

2020 IL App (2d) 200139-U
No. 2-20-0139
Order filed July 17, 2020

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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

<i>In re</i> K.K., a Minor)	Appeal from the Circuit Court
)	of Winnebago County.
)	
)	No. 17-JA-256
)	
)	Honorable
(The People of the State of Illinois, Petitioner-Appellee v. Stacie K., Respondent-Appellant).)	Mary Linn Green,
)	Judge, Presiding.

PRESIDING JUSTICE BIRKETT delivered the judgment of the court.
Justices Zenoff and Brennan concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court’s judgments that respondent was an unfit parent pursuant to the State’s petition to terminate her parental rights and that the termination of her parental rights was in the child’s best interests were not against the manifest weight of the evidence.

¶ 2 Respondent, Stacie K., appeals the judgments of the circuit court of Winnebago County that she was an unfit parent, and that it was in the child’s best interests to terminate her parental rights. On appeal, respondent contends that the trial court’s determinations that: (1) she failed to maintain a reasonable degree of interest, concern, or responsibility for the child; (2) she failed to protect the child from injurious conditions in the environment; and (3) she failed to make reasonable progress toward the return of the child in three specified nine-month periods were

against the manifest weight of the evidence. Respondent also contends that the trial court's determination that the termination of her parental rights was in K.K.'s best interests was against the manifest weight of the evidence. We affirm.

¶ 3

I. BACKGROUND

¶ 4 On July 28, 2017, K.K. was born to respondent. K.K. had a half-brother, M.K., who was at that time placed in foster care with a relative of respondent. The reasons that led to M.K.'s removal included domestic violence and concerns regarding respondent's mental health and mental abilities. According to the Department of Children and Family Services (Department), respondent had completed parenting classes relevant to M.K.'s removal, "but ha[d] not been able to display what she ha[d] learned from [the] parenting [classes] while interacting with [M.K.] during her supervised visitation." The permanency goal for M.K. had recently been changed from return home, to termination of respondent's parental rights and placement for adoption. When K.K. was born, the Department immediately took him into custody because of its involvement in M.K.'s case.

¶ 5 At the time of K.K.'s birth, respondent was married to Ryan K., but respondent stated that she was trying to arrange a divorce. Respondent believed that her husband was not K.K.'s father, but it could have been Marcus Frazier. Respondent asserted that she probably became pregnant when she was staying at a shelter in Chicago and was involved with the putative father; she further asserted that she had been sexually assaulted by the putative father around the time she believed K.K. to have been conceived; she also testified that the putative father threatened to kill both her and K.K. if he ever saw them again.

¶ 6 On August 2, 2017, the State filed a two-count neglect petition alleging that K.K. was a neglected minor because his environment was injurious to his welfare: (1) because respondent had failed to cure the conditions that led to M.K.'s being brought into the Department's care; and (2) because of respondent's history of victimization by domestic violence. A shelter care hearing was held the same day. At the hearing, the court appointed a guardian *ad litem* for both K.K. and respondent. The matter was continued for further hearing.

¶ 7 On August 7, 2017, the continued shelter care hearing resumed. Respondent was not present. The Department was granted temporary guardianship and custody of K.K. The court later learned that respondent was in the hospital and had tried to contact her attorney and her case worker seeking to have the August 7 hearing continued. It was only after the hearing that the attorney and case worker learned of respondent's hospitalization and her wishes to continue the hearing. The attorney contacted the hospital and was satisfied that respondent actually was in a hospital room at the time. On August 10, 2017, respondent filed a motion to reconsider, seeking to hold a new shelter care hearing in which respondent could be present. However, the court never heard the motion.

¶ 8 Instead, the matter was continued to allow for genetic testing on respondent's husband and another putative father and for assessments of respondent. In an integrated assessment conducted by the Department in August 2017, and filed on November 13, 2017, the Department voiced extreme concern over respondent's parenting skills, particularly in the areas of providing adequate nutrition, appropriate discipline and supervision, and necessary medical care and management. The Department noted that respondent had numerous medical and mental health issues herself as well as documented limitations in cognitive ability that hindered her capacity to process, learn,

adapt, and employ the information and services she was receiving. However, the service provider noted that respondent was consistently maintaining contact with the case worker and participating in supervised visitation with K.K. Relying on respondent's interviews with the case worker, the trial court was informed that respondent was unemployed but seeking employment, and she was maintaining housing in Rockford.

¶ 9 On December 13, 2017, the trial court held an adjudication hearing in which the parties stipulated, based on the original statement of facts, that K.K. was a neglected minor pursuant to count 1 of the August 2, 2017, neglect petition. On January 10, 2018, the trial court held a dispositional hearing. A report by the service provider filed on that date noted that respondent had been maintaining contact with the case worker and had been participating in supervised visitation with K.K. every week. Respondent also reported that, as of December 27, 2017, she was employed full-time with a taxi company and had maintained housing in Rockford. Respondent had recently engaged in parenting coaching and had participated in her initial meeting with the parenting counselor. Respondent reported that, in December, she had invited a " 'friend' " to her home and had been raped by him. She was seeking counseling after the incident and charges were pending. The parties agreed that the Department would retain guardianship and custody of K.K., and the matter was set for permanency review.

¶ 10 On July 9, 2018, the trial court held the first permanency review in the case. The Department submitted a report summarizing the services received by respondent and her progress in those services. The Department noted that respondent had maintained consistent contact with her case worker. The Department related that respondent had reported that she was currently unemployed, but that she had been approved to receive disability beginning in the next few months.

The Department expressed concern that respondent was living in a hotel with Bud Welch, a registered sex offender. When respondent was confronted about her living arrangements, she claimed that Welch had denied the allegations and that “she had ‘nowhere else to go’ [because Welch] was funding” their shared hotel room. Respondent also claimed to no longer have much contact with Welch because she had moved out of their shared hotel room, but she also admitted that he had continued to check on her after she had left the hotel. Respondent planned to move to an apartment once she began receiving disability benefits, and she would look for a roommate to share the housing expenses.

¶ 11 The Department reported that respondent had been receiving individual counseling and was willing to engage in counseling and work toward her treatment goals. However, respondent’s attendance was inconsistent. Respondent also received parenting education classes as well as individual parenting coaching. Her attendance at the parenting education classes was also inconsistent, but she had been warned of the need to fully participate in order to remain in the class, and, when in attendance, she had been an active participant in class. The Department reported that respondent had not yet engaged in a domestic violence program, but her individual counselor had been emphasizing skills in dealing with domestic violence in her individual counseling. The Department recognized that respondent was feeling overwhelmed with the volume of counseling and services, and it agreed to make a specific domestic violence referral when she had completed the parenting services. Finally, the Department noted that respondent needed a mental health assessment and was monitoring respondent’s engagement with her primary care physician and any medications that were prescribed.

¶ 12 The trial court agreed with the Department's recommendations and entered a judgment that respondent had made reasonable efforts toward the return of the child. The Department, with the concurrence of the other parties, suggested that, as this was the first permanency review, there would be no findings concerning progress because respondent had not been receiving services for enough time. The matter was continued for further permanency review.

¶ 13 On January 8, 2019, the trial court held the next permanency hearing. The Department's report revealed that respondent had been struggling with her own personal life, her health, and her stability in the review period between July 2018 and January 2019. Respondent maintained consistent contact with the Department's case worker, and she was consistent in her supervised visitations with K.K. The Department discovered, however, that respondent had not been approved to receive disability benefits; instead, respondent had been working multiple jobs, usually working for only a couple of weeks at each job. During the review period, respondent was residing at the Clayton Motel and reported that friends and a family member had been giving her money to pay for her room.

¶ 14 The Department reported that the agency through which respondent was receiving individual counseling and parenting services had lost funding and closed. Respondent had been without services after the closure but had been referred to a new service agency and, in January 2019, she would begin to receive individual counseling and domestic violence services from the new agency. Regarding parenting services, respondent had been referred to another provider with classes and coaching scheduled to begin in January 2019. Finally, the Department noted that respondent's personal care physician had provided her with medication for depression, and

respondent reported that she was consistently taking the medication except for a brief period when she failed to timely renew her prescription.

¶ 15 The trial court determined that respondent had made reasonable efforts, but it accepted the Department's recommendation and determined that respondent had not made reasonable progress toward reunification. The trial court continued the matter for further permanency review.

¶ 16 On May 10, 2019, the trial court held the next permanency review. The Department's report noted that she had been in consistent contact with her case worker, and she had maintained consistent visitation with K.K. She continued, however, to struggle with her own personal life, health, and stability during the review period. Respondent informed the case worker that she had been employed in multiple jobs but was working less than a day or two at each job. The Department had been unable to verify respondent's employment. According to respondent, she would soon begin training to become a house keeper at the motel where she was residing.

¶ 17 Regarding her housing situation, respondent informed the Department that she was residing at a motel in Rockford. She continued to receive money from friends and a family member to help with her expenses there. Respondent acknowledged that she was still receiving money from Welch, but she denied that he was living with her, even while she admitted that he "may have stayed the night 'once or twice.'" Respondent denied that she and Welch were engaged in any type of relationship, but the case worker was able to determine that respondent's divorce paperwork identified Welch as living with her and paying daily rent; the Illinois sex offender website listed Welch's address as the room respondent was staying in at the motel. It appeared that respondent was later moved from that room due to a safety issue within the room.

¶ 18 Respondent was receiving individual counseling in Roscoe, Illinois, and she was transported there by the agency providing the counseling. Respondent remained willing to engage in the counseling services. The Department recommended that the counseling services continue to allow respondent to learn to make responsible choices, to understand why the Department had become involved in her and her family's lives, and to develop protective parenting skills. Respondent's counselor was working with respondent to identify stressors and to develop coping skills.

¶ 19 At the time of the Department's report, respondent's original parenting classes and coaching had been discontinued due to the agency's closure. She had been referred for a parenting capacity assessment, but the assessment had not yet been approved, and the individual responsible for the approval was not communicating with the case worker, so she could not inform the court concerning the progress of the referral.

¶ 20 In January 2019, respondent began participating in domestic violence services. The case worker noted that respondent continued to need to work on areas of concern, like defining healthy and unhealthy relationships and developing a safety plan for domestic violence. The domestic violence counselor informed the case worker that respondent was working on housing and renewing her driver's license.

¶ 21 Finally, the Department's report noted that respondent's mental health treatment remained stable. Respondent continued to receive medication for depression through her primary care physician and, as far as the case worker was aware, respondent continued to consistently take her medication.

¶ 22 The trial court accepted the Department's recommendations regarding effort and progress. It entered an order determining that respondent had made reasonable efforts, but respondent had not made reasonable progress during the review period. The goal remained return home, and the matter was continued for further permanency review.

¶ 23 On August 13, 2019, the trial court held a permanency review. In a report filed August 6, 2019, the Department noted that respondent continued to cooperate and maintain contact with the case worker, and she maintained consistent supervised visitation with K.K. Respondent also continued to report having multiple jobs, but none of those jobs turned into long-term employment. The case worker reported that respondent continued to struggle with her own personal life, health, and stability during the review period. Elaborating, the case worker noted that, while respondent was working for Cutco Knife Company, "an old friend" who had been drinking and using cannabis attempted to assault her. Respondent also reported that a recent medical examination had revealed a lump on her throat, and further testing on the nature of the lump was ongoing.

¶ 24 Regarding respondent's housing situation, the case worker reported that respondent had recently left the Clayton Motel and had represented that she was moving in with a couple to help caretake them. At an in-person meeting with the case worker, respondent informed her that she was still living in the house, but no longer caretaking the couple because "they were 'mean.'" Respondent was still involved with Welch, the registered sex offender, as the case worker discovered that the phone number used by respondent was Welch's. According to respondent, Welch was only briefly at the residence she listed. Respondent reported that she was trying to save money so that, eventually, she could move into her own trailer.

¶ 25 Respondent continued to engage in individual counseling as before. She intended to re-engage with sexual assault counseling, but had not done so, because she had “been busy.” In addition, respondent excused her failure to engage in domestic violence counseling because she had “been very busy.” Finally, the case worker reported that respondent’s medications for depression were consistently provided and taken.

¶ 26 Regarding respondent’s parenting skills, the Department attached a copy of respondent’s parenting assessment to the other reports submitted to the trial court. The parenting assessment offered the opinion that it would take four to five years of relatively intensive therapy before respondent would be able to cope with her mental health issues sufficiently to make progress toward reunification with K.K.

¶ 27 Once again, the trial court accepted the Department’s recommendations. It entered a finding of reasonable effort and a finding of no reasonable progress. The trial court changed the goal to substitute care pending the court’s determination of the termination of respondent’s parental rights.

¶ 28 On August 29, 2019, the State filed its motion for termination of respondent’s parental rights and seeking authority to consent to the adoption of the child. The State alleged that respondent failed to maintain a reasonable degree of interest, concern, or responsibility about the child’s welfare (count 1) (see 750 ILCS 50/1(D)(b) (West 2018)); respondent failed to protect the child from injurious conditions in the child’s environment (count 2) (see *id.* § 50/1(D)(g) (West 2018)); and respondent failed to make reasonable progress toward the return of the child during the nine-month periods of December 2017 to September 2018, October 2018 to July 2019, or November 2018 to August 2019 (count 3) (see *id.* § 50/1(D)(m)(ii) (West 2018)).

¶ 29 On November 22, 2019, the trial court held a hearing on the petition to terminate respondent's parental rights. Joyce Palmer, a supervisor at the agency overseeing respondent's case, testified that she supervised K.K.'s case on behalf of the Department. Palmer had no personal contact with respondent before September 2019. Beginning in September 2019, Palmer had attended meetings with respondent and respondent's case worker, and she had received respondent at the agency's offices routinely when respondent was checking in or seeking bus passes and other help from the agency.

¶ 30 Palmer testified about the time period of December 2017 to September 2018. According to Palmer, respondent's primary issue was her parenting capability, namely, respondent's ability to keep the child safe and provided for while in her care. Other issues of concern were domestic violence and individual counseling. Palmer testified that respondent was making satisfactory efforts, but the concern was respondent's lack of progress. Respondent was generally compliant with recommendations and was cordial and appropriate in her interactions with agency personnel. Palmer believed that respondent loved K.K. and wanted his return.

¶ 31 Palmer testified that, for the first nine-month period, respondent engaged in supervised visitation with K.K., and she made no progress toward unsupervised visits. Because respondent did not have stable housing and because respondent was sharing her abode with a registered sex offender, visitations could not occur in respondent's abode, but only in the community. Palmer testified that respondent never understood why sharing her abode with a registered sex offender was unsafe, and respondent never remedied the situation. Palmer testified that respondent was appropriate during visitation, but respondent occasionally needed reminders and monitoring. Respondent consistently participated in visitation with K.K., and the visits were all supervised

with some parent coaching. While respondent drew some lessons from the coaching and parenting classes, such as keeping knives out of the reach of the child, making sure the food was not too hot for the child, or placing the child properly in a seat so he would not fall or jump to grab something, respondent did not seem to grasp the importance of the core problem of keeping the child safe from unsafe situations and the potential for abuse.

¶ 32 Palmer testified that, despite receiving parenting education and coaching, respondent made no progress in recognizing safety concerns. Palmer noted that the agency that initially provided respondent with parenting services had closed during the time respondent was attending. Palmer testified that respondent received a referral to another service provider, but respondent did not attend classes in the new location (and this information was included in the Department's reports for the permanency reviews).

¶ 33 Palmer testified that respondent completed a domestic violence assessment and was recommended for services, but respondent was discharged from the program without completing it because she missed too many classes. Palmer testified that respondent claimed she was too busy to attend all the classes, but she did not elaborate beyond "too busy" and "very busy." Palmer testified that respondent had not made any progress with her domestic violence issues, and this was exemplified by the fact that respondent continued to be involved with and living with a registered sex offender.

¶ 34 Palmer testified about the individual counseling component of respondent's treatment plan. According to Palmer, one of the primary goals was to enable respondent to identify unsafe environments and unsafe individuals. Palmer testified that respondent, however, was never able to make any noticeable progress toward any of those goals. Palmer testified that respondent was

engaged in individual counseling throughout the case, but despite individual counseling for more than two years, she was never able to identify unsafe conditions or surrounding issues. Palmer testified that, additionally, respondent did not appear to recognize that her continued involvement in abusive and unsafe relationships would harm her chances for regaining custody of K.K.

¶ 35 Palmer testified that respondent never obtained stable housing and she continued to live with Welch. Palmer noted that respondent's case worker had discussed the necessity that respondent find somewhere else to live because of Welch's status. In addition, Palmer testified that she could not verify respondent's employment. Respondent had frequently reported that she had taken multiple jobs, but she also reported that the jobs did not last very long.

¶ 36 Palmer testified that respondent did not attend K.K.'s medical appointments or other appointments. K.K., however, had no medical conditions or special needs. Palmer testified that, likewise, respondent did not provide food or clothing for K.K.

¶ 37 Regarding the nine-month period from October 2018 to July 2019,¹ Palmer testified that the same sorts of services continued to be recommended for respondent. For example, respondent participated in individual counseling with some domestic violence aspects included. Respondent's visitation was still required to be supervised. Palmer opined that respondent had made no progress toward the return of the child in the near future. Regarding the second nine-month period, Palmer reiterated much of the same information as she had for the previous nine-month period. For

¹ We note that the third nine-month period specified was from November 2018 to August 2019, so much of the testimony regarding the October 2018 to July 2019 period overlaps with the succeeding period, and we will combine both in our presentation of Palmer's testimony.

instance, Palmer noted that respondent again failed to make progress on domestic violence. According to Palmer, a consistent concern throughout the case was respondent's repeated involvement with unsafe people and environments, and respondent's failure to recognize them and to take steps to remove herself from them. Welch consistently reported his official residence as respondent's; respondent consistently reported his presence in her life even as she attempted to minimize it in her reporting to the case worker. Palmer testified that, despite the concentration in providing respondent services and counseling with which to identify unsafe environments and individuals, she never made any noticeable progress toward those goals. Palmer testified that, even at respondent's most recent evaluations, she was unable to identify the issues that led her into unsafe conditions.

¶ 38 Palmer testified that respondent was never able to obtain stable housing. Instead, she lived in motels and relied on friends and a family member to provide her the money needed to stay there. Likewise, despite respondent's reports of employment opportunities, the Department was unable to verify respondent's employment. Respondent's reporting to the case worker seemed to bear this out, as respondent stated that her employment opportunities lasted only a brief time.

¶ 39 Regarding Welch, Palmer testified that, between March 2019 and August 2019, the case worker had many contacts and discussions with respondent about the danger that respondent's relationship with Welch posed, but respondent took no remedial steps. Palmer emphasized respondent's inability to recognize dangers. When the agency offered services or had taken steps to protect respondent, respondent either declined them or ignored the agency. Palmer testified that respondent did not make noticeable progress in any of the services; the services and goals she began with remained exactly the same throughout the case.

¶ 40 Respondent testified on her own behalf. Respondent testified that she was involved in counseling and parenting classes throughout the case. Respondent testified that, at the time of the unfitness hearing, she was not involved in a relationship with anyone. Respondent was compliant with services, attending recommended programs as she was able to.

¶ 41 Respondent testified that, when she visited with K.K., he was affectionate with her. Respondent acknowledged that she had not attended some of the recommended domestic violence classes but explained that they interfered with her visitation time with K.K. Respondent testified that K.K.'s foster parent (a family member) did not allow her to attend medical appointments.² Respondent testified that she brought food and clothing to K.K. during her visits.

¶ 42 Respondent testified that she was pursuing an opportunity for a job in California and she was planning to relocate there. The details regarding this potential job were developed on cross-examination. Respondent testified that, after meeting her current employer through Craigslist, she began selling life insurance. Respondent testified that she sold the insurance over the computer and the phone, and that her employer told her she did not need a license to sell that type of insurance. When confronted with the fact that, in Illinois, a seller had to be licensed to sell insurance, respondent testified that she had taken her employer's word because "he said he looked it up for me." Respondent testified that her employer had a brother who was offering her a job cleaning his home in California. Respondent had not yet met the brother, but she was apparently developing a relationship with him, presumably over the computer or phone. The State suggested

² The testimony revealed that respondent was estranged from all but one family member, who was presumably giving her money to help with expenses.

that respondent's move to California to work for someone she had never met was "probably not a safe situation" for K.K. Respondent agreed and testified that, due to the questioning, she had only just seen the red flags raised by the situation.

¶ 43 Continuing the cross-examination, respondent elaborated about her relationship with Welch. Respondent testified that Welch was the taxi driver she met when he was driving her from the hospital following K.K.'s birth by cesarean section. Respondent testified that Welch started to flirt with her during the taxi ride, kept telling her that she had to stay with him, and he wanted a one-night stand with her or to be with her, but she refused. Respondent admitted that she lived with him for a while when she had nowhere else to go. Respondent admitted that, even after she learned he was a sex offender, he would sometimes spend that night at her hotel, but respondent claimed that she was not in a relationship with Welch, and she maintained that she wanted to be alone. Respondent also admitted that, notwithstanding the preceding testimony, she still relied on Welch to help her pay her bills and rent. Respondent testified that Welch was an insomniac and was not around very much. Respondent also testified that she learned from Welch's ex-wife that his victim was 14 years old at the time of the offense.

¶ 44 Following the testimony of Palmer and respondent, the case was argued and set for decision the next time and, if necessary, the best-interests hearing. On January 29, 2020, the trial court reconvened for decision. The court announced that the State had proved counts 1-3 by clear and convincing evidence. The court further explained:

"The mother's main issue is parenting capacity, most specifically her ability to keep the minor safe in her care. The other needs and services that were identified by the integrated assessment were need for domestic violence services, individual counseling, and

sexual assault counseling. The mother was also referred for a psychological [assessment] due to the fact that she made no progress in her case. Recommended was individual counseling and this was done in April of 2017. This found deficits in the mother's intellectual abilities and mental capacity.

There were three indicated time frames for the no reasonable progress for mother and that was from December 2017 to September 2018. During this time the minor was not placed with the mother. She was at supervised visits only. There was no movement forward for placement and she continued with her individual counseling and supervised visits.

For the second period, October 2018 to July 2019, she was still at supervised visits only and there could be no placement with the minor with the mother in the near future and she was given the same services.

From the third period of November 2018 to August 2019 there were no changes in the situation. Still at supervised visits with the minor. Was not attending any medical appointments. Did go to visits for the most part and did not provide any food or clothing.

For the most part in the permanency review[s,] the mother was found to have made reasonable efforts in her services, but the concern was always her progress in services. The mother tried to do what she was asked to do for placement of the minor. She did complete a domestic violence assessment and was recommended to go to classes in groups. She was unsuccessfully discharged from them because she said she was too busy.

Individual counseling, the mother is still receiving it. During the pendency of this case, the sexual assault counseling was recommended, but had not been done. She did do the psychological evaluation and was found to need the following for any proposed return home of the minor: Successful parent coaching, parenting feedback, and stable housing which the mother never obtained.

She previously was sent to an agency called Parents with Promise, but that agency closed *** . She was referred to another agency for classes, but she did not go there.

As for the mother's visitation, she was consistent with attending overall. She was ill for a time. The issues and concerns with the visits were that, one in particular where the mother and the minor were at McDonald's when the minor reached for a hot coffee cup. The problem was with the mother identifying dangers to this minor. And parent coaching was supposed to be aimed at recognizing these safety concerns. The minor has no special needs and was born in July of 2017.

Employment was always an issue for the mother and the mother had not given verification of it to the worker.

Currently the mother does receive individual counseling at Hope. And another issue that the mother had was being able to stay away from abusive persons. She complained of not feeling safe with some people. For a time mother's roommate was a registered sex offender. The mother did not recognize that these relationships would hinder her getting her child back. She's been found in unsafe environments and with unsafe individuals, obviously. At one time she lived with a Mr. Welch from March to August 2019 and was forced to stay on the floor at his home. Nothing changed during this time.

She has difficulty recognizing a danger to herself and thus to a child as well. And the mother made no progress in this.

Since the mother was living with various dangerous persons including a registered sex offender, there were never any visits with the minor in her home situation because mother never remedied that. She was found to engage in many unsafe situations and unfortunately put herself in those unsafe situations, including after she had this child finding herself in a situation where her environment was so unclean that her cesarean section wound dehiscenced and got badly infected and she was on a course of antibiotics needing for just the fact that her environment was so unsafe.

When asked about what she has learned in parent coaching, she brought up two issues. One, that you need to put a knife out of the child's reach. And, number two, you need to be sure that his food is not too hot. Both of which are certainly good things to know about safety, but I believe probably don't cover everything we should be aware of.

She is currently married, but she currently has a court case because they separated in 2017 and she maintains that he was cheating and abusive to her and also suffers from bipolar.

There is no issue in this Court's mind that [respondent] does not love her son. I think she loves him very much and that's not what is at issue here.

In her testimony she did agree that she has had a history of being around bad people, as she calls it. She now has testified that she is working for an insurance company for a man that she met — I can't recall off the top of my head if it was on the Internet or at a McDonald's. Needless to say, she's working in sales for him now.

Now, she's talked about going to California to get a job in housekeeping and sales and she met her boss through her current boss, that's his brother, and she met him on Craigslist. Her boss told her she would not need a license and so she was planning on moving out to California on the basis of that verbal commitment of a job.

Current housing is also a problem and has been since the inception of the case. At the time of her testimony, she had been living at Rockford Motel for three months. Before that, she was at the Shoreland [*sic*] Motel for one and a half months. Before that she was at the Clayton House Motel for at least six months. And also an address on 6th Street. There were multiple others, but basically it consisted of going from motel to motel to live through most of this case.

There was also, after she had [K.K.], this child, she met a gentleman named Bud [Welch]. That's when she received the bad infection and her incision split apart. He was her taxi driver. She stated that another guy had stalked her and she did not know Bud was a sex offender at first, but Bud would still spend the nights with her when she testified. She relied on Bud to help her pay her bills. And his victim for the sexual offense was 14 years old.

She also met a guy on Craigslist and that's the man for whom she works now. And she met him in person at a Dairy Queen.

As to making no reasonable progress, which is count 3, in the following time frames: December 13, 2017, to September 13, 2018; October 13, 2018, to July 13, 2019; and November 13, 2018, to August 13, 2019. She was found to make — have not made

reasonable progress on the following dates of permanency reviews: January 8, 2019, May 10, 2019, and August 13, 2019. There were never any steps taken to return the child home in any of those time periods.”

¶ 45 The court then held the best-interests hearing.

¶ 46 Palmer testified that K.K. had been in foster care for over 900 days, essentially since he was born. He was placed in foster care with maternal relatives along with his half-brother, and he was able to maintain a relationship with his biological family due to his current placement. Palmer testified that the family was well-bonded and very loving, being careful to take care of K.K.’s needs: medical, physical, and emotional. Palmer testified that respondent was unable to take care of K.K., because she had “developmental delays” and was “[n]ot making progress in terms of her services to keep him safe.” Palmer specifically testified that respondent was not providing for any of K.K.’s needs—his medical, physical, or financial needs.

¶ 47 Palmer testified that K.K. had stability in his current placement with his maternal relatives and it would be very disruptive to remove him and return him to respondent. Palmer opined that the current foster parents should provide permanency for K.K. because they had been caring for him his entire life, they were very well bonded with the child and as a family, and they were “doing a wonderful job” of raising him. Palmer also noted that the foster parents were willing to adopt K.K.

¶ 48 On cross-examination, Palmer agreed that respondent and K.K. had a loving relationship. Palmer admitted that she had not observed any interaction between them but had only read the notes of the visitations. Palmer also agreed that, despite the agency’s concern that respondent could not keep K.K. safe, respondent would not try to harm the child. Palmer also testified that

the foster mother was unwilling to allow any further contact between respondent and K.K. if respondent's parental rights were terminated.

¶ 49 Respondent testified on her own behalf. She testified that she was currently living at the Rodeway Inn and, for two months, had held a job there. Respondent testified that she had a loving relationship with K.K. and gave examples of what she would do to make sure he was safe if he were returned. Respondent testified that she believed that she would be able to keep him safe and to provide for him while managing her own life. On cross-examination, respondent acknowledged that K.K. had lived his entire life with his foster parents and with his half-brother, whom the foster parents had previously adopted. Respondent further acknowledged that K.K. spent all but three hours a week being cared for by his foster family, and they had provided him with food clothing and shelter every day of K.K.'s nearly three years.

¶ 50 Following argument, the trial court held that it was in K.K.'s best interests to terminate respondent's parental rights. The court explained:

“The testimony showed that [K.K.] has been in this placement for over 900 days. He is placed with a maternal relative and also with his brother [M.K.] who is, I believe, six and [K.K.] is two and a half. They have become very attached to each other and obviously [K.K.] considers that his family.

It was the agency's opinion that the biological mother would not be capable of taking care of [K.K.] and keeping him safe for into the future and it would be very disruptive to move him from the foster parents where they are meeting all of his needs. He obviously is also very attached to them.

The — certainly the evidence shows that the mother, biological mother has a loving relationship with him and very much would do anything for her son. That’s not in question here. What he needs is a safe, permanent home. He has found that. And it would simply be, again, too disruptive to take him out of that situation that has given him the safety and security that children so badly need.

Therefore, the Court, based upon those findings, hereby terminates the parental rights [of respondent].”

¶ 51 Respondent timely appeals.

¶ 52 II. ANALYSIS

¶ 53 On appeal, respondent challenges the sufficiency of the evidence of unfitness and of the child’s best interests pertaining to the termination of respondent’s parental rights. Regarding unfitness, respondent argues that the State failed to prove, by clear and convincing evidence, each of the three counts alleged in the petition to terminate parental rights. Specifically, respondent argues that the State did not sufficiently demonstrate (1) that she had not maintained a reasonable degree of interest, concern, or responsibility; (2) that she had failed to make reasonable progress toward the return of the child in the specified nine-month periods; and (3) that she failed to protect the child from injurious conditions within her environment. Regarding termination, respondent argues that the State did not prove, by a preponderance of the evidence, that it was in K.K.’s best interests to terminate her parental rights. We address the contentions in turn, as necessary.

¶ 54 A. General Principles

¶ 55 The involuntary termination of parental rights is governed by the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2018)) and the Adoption Act (750 ILCS 50/0.01 *et seq.*

(West 2018)). *In re J.L.*, 236 Ill. 2d 329, 337 (2010). The Juvenile Court Act provides for a two-step process in resolving a petition to terminate parental rights. 705 ILCS 405/2-29 (West 2018); *J.L.*, 236 Ill. 2d at 337. In the unfitness stage, the State must prove the parent's unfitness by clear and convincing evidence pursuant to the various criteria in the Adoption Act. 750 ILCS 50/1(D) (West 2018); *J.L.*, 236 Ill. 2d at 337. If the parent is found to be unfit, the trial court considers whether terminating the parent's parental rights is in the best interests of the child pursuant to factors set forth in the Juvenile Court Act. 750 ILCS 405/1-3(4.05) (West 2018); *J.L.*, 236 Ill. 2d at 337. In the best-interests stage, the State must prove by a preponderance of the evidence that it is the child's best interests to terminate the parent's parental rights. *In re Z.J.*, 2020 IL App (2d) 190824, ¶ 47. Respondent challenges the sufficiency of the evidence in each stage in this case, contending that the State did not prove her unfit by clear and convincing evidence, and that the State did not prove by a preponderance of the evidence that it was in K.K.'s best interests to terminate her parental rights. We therefore consider each of the stages in turn.

¶ 56

B. Parental Unfitness

¶ 57 As noted above, grounds for parental unfitness are set forth in section 1(D) of the Adoption Act. 750 ILCS 50/1(D) (West 2018). In the unfitness stage, a trial court must first decide whether any of the statutory grounds of alleged unfitness have been proved by clear and convincing evidence; the trial court may only consider grounds alleged in the petition to terminate parental rights and may not terminate a parent's parental rights on grounds not alleged. *In re D.C.*, 209 Ill. 2d 287, 296 (2004). A parent's parental rights may be terminated upon sufficient proof of but a single ground of alleged parental unfitness. *Id.* Stated another way, where a trial court has held that several alleged grounds of unfitness have been proved by clear and convincing evidence, the

reviewing court may affirm the trial court's unfitness judgment as to any single ground. *In re Gwynne P.*, 215 Ill. 2d 340, 363 (2005).

¶ 58 We accord great deference to a trial court's judgment on parental unfitness; we will therefore not disturb the court's judgment on parental unfitness unless it is against the manifest weight of the evidence. *In re N.B.*, 2019 IL App (2d) 180797, ¶ 30. A judgment is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent or the judgment is unreasonable, arbitrary, or not based on the evidence. *Id.*

¶ 59 Here, the trial court determined that the State had proved, by clear and convincing evidence, all grounds alleged in the petition to terminate respondent's parental rights. However, because we may sustain the trial court's judgment if a single ground were proved by clear and convincing evidence (*Gwynne P.*, 215 Ill. 2d at 363), we shall focus on respondent's failure to make reasonable progress toward the return of the child in the specified nine-month periods (750 ILCS 50/1(D)(m)(ii) (West 2018)).

¶ 60 We emphasize our focus on reasonable progress, which is measured by an objective standard based on the parent's progress toward the goal of reunification with the child, as opposed to reasonable efforts, which is measured by an subjective standard based on the amount of effort that is reasonable for a particular person. *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1066-67 (2006). The benchmark for reasonable progress encompasses the parent's compliance with the service plans and the court's directives in light of the conditions that gave rise to the removal of the child and other conditions which later become known and would prevent the court from returning custody of the child to the parent. *Id.* at 1067. Reasonable progress exists if the court can conclude that it will be able to restore custody of the child to the parent in the near future. *Id.*

¶ 61 Respondent argues, for each of the three time periods (December 2017 to September 2018, October 2018 to July 2019, and November 2018 to August 2019), that she was free from domestic violence, kept in contact with the Department and her case worker, and was consistent with her visitation. Respondent's argument is insufficient and unconvincing.

¶ 62 In the December 2017 to September 2018 period, the pertinent permanency review report concluded that respondent had not made reasonable progress. The child was not placed with respondent, and respondent's visitation with the child was uniformly supervised. Palmer testified unequivocally that respondent was not making any progress in any of her services despite being compliant with the Department's recommendations and the court's directives. For respondent to make progress, she was required to attend parenting classes, parent coaching, and visitation, and to obtain stable and secure housing. Palmer testified that all visitations were supervised and occurred in the community because respondent had not obtained stable housing and her housing situation was unsafe due to her relationship with Welch, a registered sex offender. Palmer testified that these issues were discussed with respondent, but Palmer believed that respondent did not understand why her housing situation was unsafe, and respondent, in any event, never remedied the unsafe housing situation. As to the visitation, some were conducted with the parent coach. The only lessons respondent was able to articulate from her parenting coaching and classes were keeping knives out of K.K.'s reach, making sure food was an appropriate temperature, and seating K.K. so that he would not fall or leap from his seat. We note that, while these are not insubstantial lessons, they are not related to the core issue articulated by Palmer and in the Department's reporting: keeping K.K. safe from dangerous situations with the potential for abuse.

¶ 63 Palmer testified that, despite the parenting services, respondent simply made no progress in learning to recognize possible safety concerns. Moreover, while respondent's first parenting class was canceled due to funding issues with the agency, respondent did not attend other parenting classes offered at a new location.

¶ 64 Palmer also testified that, while respondent completed a domestic violence assessment and received a recommendation for services, respondent failed to complete the services and was unsuccessfully discharged after she missed too many of the classes. Palmer testified that respondent informed her she was "too busy" but gave no details about what was occupying her time. Palmer concluded that respondent did not make progress on her domestic violence issues. Palmer noted that, throughout the case, respondent remained in unsafe environments and involved with unsafe individuals, and she never remedied the situations.

¶ 65 Palmer testified that a focus of her individual counseling was to increase her ability to identify unsafe environments and individuals. However, respondent did not make progress on these goals. Respondent reported numerous times that she was being taken advantage of or assaulted by people she believed were her friends, and respondent did not seem to understand that her involvement in abusive relationships would decrease the likelihood of regaining custody of K.K.

¶ 66 Palmer also noted that respondent never obtained safe and stable housing. Throughout the case, including the first specified nine-month period, respondent relied on friends and a family member for funds for her housing. Respondent also roomed with Welch during the first nine-month period and throughout the case. Respondent attempted to minimize her involvement with Welch, but it appears that he remained a constant fixture in her life wherever she was living—he

contributed money for respondent's expenses, sometimes he paid for the hotel room, and respondent consistently reported contact with him.

¶ 67 In contrast, respondent argues only that she was engaged in services, was in contact with her case worker, and consistently attended her visitation with the child. Respondent does not argue that she completed any of the services she was engaged in, does not explain how her contact with her case worker provided progress in her case, and does not suggest that she was moving to even unsupervised visitation. In short, respondent's arguments are nonresponsive to the core issue identified by the Department and Palmer, namely, keeping K.K. safe from harmful environments and situations with the possibility of abusive harm. Indeed, the evidence is ample that no progress was made toward returning K.K. to respondent's care and custody. Accordingly, we cannot say that the trial court's judgment that respondent failed to make reasonable progress toward K.K. return was against the manifest weight of the evidence.

¶ 68 We will discuss the remaining two nine-month periods together because of the significant overlap. The information presented was substantially the same as was presented for the first nine-month period. In addition, for the final permanency review, the State attached a parenting assessment to its other reports. The report opined that respondent needed four to five years of relatively intensive therapy before she would be ready to have K.K. returned to her, so there was no possibility that respondent could be reunified with K.K. in the near future. In addition to the report, other reports and testimony demonstrated that respondent continued to associate with and live with Welch, that she never obtained stable housing, and that it appeared that her employment was questionable. Specifically to the employment issue, respondent testified that she had met her current employer on Craigslist and that she was selling insurance for that employer. Respondent

related that the employer had informed her she did not need a license to sell the insurance product but questioning revealed that respondent had taken her employer's word without further investigation, even though a license was required to legally sell insurance in Illinois. In addition, respondent was making plans to move to California to take a housecleaning position with her employer's brother, whom she had never met in-person and who had only verbally offered her the job. Respondent admitted during the questioning that she finally saw the red flags associated with this plan. Thus, respondent demonstrated during the hearing that she simply could not recognize dangerous and unsafe situations despite the services she had undertaken.

¶ 69 Once again, respondent argues only that she maintained contact with her case worker, engaged in services, and remained domestic violence free. While domestic violence was a component of respondent's issues, the argument remains nonresponsive to the core issue of keeping K.K. safe from harm and from situations of possible abuse. Respondent does not argue that she completed any of the service she undertook, only that she attended them. Viewed in light of the Department's concerns, this cuts as strongly against respondent, because it suggests that she never made any progress, as respondent believes it to cut in her favor. Further, respondent does not dispute the conclusion of the parenting assessment, in which the evaluator determined respondent needed four to five more years of relatively intensive therapy before K.K. could be safely returned to her. In other words, even if we accepted respondent's argument that she was making progress, it was not reasonable progress, because there was no chance that K.K. could be safely returned in the near future. See *Daphnie E.*, 368 Ill. App. 3d at 1067 (reasonable progress requires the return of the child in the near future). Accordingly, we cannot say that the trial court's judgment regarding no reasonable progress was against the manifest weight of the evidence.

Because the proof of any one ground of unfitness by clear and convincing evidence suffices to sustain the trial court's judgment on unfitness, we need not consider respondent's remaining arguments as to the remaining unfitness judgments. We therefore turn to respondent's contentions regarding the best-interests stage.

¶ 70

C. The Child's Best Interests

¶ 71 Once a parent is determined to be unfit, the trial court must consider if it is in the child's best interests to terminate the parent's parental rights. *In re Tiffany M.*, 353 Ill. App. 3d 883, 891 (2004). In this stage of the proceedings, the focus is shifted to the child, and the issue becomes whether, in light of the child's needs, the parent's parental rights should be terminated. *In re D.T.*, 212 Ill. 2d 347, 364 (2004). In other words, at this stage in the proceedings, the parent's interest in maintaining the parent-child relationship yields to the child's interest in a stable and loving home. *Id.*

¶ 72 The State must prove, by a preponderance of the evidence, that it is in the child's best interests to terminate the parent's parental rights. *Z.J.*, 2020 IL App (2d) 190824, ¶ 74. In making a best-interests determination, the trial court considers the following statutory factors as well as the child's age and developmental needs: (1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's familial, cultural, and religious background; (4) the child's sense of attachment, including love, security, familiarity, and continuity of relationships with parental figures; (5) the child's wishes and goals; (6) community ties; (7) the child's need for permanence; (8) the uniqueness of every family and every child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child. 705 ILCS 405/1-3(4.05) (West 2018). The trial court is not required to expressly reference each of the statutory factors.

Z.J., 2020 IL App (2d) 190824, ¶ 74. We will not disturb the trial court's best-interests judgment unless it is against the manifest weight of the evidence. *Id.* As noted above, a judgment is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent or the judgment is unreasonable, arbitrary, or not based on the evidence. *N.B.*, 2019 IL App (2d) 180797, ¶ 30.

¶ 73 Respondent first challenges some aspects of the trial court's best-interests judgment. She initially argues that she provided K.K. with food and clothing. While she testified that she sometimes brought K.K. items of clothing and provided snacks and other food, there was also testimony that K.K.'s foster parents provided food, clothing, shelter, health care for all but the three hours a week of respondent's visitation. Respondent is correct that there is testimony that she provided food and clothing, but she wholly overlooks the much larger and continuous contribution of the foster parents in providing not only food and clothing, but also shelter and medical care, which are also aspects of the factor to be considered. We therefore reject respondent's contention to the extent she urges that the factor weighs in her favor.

¶ 74 Similarly, respondent argues that there was evidence that she and K.K. are strongly bonded and that, if respondent's parental rights were terminated, the foster parents would not allow respondent to maintain any relationship with the child. We agree that there is evidence in the record supporting respondent's contention. However, respondent wholly overlooks that K.K. is also strongly bonded to his foster family, which includes his half-brother, M.K. Respondent also overlooks that, according to her testimony, she was anticipating a move to California and she does not account for the impact this would have on K.K.'s relationship with his foster parents and half-brother. While we recognize the existence of a strong bond between respondent and K.K., we also

note the bonds, the sense of love and attachment, the familiarity and continuity K.K. has established with his foster family, with whom he has lived his entire life. Again, we reject respondent's contention to the extent she urges that these factors weigh only in her favor.

¶ 75 Respondent argues that the trial court erred in terminating respondent's parental rights, because the bond between her and K.K. and the likelihood that the foster parents would not allow respondent to maintain a relationship with K.K. should have precluded the judgment. We disagree.

¶ 76 The trial court was primarily concerned with affording K.K. permanency, stability, and safety. The evidence demonstrated that K.K. had lived his entire life with his foster parents and enjoyed a stable and loving home with them. There was no evidence suggesting that K.K.'s safety was in any way threatened in his current placement, and the foster family, who had already adopted K.K.'s half-brother, M.K., was also willing to adopt K.K. The trial court additionally weighed the disruption of taking K.K. from his current placement against the continuing uncertainty of the possibility that respondent would someday be able to provide K.K. a safe and stable home and found it was not in K.K.'s interests to allow the uncertainty to continue. We cannot say that the trial court's determination on this point was against the manifest weight of the evidence.

¶ 77 We also note that the evidence clearly demonstrated that, at the time of the best-interests hearing, respondent remained in unstable and unsafe housing. She relied on friends, including Welch, to help pay her housing expenses, because she could not secure and maintain employment to provide even a minimum level of housing security. Indeed, respondent was contemplating a move to California on only the verbal offer of a job from a person she had not yet met in person. Further, the person in California was purported to be the brother of her employer, who was himself engaged in questionable practices by employing respondent to sell insurance on his behalf without

a license. Thus, there was nothing safe or stable about respondent's living arrangements throughout the life of the case up to the time of the best-interests hearing.

¶ 78 Moreover, Palmer testified that it was her opinion that it was in K.K.'s best interests to remain in his current placement, and that his foster parents were willing to adopt him. Both K.K.'s and respondent's guardians *ad litem* agreed that it was in K.K.'s best interests to remain in his placement with his foster family. Based on these opinions and the evidence in the record supporting the court's concern about the disruption to K.K., as well as his need for permanence, safety, and stability, we cannot say that the trial court's judgment was against the manifest weight of the evidence.

¶ 79

III. CONCLUSION

¶ 80 For the foregoing reasons, we affirm the judgment of the circuit court of Winnebago County finding respondent unfit on the basis that she failed to make reasonable progress toward the return of K.K and finding it in K.K's best interests to terminate respondent's parental rights.

¶ 81 Affirmed.