2024 IL App (4th) 240578-U

NOS. 4-24-0578, 4-24-0579, 4-24-0581 cons.

FILED
September 16, 2024
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re L.H., a Minor	)	Appeal from the
(The People of the State of Illinois,	)	Circuit Court of
Petitioner-Appellee,	)	Sangamon County
v. (4-24-0578)	)	No. 18JA18
Larry W.,	)	
Respondent-Appellant).	)	
	)	
In re A.W., a Minor	)	No. 18JA19
(The People of the State of Illinois,	)	
Petitioner-Appellee,	)	
v. (4-24-0579)	)	
Larry W.,	)	
Respondent-Appellant).	)	
	)	
In re L.W., a Minor	)	No. 18JA20
(The People of the State of Illinois,	)	
Petitioner-Appellee,	)	
v. (4-24-0581)	)	Honorable
Larry W.,	)	Karen S. Tharp,
Respondent-Appellant).	)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Justices Steigmann and Knecht concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err in finding respondent unfit and that it was in his children's best interests to terminate his parental rights.

¶ 2 Respondent, Larry W., appeals the trial court's termination of his parental rights to his three children. He argues the court erred in finding him unfit and that termination of his parental

rights was in his children's best interests. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Respondent and Erica H. are the parents of L.H. (born July 2009), A.W. (born May 2011), and L.W. (born September 2016). In January 2018, while the minors were in Erica's care, the Illinois Department of Children and Family Services (DCFS) received a report that another child of Erica's, the minors' older half-brother, refused to get off the school bus and return home and asserted that Erica was physically abusing him and his siblings. The same month, the State filed petitions for adjudication of wardship (Sangamon County case Nos. 22-JA-18, 22-JA-19, and 22-JA-20), alleging L.H., A.W., and L.W. were neglected and abused.

¶ 5 In June 2018, the trial court entered an adjudicatory order, finding L.H., A.W., and L.W. were abused after Erica admitted allegations that the minors were physically abused and that she had inflicted excessive corporal punishment upon them. In July 2018, the court entered a dispositional order, making the minors wards of the court and placing them in the custody and guardianship of DCFS. The court's written orders showed respondent appeared for both the adjudicatory and dispositional hearings and that the court "admonished the parents that they must cooperate with DCFS, comply with the terms of the service plan, and correct conditions that required the minor[s] to be in care, or risk termination of their parental rights." In September 2020, Erica signed final and irrevocable consents for adoption as to all three minors and was excused from the underlying cases.

¶ 6 In March 2021, the State filed petitions to terminate respondent's parental rights to all three minors. It alleged respondent was unfit to parent the minors based on his failure to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare pursuant to section 1(D)(*l*) of the Adoption Act (750 ILCS 50/1(D)(*l*) (West 2020)). The State also

alleged that respondent failed to make reasonable efforts to correct the conditions that were the basis for the removal of the minors from his care within three separate nine-month periods following adjudication: (1) June 28, 2018, to March 28, 2019; (2) March 28, 2019, to December 28, 2019; and (3) December 28, 2019, to September 28, 2020, pursuant to section 1(D)(m)(i) of the Adoption Act (*id.* § 1(D)(m)(i)). It further alleged that respondent failed to make reasonable progress toward the minors' return to his care during those same three nine-month periods. Finally, the State alleged that termination of respondent's parental rights was in the minors' best interests.

¶ 7 The record reflects the State twice supplemented its allegations that respondent was unfit. Specifically, in April 2022, it filed supplemental petitions for termination of respondent's parental rights in each minor's case, alleging that respondent failed to make reasonable efforts or reasonable progress within the additional nine-month periods of (1) September 28, 2020, to June 28, 2021, and (2) June 28, 2021, to March 28, 2022. In December 2023, it filed second supplemental motions for termination of respondent's parental rights, alleging respondent failed to make reasonable efforts or reasonable progress from (1) March 28, 2022, to December 28, 2022, and (2) December 28, 2022, to September 28, 2023.

¶ 8 In January and February 2024, the trial court conducted fitness hearings in the matter. At the State's request, and without objection, the court took judicial notice of the June 2018 adjudicatory order, the July 2018 dispositional order, and all other orders entered in the minors' cases. The State further presented testimony from several witnesses who were employed by Lutheran Child and Family Services (LCFS) and involved with the minors' cases and an exhibit that contained service plans dated from January 9, 2019, to July 14, 2023.

¶ 9 Alec Johnson testified he worked for LCFS as a child welfare specialist and, beginning in spring 2018, he was the minors' caseworker for "no longer than a year." After

respondent reached out to LCFS and stated he wanted to be a part of the minors' cases, Johnson scheduled an integrated assessment for respondent, which also occurred sometime in spring 2018. Following the integrated assessment, Johnson established a service plan for respondent that required him to cooperate with LCFS and included parenting, substance abuse, and mental health services. Johnson stated substance abuse services were an important part of respondent's service plan because respondent admitted "that he frequently used cocaine."

¶ 10 Johnson testified respondent's "cooperation ceased" after he completed the integrated assessment. Johnson tried to reach out to respondent multiple times and tried to schedule services. However, respondent did not answer the phone, did not reach out to Johnson, and did not engage in any services. Johnson also visited a physical address for respondent that was discovered through a criminal background search, but he "would not get any answers when [he] would go" to that address.

¶ 11 Johnson testified that although respondent requested visitation with L.H., A.W., and L.W. when the two first met, respondent did not have any actual visits with the minors while Johnson was their caseworker. Johnson testified there had to be "cooperation of services before" visitation could occur. Ultimately, Johnson had no contact with respondent after the integrated assessment and, while he was involved with the minors' cases, respondent did not engage in any services and did not make any progress with his services.

¶ 12 Tyler Lobmaster testified he worked for LCFS from 2018 to 2020 and, for a brief period "between 2018 and 2019," was assigned to the minors' cases. While he was the caseworker, he had no contact with respondent and did not recall respondent engaging in any services, making any progress with respect to his services, or cooperating with LCFS.

¶ 13 Mary Sexton testified she worked for LCFS as a child welfare supervisor and was

involved with the minors' cases from December 2019 to October 2022. She recalled that respondent's services included housing, visitation, parenting, mental health, substance abuse, and domestic violence. When she began supervising the minors' cases, respondent "was not involved in the case at all." Sexton asserted that caseworkers made monthly efforts to contact respondent by going to an address and calling phone numbers that they "had on file" for him. LCFS's efforts to contact respondent were unsuccessful, and respondent never provided "verification" of his legal address. However, she stated respondent did contact LCFS in spring of 2021, stating "he wanted to have contact with his children."

¶ 14 After respondent contacted LCFS in 2021, parenting services were set up through The Parent Place. Sexton testified respondent was unsuccessful with his first attempt at parenting services "due to missing more than two classes." A second referral for those services was also made but, again, respondent was unsuccessful. Respondent did not complete parenting services while Sexton was the minors' case supervisor. Sexton testified respondent also failed to complete domestic violence services. In January 2021, she made a referral to Aware for such services, but Aware was unable to contact respondent.

¶ 15 In March 2021, respondent completed a mental health assessment, following which no further mental health services were recommended. With respect to substance abuse services, LCFS referred respondent for outpatient services through the Family Guidance Center and required respondent to complete "screening and toxicology drops." Sexton testified that in late 2021, respondent was "not engaging well at services at the Family Guidance Center" by missing classes and not completing outpatient substance abuse services until June 2, 2022. Respondent also cooperated with "toxicology random drops." Sexton asserted that respondent "had a few drops come back positive for [tetrahydrocannabinol (THC)]" and, in approximately September 2021, he

tested positive for cocaine.

¶ 16 Sexton further testified respondent had monthly visitation with the minors while she was the supervisor, but his visitation was not consistent. Initially, visits were supervised by the minors' foster parents, who reported that respondent would not show up for some visits or that he would appear to be "under the influence." Following those reports, visitation was supervised by an LCFS case aide. Sexton stated respondent's engagement with visitation continued to be inconsistent and there were times that he would not show up. The case aide also "reported that the kids were not interacting well with [respondent] during visits."

¶ 17 Finally, Taylor Wilkins testified she worked for LCFS and was a supervisor for the minors' cases for four months, from June to October 2021, and then again from January 2023 through the date of the fitness hearing. When she initially supervised the case in 2021, she had little contact with respondent until September 2021. At a permanency hearing that month, she spoke with respondent about his services, and he reported being concerned about "communication with the case[ ]worker." Wilkins testified she took over communication with respondent and referred him for services that he was not already in or that he had been dropped from. In particular, she referred him for domestic violence and parenting services. Wilkins testified that it was her understanding that although a referral for domestic violence services had been previously completed for respondent, "the previous supervisor never turned it in." Under such circumstances, respondent would have been unable to engage in that particular service.

¶ 18 Wilkins testified that in September 2021, she also received a progress report regarding respondent's participation in substance abuse services. She noted that respondent had undergone drug drops and tested positive for cocaine on one occasion in approximately June 2021. Respondent also tested positive for THC, which LCFS did not consider to be a "dirty drop." On

another occasion at the end of August or the beginning of September 2021, respondent refused a drug drop. The progress report also showed that respondent initially participated "very well" with substance abuse services at the Family Guidance Center, "but then he started to slack off in group."

¶ 19 According to Wilkins, while she supervised the minors' cases in 2021, respondent was offered weekly visitations that were supervised by the foster parents at their residence. She characterized respondent's engagement with visitation as "sporadic" and stated that the foster parents reported that respondent would show up late to visits, not show up, or leave visits early. Eventually, the foster parents requested that LCFS take over supervising visits because respondent kept showing up late or not showing up at all. Wilkins recalled that from June 2021 to the beginning of October 2021, respondent left three visits early and was late for two visits.

¶ 20 According to Wilkins, respondent did not complete his parenting classes until June 2023 or the Aware program for his domestic violence services until September 2023. She believed his last visit with the minors occurred in November 2021, stating the minors told their caseworker that they did not want to have visits with respondent. Wilkins indicated LCFS would allow minors to choose not to visit with a parent if they were "old enough to speak and know what they want." She agreed that at the time of the hearing, L.H. was 14 years old, A.W. was 12 years old, and L.W. was 7 years old.

¶ 21 As part of his case, respondent presented testimony from Haileigh Rife, an LCFS case manager who was assigned to the minors' cases beginning in October 2022. Rife stated she provided respondent with service plans and that by June or September 2023, respondent had completed all the services that had been asked of him, including domestic violence, substance abuse, parenting, cooperation, and anger management. Although respondent had "once or twice" expressed to Rife a desire to engage in visitation with the minors, he did not have visitations with

them because the minors "refuse[d] to visit." Rife stated she spoke with the minors and offered to have the visits "out in the community" while doing things that might interest them. However, the minors persisted in their refusal of visitation without providing a reason.

¶ 22 Rife asserted LCFS continued to have concerns about respondent's ability to care for the minors due to his lack of visitation and inability to provide adequate housing, "as well as employment." Rife noted that in August 2023, she received a verification of respondent's employment with Fuyao Glass America (Fuyao Glass). However, he was currently "out on a work accident." Prior to working at Fuyao Glass, respondent reported "that he owned a foods truck and a hair store." However, he never provided verification of ownership for those businesses. Rife also testified that respondent had failed to appear for "quite a few" toxicology screens. Specifically, between July 2023 and September 2023, he attended two toxicology screens but failed to appear at six.

¶ 23 At the fitness hearing, respondent also testified on his own behalf. He asserted he did not get a service plan until 2021 and that he had several different caseworkers over the life of the case. Respondent recalled being in contact with LCFS in 2019 or 2020, but he admitted there was a time when he "was slacking a lot" because he "had a lot going on in [his] life." With respect to services, respondent also admitted there were times he failed to complete services due to his lack of attendance. Ultimately, he completed both his domestic violence and parenting services in 2023. Respondent testified he had also completed substance abuse services. He acknowledged having a "bad drop" that was positive for cocaine but suggested he "never in [his] life ever did cocaine" and that the positive drop could have been the result of smoking marijuana that had been "lace[d]."

¶ 24 With respect to housing, respondent maintained that he had lived with his mother

at her house throughout the life of the minors' cases. Since August 14, 2023, he worked at Fuyao Glass, but he was currently on medical leave. Before working for Fuyao Glass, he did "private contracting, doing construction work, carpenter work." In 2021 and 2022, he worked at his fiancée's beauty supply store from time to time and owned a food truck called Fat Belly's Grub, which he stopped operating due to not having a "food handlers" certification. Respondent testified that when the minors' cases were initiated in 2018, he worked at Obed and Isaac's and did "building maintenance for King rentals."

¶ 25 Respondent explained that one of the reasons he did not complete his services sooner was because, when he first got his services, the wrong date was on the paperwork and he "felt like [he] was getting railroaded." Additionally, he was expecting the birth of another child, and in 2019, twins were born prematurely. Respondent maintained he had "a lot on [his] plate," suffered from depression, and "felt like just giving up." He also testified that because the minors were his children, he felt he "shouldn't have to put up too much of a fight and really didn't take the service plan seriously."

¶ 26 Regarding visitation, respondent asserted that when the minors' cases were initiated, there was "no type of stipulation on visitation." When the minors were in their first placement with Erica's sister, Shaniqua, he would visit often, interact with the minors, bring them gifts, and take them on outings. When the minors were moved to their current foster care placement with a different maternal aunt, he had supervised visits once a week for two hours. Respondent described the visits as initially "going great" or "going fine," until "out of the blue," the foster mother no longer wanted visits at her home. Visits were then supervised by LCFS at their office. Respondent stated the visits went well and he would call to let someone know if he was going to be late. He denied ever cutting a visit short. Respondent testified his last visit with the minors

occurred on March 26, 2022, and, after that date, the minors no longer wanted visits. Respondent testified he communicated with the minors through text messages, and they indicated they did not know why visits were not occurring and that they did not think their foster mother would let them visit with respondent. The last time respondent spoke with the minors by phone was during the 2023 holiday season.

¶ 27 The trial court found respondent unfit as alleged by the State in its original and first supplemental petitions to terminate parental rights. The court stated it had looked through the court orders in the case, of which it took judicial notice, taking note of who the caseworkers were at the time of each order and whether respondent was present in court. It found that the testimony in the case showed respondent "was having no contact, not engaging with caseworkers, not engaging in services from the time that the case opened pretty much until 2021." The court determined the testimony was corroborated by the court orders, which showed that although respondent was present for the June 2018 adjudication and the July 2018 dispositional hearings, he failed to appear at permanency hearings in the cases from October 2018 through July 2020. It noted respondent was not present again in court until December 2020. The court further found the testimony at the hearing was corroborated by the service plans submitted into evidence by the State, which showed that once respondent began having contact with LCFS in 2021, he was dropped from services for a lack of engagement, failed to appear for drug drops, and did not complete the required services until 2023.

¶ 28 The trial court determined respondent clearly did not make reasonable efforts or progress in the matter for five of the nine-month periods alleged by the State, which spanned from June 2018 to March 2022. It also found respondent's actions in "[w]aiting that long" to engage in and complete his services showed a lack of interest, concern, and responsibility as to the minors'

welfare.

¶ 29 In February and March 2024, the trial court conducted best-interests hearings. At the State's request, the court took judicial notice of the testimony provided at the fitness hearing. The State also called Rife, the minors' current caseworker, as a witness. Rife testified that since February 2020, the minors resided in a foster home with their maternal aunt and uncle and their three cousins. She testified the minors' needs were being met in the home and the minors had "a really good bond" with their foster family. Rife testified the minors felt comfortable, safe, and loved in the home. They referred to their foster parents as their aunt and uncle, and the two oldest minors—L.H., who was 14 years old, and A.W., who was 12 years old—had expressed a desire to be adopted. The foster parents also wanted to adopt all three minors.

¶ 30 Rife further stated that although respondent had recently completed his services, she did not believe he was in a position to be the minors' primary caregiver. Rife stated respondent had not been able to provide adequate housing or job stability. Also, the minors had not expressed any desire to be around respondent or talk to him, and she had not been able to observe respondent apply any of the skills that he should have learned through his services. Rife testified the minors were given the option of having visits with respondent while getting their hair or nails done, going to Sky Zone or Chuck E. Cheese, or going shopping, but they declined every option.

¶ 31 Rife also asked the minors questions to determine whether their foster parents "were at all impeding any visitation with [respondent]." Specifically, she asked the minors if their foster parents would be mad if they visited with respondent or if they were told they could not visit with respondent, and the minors responded, "No." From her own observations, Rife did not believe the foster parents had ever done anything to prevent visitation.

¶ 32 Rife testified that respondent's last visit with the minors was prior to her

involvement with the case in October 2022. However, she was aware that respondent "was texting the [minors] and they would respond occasionally." Rife stated she had no knowledge of respondent ever providing gifts to the minors on their birthdays. She opined it was in the minors' bests interests to remain with their foster parents because they had stability in the home, they were very bonded to the other children in the home, and the foster parents provided them with emotional and educational support.

¶ 33 On cross-examination, Rife testified that the minors referred to respondent as "dad." She stated that when the minors refused visits with respondent, they did not provide reasons for their refusal. Rife testified she was also aware of an "indicated finding" in September 2023 against the foster parents' daycare for "cuts, welts, and bruises" on "[o]ne of their daycare kids." Rife asserted that despite the indicated finding, she was not concerned about the minors remaining in the foster parents' care. She stated she had not observed any signs of abuse or neglect with respect to the minors, they had not disclosed any abuse or neglect, they reported that they felt safe in the home, and there had been "no prior concerns" about the placement. Rife also testified that LCFS was "monitoring the situation with the appeal," spoke with the foster parents about the situation, and interviewed all three minors. LCFS continued to deem the foster parents' house a safe and appropriate placement for the minors.

¶ 34 Rife testified respondent reported that he lived with his mother. That home was inspected and found not "suitable for kids." Specifically, Rife testified the bedroom identified as the minors' bedroom was cluttered, the home had no working smoke detector, there were "alcohol bottles that were not locked up and on the floor near the bedrooms," and cleaning supplies in the home were not locked up. She agreed, however, that the home could easily be made suitable. Finally, Rife testified the foster parents had expressed that they were open to allowing a

relationship between the minors and respondent, even if respondent's parental rights were terminated.

¶ 35 Respondent testified on his own behalf that until 2022, he had good relationships with the minors and that they enjoyed spending time with him and being around him. In April 2022, visitations ended, and he was told that the minors wanted "nothin' to do with [him]." Respondent stated he had known the minors' foster parents for most of his life and had a good relationship with them. However, the relationship soured when they began caring for the minors and respondent went to their home unannounced. Respondent believed the minors had been "manipulated" into refusing visitation.

¶ 36 Respondent further testified that he had been willing to agree to a guardianship because he believed the foster parents' home "was a good placement." However, he was against adoption because he still wanted to be an active parent in the minors' lives. Respondent did not believe the foster parents would allow him to be part of the minors' lives if his parental rights were terminated. Additionally, it was his understanding that the foster parents rejected the idea of establishing a guardianship due to concerns about his lack of "[c]onsistency." Respondent stated that although there was "some slacking" on his part, he had multiple children and could not "focus on those three." He testified that he believed the children were safe with their foster parents and that their needs were being met. Respondent also asserted that he had the financial ability to care for the minors, stating that although he was injured at work, he still had his job and received a financial settlement that would provide him weekly payments for the foreseeable future.

¶ 37 Ultimately, the trial court determined that termination of respondent's parental rights was in the minors' best interests. In reaching its decision, the court pointed out that the minors had "spent a huge part of their life outside of the care of their parents," noting they had

been in foster care for six years and in their current foster home for four years. The court found that the minors were placed with family, their needs were being met within the home, they had a bond with the individuals in the home, and the oldest minors stated they wanted to be adopted. It stated the minors had lingered too long in the system, needed permanence, and that the foster parents were willing to adopt them.

¶ 38 This appeal followed.

¶ 39 II. ANALYSIS

¶ 40 A. Accelerated Appeal Filing Deadline

¶ 41 Initially, we note that this is an accelerated appeal under Illinois Supreme Court Rule 311 (eff. July 1, 2018). Pursuant to that rule, this court is required to issue decisions in accelerated cases within 150 days after the filing of a notice of appeal, except for good cause shown. Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2018). Here, that deadline has passed, as more than 150 days have elapsed since the filing of respondent's notice of appeal. (The record reflects respondent's notice of appeal was filed on March 28, 2024, and this court's disposition was due to be filed by August 26, 2024.) However, while the matter was pending on appeal, this court granted respondent's requests for a 21-day continuance to file a docketing statement and a 30-day extension for the filing of his appellant's brief. Given these circumstances, we find good cause exists for exceeding the 150-day deadline.

¶ 42 B. Termination of Parental Rights

¶ 43 On appeal, respondent challenges the trial court's termination of his parental rights to L.H., A.W., and L.W. He argues that both the court's finding that he was unfit and that termination was in the minors' best interests were against the manifest weight of the evidence.

¶ 44 1. *Fitness*

¶ 45 Pursuant to the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-29(2) (West 2022)), a trial court may terminate parental rights where it finds, by clear and convincing evidence, that a parent is unfit based on the grounds set forth in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2022)) and termination is in the minor's best interest. *In re M.I.*, 2016 IL 120232, ¶ 20, 77 N.E.3d 69. On review, the court's determination that a parent is unfit will not be disturbed unless it is against the manifest weight of the evidence. *Id.* ¶ 21. A court's decision "is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent." (Internal quotation marks omitted.) *Id.*

¶ 46 In this case, the trial court determined respondent was unfit based upon the State's allegations in its original and first supplemental petitions to terminate. Specifically, the court determined respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare and that he failed to make both (1) reasonable efforts to correct the conditions that were the basis for the minors' removal from his care and (2) reasonable progress toward the minors' return to his care within five continuous but separate nine-month periods following adjudication: (i) June 28, 2018, to March 28, 2019; (ii) March 28, 2019, to December 28, 2019; (iii) December 28, 2019, to September 28, 2020; (iv) September 28, 2020, to June 28, 2021; and (v) June 28, 2021, to March 28, 2022. Although the court found respondent unfit on several bases, we need only consider whether any single ground of unfitness was sufficiently proven. See *In re Donald A.G.*, 221 Ill. 2d 234, 244, 850 N.E.2d 172, 177 (2006) ("Although section 1(D) of the Adoption Act sets forth numerous grounds under which a parent may be deemed 'unfit,' any one ground, properly proven, is sufficient to enter a finding of unfitness."); *In re Gwynne P.*, 215 Ill. 2d 340, 349, 830 N.E.2d 508, 514 (2005) ("A parent's rights may be terminated if even a single alleged ground for unfitness is supported by clear and convincing

evidence.").

¶ 47 Here, the evidence overwhelmingly demonstrates respondent's failure to make reasonable progress during the alleged nine-month time frames. We confine our analysis to that statutory unfitness ground.

¶ 48 Under section 1(D)(m)(ii) of the Adoption Act, a finding of parental unfitness may be based on a parent's failure "to make reasonable progress toward the return of the child to the parent during any [nine]-month period following the [abuse] adjudication." 750 ILCS 50/1(D)(m)(ii) (West 2022). In determining whether reasonable progress has been made, courts should consider only evidence occurring within the relevant nine-month period. *In re J.L.*, 236 Ill. 2d 329, 341, 924 N.E.2d 961, 968 (2010); see *In re Je. A.*, 2019 IL App (1st) 190467, ¶ 72, 144 N.E.3d 582 (stating evidence of the completion of services outside the nine-month time frame is irrelevant to an analysis of unfitness under section 1(D)(m)).

¶ 49 This court has held that reasonable progress is an objective standard that exists when the trial court "can conclude that the progress being made by a parent to comply with directives given for the return of the child is sufficiently demonstrable and of such a quality that the court, in the *near future*, will be able to order the child returned to parental custody." (Emphasis in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461, 577 N.E.2d 1375, 1387 (1991). "The court will be able to order the child returned to parental custody in the near future because, at that point, the parent *will have fully complied* with the directives previously given to the parent in order to regain custody of the child." (Emphasis in original.) *Id.* Additionally, our supreme court has stated as follows:

> "[T]he benchmark for measuring a parent's 'progress toward the return of the child' under section 1(D)(m) of the Adoption Act encompasses the parent's compliance

with the service plans and the court's 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 of the child to the parent." *In re C.N.*, 196 Ill. 2d 181, 216-17, 752 N.E.2d 1030, 1050 (2001).

¶ 50 In this case, the evidence at the fitness hearing established that the minors were removed from Erica's and respondent's care in January 2018. Respondent appeared in court for the adjudicatory and dispositional hearings in June and July 2018, and court orders reflect he was admonished regarding the necessity of cooperating with the monitoring agency and complying with the terms of any service plan. In spring 2018, respondent completed an integrated assessment with LCFS to help determine his need for services. However, he then ceased contact with the agency and his caseworkers for approximately three years. During the same time frame, respondent failed to appear in court for permanency review hearings in the minors' cases. It was not until December 2020 that he returned to court and spring 2021 when he reestablished contact with LCFS. Further, even after reestablishing contact, respondent was twice dismissed from parenting services for a lack of engagement, missed classes in connection with his substance abuse services, tested positive for cocaine on at least one occasion, and reportedly had inconsistent visitation with the minors.

¶ 51 On appeal, respondent argues that, ultimately, he completed all of his required services. However, the record shows the trial court found respondent unfit for failing to make reasonable progress during five nine-month periods that extended from June 2018 to March 2022. The only service respondent completed during that time frame was his mental health services in March 2021. The record otherwise showed his outpatient substance abuse services were not

completed until June 2022, his parenting classes until June 2023, and his domestic violence services until September 2023. As noted above, when determining whether reasonable progress has been made, courts should consider only evidence occurring within the relevant nine-month period. *J.L.*, 236 Ill. 2d at 341. Here, the nine-month periods considered by the court involved lengthy periods of inaction by respondent and a lack of consistent engagement in his required services.

¶ 52 The trial court's finding that respondent failed to make reasonable progress in the case for five separate nine-month periods extending from June 2018 to March 2022 was clearly supported by the record and not against the manifest weight of the evidence. Accordingly, the court committed no error in finding respondent unfit.

¶ 53 2. *Best Interests*

¶ 54 Following a finding of parental unfitness, the trial court proceeds with the best-interests stage of termination proceedings, where it "must give full and serious consideration to the child's best interest." *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 290 (2009). During this stage, the State has the burden of proving that termination is in the minor's best interests by a preponderance of the evidence. *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004). The Juvenile Court Act sets forth various factors for a trial court to consider when making a best-interests determination. See 705 ILCS 405/1-3(4.05) (West 2022). Those factors, which must be considered in the context of the child's age and developmental needs, include (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; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the child's need for permanence; (8) the uniqueness of every family and child; (9) the risks associated

with substitute care; and (10) the preferences of the persons available to care for the child. *Id.*

¶ 55 "[A] reviewing court will not reverse a trial court's best-interest determination unless it was against the manifest weight of the evidence." *In re Dal. D.*, 2017 IL App (4th) 160893, ¶ 53, 74 N.E.3d 1185. "A best-interest determination is against the manifest weight of the evidence only if the facts clearly demonstrate [the court] should have reached the opposite result." *Id.* The trial court's determination of a child's best interests is given great deference because that court "is in the best position to observe the demeanor of the witnesses and the parties, assess credibility, and weigh the evidence presented." *Jay. H.*, 395 Ill. App. 3d at 1070.

¶ 56 Here, the trial court's decision that termination of respondent's parental rights was in the minors' bests interests was not against the manifest weight of the evidence. As stated, the evidence showed L.H., A.W., and L.W. were removed from their parents' care in January 2018, when they were the ages of nine, seven, and two. Since 2020, they had resided in the same foster home with their maternal aunt and her family. The minors had bonded with their foster family and were reportedly doing well in the home. The two oldest minors, who were 14 and 12 years old at the time of the best-interests hearing, had expressed a desire to be adopted, and the foster parents wanted to provide all three minors with permanency through adoption.

¶ 57 Alternatively, despite being aware that the minors were taken into care in 2018 and present at the initial abuse proceedings, respondent failed to consistently cooperate with caseworkers or engage in services. He did not complete most of his required services until over five years after the minors were initially taken into care and had not had in-person visits with the minors in at least two years due to the minors expressing a desire not to have visitation with him. There was no indication from any evidence presented that respondent could care for the minors at any point in the foreseeable future.

¶ 58 We find the record contains sufficient evidence to support the trial court's best-interests finding and the court committed no error in terminating respondent's parental rights.

¶ 59 III. CONCLUSION

¶ 60 For the reasons stated, we affirm the trial court's judgment.

¶ 61 Affirmed.