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I. BACKGROUND

¶ 4 On August 18, 2017, the State filed a petition alleging M.H. was a neglected minor whose environment was injurious to his welfare 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 2016)) because (1) Father and M.H.'s mother, Ieshia P.-E. (Mother) were "involved in a physical domestic altercation" while Mother was pregnant with M.H., (2) Mother tested positive for cocaine and methamphetamine while pregnant with M.H., (3) after M.H. was born, Mother was verbally abusive toward hospital staff, and both Father and Mother verbally abused and threatened an Illinois Department of Child and Family Services (DCFS) investigator, and (4) Mother had two children removed from her care in 2014, and she subsequently failed to complete the recommended services, causing her parental rights to be terminated in Knox County case Nos. 14-JA-10 and 14-JA-11.

¶ 5 On August 18, 2017, the circuit court ordered M.H. be placed in the custody of DCFS, and it adjudged M.H. neglected on October 24, 2017, noting Mother and Father lived together and Mother stipulated to the petition's second and fourth allegations.

¶ 6 On February 6, 2023, the State moved to terminate Father's parental rights, alleging Father failed to make reasonable efforts to correct the conditions which led to M.H.'s removal from his custody during the nine-month periods of September 1, 2020, to June 1, 2021, June 2, 2021, to March 2, 2022, and March 6, 2022, to December 6, 2022. See 750 ILCS 50/1(D)(m)(i) (West 2022). The State also alleged Father failed to make reasonable progress toward M.H.'s return to his custody during those time periods, and he failed to maintain a reasonable degree of interest, concern, or responsibility as to the children's welfare. See 750 ILCS 50/1(D)(b), 1(D)(m)(ii) (West 2022).

¶ 7 On June 6, 2023, the circuit court conducted a fitness hearing. Lexi Hager, the caseworker with Lutheran Social Services of Illinois (LSSI) who was assigned to M.H.'s case from approximately August 2021 to September 2022, testified Father successfully completed all required services when she joined the case. However, Father chose to continue living with Mother, which concerned Hager. Hager informed Father at least twice that, because he successfully completed the required services, he could eventually regain custody of M.H. if Mother did not reside in the same house. Father insisted "he was not going to kick [Mother] out or leave her or make her homeless." Father continued to permit Mother to live with him, such that M.H. could not be returned to Father's custody. Mother did not live anywhere else during the case's pendency. Mother told Hager that "she was going to try" to obtain separate housing, but Mother did not do so.

¶ 8 Karen Moore testified she was the DCFS child welfare specialist who was assigned to M.H.'s case from September 2022 to January 2023. According to Moore, Father's visitation of M.H. was "inconsistent" and he was not completing random drug screens. Moore was awaiting documentation from LSSI showing Father completed his drug evaluation and treatment. Moore asked Father to contact his service providers to obtain the documentation, but "he was unable to do that." Based on the lack of documentation, DCFS asked Father to complete random drug screens twice per month to demonstrate he was maintaining his sobriety. Father did not complete the drug screens as requested. Father only completed two tests during Moore's involvement with the case.

¶ 9 After reviewing Father's LSSI visitation records, Moore testified Father's visitation with M.H. "was inconsistent with different cancellations," noting, "There were times where the children were sick and [Father] didn't confirm." Once DCFS took over M.H.'s case,

Father “again was inconsistent with the agency that [DCFS] set up.” At one point, M.H. was placed in a home approximately 45 minutes from Father’s house and experiencing medical issues. Specifically, M.H. was having gastrointestinal difficulties, his doctor prescribed laxatives, and M.H. was “having a lot of accidents.” Moore did not believe it would be good for M.H. to travel for 45 minutes without easy access to a bathroom. However, Father “didn’t feel that *** he should have to go where [M.H.] was” and insisted M.H. should be driven to him. Whenever Father canceled visits because of the drive, DCFS workers called him and volunteered “to pick him up and take him to the visits if transportation was an issue.” But Father did not take advantage of these offers, choosing instead to cancel the visits. Indeed, Father sent Moore a text message saying “he still felt strongly that the visits should occur in his home regardless” of M.H.’s medical issues.

¶ 10 Moore had several conversations with Father regarding his decision to continue living with Mother, and Father was adamant that “when [Mother] was released [from the Illinois Department of Corrections] that she would be joining him in their home.” Moore communicated the problems this would cause Father regarding his efforts to regain custody of M.H. if Mother did not complete her services, but Father “insisted that she would be coming back to his house regardless.” Father “felt that [Mother] had completed her services and that he was still going to allow her to be in the home and that he would not kick her out.” At no point did Father express a willingness “to change the situation with respect to [Mother] being paroled to his house.”

¶ 11 Jessica Ince testified she worked for LSSI, and she was the caseworker assigned to M.H.’s case from April 2021 to August 2021. During that time, Father had supervised weekly visits with M.H. at his house. Father’s visits were supervised because Mother was always present. Father never expressed “a willingness to part from that pattern.” Based on Mother’s

medical records, she tested positive for methamphetamine, cannabis, and/or alcohol during multiple hospitalizations, including one trip to the emergency room “for what was deemed an intentional overdose.” On more than one occasion, Mother became belligerent and required restraints. Despite this, Father wanted Mother to continue living with him, and he “did not want to break away from that relationship.” At no point during Ince’s involvement in the case did Father become closer to regaining custody of M.H.

¶ 12 Dan Powell, the DCFS child welfare specialist assigned to M.H.’s case at the time of the hearing, began working on the case in late January or early February 2023. He testified Mother was living at Logan Correctional Center and she resided there for the duration of his involvement with the case. Father and Mother remained in close contact, Father still kept Mother’s pictures on the walls of his house, and “[e]very indication” suggested Mother would continue to live with Father after her release. Powell advised Father the circuit court “would have a very difficult time” returning M.H. to Father’s custody if Mother was found unfit and lived with Father after her release.

¶ 13 Mother testified her release date was June 21, 2024, but she was participating in programs through which she could be released by February or March 2024. Mother understood she could not have custody of her children if she was found unfit. Mother testified she and Father agreed she would stay with Father until she was no longer on parole, and then she would move out. Mother testified she and Father both rented the house, and it was her parole site. However, Mother said she would not show up at Father’s house if it meant M.H. would be taken away from him.

¶ 14 Finally, Father testified he completed all the services required of him. He admitted he and Mother had “domestic violence problems” in the past, and there was a case in

which charges were brought against him, though those charges were ultimately dropped. Father testified LSSI and DCFS did not communicate their expectations clearly. At no point was Father told to stop interacting with Mother. Father testified he complied with all his randomized drug drops, and he disputed any representation to the contrary. Father maintained regular employment. Father acknowledged he was told his continued relationship with Mother could jeopardize his ability to regain custody of M.H. Father testified he told the service workers Mother was welcome at his house “if she didn’t have a place to stay because the family wouldn’t take her in.” Father said he was not in a romantic relationship with Mother, but he would permit her into his house to grant her “visitation rights” as part of their “co-parenting” efforts. At the time of the hearing, Mother planned on returning to Father’s house when she was released. When asked on cross-examination whether he got a present or card for M.H.’s recent birthday, Father testified he did not.

¶ 15 The circuit court found the State met its burden of proving Father was unfit on all the grounds alleged, including failure to make reasonable progress toward M.H.’s return to his custody. In explaining its decision, the court asserted “it is just completely ignoring reality to think that [Mother] is not going to move in and stay with [Father].” The court voiced concern Father did not “understand[] and incorporat[e] what he’s learned in these services about *** placing a child first above your needs and relationship needs.”

¶ 16 The circuit court conducted a best interest hearing on December 5, 2023, where Powell testified M.H. had been in DCFS custody his entire life, and he had lived with his current foster parents since February 2023. Powell testified M.H.’s foster parents had “a nice place, well-kept, structurally sound,” and M.H. shared a room with his brother. M.H. called his foster parents “mom and dad,” and they demonstrated affection toward M.H., which he reciprocated. His foster

parents ensured his healthcare needs were met. M.H. was in kindergarten, and he got along with his peers and got good reports from the school. Powell testified M.H. was well cared for in his current placement, and that M.H. was bonded to his foster parents. The foster parents were committed to adopting M.H. Powell asserted, “I can’t emphasize enough just the stability that they’ve been able to offer to [M.H.] has been incredible. They have really introduced routine and love and care and support.” Powell believed it was in M.H.’s best interest to be adopted by his foster parents.

¶ 17 The circuit court found it was in M.H.’s best interest to terminate Father’s parental rights. The court relied on the statutory best interest factors, Father’s decision to permit Mother to live with him prior to her incarceration, and his commitment to allowing Mother to return to his house after her release. The court did not believe Father had “any type of formal real bond” with M.H.

¶ 18 Father filed a motion to reconsider the fitness and the best interest findings, which the circuit court denied after a hearing.

¶ 19 This appeal followed.

¶ 20 II. ANALYSIS

¶ 21 On appeal, Father argues the circuit court erred by (1) applying the wrong standard in reaching its fitness determination, (2) finding him unfit, and (3) finding it was in M.H.’s best interest to terminate his parental rights. We disagree.

¶ 22 The Juvenile Court Act and the Adoption Act (750 ILCS 50/1 *et seq.* (West 2022)) govern how the State may terminate parental rights. *In re D.F.*, 201 Ill. 2d 476, 494, 777 N.E.2d 930, 940 (2002). To terminate an individual’s parental rights, the State must first show

period after the adjudication of neglect or abuse. 750 ILCS 50/1(D)(m)(ii) (West 2022).

“Reasonable progress has been defined as demonstrable movement toward the goal of reunification.” (Internal quotation marks omitted.) *In re Reiny S.*, 374 Ill. App. 3d 1036, 1046, 871 N.E.2d 835, 844 (2007). Because Father must show demonstrable movement toward reunification to establish reasonable progress, the court did not apply the wrong standard during the fitness hearing. The court merely used more approachable language to describe the proper standard, and it did not err in doing so.

¶ 26 Father also argues the circuit court’s fitness determination was against the manifest weight of the evidence. However, the record shows Father chose to live with Mother after multiple caseworkers said he could not regain custody of M.H. if he did so. After Mother was incarcerated, Father kept her pictures on the walls, and Father insisted Mother would be paroled to his house upon her release. During his conversations with Moore, Father stood by his decision to have Mother paroled to his house. Father completed all the required services, but he refused to stop living with Mother, even though several caseworkers told him such a living situation would prevent him being reunited with M.H. Based on the evidence presented, the court’s finding that Father failed to make reasonable progress toward reunification with M.H. was not against the manifest weight of the evidence, as the opposite conclusion is not clearly evident. See *T.A.*, 359 Ill. App. 3d at 960. As we have upheld the circuit court’s finding that respondent was unfit based on his failure to make reasonable progress, we need not address the other basis for the court’s unfitness finding. *In re C.W.*, 199 Ill. 2d 198, 210 (2002).

¶ 27 B. Best Interest Finding

¶ 28 After a parent is found unfit, “the focus shifts to the child.” *In re D.T.*, 212 Ill. 2d 347, 364, 818 N.E.2d 1214, 1227 (2004). “The issue is no longer whether parental rights *can* be

