

NOTICE  
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2022 IL App (5th) 220498-U  
NOS. 5-22-0498, 5-22-0499 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).

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<i>In re</i> S.C. and D.D., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Macon County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	Nos. 20-JA-21, 20-JA-22
	)	
A.C.,	)	Honorable
	)	Thomas E. Little,
Respondent-Appellant).	)	Judge, presiding.

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JUSTICE CATES delivered the judgment of the court.  
Justices Welch and Vaughan concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court’s decision to terminate Mother’s parental rights based on its findings that Mother was an unfit parent and based upon the best interests of the children was not against the manifest weight of the evidence.

¶ 2 Respondent, A.C. (Mother), appeals the judgments terminating her parental rights to her minor children, S.C. and D.D. Mother claims that the trial court erred in terminating her parental rights where the fitness and best interest determinations were against the manifest weight of the evidence. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Mother is the biological mother of S.C., born June 13, 2011, and D.D., born February 24, 2017. Aldric Burch is the alleged father of S.C. Marvin Dunning is the biological father of D.D.

Neither father is a party to this appeal and will only be discussed as necessary to provide relevant background information for the issues presented.

¶ 5 The Department of Children and Family Services (DCFS) has been involved with Mother's family on multiple occasions. In 2007, Mother surrendered her parental rights to an older sibling of S.C. and D.D. DCFS "indicated" Mother for neglect in May of 2015, February of 2017, July of 2017, and August of 2018. In 2017, Mother sustained serious injuries due to a domestic dispute with her paramour, Lamar Williams. From February of 2017 through January 10, 2019, S.C. and D.D. were placed in foster care because of domestic violence in the household. The children were returned to Mother after she completed the required services. Mother resumed her relationship with Williams after S.C. and D.D. were returned to her care.

¶ 6 On December 23, 2019, Mother was arrested and charged with battery and criminal trespass to a residence. She was held in the Macon County jail and was unable to find appropriate care for S.C. and D.D. A complaint was made to DCFS concerning the supervision of the children. S.C. missed the school bus a few times and had to walk over a mile to school alone. He would also arrive at school "reeking of marijuana" and his classmates would complain about the strong odor. The children were taken into protective custody on January 28, 2020, and placed in separate homes. D.D. was placed with his father, Dunning, who was in poor health, as he suffered from kidney failure and required a transplant.

¶ 7 On January 30, 2020, the State filed juvenile petitions pursuant to the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/1-1 *et seq.* (West 2020)) alleging that S.C. and D.D. were abused and neglected. The State alleged that Mother had been arrested and that she had not made an appropriate care plan for the children while she was held in custody. The State

additionally alleged that the children had been exposed to domestic violence and substance abuse.

¶ 8 The trial court held a temporary custody hearing the same day. Mother attended the hearing while she was in the custody of Macon County. The court found probable cause for filing the petition based on inadequate supervision of the children while Mother was in custody, and due to domestic violence and substance abuse involving Mother and her paramour, Lamar Williams. DCFS was granted temporary custody of the children. D.D. remained placed with Dunning and S.C. remained in a separate foster home. Mother was granted supervised visitation and DCFS was ordered to monitor Mother's visitation with the children.

¶ 9 On February 21, 2020, Mother pled guilty to the charge of criminal trespass to a residence. She was sentenced and received 24 months of court supervision.

¶ 10 On March 9, 2020, Mother stipulated to the allegations of the juvenile petition. The State claimed that the minors were neglected based on Mother's history of substance abuse and domestic violence, in addition to Mother leaving the children unsupervised while she was jailed. The court found that Dunning was a non-offending parent. The court entered an adjudicatory order finding that the children had been neglected as defined by the Juvenile Court Act (705 ILCS 405/2-3 (West 2018)) by a preponderance of the evidence.

¶ 11 The dispositional hearing was held on June 25, 2020. The court granted the State's petition and S.C. and D.D. were made wards of the court. Guardianship of S.C. was placed with the Guardianship Administrator of DCFS. D.D. was placed with Dunning. S.C. was subsequently placed with Dunning as well to facilitate sibling placement.

¶ 12 DCFS filed a Family Service Plan on August 20, 2020. Mother was required to receive parenting education, domestic violence education, mental health counseling, a substance abuse

assessment, and obtain stable housing and employment. Mother remained in a relationship with Williams and wanted to incorporate Williams into the service plan.

¶ 13 Williams, however, became increasingly threatening and violent. On the morning of November 24, 2020, Mother filed for an emergency order of protection to escape from Williams. Williams was outraged that Mother left him. In an effort to locate Mother, Williams threatened members of Mother's family. That evening, S.C. and D.D. spent the night at Mother's grandmother's house. Williams drove by and fired shots into the grandmother's house. He shot and killed Mother's grandmother. S.C. and D.D. witnessed her death. Mother then ended her relationship with Williams.

¶ 14 Although Mother was granted supervised visitation, she would watch the children at Dunning's home when he was not present. Dunning would leave the children alone with Mother while he received dialysis treatment. He had also allowed Mother to be alone with D.D. on D.D.'s birthday. On February 24, 2021, S.C. and D.D. were removed from Dunning's care and placed with their uncle. The State filed a supplemental juvenile petition alleging that Dunning allowed Mother to have unsupervised visitation. The trial court subsequently entered a supplemental dispositional order finding Dunning unfit and unable to care for D.D.

¶ 15 On December 15, 2021, the guardian *ad litem* (GAL) filed motions to terminate Mother's parental rights of S.C. and D.D. The GAL asserted that Mother was unfit based on multiple sections of the Adoption Act (750 ILCS 50/1 (West 2020)). The allegations included that Mother was unfit for failing to maintain a reasonable degree of interest, concern, or responsibility under section 1(D)(b), Mother failed to make reasonable efforts to correct the conditions that were the basis for the removal of the children under section 1(D)(m)(i), and Mother failed to make reasonable progress toward the return of the children during the nine-month period following the

adjudication of neglect under section 1(D)(m)(ii). 750 ILCS 50/1(D)(b), (m)(i), (m)(ii) (West 2020).

¶ 16 The GAL's motions alleged that Mother failed to make reasonable progress during the following three "9-month" periods: "March 9, 2020 – December 9, 2021," "December 9, 2021 – September 9, 2021," and "March 15, 2021 – December 15, 2021." (Emphasis added.) During the fitness hearing on June 10, 2022, the trial court recognized typographical errors in the nine-month periods alleged in the GAL's written motions to terminate Mother's parental rights. Specifically, the court questioned whether the "December 9, 2021" date was the correct end date for the first nine-month period and the correct beginning date for the second nine-month period. The parties agreed that the date should have been "December 9, 2020." They further agreed that the court should consider the following three nine-month periods: March 9, 2020, through December 9, 2020, December 9, 2020, through September 9, 2021, and March 15, 2021, through December 15, 2021, in deciding the fitness issue as to both S.C. and D.D.

¶ 17 A. Fitness Hearing

¶ 18 Chamica Dumus, the parenting educator for Webster Cantrell Youth Advocacy (WCYA), was the first witness presented during the fitness hearing. According to Dumus, Mother began parenting classes on March 26, 2020, with the Illinois Nurturing curriculum. The program should have concluded in eight to nine months. Mother completed the program in a year and a half because she frequently missed sessions. Mother subsequently enrolled in the Protective Factors curriculum because Mother had not taken safety precautions to protect her children and she did not understand why her children were brought into care. The program also addressed identifying warning signs of domestic violence. Mother's attendance improved after she enrolled in the

Protective Factors program. She had not completed the Protective Factors program by December of 2021.

¶ 19 Christina Wilson, a DCFS Medicaid therapist and parenting education supervisor, testified after Dumus. Mother had a history of depression and anxiety. She also experienced trauma when she was in the foster care system as a child. Mother worked on her history with trauma and relationships in therapy. A goal of processing grief was added to her program after the death of her grandmother.

¶ 20 Wilson testified that Mother failed to attend multiple mental health therapy sessions. In 2020, she missed three months of therapy. Mother continued to miss sessions because of illness, transportation issues, and conflicts with her work schedule. Wilson believed that approximately a third of the missed sessions was due to illness and Mother would provide documentation when she was sick.

¶ 21 Wilson began seeing improvement in July of 2021, and attendance became consistent in September of 2021. Mother was satisfactory for a six-month period with the mental health component of her plan by March of 2022. Wilson recommended that Mother demonstrate healthy coping skills and self-care for a longer period of time and continue with therapy.

¶ 22 Pamela Lindsay testified next. She supervised Mother's visitation with S.C. and D.D. According to Lindsay, attendance was never an issue for Mother regarding visitation. Mother displayed positive discipline by talking to her children and she would use "time outs" to correct behavior. There were no reported safety issues during Mother's visitation time.

¶ 23 Lindsay Horcharik testified that she was the primary caseworker for Mother's family from February 11, 2020, when the case opened, until January 18, 2022. After that time, Horcharik became the direct supervisor and remained familiar with Mother's case. Mother's

initial service plan was created in March of 2020. Mother was required to complete mental health, parenting, and domestic violence services, as well as a psychiatric assessment for medication management. Mother was also required to provide ongoing cooperation, gain personal stability, and comply with random drug screens. Mother was rated unsatisfactory with her service plan until January of 2022.

¶ 24 Horcharik testified that Mother lacked engagement and motivation. Horcharik did not believe that Mother's delayed progress and poor attendance was due to her health. Mother was inconsistent with each component of her plan and particularly dismissive of domestic violence requirements. Horcharik acknowledged that she did not have any formal training regarding domestic violence issues. However, Horcharik was concerned with Mother's judgment because Mother chose to remain in a violent relationship for several years without indicating that she was fearful. Horcharik believed that Williams became increasingly more violent, and Mother became fearful of Williams leading up to the death of her grandmother in November of 2020. Mother did not engage in domestic violence services for several months after she ended her relationship with Williams. Mother began to participate in domestic violence services on April 27, 2021, and she successfully completed domestic violence services prior to December 15, 2021.

¶ 25 Horcharik also testified to Mother's drug use. Mother's last positive test for marijuana was in September of 2021. She had negative drug screens thereafter. DCFS was satisfied with her drug testing after December 15, 2021. Substance abuse treatment was never recommended for Mother.

¶ 26 Horcharik testified that it would not be safe for the children to return to Mother's care. Horcharik was concerned because Mother had only recently completed services. Horcharik

explained that “[w]e need to ensure that her judgment and decision-making as it relates to her children is going to be genuine moving forward.” Horcharik was the State’s final witness.

¶ 27 Mother testified on her own behalf regarding her relationship with Williams. She testified that she was dependent on Williams for housing. She did not want to be homeless with two children. Mother explained that some days were good, some were bad, and it “went really bad towards the end.” She ended her relationship with Williams after her grandmother’s death in November of 2020.

¶ 28 Mother testified that she suffered a setback with her mental health after her grandmother’s death. When Mother was 14 years old, her grandmother became her caregiver, and they had maintained a close bond. Mother blamed herself for her grandmother’s death because Williams was searching for Mother when her grandmother was killed. Her grandmother may not have died if Mother had left Williams earlier.

¶ 29 Mother explained that she had a poor attendance record for services because she was sick on numerous occasions. Mother also blamed missed appointments on Williams. He would tamper with Mother’s vehicle or take it without her permission. Mother struggled because she had become homeless. She had a difficult time finding employment during the COVID-19 pandemic and because she had a criminal record. After she found employment, Mother did not want to miss work to attend sessions. However, Mother would sometimes participate over the phone on her lunch breaks.

¶ 30 Mother also testified that, “after a while, I’m not going to lie, I just gave up because it was hard.” Mother admitted that she could have attended domestic violence classes when she was dating Williams, but “[i]t was just something that I didn’t want to face at the time.” Mother had a “wake-up call” after she was told that DCFS was doing a legal screening to terminate her



parental rights. Mother's attendance improved after she switched to a third shift job and was available to attend sessions. She also stopped using marijuana.

¶ 31 The evidence concluded after Mother's testimony. After presenting closing arguments, the trial court ruled that the State had shown by clear and convincing evidence that Mother was unfit for the reasons specified in the motion. The court considered the testimony of the caseworkers and found their testimony to be credible. The court also considered Mother's testimony and believed that she loved her children, but she had not prioritized the completion of her service plan. The court found that Mother never had an overall satisfactory rating on her service plan until January 22, 2022, which was outside of the nine-month time periods.

¶ 32 **B. Best Interest**

¶ 33 On July 1, 2022, DCFS filed a best interest report. The report included that S.C. and D.D. were placed with their uncle in February of 2021. Both children were involved in a mentoring program through WCYA. S.C. had been diagnosed with ADHD and prescribed medication to control his behavior and mood. He also attended therapy. S.C. was progressing well in school. He had been placed in an alternative school but would transition back to a traditional school in the fall. D.D. was also doing well in school. He was thriving in his foster placement with his brother.

¶ 34 DCFS had observed interactions between the children and the caregivers. S.C. and D.D. both developed a bond with their foster parents. S.C. and D.D. would rely on their foster parents for guidance and support. Both children were happy and trusted their foster parents. The foster parents ensured that the needs of both children were being met and advocated for both children. They also wished to provide permanency through adoption.

¶ 35 According to the DCFS best interest report, Mother consistently attended visitation with her children. During visits, Mother was attentive and played games. She would talk to her children and was appropriate with discipline. Mother had a “genuine love for her children.” The children loved her as well. The report also included that Mother had a history of making poor decisions and was unable to make satisfactory progress on her service plan.

¶ 36 DCFS recommended that the court proceed with the termination of Mother’s parental rights and recommended that S.C.’s permanency goal change to adoption. D.D.’s father’s rights had not been terminated; therefore, DCFS recommended that D.D.’s permanency goal remain as return home in 12 months to Dunning, until a further determination could be made.

¶ 37 The best interest hearing took place on July 25, 2022. Lindsay Horcharik testified as the State’s witness. She testified that S.C. and D.D. were placed together and remained in the same foster home since February of 2021. Horcharik testified that the children were finally able to “be kids without having to worry about what’s going to happen next, who is going to provide for them, having to worry about their mom and her well-being and protecting her.” S.C. and D.D. were able to play outside with other children and ride bikes in their foster placement.

¶ 38 Horcharik testified that Mother loved her children. However, “when times get hard for [Mother] or when there is interference of unhealthy relationships, she loses sight of what her priorities should be, and her kids have often taken a backseat in those times.” Horcharik further explained that “taken a backseat” means that the children were left unsupervised. The children did not have appropriate sleeping arrangements with Mother and S.C. would go to school without assistance. After Horcharik testified, the State asked the court to consider the best interest report, without objection, and the State rested.

¶ 39 Mother then testified on her own behalf. Mother testified that her relationship with Williams had created a barrier to her ability to parent. Since her relationship ended in 2020, she found housing, employment, and was able to care for her children. Mother requested another chance to do what was needed to care for her children. Mother rested after providing testimony.

¶ 40 The State argued in closing that it was in the best interest of the children to terminate Mother's parental rights. Mother argued that she navigated the services, had stable housing and a good job. She had a history with unhealthy relationships, but she had not been in an unhealthy relationship for two years. Mother argued that it would not be in the children's best interests to terminate her parental rights.

¶ 41 The GAL argued that the court must consider the best interest factors under section 1-3 of the Juvenile Court Act (705 ILCS 405/1-3 (West 2020)). The GAL argued that the children's need for stability and continuity of relationships was important in this case because the children had been placed in the foster care system for several years, including the time spent in foster care in a prior case. The children had been in their current placement for approximately 18 months. The GAL noted that the best interest report stated, "The caregivers have provided the children with an abundance of love, structure, and nurturing since being placed within their home." The GAL believed that the State met its burden showing that terminating Mother's rights was in the best interest of S.C. and D.D.

¶ 42 The trial court stated that it considered the best interest factors listed in section 1-3 of the Juvenile Court Act. The court found that the most pertinent factors in this case were "the children's sense of attachment where they feel a sense of security, a sense of familiarity, and a sense of continuity." The court believed that the most important factor was the children's need for permanence, which included the need for stability and continuity. The court addressed the

best interest report filed by DCFS. According to the report, the caregivers provided an abundance of love and care and were the “only stable caregivers the children have known.” The children have bonded with their caregivers and indicated that they were happy with their foster placement. The caregivers ensured that the needs of the children had been met and they advocated for the children’s best interests. The court noted that the report stated, “ ‘It has always been clear that [Mother] has a genuine love for her children, and that they love her as well; however, her history of ongoing poor decision-making has prevented her from being able to keep them safe and stable.’ ” The court additionally considered that Mother had a previous case with DCFS, and the children were in foster care from February of 2017 until February of 2019, prior to this case.

¶ 43 The trial court found that the children were thriving with their current caregivers. S.C.’s behavior had improved at home and at school. The children were doing well in the foster placement, which was an adoptive placement.

¶ 44 The court considered Mother’s testimony and found it to be “reasonably credible.” Mother was working and had a good job. There was a bond between Mother and the children. However, the court found that after considering the best interest factors and weighing the evidence, the State had carried its burden. The State had proven by a preponderance of the evidence that it was in the best interests of S.C. and D.D. to terminate Mother’s parental rights.

¶ 45 The court entered formal judgments as to parental fitness and permanent termination on July 25, 2022, as to S.C. and D.D. The trial court found that the State had proven by clear and convincing evidence that Mother was unfit pursuant to section 1(D)(b) for failing to maintain a reasonable degree of interest, concern, or responsibility as to the minors’ welfare; section 1(D)(m)(i) for failing to make reasonable efforts to correct conditions that were the basis for the

removal of the minors; and section 1(D)(m)(ii) for failing to make reasonable progress toward the return of the minors during any nine-month period following the adjudication of neglect under the Juvenile Court Act. 750 ILCS 50/1(D)(b), (m)(i), (m)(ii) (West 2020). In its written judgments, the trial court inadvertently used the errant dates listed in the GAL’s motions to terminate Mother’s parental rights of S.C. and D.D., stating that Mother had failed to make reasonable progress during the following nine-month periods: “March 9, 2020 – December 9, 2021,” “December 9, 2021 – September 9, 2021,” and “March 15, 2021 – December 15, 2021.”<sup>1</sup> The court also found that it was in the children’s best interest to terminate Mother’s parental rights. This appeal followed.

¶ 46

## II. ANALYSIS

¶ 47 Mother argues on appeal that the trial court’s finding that Mother was an unfit parent was against the manifest weight of the evidence. Mother additionally argues that the trial court’s best interest determination was against the manifest weight of the evidence.

¶ 48 The authority to involuntarily terminate parental rights is found in the Juvenile Court Act (705 ILCS 405/1-1 *et seq.* (West 2020)) and the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 2020)). Section 2-29 of the Juvenile Court Act provides a two-step process to terminate parental rights. 705 ILCS 405/2-29(2) (West 2020). The trial court must first find that the parent is unfit as defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2020)) based on clear and convincing evidence. *In re J.L.*, 236 Ill. 2d 329, 337 (2010). The trial court must then determine whether the State has proven that it is in the children’s best interest to terminate parental rights by a preponderance of the evidence. *In re D.T.*, 212 Ill. 2d 347, 366 (2004).

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<sup>1</sup>For purposes of this disposition, we will consider those corrected nine-month periods identified during the fitness hearing on June 10, 2022, to wit: March 9, 2020, through December 9, 2020, December 9, 2020, through September 9, 2021, and March 15, 2021, through December 15, 2021, in deciding the fitness issue for both S.C. and D.D.

¶ 49

#### A. Parental Unfitness

¶ 50 A trial court's determination that a parent is unfit will not be reversed unless it is contrary to the manifest weight of the evidence. *In re M.J.*, 314 Ill. App. 3d 649, 655 (2000). A determination is against the manifest weight of the evidence if the opposite conclusion is clearly evident. *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005).

¶ 51 The trial court found that the State had established by clear and convincing evidence that Mother was unfit based on multiple grounds under section 1(D) of the Adoption Act. Mother failed to maintain a reasonable degree of interest, concern, and responsibility as to the children's welfare (750 ILCS 50/1(D)(b) (West 2020)); Mother failed to make a reasonable effort to correct the conditions that led to the removal of her children (750 ILCS 50/1(D)(m)(i) (West 2020)); and Mother failed to make reasonable progress toward the children's return home (750 ILCS 50/1(D)(m)(ii) (West 2020)).

¶ 52 "A finding of unfitness will stand if supported by any one of the statutory grounds set forth in section 1(D) of the Adoption Act." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064 (2006). Reasonable efforts and reasonable progress are separate and distinct grounds for finding a parent unfit under section 1(D)(m) of the Adoption Act. *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21.

¶ 53 "Reasonable efforts" relate to correcting the conditions that led to the removal of the children and are judged by a subjective standard based upon the effort that is reasonable for a particular person involved. *In re Jacorey S.*, 2012 IL App (1st) 113427, ¶ 21. The court must determine whether the parent made earnest and conscientious strides toward correcting the conditions that led to the removal of the children. *In re L.J.S.*, 2018 IL App (3d) 180218, ¶ 24.

¶ 54 “Reasonable progress” is an objective standard focused on the goal of returning the child to the parent. *In re D.D.*, 309 Ill. App. 3d 581, 589 (2000). Progress is measured by the parent’s compliance with the court’s directives, services plans, or both and requires the parent to make measurable or demonstrable movement toward the reunification goal in the near future. *In re Daphnie E.*, 368 Ill. App. 3d at 1067.

¶ 55 When considering whether Mother failed to maintain a reasonable degree of interest, concern, or responsibility as to the children’s welfare, compliance with the service plan is considered. *In re M.J.*, 314 Ill. App. 3d at 656. No time frame exists in determining the degree of interest, concern, or responsibility as to the welfare of the children. *In re M.J.*, 314 Ill. App. 3d at 656. The trial court, however, must limit its findings to a specific time frame in determining reasonable efforts or reasonable progress. *In re M.J.*, 314 Ill. App. 3d at 656. Reasonable efforts or reasonable progress must be made during any nine-month period following the adjudication of neglect or abuse. 750 ILCS 50/1(D)(m)(i), (m)(ii) (West 2020).

¶ 56 The record indicates that S.C. and D.D. had been previously removed from Mother’s care and placed in foster care because of domestic abuse in the household. Mother completed services and the children were returned to her. Mother, however, remained in the same violent relationship. Within a year of S.C. and D.D.’s return, Mother was arrested for criminal trespass to a residence and held in custody. During that time, the children had no supervision. The children were then brought into care in these cases based on inadequate supervision, domestic violence, and substance abuse.

¶ 57 A service plan was created to address action steps for Mother to complete to correct the conditions that brought her children into care. Mother was required to receive parenting

education, domestic violence education, mental health counseling, and substance abuse services, and she was required to obtain stable housing and employment.

¶ 58 Mother argues that the effort she made was reasonable for a person in her situation. Mother claims that she suffered a setback with her mental health due to the death of her grandmother, and her health issues and employment made it difficult for her to attend services.

¶ 59 Horcharik, Mother's caseworker, testified that Mother did not engage in services because she lacked motivation. Mother, during her testimony, stated that she "just gave up because it was hard." Mother failed to address domestic violence issues in her relationship while she was dating Williams because "[i]t was just something that [Mother] didn't want to face at the time." After their relationship ended, Mother continued to avoid domestic violence services for several months.

¶ 60 Mother also argues that she made effort towards the end of the third nine-month period, March 15, 2021, through December 15, 2021. Although Mother's attendance became consistent in September of 2021, Horcharik continued to have concerns about the children's safety. Horcharik testified that "[w]e need to ensure that her judgment and decision-making as it relates to her children is going to be genuine moving forward." Wilson, Mother's therapist, also recommended that Mother demonstrate healthy coping skills and self-care for a longer period and continue with therapy.

¶ 61 The evidence set forth at the fitness hearing clearly and convincingly demonstrated that Mother failed to make reasonable efforts and to correct the conditions that brought her children into care. The trial court's determination that Mother had not made reasonable efforts was not against the manifest weight of the evidence.



¶ 62 The trial court additionally found that Mother had not maintained reasonable progress towards the return of the children within the relevant nine-month time periods. Mother's initial service plan was developed in March of 2020. For approximately a year and a half, Mother had poor attendance in every area of her service plan, with the exception of visitation. In September of 2021, Mother began to show consistency with services after DCFS recommended that the permanency goal change to substitute care pending determination of parental rights. The majority of Mother's progress on her service plan occurred at the end of the third nine-month period. She successfully completed domestic violence services prior to December 15, 2021. She completed one of the parenting programs as of December of 2021. Mother's last test positive drug test was in September of 2021, and DCFS found Mother satisfactory regarding substance abuse in December of 2021. Mother was rated satisfactory for mental health services in her service plan outside of the last nine-month period, by March of 2022. According to Horcharik, Mother was rated unsatisfactory with her overall service plan until January of 2022.

¶ 63 The evidence presented clearly demonstrated that Mother failed to make a measurable movement toward the return of the children during each of the relevant nine-month time periods. The trial court's determination that Mother was unfit for her lack of reasonable progress was not against the manifest weight of the evidence, and we affirm the trial court's determinations on these issues. As noted above, during the fitness hearing the parties agreed that the trial court should consider Mother's progress during three relevant periods: March 9, 2020, through December 9, 2020, December 9, 2020, through September 9, 2021, and March 15, 2021, through December 15, 2021. The court, however, mistakenly restated the incorrect dates in its final judgments. Rather than remand, we will modify the judgments pursuant to our authority under Illinois Supreme Court Rule 366(a) (eff. Feb 1, 1994). We hereby modify paragraphs G and H of

the written judgment entered July 25, 2022, in 2020-JA-21, to reflect the corrected nine-month periods considered during the fitness hearing on June 10, 2022. Additionally, we modify paragraphs C and D of the written judgment entered July 25, 2022, in 2020-JA-22, to reflect the corrected nine-month periods considered during the fitness hearing on June 10, 2022.

¶ 64 Having found that the trial court correctly determined that Mother was unfit, we do not need to address whether she was unfit for failing to demonstrate a reasonable degree of interest, concern, or responsibility as to her children’s welfare under section 1(D)(b). See *In re C.W.*, 199 Ill. 2d 198, 217 (2002).

¶ 65 **B. Best Interest Determination**

¶ 66 After the court determines whether a parent is unfit and their rights can be terminated, the focus shifts to the child’s best interest and whether parental rights should be terminated. *In re S.K.B.*, 2015 IL App (1st) 151249, ¶ 48. “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’s best interest determination will not be disturbed unless it is contrary to the manifest weight of the evidence. *In re R.L.*, 352 Ill. App. 3d 985, 1001 (2004).

¶ 67 In making a best interest determination, section 1-3(4.05) of the Juvenile Court Act requires a trial court to consider a number of statutory factors. 705 ILCS 405/1-3(4.05) (West 2020). The trial court must consider the following factors: (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. 705 ILCS 405/1-3(4.05) (West 2020). “The trial court is not required to explicitly

mention each factor listed in section 1-3(4.05) when rendering its decision.” *In re Deandre D.*, 405 Ill. App. 3d 945, 954 (2010).

¶ 68 The trial court considered the best interest reports, testimony, and the best interest factors. The court found that the most pertinent factors were the children’s sense of attachments, including the children’s sense of security, familiarity, and the children’s need for permanence, which included the need for stability and continuity with parent figures section. 705 ILCS 405/1-3(4.05)(d), (g) (West 2020).

¶ 69 Mother’s testimony was determined to be “reasonably credible.” Mother loves her children and there was a bond between Mother and her children. Mother was also working and had a good job. The court also considered that the best interest report stated, “It has always been clear that [Mother] has a genuine love for her children, and that they love her as well; however, her history of ongoing poor decision-making has prevented her from being able to keep them safe and stable.”

¶ 70 The best interest reports additionally stated that the foster parents were the “only stable caregivers the children have known.” The caregivers ensured that the needs of the children have been met, they advocate for the children’s best interests, and they wish to pursue adoption. The children have bonded with their foster family and are happy in their foster placement. While living with the foster family, they are able to play outside with other children. According to Horcharik’s testimony, S.C. and D.D. were finally able to “be kids.” S.C.’s behavior has dramatically improved. He was enrolled in an alternative school when he was first taken into care, and he is now able to enroll back into a traditional classroom.

¶ 71 The trial court was presented with sufficient evidence to make its best interest determinations. Accordingly, we find that the trial court’s decision to terminate Mother’s

parental rights as to S.C. and D.D. was in the children's best interest and was not against the manifest weight of the evidence.

¶ 72

### III. CONCLUSION

¶ 73 For the foregoing reasons, the judgments of the circuit court of Macon County court are affirmed as modified.

¶ 74 Affirmed as modified.