2025 IL App (4th) 250164-U

NO. 4-25-0164

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
June 24, 2025
Carla Bender
4th District Appellate
Court, IL

In re A.C., a minor,	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Peoria County
Petitioner-Appellee,	)	No. 22JA154
v.	)	
Alfred C.,	)	
Respondent-Appellant).	)	Honorable
	)	David A. Brown,
	)	Judge Presiding.

JUSTICE VANCIL delivered the judgment of the court.
Justices Lannerd and Grischow concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, holding that the trial court's finding that respondent was an unfit parent was not against the manifest weight of the evidence.

¶ 2 Respondent, Alfred C., appeals the trial court's order entered on February 3, 2025, finding him unfit and that it was in the best interest of his minor child, A.C., to terminate his parental rights. On appeal, respondent argues that because some of the testimony at his hearing concerned events that occurred outside the relevant nine-month period, the trial court's fitness determination was against the manifest weight of the evidence. Alfred does not contest the court's best interest determination.

¶ 3 For the following reasons, we affirm the trial court's judgment.

¶ 4 I. BACKGROUND

¶ 5 A. Events Leading Up to the Termination of Parental Rights Hearing

¶ 6 On August 22, 2022, the State filed a petition alleging that A.C. was under 18 years of age and neglected in that his environment was injurious to his welfare (705 ILCS 405/2-3(1)(b) (West 2022)). Specifically, the State alleged that (1) the minor's siblings were previously adjudicated neglected, (2) both parents were found unfit and had their parental rights terminated in these prior proceedings, (3) respondent had a long-standing history of anger management problems and untreated mental health issues, and (4) respondent continued to demonstrate problems with his anger management during the minor's hospital stay. After birth, A.C. was in the neonatal intensive care unit due to having complex medical issues. Hospital staff reported that respondent was extremely verbally combative, difficult to deal with, and had a machete on his person, which was removed by security. On the same day the petition was filed, the trial court entered a temporary shelter care order, indicating that the minor was placed in the temporary custody of the Illinois Department of Children and Family Services (DCFS) without objection by the parents.

¶ 7 On October 5, 2022, the trial court entered its adjudicatory order, finding that both parents stipulated to the allegations in the petition and A.C. was neglected, though not as a result of physical abuse inflicted by a parent, guardian, or legal custodian. The court ordered that DCFS prepare a dispositional report and refer services to the parents. In November 2022, DCFS filed its dispositional hearing court report, recommending that respondent follow all the recommendations of his counseling services and engage in the following services: parenting classes, anger management, a psychiatric assessment, individual psychotherapy, and a mental health assessment.

¶ 8 On November 30, 2022, the trial court entered its dispositional order, finding that respondent was unfit based on his prior unfitness and anger management problems. A.C. was made a ward of the court, and the parents were admonished that "they must cooperate with [DCFS], comply with the terms of the service plans, and correct the conditions which require the child to be in care, or risk termination of parental rights." In order to correct the conditions that led to the adjudication/removal of the child, respondent was directed to, among other things, (1) cooperate fully and completely with DCFS, (2) submit to a psychological examination, (3) participate in and successfully complete individual counseling, (4) participate and successfully complete parenting classes and provide proof of his successful completion, (5) obtain and maintain stable housing conducive to the safe and healthy rearing of A.C., (6) use best efforts to obtain/maintain a legal source of income, (7) visit with A.C. and demonstrate appropriate parenting, and (8) complete anger management classes.

¶ 9 In March 2024, the State filed its petition for termination of parental rights. In count III, it alleged that respondent was unfit pursuant to section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2022)) in that he failed to make reasonable progress toward A.C.'s return during any nine-month period following the adjudication of neglect. In count IV, the State alleged that respondent was unfit pursuant to section 1(D)(b) of the Adoption Act (*id.* § 1(D)(b)) in that he failed to maintain a reasonable degree of interest, concern, or responsibility as to the minor's welfare.

¶ 10 In October 2024, A.C.'s mother, respondent's wife, passed away.

¶ 11 B. Termination of Parental Rights Hearing

¶ 12 On February 3, 2025, the trial court held a hearing on the State's petition for termination of parental rights. The State began by calling the DCFS caseworker. The caseworker

testified that she was employed by DCFS for almost two years as a child welfare specialist or caseworker. She stated that her job entailed helping provide permanency for children once they were taken into care. She testified that she was the current caseworker for A.C. and worked on his case for roughly two years, including the relevant nine-month period.

¶ 13 The caseworker then testified that respondent's home did not pass a safety check during the nine-month period. She noted several issues with smoke detectors and fire extinguishers, as well as sagging flooring. There were also "cosmetic things" respondent assured her he would take care of but were never addressed. She added that because the issues were never addressed, she was never able to do a secondary inspection. The State then asked her if there were issues persisting at the present time that prevented A.C. from returning home. The caseworker responded that respondent was evicted from his home and was staying with friends at an unknown location. On cross-examination, the minor's guardian *ad litem* (GAL) asked follow-up questions regarding respondent's current living situation.

¶ 14 The State then asked about respondent's parent-child visitations. The caseworker testified that there had been problems with visits, including respondent missing visits. The caseworker stated that respondent would frequently cancel visits for minor conflicts on the day of the visit or the day before. The caseworker explained that these minor conflicts would be things such as afternoon doctor appointments or having to pay bills. The caseworker recalled that respondent would blame the bus schedule. As respondent traveled by bus, he would have to start traveling to his afternoon appointments earlier and would have to cancel his visits. The caseworker also testified that when respondent would cancel, he would rarely provide any written documentation of his conflicts. She estimated that respondent probably attended 80% of his visits.

¶ 15 The State later asked the caseworker if she ever offered respondent a ride to appointments so that he could make his visits. She responded that she never offered to give respondent a ride personally, but a case aide had in the past. She also testified that DCFS provided respondent with information about arranging transportation. DCFS also provided respondent's late wife with bus passes.

¶ 16 Next, the State asked about respondent's service requirements. The caseworker testified that respondent was required to complete a mental health assessment, counseling, and parenting classes. Respondent was also directed to complete a parenting capacity assessment; however, due to being placed on the waiting list, he was asked to work with a parenting coach individually while waiting. Eventually, respondent completed a psychological evaluation, but he did not complete his parenting capacity assessment. When asked why respondent did not finish his parenting capacity assessment, the caseworker testified that shortly before his assessment, he was arrested with charges of having a knife on a bus. When DFCS spoke with respondent about this incident and informed him that he could not bring weapons to the office or to any visits or services, he refused to agree and insisted he was innocent. Due to all of this, respondent was refused his assessment. The caseworker explained that the charges relating to this were ultimately dismissed.

¶ 17 The caseworker then testified that respondent was uncooperative and argumentative with her. She explained that respondent was engaged at Crittenton Center for parenting coaching but was discharged for failure to cooperate and be appropriate. He was also aggressive with the staff. Afterwards, he reached out to reenroll in those services. The caseworker contacted his parenting coach and her supervisor to inquire about this. They informed the caseworker that they "didn't feel that any changes had been made and there would

still be no progress," so they denied his request. The caseworker testified that respondent's behavior at Crittenton Center was similar to her experience working with him.

¶ 18 The State also asked the caseworker whether she felt that respondent was a return-home option at the end of the relevant nine-month period. She responded no, as he was uncooperative, aggressive, and argumentative with those offering him services. She reiterated that "everything that we discuss, there's an argument" and that respondent "would rather argue a point than move forward and come to *** a common goal to do what's best for [A.C.]" The caseworker further testified that she and her supervisor had to have conversations with respondent regarding his hygiene. They discussed what was appropriate for visits, how he needed to shower, and how to ask for help if he needed assistance. On cross-examination by the GAL, the caseworker testified that respondent's hygiene was a concern.

¶ 19 The caseworker testified to respondent's remaining services he had left to complete. Regarding his counseling, the caseworker testified that contacting his counselor for updates was difficult. Therefore, she was unsure of how his counseling was progressing. Regarding other services, the caseworker testified that he needed to complete parenting coaching or get his parenting capacity assessment completed and acquire stable housing. On cross-examination by the GAL, the caseworker stated respondent had conflicts with all of the service providers, the caseworker herself, her supervisor, and the case aides. She testified that this behavior was a major concern. She was also concerned that if respondent could not care for his own hygiene, then his capability to care for the child's hygiene was in question.

¶ 20 The GAL also asked the caseworker about whether respondent provided food during the visits. The caseworker testified that when respondent was asked to bring snacks or food to a visit, he did not, and at times, visits would be canceled because he brought nothing. On

occasion, when respondent did bring food, it would be food that was not appropriately prepared for a child or expired. At one visit, the case aid asked respondent to clean his hands before preparing food and also asked him to sign an agreement regarding no cell phone usage during visits.

¶ 21 Respondent then took the stand. He testified that he frequently had scheduling conflicts between his doctor's appointments, his wife's doctor's appointments, and his parent-child visits. Seemingly, the parties in this case were unaware of respondent's health issues. He corroborated this when he testified that he kept his medical issues to himself and did not tell the caseworker. He also testified that he has intermittent explosive disorder and that he was addressing this in his counseling sessions. He also testified to his housing situation and stated that he was seeking stable housing. He also recalled having a knife in a diaper bag at a visit but testified that he did not do so intentionally.

¶ 22 Respondent's counsel offered closing remarks. The GAL stated that she believed count III to be proven but not count IV. The State offered its closing argument and asked the trial court to find respondent unfit as to both counts III and IV. Ultimately, the trial court found that the State did not prove count IV but found that it met its burden as to count III. The court noted respondent's unstable living situation, including his eviction, his financial situation, his mental health issues, and his previous entanglements with possession of weapons. The court then moved to the best interest hearing, at which it found that termination was in the best interest of the minor.

¶ 23 II. ANALYSIS

¶ 24 To terminate parental rights, the State must prove that a parent is unfit by clear and convincing evidence. *In re Dar. H.*, 2023 IL App (4th) 230509, ¶ 53. Unfitness is defined by

section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2022)). Specifically, section 1(D)(m)(ii) of the Adoption Act states that unfitness includes the failure by a parent to "make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected or abused minor." *Id.* § 1(D)(m)(ii). "Reasonable progress is an objective review of the steps the parent has taken toward the goal of reunification and examines the demonstrability and quality of those steps." *Dar. H.*, 2023 IL App (4th) 230509, ¶ 53. Furthermore, "[r]easonable progress exists when the trial court can conclude that, in the near future, it will be able to order the children returned to parental custody." *Id.* This determination of parental unfitness involves factual findings and credibility determinations that the trial court is in the best position to make, and as such, a trial court's finding is given great deference and will not be reversed unless it is against the manifest weight of the evidence. *Id.* ¶ 54. A trial court's determination is against the manifest weight of the evidence when the opposite conclusion is clearly apparent. *Id.*

¶ 25 Respondent contends that the trial court's fitness determination was against the manifest weight of the evidence because the State provided testimony regarding facts outside the relevant nine-month period. The parties agree that this relevant period was from April 2023 to January 2024. When determining whether a parent has made reasonable progress toward the return of the child, courts may only consider evidence occurring during the relevant nine-month period as mandated in section 1(D)(m)(ii) (750 ILCS 50/1(D)(m)(ii) (West 2022)); see also *In re J.L.*, 236 Ill. 2d 329, 341 (2010).

¶ 26 First, respondent argues that the caseworker's testimony regarding his housing situation, specifically, that he was evicted and was living with friends, was impermissible. This event appears to have taken place beyond the nine-month period, as there is no evidence

indicating it occurred within that time frame. Respondent also contests the trial court's consideration of his arrest, which also lacks evidence indicating that it occurred within the nine-month period. In its ruling, the trial court referenced other situations where respondent displayed poor decision-making by bringing weapons to public places. These situations included bringing a machete to the hospital at the child's birth and having a knife in the baby's diaper bag at a visit, both of which were not shown to have occurred inside the relevant nine-month period.

¶ 27 Respondent is correct that this testimony should not have been considered. We note that much of the questioning and testimony from both the State and respondent concerned facts seemingly outside the nine-month period and no party objected. Although the trial court considered this evidence, it does not mean that its ultimate finding was against the manifest weight of the evidence. "A parent's rights may be terminated if even a single alleged ground for unfitness is supported by clear and convincing evidence." (Internal quotation marks omitted.) *In re M.I.*, 2016 IL 120232, ¶ 43. Furthermore, the appellate court may affirm on any basis appearing in the record, regardless of whether the trial court relied on that basis. *In re Nevaeh R.*, 2017 IL App (2d) 170229, ¶ 24. After reviewing the record before us, and despite any consideration of evidence from outside the relevant nine-month period, we cannot say that the trial court's ultimate determination was against the manifest weight of the evidence, or, in other words, we cannot say the opposite conclusion is clearly apparent.

¶ 28 First, the caseworker testified that during the relevant nine-month period, respondent's home failed to pass a home safety inspection. The caseworker testified that there were various issues he failed to address. Some of the issues the caseworker testified to included sagging floors, problems with smoke detectors and fire extinguishers, and "other cosmetic things." The caseworker added that because the problems were never addressed, her office could

not do a secondary inspection. Second, respondent's history regarding his parent-child visitations reflected a lack of reasonable progress. The caseworker testified that respondent would frequently cancel visits, typically at the last minute, which respondent did not contest. She explained that usually the morning visits would be canceled because respondent had afternoon appointments that he might miss, as he was traveling by bus. The caseworker further testified that a case aide offered to help him with travel and DCFS provided him with information regarding transportation assistance. The caseworker added that when respondent canceled, he would rarely provide documentation of his conflict. Additionally, the caseworker testified that respondent required guidance on his hygiene. She also stated that he frequently neglected to bring appropriate food to visits and when food was provided, it was often inappropriate or past its expiration date. On one occasion, respondent was asked to clean his hands before handling food and asked to limit his cell phone use during meetings.

¶ 29 Regarding services, the caseworker testified that respondent was required to complete a mental health assessment, counseling, and parenting classes. She acknowledged that he completed the mental health assessment, but he had not yet completed his parenting capacity assessment. The caseworker testified that respondent was uncooperative and very argumentative, arguing about the services, meetings, parenting coach, and house safety checks. When asked if the caseworker felt that respondent was a "return-home option" at the end of the nine-month period, the caseworker responded no. She explained that this was based on respondent's uncooperative, aggressive behavior. The caseworker further testified that respondent had conflicts with all of his service providers, case aides, the caseworker herself, and her supervisor.

¶ 30 A.C.'s GAL stated that the State met its burden in this case. She noted that respondent did not complete all of his required services and although he was improving, he had

not demonstrated that this improvement had enhanced his ability to parent. The GAL also cited to respondent's failure to complete a parenting capacity assessment, care for himself, and ensure he had safe and stable housing.

¶ 31 "There is a distinct difference between reasonable efforts and reasonable progress." *In re A.R.*, 2023 IL App (1st) 220700, ¶ 72. The pertinent question is not whether a parent has successfully completed the services assigned to him; it is whether those efforts in completing the services resulted in reasonable progress toward the return home of the child. *Id.* Furthermore, the benchmark for measuring a parent's progress toward the return of the child under section 1(D)(m)(ii) of the Adoption Act encompasses a parent's compliance with service plans and court directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later become known and which would prevent the court from returning custody to the parent. *In re C.N.*, 196 Ill. 2d 181, 216-17 (2001).

¶ 32 The petition initializing this case alleged that A.C. came into DCFS's care due to (1) the minor's siblings already having been adjudicated neglected, (2) respondent already having been declared unfit in previous termination cases, (3) respondent having a long-standing history of anger management problems, and (4) respondent continuing to demonstrate problems with his anger management during A.C.'s birth, where respondent was "extremely verbally combative" and difficult to work with, and hospital security removed a machete from him. Here, where sufficient evidence was presented that within the relevant nine-month period, respondent failed to address issues with his home's safety and stability, engage in and improve his visits with A.C., and demonstrate satisfactory engagement with the recommended programs, and he had not made progress toward the goal of returning his child home in light of the reasons the child was initially brought into care. We find the trial court's determination that he failed to

make reasonable progress within the nine-month period was not against the manifest weight of the evidence.

¶ 33 III. CONCLUSION

¶ 34 In sum, although the trial court considered some improper evidence from outside the statutorily relevant nine-month period, we find its ruling was not against the manifest weight of the evidence.

¶ 35 Affirmed.