2025 IL App (1st) 241556-U

No. 1-24-1556

Order filed March 31, 2025

THIRD DIVISION



IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

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| IN THE INTEREST OF | ) | |
| A.J., S.T., G.G., and E.J., | ) | |
| Minors-Respondents-Appellees, | ) | Appeal from the Circuit Court of Cook County |
| (The People of the State of Illinois, | ) | Nos. 18 JA 363, 18 JA 364, 18 JA 1070, 21 JA 116 |
| Petitioner-Appellee, | ) | |
| v. | ) | Honorable Jennifer Payne, |
| Angelay J., | ) | Judge Presiding. |
| Respondent-Appellant.) | ) | |

JUSTICE D.B. WALKER delivered the judgment of the court.
Justices Reyes and Martin concurred in the judgment.

## ORDER

¶ 1 *Held*: The evidence presented was sufficient to find respondent to be an unfit parent and to find that it was in the children's best interests to terminate respondent's parental rights. Affirmed.

¶ 2 Respondent Angelay J. appeals from a circuit court decision finding her to be an unfit parent and terminating her parental rights to four children, herein referred to as A.J., S.T., G.G., and E.J. On appeal, respondent argues that the evidence presented was insufficient to support the finding that she was an unfit parent and the finding that terminating her parental rights was in the children's best interests.

¶ 3 I. BACKGROUND

¶ 4 Respondent is the biological mother of the four children at concern in this appeal: A.J., a boy born in 2014; S.T., a girl born in 2015; G.G., a girl born in 2018; and E.J.; a girl born in 2021.

¶ 5 A.J. and S.T.'s cases originally came before the court on a petition for adjudication of wardship on April 17, 2018, which alleged neglect and abuse. S.T., who was two years old at the time, had been taken to the hospital with "extensive bruising to the face, back, chest, thigh and neck as well as cuts around the nose, eyes, neck and cheeks resulting from physical abuse." A.J. reported that respondent had hit S.T. with a belt on or about the same day S.T. was taken to the hospital. The State's petition for adjudication of wardship for the two children alleged neglect in that the children were exposed to an environment injurious to their welfare and that they were abused in that they were placed at a substantial risk of injury.

¶ 6 A petition for adjudication of wardship was filed for G.G. on November 5, 2018. That petition alleged neglect and abuse on the same bases, as well as upon the physical abuse to S.T. The petition also noted that reunification services had been offered and recommended, but were outstanding and that G.G. had been living with her putative father since shortly after her birth. G.G.'s putative father had been allowing respondent to babysit G.G. and the two were involved in a domestic altercation with G.G. present.

¶ 7 The petition for adjudication of wardship for E.J. was filed February 17, 2021 and alleged the same bases and largely the same facts as the other petitions. The petition regarding E.J. also alleged that the other three siblings were in DCFS custody and that respondent had failed to complete recommended reunification services.

¶ 8 On March 23, 2023, the State filed a petition to appoint a guardian with the right to consent to adoption for all four of the children. The petition alleged that respondent was an unfit parent as defined in sections 50/1(D)(b) and 50/1(D)(m) of the Illinois Adoption Act. 750 ILCS 50/1(b), (m) (West 2022). Section D states, in relevant part, that:

> " 'Unfit person' means any person whom the court shall find to be unfit to have a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are any one or more of the following***:
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> (b) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.
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> * * *
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> (m) Failure by a parent to (i) make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent during any 9-month period following the adjudication of neglected or abused minor *** (ii) to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected or abused minor. *** If a service plan has been established as required under Section 8.2 of the Abused and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for the purposes of

> this act, 'failure to make reasonable progress toward the return of the child to the parent' includes the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period following the adjudication." *Id.*

¶ 9 A. Fitness Hearing

¶ 10 A fitness hearing was held over several days beginning November 1, 2023 and ending May 13, 2024, at which extensive documentation was introduced and witness testimony was heard.

¶ 11 1. Documentary Evidence

¶ 12 At the initial hearing on November 1, 2023, the State submitted various documents tracking respondent and her children's progress since their cases became court-involved. An August 31, 2018 assessment produced after S.T. and A.J.'s cases entered the court system recommended that respondent engage in individual therapy, domestic violence services, prenatal care for the child she was expecting at the time, substance abuse assessment and treatment, parenting education and coaching, child-parent psychotherapy at some point in the future, and supervised visitation. An August 22, 2019 report produced after G.G.'s case entered the court system noted that respondent forgot about her interview and would be unable to attend, so the assessment was compiled based on information available in child welfare reports and previously completed interviews. This assessment made the same recommendations. An April 5, 2021 report produced after E.J.'s case entered the court system made the same recommendations, with the addition of recommendations that respondent participate in a Nurturing Parent Program (NPP) and family therapy. The report also noted that respondent had participated in a parenting capacity assessment.

¶ 13 An April 9, 2021 report resulting from respondent's parenting capacity evaluation noted that she had completed parenting classes, anger management services, domestic violence services, and an outpatient drug treatment program. The report noted that both her therapist and her caseworker had "ongoing concerns regarding [her] frustration tolerance" when it comes to her children, specifically A.J. Defendant's compliance with drug testing was inconsistent at times and she self-reported two instances of marijuana use during 2020, one of which was when she was pregnant with E.J. The report recommended ongoing individual therapy, ongoing recovery services with random drug testing, participation in a support group for single mothers, and parent coaching.

¶ 14 Records from The Parent Place, an organization that offers parenting classes, showed that respondent began an intake assessment on October 26, 2021, but "refused to finish until [she] spoke with [her] case manager as [she] reported [she] was not aware of the referral being made to [the] program." Respondent was again referred and was to begin the program May 2, 2022, but missed the first two classes when the program stipulated that a participant would be dropped after two absences. Respondent was referred again and began classes in July 2022 but was dropped again after leaving early twice and missing another meeting altogether. The program recommended an in-person meeting in her area, as virtual participation over Zoom did not seem to work for her. She was referred for Zoom classes again in December 2022, but was dropped again February 20, 2023, for failure to attend.

¶ 15 Documents from Treatment Alternatives for Safe Communities (TASC) show 49 toxicology screenings from November 2018 to September 2022. Twelve showed positive results for cannabis in 2018 and 2019 and one result, collected February 17, 2022, showed a positive result for four different categories: barbiturates, cocaine, heroin, and

amphetamines/methamphetamines/XTC. TASC records show numerous refusals to provide urine samples in addition to numerous times she was listed as unavailable due to work or other reasons. A June 12, 2019 TASC document describes respondent as verbally aggressive to the point that the worker began asking respondent to come into the office rather than the worker making home visits. The document includes the assessment that respondent had not yet recognized the costs of drug use, was in denial, and was not seriously considering changing her behavior. An October 1, 2021 report described her as being in a stage of recovery during which she was working to sustain the sobriety since her last previous positive test in November 2019. The 2021 report shows no refusals to provide a sample during the covered time period. The TASC documents contain no status reports dated after the February 2022 positive test result.

¶ 16 Records from The Catholic Charities of the Archdiocese of Chicago indicated that respondent was referred to Catholic Charities on October 26, 2021 because her previous therapist was no longer available. On December 16, 2021, Catholic Charities called respondent and asked if she needed any of the services offered by the organization. Respondent replied that she did not, but would keep their number should a future need arise. Respondent's file with Catholic Charities notes that as of February 1, 2022, she was removed from the waitlist after she expressed that she no longer needed services.

¶ 17 A DCFS service plan from April 1, 2020 described respondent's progress toward reunification with her children as "poor." The report noted that respondent was engaging in weekly therapy but had made minimal progress. Respondent had been engaging in parenting therapy for two months and was showing both a receptiveness to feedback and a "desire to

grow as a mother." The report described respondent as continuing to "need redirection" and stated that "her threshold for stress continues to be a concern."

¶ 18 A DCFS service plan from April 6, 2021 marked respondent's progress as unsatisfactory. It identified a number of "action steps" for respondent to complete to progress toward the desired outcomes. Respondent was to engage with a new TASC coach to maintain compliance with toxicology drops, as she had failed to make any drops between October 2020 and January 2021, and because TASC was unaware that she had been pregnant. She was to engage in a domestic violence consultation and assessment, which she claimed to have completed, but for which she had provided no proof of completion. She was to complete parenting classes, as she continued to struggle with effective and appropriate discipline and parenting approaches despite having previously completed one course of classes. She was to continue to engage in therapy, where she had so far failed to make sufficient progress in learning to handle her anger and frustration.

¶ 19 Another DCFS service plan, dated October 4, 2022, assessed that respondent had made some minimal progress in the preceding six months, but stated that "due to the length of time since case opening in relation to the progress made, the agency has concerns about a return home at this point." The plan continued to recommend TASC services, as respondent had continued to be inconsistent with urine drops. Respondent had provided the necessary proof that she completed domestic violence services in July 2020 and that service was deemed satisfactorily completed. The plan continued to recommend re-referral for parenting education classes due to the lack of progress on that front. It additionally recommended parenting coaching, which respondent had previously engaged in but was unsuccessfully discharged due to lack of progress and a refusal to listen to the coach's recommendations.

The plan directed respondent to engage in a nurturing parent program and noted that she had twice been unsuccessfully discharged without completing the program. Child-parent psychotherapy was recommended, but could not be started until respondent had further progressed with her individual therapy. The plan noted that respondent was not engaged with individual therapy and that further therapy was needed to improve her overall temperament and to help her "redirect her behavioral pattern."

¶ 20 A counseling report from respondent's individual therapy provider, Volunteers of America (VOA), dated November 11, 2021, stated that respondent had made minimal progress. The report did note, however, that respondent was demonstrating her willingness to engage in therapy by continuing to show up and managing to engage with her therapist without outbursts, despite respondent's negative feelings toward therapy services. The report was dated the same day that the authoring therapist left the organization. Respondent was discharged from the service when her therapist left.

¶ 21 A parent coaching report from VOA showed that respondent attended weekly sessions sporadically and rarely between November 2019 and January 2020, but consistently from February 2020 through August 2020. The assessment found that, in most instances, respondent seemed to understand the ideas being conveyed and could hold conversations with her coach about them, but the ideas largely did not translate into improved parenting methods during visits with her children. The coach acknowledged that respondent had attended the necessary number of sessions, but did not believe that respondent had made sufficient progress toward her goals to warrant a successful discharge. The coach recommended a parenting assessment.

¶ 22 2. Testimony

¶ 23 Deja Smith (Smith) testified that she was the caseworker for respondent and the children between December 2020 and September 2022. A significant portion of her testimony consisted of confirming respondent's completion or non-completion of services reflected in the document exhibits. Smith testified that respondent was having regular supervised visits with her children when Smith was assigned to the case. Approximately a year later, around December 2021, respondent's visits were changed to unsupervised visits.

¶ 24 Around April 2022, the agency chose to change back to supervised visits based on concerns regarding respondent's discipline of A.J. and an incident during the summer of 2021, in which A.J. ran down the street away from respondent during a supervised visit at a park adjacent to the agency building. Smith and a case aide went to retrieve A.J., and were thereafter concerned about potential safety issues stemming from unsupervised visits in public settings. The agency was also concerned about how, during visits, respondent would fixate on A.J. when he "would do something, normal kid stuff, just get upset, or not talk," to the detriment of her attention to the other children. Smith stated that "the focus of the visit for the rest of the visit" would be the perceived issues with A.J. Smith described the fixation to be "like taunting him almost." The agency was also concerned with information received from the children while transporting them home from unsupervised visits with respondent. S.T. informed Smith after one unsupervised visit that A.J. had gotten in trouble and respondent had punished him by taking away his food. After a different unsupervised visit, A.J. related that respondent told the children that "snitches get stitches, if they tell what happened after the visit." The children did not relate any further information about what had happened during that visit.

¶ 25 Smith testified that she was part of the decision to change the goal for the three oldest children to substitute care pending termination of parental rights. She was no longer with the agency when the goal for E.J. was changed to the same. The decision was made because the case had been with the agency for a long period of time with minimal progress toward reunification goals.

¶ 26 On cross-examination by the guardian *ad litem*, Smith stated that the cessation of unsupervised visits was in part because of the concerning occurrences and in part because the goal was being changed, at which time the visits would be changed back to supervised anyway. When asked about the occasional difficulties with drug testing respondent, Smith described an instance in which the agency decided to do an impromptu "drop" because a case aide reported that respondent smelled of marijuana. Respondent refused to provide a sample.

¶ 27 When asked on cross-examination by respondent's attorney if she recalled describing respondent as "one of my most dedicated parents" in a report, Smith stated that she did not. When questioned further on the matter, she stated that those words did not "accurately sum up [her] assessment of [respondent]." When asked why that might have been written in the report, Smith answered that it was likely because respondent attended more visits in comparison to other parents. Smith confirmed that respondent would arrive early and was dedicated to being present for visits. Smith confirmed that after the visit, for which she was physically present, the Cook County Juvenile Court Clinic's (CCJCC) report stated that "the children consistently sought proximity to [respondent], sought her attention and assistance and demonstrated positive attachments to their mother." Smith confirmed that she stated that those observations were consistent with what usually happened during visits between respondent and the children. Smith confirmed that during the CCJCC visit specifically, it was

observed that respondent "displayed affection, knowledge of her children's interests and likes, [and] praised them." Smith confirmed that she told CCJCC that A.J. ignoring respondent was not unusual. She also told CCJCC that A.J. would occasionally ignore her as well, not just respondent. Smith confirmed that A.J. referred to respondent by her first name, while the other children called her mom.

¶ 28 The State next called Maggie Griffin (Griffin), who identified herself as the current caseworker for respondent and her children, having been assigned to the case in November 2022. Griffin testified that respondent reported being engaged in individual therapy with Pilsen Wellness when Griffin was first assigned to the case, but Griffin never received any certificates or other confirmation of successful discharge from therapy services. Respondent was not engaged with any other services in November 2022, to Griffin's knowledge. When asked about outstanding recommended services with respect to E.J.'s case in particular, Griffin stated that the nurturing parent program and random drops were still outstanding. Griffin referred respondent to The Parenting Place for the nurturing parent program in December 2022, but respondent was discharged without success in February 2023. During Griffin's time on the case, she asked respondent for random urine drops four times and respondent refused all four times.

¶ 29 In January 2023, the goal for E.J. was changed to substitute care pending termination of parental rights. This change was made due to respondent's lack of progress toward completing reunification services. After the goal was changed, respondent was scheduled to have one monthly visit with all four children and three other weekly visits with E.J. only. Griffin testified that respondent would consistently attend the monthly visit with all four children and would come to one of the E.J.-only visits each month, but skip the other two.

Griffin oversaw the majority of respondent's supervised visits after taking over the case. Griffin expressed concern over respondent's tendency to "reprimand [A.J.] basically for the entire visit" whenever A.J. did something that respondent did not like. Griffin would encourage respondent to move on and A.J. would "become frustrated and sometimes he would shut down." This focus on A.J. would occur "almost every visit." Griffin related that A.J. enjoyed coming to visits to see his mother, but would say that he "hates that she don't believe him" and that he would "be sad in the face" and "sit there for maybe a minute or two in silence" afterward. The last visit Griffin supervised with respondent and the children was September 2023, two months before the hearing.

¶ 30 On cross-examination by the guardian *ad litem*, Griffin testified that "[respondent's] drug of choice was marijuana," that she used it to help with boredom and stress, and that the agency was concerned that her use was excessive and could "lead to an impaired judgment if the kids are in her care." Griffin did not recall seeing respondent in any kind of "stupor" during visits. Griffin stated that in April 2023, after the goal for all of the children had been changed, she received an angry email from respondent alleging that VOA had never given her a chance and that she was not a bad person for "whooping her child five years ago."

¶ 31 On cross-examination by respondent's attorney, Griffin confirmed that the entire basis for her conclusion that respondent's marijuana use was potentially excessive was respondent's statement that she uses it to cope with boredom and stress. Griffin described A.J. as a "typical nine-year-old," but noted that the foster parent said he could at times be "a little hard headed."

¶ 32 The court asked Griffin to expound upon the excessive reprimanding in which respondent had allegedly been engaging. Griffin testified that respondent and the children were all in the kitchen of the agency office eating when the following occurred:

> "[A.J.] had did something, maybe he was crawling on the floor or something, and she would tell him, [A.J.], get up, sit in your seat, you got to act like—basically, you got to act like the big brother. Then she'll bring up the past, like with his grades, and she'll also bring up just old things.
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> [A.J.] had some papers in his bookbag, and she was asking him, how do you do this, how do you do this, I see you got all this right, I want to make sure you know how to do this. He was like, well, I did it already. Basically, he didn't want to revisit that. And she was saying how he needs to know what he's doing, and basically he's the oldest, and he can't just be playing all the time. Just things like that basically get under his skin."

¶ 33 Griffin agreed that, in short, the problem was that respondent would focus on a subject despite A.J. appearing uncomfortable and wanting to move on from it. She also stated that "when she yells at him and talks loud to him and talks like just directly at him and don't focus on the visit, that makes him very upset." Griffin also described a time at another visit when A.J. pushed respondent. When Griffin approached and asked A.J. what was going on, A.J. refused to answer, shut down, and "went against the wall and just slid on the floor and just sat there" for about an hour out of the two-hour visit, until it was time to leave. A.J. expressed privately to Griffin that he was tired of respondent "talking at him," despite never

saying anything to the other siblings, and "all he wants to do is come to his visits and have fun."

¶ 34 Respondent testified that she had, herself, been a ward of the court and adopted. Her adoptive mother now served as the foster mother for G.G. and E.J. Respondent confirmed that she completed domestic violence services with Family Rescue. Those services taught her to better recognize signs of domestic violence in the future. She also completed anger management services, which helped her manage her anger better. Respondent stated that she believes her anger relates back to being abused in multiple foster care placements when she was a child. After respondent completed her anger management course, she was again referred for anger management and completed a course at a different organization. She was not referred a third time. Respondent said that, specifically with respect to her children, she learned to talk out what was making her angry, to let go, and to write about what made her angry.

¶ 35 Respondent confirmed that she subjected her children to corporal punishment prior to being referred to parenting classes. She stated that after parenting classes, she viewed corporal punishment as a bad thing, she no longer got upset like she once did, tried to let the children be children, and tried to verbally discipline them instead of using corporal punishment. She was later referred to a nurturing parent program held remotely over Zoom. She did not believe she learned anything new from the NPP program, but it helped reinforce what she already knew. Respondent was referred "at least like two or three times" to the NPP, but was unable to complete the program for attendance reasons each time. Respondent engaged in six months of therapy before her case was transferred to VOA. Once she started therapy with VOA, she thought that she and her therapist were not communicating

effectively, as she saw a significant difference between what she said to her therapist and what her therapist reported on paper. The issue was not resolved before her therapist left the agency. Respondent was referred to Catholic Charities for therapy, but she told them she did not need their services because she was under the impression that further therapy was not mandatory.

¶ 36 When Griffin took over her case, respondent was again referred to Catholic Charities, but decided to call Pilsen Wellness, which had been offered as a backup option, so that she did not need to wait to get to the top of the extensive waitlist at Catholic Charities. After a couple of weeks of therapy with Pilsen Wellness, she and her therapist were having trouble understanding each other, possibly due to a language barrier, and she went to another Pilsen Wellness location. Respondent described the same issue occurring again and blamed the failure of communication on the therapist being of a different race. She contacted a third location, but was put on a waitlist, which she was still on when the goal for the children was changed to substitute care pending termination of parental rights, at which point the agency ceased referrals. Respondent thought therapy was helpful because it allowed her to "speak and voice [her] opinion," but did not believe she needed therapy.

¶ 37 Respondent denied that A.J. was in any danger when he ran away from her during a visit and was subsequently retrieved by Smith. Respondent denied that she ever withheld food from any of her children as punishment, that she said "snitches get stitches" to A.J., and that she ever denied A.J. use of the bathroom. Respondent stated that she believed she was able to care for and provide for her children. On cross-examination, respondent agreed that she never completed the NPP program and stated that she "felt like" she had completed the parent coaching program, but "never got a certificate or anything."

¶ 38 3. Holdings

¶ 39 After hearing closing arguments, the court made its findings, which it divided according to the relevant nine-month time periods. The first relevant time period ran from December 4, 2019 through September 4, 2020. The court found that prior to this period, respondent completed a substance abuse assessment and parenting classes. Respondent finished domestic violence and anger management classes. She participated in random urine drops and only tested positive for marijuana. She engaged in therapy, but did not make progress and was "unsuccessfully discharged from parent observations." The court found that respondent made reasonable progress and efforts during this period and so the State did not meet its burden to show by clear and convincing evidence that respondent was unfit under ground (m) for this period. The court did not address ground (b).

¶ 40 The second period stretched from September 5, 2020 to June 5, 2021. The court found that respondent consistently visited the children and completed a parenting assessment during this period. It was also during this period that the court entered a permanency hearing order with the goal of returning the children home, and gave the agency discretion to allow unsupervised visits. The court found that respondent made reasonable progress during this period and the State again failed to prove ground (m). The court again did not address ground (b).

¶ 41 The third period spanned June 6, 2021 through March 6, 2022.[1] The court noted that respondent had argued that some parents take longer to progress and that difficulty does not indicate lack of effort. The court opined that it was generally willing to keep a goal of returning minors to their home if the parent is willing to repeat services as necessary and

[1] The court did not define or explicitly address this third period, but its range can be surmised based upon the statutory length of the periods and the dates of the second and fourth periods the court defined.

keep trying, but that, in this case, "it appears that the mother became unwilling to engage in services beginning in the fall of 2021, just when the unsupervised visits began." The court noted that respondent's VOA therapist's reports from May 2021 and November 2021 indicated that respondent had attended a total of 12 out of 23 scheduled appointments. The court also noted that even if respondent did not realize that Catholic Charities' was offering therapy services when it called, Smith testified credibly that she contacted respondent in February 2022 to tell her that Catholic Charities was attempting to reach her and that she should call Catholic Charities to sign up for therapy services. The court also took note of respondent's testimony that she felt that she did not need therapy, and that respondent repeatedly enrolled in an NPP and was repeatedly dropped for attendance issues.

¶ 42 The fourth period covered a time period from March 7, 2022 to December 7, 2022. During that period, respondent was unsuccessfully discharged from her NPP and did not attend therapy. The goal for the three eldest children was changed to substitute care pending termination of parental rights.

¶ 43 The fifth period encompassed December 8, 2022 through September 8, 2023 and was largely relevant only to E.J. Respondent did not engage in any NPP classes, despite being offered makeup sessions, did not engage in therapy, and only attended two visits with E.J. each month, despite weekly visits being scheduled.

¶ 44 The court found respondent to be an unfit parent under both subsections (b) and (m) for the final three time periods and continued the case for a hearing to determine the best interests of the children.

¶ 45 B. Best Interests Hearing

¶ 46 A hearing on the children's best interests was held July 26, 2024. The State called Patrick Bovyn, who identified himself as a Child Link caseworker who had been handling the family's case since May 2024. Bovyn testified that A.J. and S.T. had been placed with fictive kin since 2018. Bovyn answered every question about the presence of problematic factors, like abuse and neglect, negatively and every question as to whether they were receiving appropriate care positively. He described the children's bond with their foster parent as "very loving" and noted that they call her "grandma." When Bovyn spoke to the children privately, neither reported any safety issues and both wished to remain in the home, stating that they have been there a long time and are comfortable there. Bovyn confirmed that there was at one time a "hotline investigation" into potential safety concerns for S.T. in the home, but agreed that the agency has no present safety concerns for A.J. and S.T.

¶ 47 Bovyn testified that G.G. and E.J. were both placed in their maternal grandmother's home, where they have been since coming into State custody. Bovyn again had only positive things to say about the home and the children's relationship with their grandmother. Bovyn described the children as having a "very loving bond" with their grandmother and recalled her helping E.J. with homework. Neither G.G. nor E.J. expressed any safety concerns. Bovyn stated that both G.G. and E.J. wished to stay with their grandmother. Bovyn stated that there had been no safety concerns with G.G. and E.J., and he expected that would continue to be the case going forward.

¶ 48 The agency's recommendation was that respondent's parental rights be terminated with respect to all four children and that the foster parents, who had signed the necessary permanent commitment forms, proceed with adoption. The agency believed this would be in the children's best interests "[b]ased on the length of the case, the services from mom that

were completed but rated unsatisfactory, and things – lack of visitation for a long period of time." Bovyn believed that removal from their current foster parents could be traumatic, as bonds had formed. Bovyn had not discussed with either foster parent whether they intended to continue to allow contact between the children and respondent.

¶ 49 On cross-examination, Bovyn confirmed that he has supervised visits between respondent and the children. He described the children as all very happy to see respondent and running to give her a hug. He recalled that "[s]he provide[d] meals for them. They interacted safe and appropriately. They watched videos. They danced and one visit, another visit, she provided a picnic. They sat. They eat. They had good conversation." The children all appeared to love respondent and vice versa. Bovyn was not aware that the maternal grandmother with whom G.G. and E.J. had been placed had her own parental rights with respect to respondent revoked, resulting in respondent being placed in foster care as a child.

¶ 50 Upon questioning by the court, Bovyn stated that he believed A.J. and S.T. were old enough to understand the concept of adoption, but he was uncertain with regard to G.G. He testified that he brought up the matter of adoption with A.J. and S.T. rather than it coming up naturally and, after he explained everything, they both liked the idea of being adopted by their foster parent. Upon further cross-examination, Bovyn agreed that neither A.J. nor S.T. used the word "bonded" during their conversation. Instead, it was something he suggested, and they agreed with him. All four children responded affirmatively when Bovyn asked them if they would like to continue seeing their mother. They were not asked if they wanted to live with their mother.

¶ 51 Respondent testified on her own behalf. She spoke at length about her most recent visits with the children and how much everyone enjoyed them. She stated that she was financially

stable. She briefly spoke about each of her children and described her relationships with each of them as good. Respondent testified that she was in regular contact with A.J. and S.T. through Facebook and video calls, and that their foster parent would allow her to come by and visit any time during an interim period in early 2024 when she thought her case was unassigned. On the other hand, respondent had no contact at all with her biological mother, who is the foster parent for G.G. and E.J. When asked if there was anything more she wanted to say to the court, respondent spoke at length about her love for her children.

¶ 52 Before rendering its decision, the court observed that the eldest children had been court-involved for six years, which was a long time for a child to lack permanency. The court found Bovyn's testimony to be credible and the agency's safety determinations to be credible. The court expressed its frustration with the signs of love and care respondent had shown toward the children as contrasted with her failure to follow through with the steps and learning necessary to reunite the household. The court found that it was in the children's best interests to terminate respondent's parental rights and to appoint a guardian with the right to consent to adoption for all four children. This appeal follows.

¶ 53 II. ANALYSIS

¶ 54 Respondent argues that the State failed to prove by clear and convincing evidence that respondent was an unfit parent on either alleged ground, and that the court erred in finding that termination of respondent's parental rights was in the best interests of the children.

¶ 55 A. Fitness

¶ 56 The first of two steps in the involuntary termination of parental rights is for the State to show at a fitness hearing, "by clear and convincing evidence, that a parent is an unfit person." *In re J.L.*, 236 Ill. 2d 329, 337 (2010); 705 ILCS 405/2-29(2) (West 2022). The

State alleged that respondent was unfit under grounds (b) and (m), as defined above. "In order to reverse a trial court's finding that there was clear and convincing evidence of parental unfitness, the reviewing court must conclude that the trial court's finding was against the manifest weight of the evidence." *In re C.N.*, 196 Ill. 2d 181, 208 (2001). "A finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident." *Id*. "[I]n determining whether a parent has made reasonable progress toward the return of the child, courts are to consider evidence occurring only during the relevant nine-month period mandated in section 1(D)(m)." *In re J.L.*, 236 Ill. 2d at 341. "Failure to make progress during any nine-month period is sufficient to support a finding of unfitness." *In re S.C.-G.*, 2025 IL App (1st) 241168, ¶ 59. Our supreme court, in holding that compliance with service plans is encompassed within the meaning of reasonable progress, opined:

> "[T]he benchmark for measuring a parent's progress under section 1(D)(m) of the Adoption Act must take into account the dynamics of the circumstances involved; the reality that the condition resulting in removal of the child may not be the only, or the most severe, condition which must be addressed before custody of the child can be returned to the parent; the appropriate role of service plans in addressing these conditions; and the overriding concern that a parent's rights to his or her child will not be terminated lightly." *In re C.N.*, 196 Ill. 2d at 216.

¶ 57 Respondent misses the mark in her arguments against the court's unfitness finding under ground (m). She disregards the relevant 9-month time frames entirely, she focuses almost entirely on her successes without full context, and she does not examine her degree of compliance with the relevant service plans.

¶ 58 Respondent cites *In re A.R.* for the proposition that "[t]he pertinent question is not whether [the parent] has successfully completed the services assigned to her; it is whether her efforts in completing these services resulted in 'reasonable progress' toward the return home of [the child]." *In re A.R.*, 2023 IL App (1st) 220700, ¶ 72. However, given context, the point our court was making there was not that compliance with a service plan is unimportant, but that even compliance can be insufficient where, as there, "despite [her] efforts, [the parent] is unable to meet the basic requirements of daily care for [the child]." *Id.*

¶ 59 Here, respondent both failed to comply with the relevant service plans and failed to show reasonable progress toward making the changes that those services sought to effectuate prior to reunification. Respondent's DCFS service plans reflect that, at all times between June 6, 2021, when the first relevant period began, and September 8, 2023, when the last relevant period ended, respondent was to engage in individual therapy. Records show that she attended sessions with a VOA therapist until her last session on October 28, 2021; however, that therapist's last two reports indicate that respondent had made little to no progress during the sessions and had only attended 12 out of 23 scheduled sessions that year. Even if we were to accept as true respondent's testimony that she was unaware that Catholic Charities was attempting to contact her to offer services and her testimony that she tried unsuccessfully to establish a rapport with multiple Pilsen Wellness therapists, that testimony does not justify respondent's lack of engagement with therapy during the rest of the last two periods.

¶ 60 Furthermore, respondent was, during relevant periods, directed to complete parenting classes, parent coaching, and a nurturing parent program. Respondent was repeatedly enrolled in and dropped from the NPP for failure to reliably attend. To the degree she participated in parenting classes and coaching, she exhibited reluctance to listen to her coach

and, while she was able to articulate some of the concepts taught in the courses, agency personnel managing respondent's case and supervising her visits did not see any actual improvement in her parenting methods in practice.

¶ 61 The circuit court gave respondent significant leeway. Caseworkers were concerned about the extent of respondent's marijuana use, despite its recent legality, as well as her refusal to comply with toxicology testing at times. The circuit court explicitly discounted the matter, stating that it would not separate someone from their child over marijuana use. The court agreed with respondent's argument that some people take longer to learn and therefore a lack of progress does not necessarily indicate a lack of effort. That said, even disregarding respondent's seeming failure to translate classes into learning, respondent's efforts to engage in the designated services were lackluster at best during the three periods for which the circuit court found respondent unfit.

¶ 62 Respondent makes much of the fact that she has allegedly had a tendency to show up early for visits. Respondent testified that she no longer uses corporal punishment, and, most concerningly, that the troublesome behavior A.J. exhibited during visits was not respondent's fault. Punctuality and dedication to seeing one's children are positive qualities, but in this instance are not indicative of progress toward the relevant goals here: the specific desired outcomes outlined in the DCFS service plans. The standards articulated by subsection 1(D)(m) are "reasonable efforts to correct the conditions that were the basis for the removal of the child" and "reasonable progress toward the return of the child." 750 ILCS 50/1(D)(m) (West 2022). Neither a lack of punctuality nor a lack of interest in spending time with or parenting her children was ever identified as an area needing improvement for respondent. Even if taken as true, respondent's testimony that she no longer uses corporal punishment in

no way establishes that she has made sufficient progress toward managing her anger and frustration well enough to be fit to parent her children. Lastly, we recognize that respondent's appellate arguments were prepared by her counsel, but we believe it important to point out that the effort to downplay A.J.'s reactions to respondent as typical and not unique to respondent, while entirely leaving out any mention of the agency's concern over respondent's fixation on A.J. and her resultant "taunting" of him throughout visits, is troubling. It both misrepresents the facts of the case and puts the focus on A.J.'s behavior rather than respondent's, which is what is of concern in a fitness proceeding. The root cause of A.J.'s behavior is irrelevant to the question of respondent's fitness. It is respondent's continued poor reactions to A.J., observed across numerous supervised visits, that is relevant. This case entered the courts when respondent beat her two-year-old child with a belt and the court's finding of unfitness resulted from her failure to make the changes DCFS identified as necessary to ensure such a thing did not happen again. The circuit court's unfitness finding was not against the manifest weight of the evidence.

¶ 63 B. Children's Best Interests

¶ 64 The second of the two steps in an involuntary termination of parental rights proceeding is a hearing at which the court "considers the 'best interest' of the child in determining whether parental rights should be terminated." *In re J.L.*, 236 Ill. 2d at 337-38. A circuit court that has found a parent unfit "considers whether the State has shown, by a preponderance of the evidence, that termination of parental rights is in the best interest of the child." *In re S.C.-G*, 2025 IL App (1st) 241168, ¶ 45. We review this decision under a manifest weight of the evidence standard as well. *Id*. ¶ 46. "At a best-interests hearing, the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving

home life." *Id.* ¶ 68. The Juvenile Court Act of 1987 enumerates ten factors that the court is to consider:

> "(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's background and ties, including familial, cultural, and religious; (4) the child's sense of attachments, including love, security, familiarity, and continuity of affection, and the least-disruptive placement alternative; (5) the child's wishes; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parental figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the persons available to care for the child." *Id.*; see 705 ILCS 405/1-3. (West 2022).

¶ 65 Respondent's argument on this point amounts simply to an assertion that respondent loves her children and they love her. The guardian *ad litem*, Dean Bastounes, summed the matter up well at the best interests hearing: "The mother has demonstrated love, in some sense kindness. The kids want to be with their mother. The kids love their mother. None of that mean[s] you can parent." The question of love goes to the fourth factor, but respondent presented no evidence that the children's bond with their mother is stronger than with those currently caring for them, nor did respondent address any of the other nine factors. The first factor, which was the basis for the children's cases becoming court-involved, clearly supports the court's finding. Respondent has presented no evidence to suggest that the children would be safer in her care. Caseworkers expressed no concerns about the children's safety and welfare with their foster parents, yet they have no confidence that respondent's ability to control her anger has improved since she subjected S.T. to physical abuse.

¶ 66 The single potentially concerning matter raised at the best interests hearing is the fact that respondent's mother lost her parental rights to respondent, yet is now fostering G.G. and E.J. This is especially concerning, considering that Bovyn, the caseworker responsible for the case at the time of hearings, was unaware of that fact. That said, G.G. has been with her grandmother for years, and E.J. has been there since shortly after her birth and those more familiar with the grandmother and abreast of the conditions in the home believe it to be a safe and caring home.

¶ 67 Every other indicator suggests that termination of respondent's parental rights to allow for the children to remain with their current foster parents on a permanent basis is in the best interests of the children. All four children are well cared for according to all available reports and testimony, and those of the children who were old enough to understand the matter of adoption expressed their preference to stay in their foster home, where they report being happy and comfortable. Terminating respondent's parental rights and allowing for permanent adoption by those currently caring for the children allows the children a much greater degree of stability and certainty going forward and, notably, does not foreclose the possibility of an ongoing relationship with their mother. Accordingly, the court's conclusion that termination of respondent's parental rights was in the children's best interests was not against the manifest weight of the evidence.

## III. CONCLUSION

¶ 68 For the foregoing reasons, we affirm the circuit court's orders.

¶ 69 Affirmed.