

NOTICE
This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
May 8, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> J.W., Adr. W., Ada. W., and C.W., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Sangamon County
Petitioner-Appellee,	)	Nos. 23JA186
v.	)	23JA187
Jerika W.,	)	23JA188
Respondent-Appellant).	)	23JA189
)	
	)	Honorable
	)	Karen S. Tharp,
	)	Judge Presiding

JUSTICE DeARMOND delivered the judgment of the court.
Justices Knecht and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed the trial court’s findings (1) respondent was unfit and (2) it was in the best interests of the minors to terminate respondent’s parental rights.

¶ 2 Several years after respondent, Jerika W., stipulated the environments of J.W. (born March 2012), Adr. W. (born January 2014), Ada. W. (born January 2018), and C.W. (born December 2015) were injurious to their welfare (705 ILCS 405/2-3(1)(b) (West 2022)), the State petitioned to terminate her parental rights. (The parental rights of the minors’ putative father, Adrian W., are not at issue in this appeal.) Following separate hearings, the trial court found respondent unfit, and subsequently, it was in the best interests of the minors to terminate respondent’s parental rights. Respondent appeals. We affirm.

¶ 3

I. BACKGROUND

¶ 4 In September 2023, the Illinois Department of Children and Family Services was notified Adrian hit two of the children with a belt. The minors were removed from their parents' care and placed with a fictive kin, Charlotte G., two months later. Charlotte, who the children called "Aunt Charlie," was the fourth person with whom the minors had been placed.

¶ 5 On December 14, 2023, respondent stipulated the minors' environment was injurious to their welfare because she suffered from an untreated mental illness. Service plans prepared thereafter required respondent to, among other things, obtain mental health treatment. The Center for Youth and Family Solutions (CYFS) offered to provide mental health treatment for respondent, but she refused, as she did not want any affiliation with CYFS and believed such services were unprofessional. Respondent was then instructed to get a referral from her doctor for treatment. She never did. Later, respondent indicated she wanted to start psychotherapy, but changes in her life were stressful, and she wanted to obtain full-time employment and stable housing first. Nothing in the record indicated this ever happened.

¶ 6 A psychological assessment report, which noted respondent suffered from borderline personality disorder and would benefit from treatment and medication, as respondent had "an extensive history of being unreliable, unclear, and engaging [in] conflicting behaviors with little to no explanation." For three months in 2019, respondent left the minors with two families the minors did not know. During that time, respondent told Adrian he could have full custody of the minors, tendering to him a written document stating as much. When asked, respondent was unable to give a reason why she wanted to surrender custody. Concerns about respondent's ability to function and keep the children safe were raised following the assessment because respondent's mental health caused her to have both poor judgment and poor risk

assessment, as well as skewed boundaries.

¶ 7 In July 2024, while the minors were still thriving in Charlotte’s care, respondent and Adrian were arrested for smuggling immigrants into the United States from Mexico.

Respondent was convicted and jailed in a federal prison in Texas.

¶ 8 In October 2024, the State petitioned to terminate respondent’s parental rights. It alleged respondent was unfit because she failed to (1) maintain a reasonable degree of interest, concern, or responsibility for the minors’ welfare (750 ILCS 50/1(D)(b) (West 2024)) and (2) protect the minors from conditions within their environment which were injurious to their welfare (750 ILCS 50/1(D)(g) (West 2024)). The State also alleged, within nine months following the minors’ adjudication of neglect (December 14, 2023, through September 14, 2024), respondent did not make reasonable (3) efforts to correct the conditions which were the basis for the minors’ removal from her care (750 ILCS 50/1(D)(m)(i) (West 2024)) and (4) progress toward having the minors returned to her (750 ILCS 50/1(D)(m)(ii) (West 2024)).

¶ 9 Reports prepared thereafter revealed “Throughout the duration of this reporting period, substantial progress has not been made.” Around this time, respondent expressed a desire to surrender her parental rights to Charlotte, but she changed her mind soon thereafter, saying she wanted the minors’ paternal grandparents to have custody. Respondent contacted Jacob Bradshaw, her CYFS caseworker, and confirmed she wanted to surrender her parental rights.

¶ 10 In April 2025, respondent was released from federal prison and sent to a halfway house in Texas as a condition of her release. She told Bradshaw she completed a mental health evaluation in prison, was taking medication for her mental illness, and was scheduled to begin treatment. Although Bradshaw believed her, nothing in the record substantiated respondent’s claims. The trial court kept the goal of substitute care but ordered CYFS to offer respondent, to

the extent possible, all necessary services.

¶ 11 Thereafter, respondent moved to Indiana and lived in shelters with her brother. Respondent then moved to Auburn, Illinois, and worked, through the Illinois Department of Human Services, as an aide for her mother. Respondent did not have a car, which was a barrier to her receiving services.

¶ 12 Around this time, Angel, respondent's sister, began harassing CYFS employees, Charlotte, and J.W. by phone. J.W. obtained a new phone number to prevent further contact with Angel, and Charlotte looked for a new place to live. Respondent saw nothing wrong with Angel contacting anyone on her behalf.

¶ 13 In October 2025, the State filed a second petition to terminate respondent's parental rights. It raised the same allegations as the October 2024 petition, except, as to the claim respondent was unfit because she failed to make reasonable efforts to correct the conditions which were the basis for the minors' removal from her care and reasonable progress, the State alleged the nine-month time period was September 14, 2024, through June 14, 2025.

¶ 14 At a subsequent fitness hearing, Bradshaw and Chloe Bechtel, the CYFS caseworker who took over for Bradshaw in May 2025, testified. Their testimony revealed respondent's mental health issues were always a significant concern throughout the case. Accordingly, the November 2023 service plan required respondent to obtain mental health treatment. The service plan also required her to cooperate with CYFS, attend supervised visits with the minors, and undergo counseling for domestic violence, which she could do after starting mental health treatment. Although respondent was in contact with CYFS, she failed to obtain mental health treatment and neither sought out domestic violence counseling nor had many successful visits with the minors. Regarding the visits, although the minors were bonded to

respondent and seemed to enjoy seeing her, she would often talk to them about the case and coach them about what they should say to caseworkers. Bradshaw, who supervised the initial visits, indicated the minors' body language suggested they were uncomfortable during the visits. In October 2024, there "was no progress made" regarding the service plan, and respondent was rated "unsatisfactory."

¶ 15 While respondent was in federal custody, she never contacted CYFS via phone or mail, even though she could have contacted them that way. In April 2025, when she was released to the halfway house, she consistently contacted Bradshaw. She told him she was taking medication and seeking treatment for her mental health. Although Bradshaw believed her, he never received any verification. The case was continued for respondent to engage in services, but as of May 2025, when Bradshaw left CYFS, she had failed to complete them. Accordingly, any progress she made was "not sufficient," and CYFS was not "ever close to being able to return the children" to her.

¶ 16 Around August 2025, when respondent was living in Illinois, CYFS set up a visit with respondent and the minors, giving respondent four days to find a ride to the meeting place 30 minutes away. She canceled the visit because she had no transportation, and a new visit was scheduled for September 2025. Before this visit, Bechtel talked with respondent about the services she was expected to complete, including mental health treatment. She told respondent she could go to walk-in services at Memorial Behavioral Health without a referral. Respondent never did this and did not seek mental health treatment elsewhere.

¶ 17 At the September 2025 visit, respondent talked about her case; her brother's passing; and Angel harassing the minors about, among other things, the minors attending respondent's brother's memorial service. (Respondent, who had alerted authorities her brother

sexually abused J.W., was told she could not discuss this with the minors.)

¶ 18 After September 2025, respondent did not visit the minors. The minors told Bechtel they did not want to see respondent anymore because of Angel. (C.W., who had a problem with reading, did not want to visit with respondent because respondent was insensitive to her reading issue.)

¶ 19 Bechtel indicated, from May 2025 to the day of the hearing, respondent had not made substantial progress on any services, although she did complete certain tasks within each category of services. Thus, respondent was rated unsatisfactory on all services and was not close to having the minors returned to her care.

¶ 20 The trial court found respondent was unfit on all bases except for failing to protect the minors from conditions within her environment which were injurious to the minors' welfare. (The court did not rule on this allegation because it did not know what the evidence was with regard to this point.) In doing so, it noted, for the period between December 14, 2023, through September 14, 2024, respondent was engaged with CFYS and told she needed to complete mental health services. Despite CFYS offering her mental health treatment and telling her how to obtain therapy on her own, respondent refused to get treatment. By September 2024, the minors were "[o]bviously not" going to be placed with respondent because she failed to make progress on her services and, thus, correct the conditions that caused the minors to be removed from her care. For the period between September 14, 2024, through June 14, 2025, respondent, who was in Texas, told CYFS she was in therapy and taking medication to treat her mental health issue, but she failed to provide any verification. She also failed to continue with any alleged treatment after she moved to Indiana and Illinois. Moreover, respondent did not show any reasonable degree of interest in, concern with, or responsibility for the minors. Accordingly, during this later

period, the court found respondent failed to make reasonable progress toward having the minors returned to her care.

¶ 21 At the best-interests hearing, Bechtel testified all four minors had lived with Charlotte for nearly two years. Bechtel asserted the minors were “doing wonderful.” She explained, “They are all doing well in school, emotionally, with socializing.” The minors, whose needs had been met, had bonded with Charlotte and expressed love toward her and her adopted son, who also lives in the home. Although Charlotte tried to work with respondent to facilitate a relationship with the minors, respondent was unwilling to work with her, and the minors had declined visitation with respondent. Charlotte expressed a desire to adopt the minors, who knew about their options and wanted Charlotte to adopt them. Given this, Bechtel believed it was in the best interests of the minors to terminate respondent’s parental rights because of respondent’s lack of involvement in the case and inability to keep the minors safe.

¶ 22 The trial court found it was in the best interests of the minors to terminate respondent’s parental rights. In doing so, the court noted the minors lived together in a loving home, where their needs were met and they felt secure. Charlotte, who wished to adopt the minors and provided them with food, clothing, and shelter, was able to give the minors permanence, which they needed.

¶ 23 This appeal followed.

¶ 24 **II. ANALYSIS**

¶ 25 At issue on appeal is whether error arose when the trial court found (1) respondent was unfit and (2) it was in the best interests of the minors to terminate respondent’s parental rights. Under section 2-29(2) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-29(2) (West 2024)), the involuntary termination of parental rights is a two-step process.

First, the State must prove by clear and convincing evidence the parent is “unfit,” as defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006). If the State proves unfitness, it then must prove by a preponderance of the evidence that termination of parental rights is in the best interests of the child. *In re D.T.*, 212 Ill. 2d 347, 363-66 (2004).

¶ 26 A determination of parental unfitness involves factual findings and credibility determinations the trial court is in the best position to make because “the trial court’s opportunity to view and evaluate the parties *** is superior.” (Internal quotation marks omitted.) *In re M.I.*, 2016 IL 120232, ¶ 21. A trial court’s finding of parental unfitness will not be reversed unless it is against the manifest weight of the evidence. *In re N.G.*, 2018 IL 121939, ¶ 29. A decision is against the manifest weight of the evidence only when the opposite conclusion is clearly apparent. *N.G.*, 2018 IL 121939, ¶ 29.

¶ 27 Under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2024)), a parent may be found unfit for failing “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.” “Reasonable progress” has been defined as “demonstrable movement toward the goal of reunification.” (Internal quotation marks omitted.) *In re Reiny S.*, 374 Ill. App. 3d 1036, 1046 (2007). Reasonable progress exists when the trial court,

“in the *near future*, will be able to order the child returned to parental custody. 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.” (Emphases in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461(1991).

¶ 28 “‘[R]easonable progress’ is an ‘objective standard.’ ” *In re F.P.*, 2014 IL App (4th) 140360, ¶ 88 (quoting *L.L.S.*, 218 Ill. App. 3d at 461). A trial court may only consider evidence from the relevant time period in determining a parent’s fitness based on reasonable progress. *Reiny S.*, 374 Ill. App. 3d at 1046 (citing *In re D.F.*, 208 Ill. 2d 223 (2003)).

¶ 29 Here, although the State advanced several bases on which the trial court could find respondent unfit, the court focused on the fact respondent failed to obtain mental health treatment. While, as the State observes, we may affirm on any of the other bases the State advanced to terminate respondent’s parental rights (see *In re J.O.*, 2021 IL App (3d) 210248, ¶ 33), we nevertheless choose to address whether respondent made reasonable efforts to correct the condition (her mental health problem) which was the basis for the minors’ removal from her care. On this point, the court found respondent failed to do so during the two nine-month periods at issue. The court discussed the evidence presented, noting, in particular, respondent was given many opportunities to obtain mental health treatment but failed to do so. Thus, she consistently remained unfit and was rated unsatisfactory in the service plans. It was clear the court could not conclude it would, in the near future, be able to order the minors returned to respondent’s custody. Accordingly, the court’s determination respondent was unfit was not against the manifest weight of the evidence.

¶ 30 We now consider whether the trial court’s best-interests finding is proper. When a trial court finds a parent unfit, “the court then determines whether it is in the best interests of the minor that parental rights be terminated.” *D.T.*, 212 Ill. 2d at 352. “[A]t 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.” *D.T.*, 212 Ill. 2d at 364. The State must prove by a preponderance of the evidence termination of parental rights is in the minor’s best interests. *D.T.*, 212 Ill. 2d at

366. In making the best-interests determination, the court must consider the factors set forth in section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2024)). These factors 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, 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.” *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071 (2009) (citing 705 ILCS 405/1-3(4.05) (West 2008)).

“The court’s best[-]interest determination [need not] contain an explicit reference to each of these factors, and a reviewing court need not rely on any basis used by the trial court below in affirming its decision.” *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19. On review, “[w]e will not disturb a court’s finding that termination is in the [child’s] best interest unless it was against the manifest weight of the evidence.” *In re T.A.*, 359 Ill. App. 3d 953, 961 (2005). The court’s decision is “against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or the decision is unreasonable, arbitrary, or not based on the evidence.” *In re Keyon R.*, 2017 IL App (2d) 160657, ¶ 16.

¶ 31 Respondent argues the trial court, in assessing what was in the minors’ best

interests, failed to consider the following: (1) Bechtel observed only one visit before deciding visitation should be terminated, (2) the minors bonded with respondent early on and wanted the visits to continue, and (3) Angel was the reason the minors no longer wanted to visit with respondent. We do not believe these facts matter here. Although Bechtel may have only observed one visit, it was clear after that visit the minors no longer wanted to see her. Angel's involvement in the case caused three of the minors to feel this way, and the other minor no longer wished to see respondent because she did not recognize the minor's reading disability. As to both issues, respondent was insensitive, unwilling to change what was happening, and unable to see why the children may have been upset during the visit. While the minors may have bonded with respondent initially, those early visits were not always successful. Respondent would coach the children about what to say to caseworkers and talked about the case, two things she was not allowed to do. Moreover, when Charlotte attempted to maintain a relationship between the minors and respondent, respondent, not the minors, chose not to participate, suggesting respondent had no interest in the minors and wished, as she attempted to do before, to abandon them.

¶ 32 Here, the evidence demonstrates the minors have a strong bond with Charlotte. They feel safe in her care, and she provides for their needs and keeps them safe. She wants to provide permanency for the minors, and they want her to adopt them. The minors are happy and thriving in Charlotte's care, where they have remained for two years. While respondent may have made some effort toward correcting some of the circumstances that contributed to the minors' removal, she still had not sought treatment for her mental illness. The trial court considered the evidence in relation to the statutory best-interests factors and found it weighed in favor of terminating respondent's parental rights. We cannot conclude the evidence in the record "clearly calls for the opposite finding" or is such that "no reasonable person" could find as the court found.

(Internal quotation marks omitted.) *In re J.H.*, 2020 IL App (4th) 200150, ¶ 68. Accordingly, the court's best-interests determination was not against the manifest weight of the evidence.

¶ 33 In sum, we conclude the trial court did not err in finding respondent is unfit and it was in the best interests of the minors to terminate respondent's parental rights.

¶ 34 III. CONCLUSION

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

¶ 36 Affirmed.