactory for signing necessary release forms, staying in contact with her caseworker, allowing the worker to conduct home visits, and keeping scheduled appointments. Foster also marked mother satisfactory for attending, participating, and completing parenting education program, demonstrating the parenting skills by providing a safe and nurturing environment, and continuing recommended classes. However, she was unsatisfactory for demonstrating an understanding of the skills she learned. Foster noted that

mother required ongoing parenting assistance with her children, and she struggled to keep the children safe and offer appropriate discipline.

¶ 24 In the June 10, 2021, service plan, DCFS rated mother satisfactory for completing domestic violence courses, engaging in services, and avoiding domestic violence with Mr. Junious. She was marked unsatisfactory for demonstrating an understanding of domestic violence treatment by choosing to engage in relationships with people who pose a risk to her children. Foster noted that there were incidents where mother became physical with Mr. Junious's paramour during the reporting period.

¶ 25 Additionally, in the service plan, Foster marked mother satisfactory for continuing individual therapy and engaging in a psychological assessment. However, she was unsatisfactory for demonstrating an understanding of the information provided to her through discussion with her service providers and demonstration of learned skills.

¶ 26 On June 18, 2021, the circuit court entered a permanency order setting the goal as return home within 12 months for all four children. The court noted that mother made reasonable efforts towards return home, but not reasonable and substantial progress. Later, on September 17, 2021, the court entered a permanency order setting the goal to return home in 12 months for all four children. Again, the court noted that mother made reasonable efforts, but not reasonable and substantial progress.

¶ 27 DCFS filed a permanency review report on December 6, 2021. The report noted that mother continued to require services from DCFS. DCFS received a police report regarding a physical altercation between mother, Mr. Junious, and his paramour at Mr. Junious's mother's home. Mother indicated that she went to visit Mr. Junious's mother because she was sick. Mother

indicated that Mr. Junious appeared at his mother's home, where the physical altercation took place.

¶ 28 The family service plan marked mother satisfactory for staying in contact with her caseworker and following up on missed appointments. Additionally, the service plan noted that mother was satisfactory for completing parenting classes and domestic violence classes. The report noted that mother demonstrated an understanding of information provided to her from her service providers.

¶ 29 The circuit court held a permanency hearing on December 17, 2021, as to all four children. Following testimony, the court noted that it considered the reports filed and evidence presented at the hearing. The court noted that mother completed “virtually all the services she’s been asked to perform” but supervised visitation was still required. The court also noted that mother missed numerous visits. The court indicated that mother made reasonable efforts and “some progress.” However, the court noted that it could not find that mother made reasonable and substantial progress, where visitation continued to be an issue regarding consistency and supervision. The court entered a permanency order on December 17, 2021, finding the appropriate goal return home within 12 months for all four children. The court noted that mother made some reasonable progress toward returning the minors home, and she made reasonable efforts.

¶ 30 On December 17, 2021, the State filed a motion seeking a finding of unfitness and termination of parental rights as to Z.G., M.J., and D.J. The State alleged mother unfit, as defined in section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2020)), because she failed to make reasonable progress toward the return of the minor to her during any nine-month period following the adjudication of neglect or abuse, namely March 16, 2021, through December 16, 2021. The State also filed a motion seeking a finding of unfitness and termination of parental

rights as to J.J. The State alleged mother unfit as defined in section 1(D)(m)(ii) of the Adoption Act (*id.*), because she failed to make reasonable progress toward the return of the minor to her during any nine-month period following the adjudication of neglect or abuse, namely March 16, 2021, through December 16, 2021.

¶ 31 The circuit court held a hearing on the motion seeking finding of unfitness and termination of parental rights on April 1, 2022, as to all four children. Dr. Judy Osgood, a licensed clinical psychologist in Champaign, Illinois, testified. Dr. Osgood completed a psychological evaluation for mother. Dr. Osgood determined that mother was unstable and displayed difficulty with emotional regulation. Mother displayed depression and mania, which was consistent with bipolar disorder. Dr. Osgood noted mother displayed a mild intellectual disability. Dr. Osgood noted that mother had a history of partner violence and a childhood history of abuse and trauma. Dr. Osgood testified that mother suffered from a “parent-child relational problem” which was “implicit in her inability and her failure to protect her children from abuse and trauma.”

¶ 32 Dr. Osgood testified that mother “has a lot of challenges and risk factors, which involves her mental health.” The mental health disorders included bipolar disorder and an intellectual disability. Dr. Osgood noted that mother exhibited a pattern of domestic violence in her relationship with Mr. Junious. Dr. Osgood opined that mother “did not demonstrate the stability, the progress, even the ability to care for herself independently, let alone her children.”

¶ 33 Foster, the caseworker for mother and the children, testified. Foster was assigned to this case from November 2019 through November 2021. Foster noted that during the time period of March 2021 through December 2021, mother was not consistent with her visitation with the children. At that time, mother’s visitation was three times per week. Foster testified that on average, mother attended visitation once per week.

¶ 34 Foster testified that mother never disclosed that she was pregnant. Yet, mother gave birth to another child, L.G., during the reporting period (March 16, 2021, through December 16, 2021).³ Mother did not disclose the birth to DCFS. Because DCFS was not aware of mother’s pregnancy and subsequent birth, DCFS was unable to suggest prenatal care for mother.

¶ 35 Foster testified that she never recommended mother for unsupervised visits due to safety concerns involving Mr. Junious. Foster observed many supervised visits, where mother “did okay with the assistance of” a caseworker. Foster testified that mother relied on the caseworker to care for the children with her. Foster testified that she never considered mother a placement for her children.

¶ 36 Ally Dent, a child welfare specialist from DCFS, testified. Dent testified that she did not consider giving mother unsupervised visits based on a domestic incident in November of 2021, where she engaged in an altercation with Mr. Junious. Moreover, during supervised visits, mother required significant redirection and prompting with the children. Dent never considered mother a placement for the children.

¶ 37 Dent also testified that mother had a new baby in December 2021, and DCFS took protective custody of the infant. Dent testified that Mr. Junious was the father of the new baby.

¶ 38 Laura Smyser, a family support specialist with Addus, testified. Smyser acted as visit supervisor between mother and the children for approximately three years—the duration of the case. Smyser testified that mother’s visitation attendance was sporadic during the reporting period. Mother was appropriate with the children during visits and redirected them as needed. Smyser testified that mother was overwhelmed parenting all of the children, and she struggled to create structure and routine for them.

³L.G. is not a party to this appeal.

¶ 39 Smyser also testified that mother cancelled a visit on July 12, 2021, due to a dental appointment. However, Smyser learned later that mother gave birth to another child on July 12, 2021.

¶ 40 Mother testified that she completed services and worked towards others. She testified that she felt she could “handle” her kids. Mother noted that it was difficult to parent Z.G. because of his anger, but she utilized skills learned in parenting class.

¶ 41 The circuit court noted that it considered all of the evidence, including the testimony of the witnesses and judicial notice of prior orders in both underlying cases (19-JA-45 and 20-JA-23). The court noted that mother made reasonable efforts and exhibited a reasonable degree of concern and responsibility. The court noted that mother remained engaged in the pending cases. The court noted that it was clear that mother loved her children and was committed to being in their lives.

¶ 42 The circuit court considered whether mother made reasonable progress towards the return of the minors to mother. First, the court expressed concern over mother’s capacity to parent her children. The court noted Dr. Osgood’s testimony that mother suffered from bipolar disorder, a mild intellectual disability, partner violence, trauma, and needed guidance during supervised visits. The court noted that Dr. Osgood testified that mother did not progress in advancing her mental health illness diagnoses.

¶ 43 Next, the circuit court considered visitation. The court noted that mother missed a great deal of visitation. The court acknowledged that mother allegedly missed approximately half of the visits due to medical appointments. The court noted that, accepting the appointments as true, the court had questions of whether mother was physically capable of caring for her children if she was frequently hospitalized or under the care of a physician. Moreover, the court noted that missing visits negatively impacted the children.

¶ 44 Finally, the circuit court noted that mother failed to sufficiently address the reason why the children came into care—domestic violence. The court noted that the father, Mr. Junious, made no effort or involvement with the pending cases. Yet, mother continued to engage with him and concealed another pregnancy and birth with Mr. Junious from DCFS. Additionally, there was an incident of domestic violence with Mr. Junious during the reporting period.

¶ 45 For these reasons, the circuit court concluded that the State met its burden of proving that mother did not make reasonable progress towards the return of the minors to her during the nine-month period alleged in the petition.

¶ 46 Following the hearing, the court entered an order on parental fitness as to Z.G., M.J., and D.J. (29-JA-45) and J.J. (20-JA-23). The court noted that mother was proved by clear and convincing evidence to be an unfit person and parent, because she failed to make reasonable progress toward the return of the minors to her during the nine-month period set forth in the State's motion.

¶ 47 DCFS submitted a best interest hearing report on May 26, 2022, pertaining to all four children. The report recommended the permanency goals be changed to adoption.

¶ 48 On June 24, 2022, the parties proceeded to a best interest hearing. The State noted that Z.G. resided with a specialized foster parent, with whom he resided since January 2022. Z.G. had a bond with his foster mother and thrived in the environment. The foster mother was willing to continue to meet Z.G.'s needs, including Z.G.'s appointments for mental and physical health. Z.G.'s foster mother indicated that she would ensure Z.G.'s continued relationship with his extended family and siblings. She was an adoptive placement. Z.G. exhibited attachment, security, and safety in the home. Z.G. made friends at his new school in Springfield, Illinois.

¶ 49 As to M.J., she remained in traditional foster care with her younger sister, L.G. M.J.'s needs were met in the home, and there were no safety issues or concerns. She was safe and secure in the home. She remained connected to her maternal family in the placement, with a maternal relative willing to adopt M.J. and her younger siblings.

¶ 50 D.J. and J.J. resided in a foster home together. The children remained connected to their maternal extended family in the foster placement. D.J. resided outside of his mother's care longer than he resided in it. J.J. never resided with his mother. Both children had an adoptive placement with a maternal relative out of state.

¶ 51 The circuit court noted that it considered the contents of the best interest hearing report, as well as the arguments of the parties. The court noted that it considered the statutory best interest factors. First, the court considered the physical safety and welfare of the children. As to Z.G., the court noted that Z.G. made "remarkable" progress in his foster placement, especially given his behavioral issues. Moreover, Z.G.'s foster mother expressed willingness to adopt, providing permanency for Z.G.

¶ 52 As to M.J., the court noted that she was well cared for in her foster placement. J.J. and D.J. remained in another foster placement; however, all three children had a preadoptive placement with a maternal family member out of state. The children remained attached to their maternal extended family, who continue to be involved in their lives.

¶ 53 The court considered the children's need for permanency and the fact that the children spent approximately three years in the court system. As such, the court noted that permanency was important for the children.

¶ 54 For these reasons, the court determined by a preponderance of the evidence that it was in the best interests of the minors that mother have all residual, natural parental rights and

responsibilities terminated. On June 24, 2022, the court entered an order terminating parental rights as to Z.G., M.J., and D.J. The court found by a preponderance of the evidence that it was in the best interests of the minors that mother have all residual, natural parental rights and responsibilities terminated. The court changed the permanency goal to adoption. Similarly, on June 24, 2022, the court entered an order terminating parental rights as to J.J. The court found by a preponderance of the evidence that it was in the best interests of the respondent minor and the public that mother have all residual, natural parentage rights and responsibilities terminated. The court changed the permanency goal to adoption.

¶ 55 This appeal followed. This court subsequently granted mother’s motion to consolidate her respective appeals.

¶ 56 II. Analysis

¶ 57 On appeal, mother challenges the circuit court’s judgment terminating her parental rights. First, mother argues that the court’s finding her an unfit person was against the manifest weight of the evidence. Second, mother argues that the court’s finding that termination of her parental rights served the best interest of the children was against the manifest weight of the evidence. For the reasons that follow, we disagree.

¶ 58 “[T]ermination of parental rights is an extraordinarily serious matter.” *In re M.F.*, 304 Ill. App. 3d 236, 238 (1999). “The termination of parental rights constitutes a permanent and complete severance of the parent-child relationship.” *In re C.N.*, 196 Ill. 2d 181, 208 (2001). The Juvenile Court Act establishes a two-step process for the involuntary termination of parental rights. See 705 ILCS 405/2-29(2) (West 2020). First, the State must prove, by clear and convincing evidence, that the parent is an unfit person as defined by section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2020)). *In re Tiffany M.*, 353 Ill. App. 3d 883, 889 (2004). Section 1(D) sets forth multiple

grounds “under which a parent may be found unfit, any of which standing alone may support” a finding of unfitness. *Id.* If the circuit court finds the parent unfit under one of the enumerated grounds, the court must then determine whether it is the child’s best interest that parental rights be terminated. 705 ILCS 405/2-29(2) (West 2020).

¶ 59 A reviewing court will not disturb the circuit court’s determination on the issue of unfitness unless such determination is contrary to the manifest weight of the evidence. *Tiffany M.*, 353 Ill. App. 3d at 890. A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or the determination is unreasonable, arbitrary, or not based on the evidence presented. *In re D.F.*, 201 Ill. 2d 476, 498 (2002). With this in mind, we turn to the arguments raised by mother.

¶ 60 A. Parental Unfitness

¶ 61 Mother argues that the circuit court’s determination that she was an unfit parent is against the manifest weight of the evidence. We disagree.

¶ 62 The State must prove, by clear and convincing evidence, that the parent is unfit as defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2020)). 705 ILCS 405/2-29(2), (4) (West 2020). Section 1(D) of the Adoption Act sets forth multiple grounds for unfitness. 750 ILCS 50/1(D) (West 2020). A finding of parental unfitness will not be disturbed unless it is against the manifest weight of the evidence. *In re R.L.*, 352 Ill. App. 3d 985, 998 (2004). A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or the determination is unreasonable, arbitrary, or not based on the evidence presented. *D.F.*, 201 Ill. 2d at 498.

¶ 63 One ground of unfitness is the failure by a parent “to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected

or abused minor under Section 2-3 of the Juvenile Court Act of 1987 or dependent minor under Section 2-4 of that Act.” 750 ILCS 50/1(D)(m)(ii) (West 2020). “Reasonable progress is an objective standard, focusing on the amount of progress toward the goal of reunification one can reasonably expect under the circumstances.” (Emphasis omitted.) *In re C.M.*, 305 Ill. App. 3d 154, 164 (1999). Reasonable progress requires, at a minimum, measurable or demonstrable movement toward the goal of reunification. *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. “Reasonable progress exists when the trial court can conclude that it will be able to order the child returned to parental custody in the near future.” *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067 (2006).

¶ 64 Although DCFS service plans are an integral part of the statutory scheme, our supreme court has rejected the view that the sole measurement of parental progress is the parent’s compliance with service plans. *C.N.*, 196 Ill. 2d at 214-15. Instead, the supreme court ruled that

“the benchmark for measuring a parent’s ‘progress toward the return of the child’ under section 1(D)(m) of the Adoption Act encompasses the parent’s compliance with the service plans and the court’s directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later become known and which would prevent the court from returning custody of the child to the parent.” *Id.* at 216-17.

Moreover, the Fourth District has repeatedly stated that “a court is duty bound to ensure that serious parental deficiencies of whatever nature have been corrected before the court permits one of its wards to be returned to that parent’s custody.” *In re L.L.S.*, 218 Ill. App. 3d 444, 464 (1991); *C.M.*, 305 Ill. App. 3d at 164; *In re C.S.*, 294 Ill. App. 3d 780, 790 (1998).

¶ 65 Here, the evidence demonstrated that mother suffered from mental health disorders, including bipolar disorder and an intellectual disability. Dr. Osgood testified that based on mother’s mental health disorders, mother could not adequately parent her children. Based on this evidence, the circuit court determined that mother failed to make reasonable progress toward the goal of return home. The court relied upon Dr. Osgood’s testimony that mother suffered from

bipolar disorder, a mild intellectual disability, partner violence, trauma, and mother's needing guidance during supervised visits. The court noted that Dr. Osgood testified that mother did not progress in advancing her mental health illness diagnoses.

¶ 66 The evidence further demonstrated that mother was not consistent with her visitation with the children during the nine-month period at dispute. Foster testified that mother's visitation was scheduled three times per week; however, mother, on average, attended visitation once per week. During the visits that mother attended, mother relied heavily on the caseworker to care for the children with her. The circuit court noted that mother missed a great deal of visitation. The court acknowledged that mother allegedly missed approximately half of the visits due to medical appointments. The court noted that, accepting the appointments as true, the court had questions of whether mother was physically capable of caring for her children if she was frequently hospitalized or under the care of a physician. Moreover, the court noted that missing visits negatively impacted the children.

¶ 67 Moreover, and most importantly, mother continued to engage in domestic violence and a relationship with Mr. Junious. Mother's continued relationship was apparent through her concealed pregnancies from DCFS and the subsequent birth of Mr. Junious's child, L.G., during the reporting period. Finally, the circuit court noted that mother continued to engage with Mr. Junious even though he made no effort or involvement with the pending cases. Additionally, there was an incident of domestic violence with Mr. Junious during the reporting period. Domestic violence with Mr. Junious was the precise reason the children came into care, yet mother failed to

correct the conditions of domestic violence by continued engagement—and the subsequent birth of additional children (J.J. and L.G.⁴)—with Mr. Junious.

¶ 68 In sum, although the record reveals that mother worked to complete the tasks set forth in the service plan from March 16, 2021, through December 16, 2021, she continued to engage in domestic violence with Mr. Junious—the condition which gave rise to the removal of the children—during the same time period. It was within the province of the circuit court to weigh the evidence and determine the credibility of the witnesses and this court will not substitute its judgment for that of the circuit court on such matters. See *In re Deandre D.*, 405 Ill. App. 3d 945, 952 (2010) (“Because the circuit court is in the best position to assess the credibility of witnesses, a reviewing court may reverse a circuit court’s finding of unfitness only where it is against the manifest weight of the evidence.”). Thus, the evidence supported the circuit court’s finding that mother failed to make reasonable progress toward the return home goal. Accordingly, we cannot say that the court’s finding that mother was unfit, as defined in section 1(D)(m)(ii) of the Adoption Act, was against the manifest weight of the evidence.

¶ 69 Therefore, we conclude that the circuit court’s determination that the State presented clear and convincing evidence that mother was an unfit parent was not contrary to the manifest weight of the evidence.

¶ 70 **B. Best Interest Determination**

¶ 71 Next, mother argues that the circuit court’s decision to terminate her parental rights was not in the best interests of the children and went against the manifest weight of the evidence. We disagree.

⁴We recognize that the State’s petition to terminate alleged the nine-month period of March 16, 2021, through December 16, 2021, during which time mother gave birth to L.G. Mother gave birth to J.J. outside of the period at dispute.

¶ 72 As noted, if the circuit court finds the parent unfit, the matter proceeds to a second hearing, where the State must prove, by a preponderance of the evidence, that it is in the child’s “best interests” that parental rights be terminated. 705 ILCS 405/2-29(2) (West 2020); *In re D.T.*, 212 Ill. 2d 347, 366 (2004). During the second step of the process, the focus of the court’s scrutiny shifts from the rights of the parents to the best interests of the child. *D.T.*, 212 Ill. 2d at 365. Section 1-3 of the Juvenile Court Act lists the “best interests” factors that should be considered by the trial court when making a “best interests” determination. 705 ILCS 405/1-3(4.05) (West 2020). Specifically, the circuit court must consider the following factors in the context of the child’s age and developmental needs: (1) the physical safety and welfare of the child, (2) the development of the child’s identity, (3) the child’s background and ties, (4) the child’s sense of attachments, (5) the child’s wishes, (6) the child’s community ties, (7) the child’s need for permanence, (8) the uniqueness of every family and child, (9) the risks attendant to entering and being in substitute care, and (10) the preferences of the persons available to care for the child. *Id.* The court’s best interest determination will be reversed only if it is against the manifest weight of the evidence. *In re T.A.*, 359 Ill. App. 3d 953, 961 (2005).

¶ 73 Here, the circuit court considered the best interest factors and found it in each of the children’s best interest that mother’s parental rights be terminated. The evidence demonstrated that Z.G. resided with a specialized foster parent, with whom he resided since January of 2022. Z.G. had a bond with his foster mother and thrived in her environment. The foster mother was an adoptive placement, who was willing to continue to meet Z.G.’s needs, including Z.G.’s appointments for mental and physical health. Z.G.’s foster mother also indicated that she would ensure Z.G.’s continued relationship with his extended family and siblings. Importantly, Z.G.

exhibited attachment, security, and safety in the home, and he made friends at his new school in Springfield, Illinois.

¶ 74 The evidence demonstrated that M.J. remained in traditional foster care with her younger sister, L.G. M.J.'s needs were met in the home, and there were no safety issues or concerns. She was safe and secure in the home. She remained connected to her maternal family in the placement, with a maternal relative willing to adopt M.J. and her younger siblings.

¶ 75 Finally, the evidence demonstrated that D.J. and J.J. resided in a foster home together. They were connected with family through the foster placement, where the children remained connected to their maternal extended family. D.J. resided outside of his mother's care longer than he resided in it, and J.J. never resided with his mother. Both children had an adoptive placement with a maternal relative out of state.

¶ 76 The circuit court noted that it considered the contents of the best interest hearing report, the arguments of the parties, and the best interest factors. Specifically, first, as it relates to the best interest factors, the court considered the physical safety and welfare of the children. As to Z.G., the court noted that Z.G. made "remarkable" progress in his foster placement, especially given his behavioral issues. Moreover, Z.G.'s foster mother expressed willingness to adopt, providing permanency for Z.G. As to M.J., the court noted that she was well cared for in her foster placement. J.J. and D.J. remained in another foster placement; however, M.J., D.J., and J.J. had a preadoptive placement with a maternal family member out of state. The children remained attached to their maternal extended family, who continue to be involved in their lives. The court considered the children's need for permanency and the fact that the children spent approximately three years in the court system. As such, the court noted that permanency was important for the children. For these reasons, the court determined by a preponderance of the evidence that it was in the best

interests of the minors that mother have all residual, natural parental rights and responsibilities terminated. Based on the evidence presented, we conclude that the court's determination that it was in the children's best interest to terminate mother's parental rights was not against the manifest weight of the evidence.

¶ 77

III. Conclusion

¶ 78 For the reasons stated, we affirm the circuit court's judgment terminating the parental rights of mother.

¶ 79 Affirmed.