

NOTICE

Decision filed 09/29/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 260477-U

NO. 5-26-0477

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

<i>In re</i> WESSON H., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Coles County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 25-JA-11
	)	
Chelsie L.,	)	Honorable
	)	Jonathan T. Braden,
Respondent-Appellant).	)	Judge, presiding.

JUSTICE BARBERIS delivered the judgment of the court.
Presiding Justice Cates and Justice Clarke concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court’s judgment terminating the respondent’s parental rights was not against the manifest weight of the evidence where the State met its burden of proving that she was unfit to parent and that termination was in the best interests of the minor. As any arguments to the contrary would lack merit, we grant the defendant’s appointed counsel on appeal leave to withdraw and affirm the circuit court’s judgment.

¶ 2 The respondent, Chelsie L. (Mother), appeals from the May 15, 2026, order of the Coles County circuit court terminating her parental rights over Wesson H., her minor son. Mother’s appointed attorney on appeal concluded this appeal lacks substantial merit and filed a motion to withdraw as counsel pursuant to *Anders v. California*, 386 U.S. 738 (1967), along with a memorandum of law in support of that motion.

¶ 3 Appointed counsel gave Mother proper notice. This court has given her an opportunity to file a *pro se* brief, memorandum, or other document explaining why counsel should not be allowed to withdraw, or why this appeal has merit, but she has not done so. This court has examined counsel's *Anders* motion and the accompanying memorandum of law, as well as the entire record on appeal, and has concluded that this appeal does indeed lack merit. Accordingly, appointed counsel is granted leave to withdraw, and the judgment is affirmed.

¶ 4 I. BACKGROUND

¶ 5 A. Adjudication of Neglect and Initial Proceedings

¶ 6 On April 24, 2025, the State filed a petition for adjudication of wardship concerning the 14-day-old minor, Wesson H., naming Mother and Whitney H. (Father)¹ as the minor's parents. The State alleged that the minor was neglected pursuant to section 2-3(1)(c) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(c) (West 2022)) because Mother's urine, the minor's urine, and the umbilical cord fluid tested positive for amphetamines and methamphetamine at the time of the minor's birth. The State further alleged that the minor was neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act (*id.* § 2-3(1)(b)) due to an environment injurious to his welfare, based on Mother's abuse of amphetamines and methamphetamine while pregnant with the minor, causing him to be taken for intensive care treatment to monitor for symptoms of withdrawal. Following a hearing, the circuit court entered a temporary custody order on April 24, 2025, placing the minor in shelter care.

¶ 7 The Illinois Department of Children and Family Services (DCFS) created an initial service plan for Mother on June 4, 2025. Mother's services were as follows: (1) parenting education; (2) safe and stable housing and employment; (3) substance abuse assessment and treatment, as

¹Father filed his own separate appeal from the underlying matter.

well as random drug testing; and (4) mental health assessment and treatment. Mother and Father were allowed twice-weekly supervised visitation with the minor.

¶ 8 The circuit court held an adjudicatory hearing on June 6, 2025, at which Mother admitted to the State’s allegations pursuant to section 2-3(1)(c) of the Juvenile Court Act. The court set the matter for a dispositional hearing. In advance of the hearing, DCFS submitted a report to the court on June 17, 2025. It wrote that Mother had participated in an integrated assessment and the results were pending. She had reported that she signed up for substance abuse and mental health services, but had not provided contact information for DCFS to confirm. Mother completed a random drug test on May 13, 2025, that was positive for THC and negative for all other substances. She completed two more drug tests in June, but both were inconclusive.

¶ 9 Both Mother and Father were reported to act appropriately toward the minor during visitation. However, there were two instances when they were pulled over on their way to visitation for driving on a revoked license. This caused them to be late to one visit and to miss another. Their DCFS caseworker offered them transportation assistance, but both parents declined. DCFS recommended that the circuit court find Mother unfit, unwilling, or unable to parent the minor.

¶ 10 On July 9, 2025, DCFS also filed with the circuit court the parents’ integrated assessment. The report stated that during the assessment, Mother initially denied drug use during pregnancy, but she later admitted that she had lied and “began to accept partial responsibility.” Mother had a documented history of bipolar disorder and psychiatric hospitalization. She was recommended to undergo psychotherapy to address emotional regulation, past trauma, and her level of insight, and to undergo a psychiatric assessment. She was also recommended for a substance abuse assessment, random drug testing, and parenting education.

¶ 11 The assessment report also stated that DCFS conducted a home inspection on Mother and Father's residence on April 11, 2025. The inspector found it clean, stocked with food, and with working utilities. There were no concerns with the home.

¶ 12 The circuit court entered a dispositional order on July 11, 2025, adjudicating the minor to be neglected. The minor was made a ward of the court, and custody was placed with DCFS. Mother and Father were ordered to complete their required services relating to substance abuse and housing, and to participate in parenting education and visitation.

¶ 13 DCFS filed a subsequent service plan dated September 8, 2025. Mother had recently started parenting classes, and it was too soon to assess her efforts, so she was rated unsatisfactory on this service requirement. She had been attending visitation regularly and was cooperating with DCFS on signing consent forms. Mother had not shown proof of employment, and DCFS was unable to conduct a scheduled home inspection in September of 2025 because no one answered the door. Mother was therefore rated unsatisfactory on housing and employment.

¶ 14 Mother was also rated unsatisfactory on substance abuse. While she had completed a substance abuse assessment, she had not demonstrated an ability to maintain sobriety. She was scheduled for drug testing seven times between June 3, 2025, and August 26, 2025. Four of these tests were positive for amphetamines, THC, and methamphetamine; one was also positive for ecstasy. She failed to complete two other tests, and the remaining test's results were pending. Lastly, Mother had not completed a mental health assessment and was rated unsatisfactory on mental health services.

¶ 15 The circuit court entered a permanency order on October 17, 2025, finding that Mother had not made reasonable efforts toward returning the minor home. The court did not indicate whether or not Mother had made reasonable and substantial progress.

¶ 16 On March 12, 2026, DCFS filed a report to the circuit court in advance of the next permanency hearing. It wrote that Mother and Father were evicted from their home in January of 2026, and their assigned caseworker was unaware of Mother's whereabouts until March 6, 2026. Mother had reached out to DCFS to request a housing advocate in November of 2025, but the advocate closed her case on February 27, 2026, due to Mother's lack of contact. Mother requested another housing advocate in March of 2026. In addition to the housing situation, Mother appeared to still be unemployed. Mother began parenting classes in early August of 2025, but was unsuccessfully discharged due to poor engagement on October 20, 2025. DCFS had no verification of Mother reengaging in any parenting services since that date.

¶ 17 Additionally, Mother had not engaged in any substance abuse or mental health treatment, and had not visited the minor since January 9, 2026. She was scheduled for seven random drug tests between October 22, 2025, and January 12, 2026; these dates coincided with her visitation dates. Mother did not attend visitation on two occasions during which she would have been tested, and thus she missed both dates. As for the remaining five, she tested positive for some combination of THC, methamphetamines, and ecstasy each time. Regarding visitation, Mother was engaged with and affectionate toward the minor during visits. Out of 56 total visits offered, Mother missed 14; of the remaining 42, she was marked as missing 2 additional visits due to excessive tardiness.

¶ 18 DCFS further wrote that Mother was uncooperative with the agency for two months of the last reporting period, as she was unable to be located from January 9 to March 9, 2026. During that time, her caseworker attempted to contact her; Mother only responded three times via text message. DCFS concluded that Mother had made no progress or reasonable efforts toward the return of the minor, and was unable to provide him with a safe home environment due to her "consistent drug use and her volatility."

¶ 19 On March 23, 2026, the State filed a motion for termination of parental rights as to both parents. Regarding Mother, the State alleged that she was an unfit parent due to her (1) failure to make reasonable efforts to correct the conditions that were the basis for the minor’s removal, between the nine-month period from June 6, 2025, to March 6, 2026 (750 ILCS 50/1(D)(m)(i) (West 2024)); and (2) failure to make reasonable progress toward the return of the minor, during the same nine-month period (*id.* § 1(D)(m)(ii)).

¶ 20 B. Fitness Hearing

¶ 21 The circuit court held a combined fitness and best-interest hearing on May 15, 2026.² DCFS child welfare specialist Kara Chamoun testified for the State, explaining that the minor was placed in foster care on April 22, 2025, and she was assigned to his case on October 15, 2025. Chamoun stated that she had reviewed the parents’ original service plans and the family’s history upon taking over the case. Mother’s primary service requirements were substance abuse treatment, mental health treatment and drug testing, parenting, and stable housing. Chamoun noted that substance abuse treatment was particularly important for Mother because the minor tested positive for methamphetamine upon his birth.

¶ 22 Chamoun testified that Mother engaged in “some” substance abuse treatment, but the virtual outpatient program she attended was not DCFS’s recommended level of care, which was inpatient. Furthermore, she never completed the outpatient program, having been unsuccessfully discharged in December of 2025 after approximately three months of no contact.

¶ 23 Mother was also scheduled for 17 drug tests, 7 of which she either missed or otherwise failed to complete (including, on one occasion, due to suspicion of tampering with her urine

²Any testimony pertaining solely to Father and not relevant to Mother’s case is omitted from our summary.

sample). Of the remaining 10, 2 were positive for THC alone, and 8 were positive for both THC and methamphetamine. At no time did Mother ever test negative for all substances. When Chamoun spoke with Mother in October 2025, Mother expressed an understanding that she needed inpatient treatment, and indicated that she would work on it. However, DCFS had no information suggesting that Mother ever engaged in substance abuse treatment after her last contact with her virtual outpatient program in September of 2025. On cross-examination, Chamoun stated that DCFS did not arrange any drug testing for Mother after December of 2025 because Mother was not communicating with the agency.

¶ 24 Regarding visitation, Chamoun explained that Mother generally attended visits and interacted “very well” with the minor. However, Mother missed two consecutive visits in November of 2025, which resulted in the suspension of her visitation until she met with Chamoun at the end of the month and had them reinstated. Mother’s visitation was again suspended in January of 2026, after she missed two consecutive visits. At that time, Chamoun reached out to Mother via text and offered her assistance with transportation to not only visits, but also substance abuse treatment. Mother said she had been trying to enter treatment, but the location she was meant to go to for detox was full. Chamoun later contacted the location and learned that this was not true.

¶ 25 Mother finally arranged to meet with Chamoun to reinstate her visitation and discuss entering substance abuse treatment in early March of 2026. In the intervening time, Mother did not have any visits with the minor. Mother agreed to have Chamoun transport her to treatment, but on the scheduled day, she would not go.

¶ 26 Chamoun further testified that Mother did not complete parenting education, did not undergo a mental health assessment, and did not establish stable housing. Chamoun offered Mother transportation assistance to services “many times.” Mother was evicted from the home she shared

with Father in January of 2026, and Chamoun did not have any information about her current living situation.³

¶ 27 Addus family support specialist Kristin Williams also testified on behalf of the State, explaining that she was the supervisor for visitation with the minor. She was also meant to provide parenting services. Mother attended two sessions in August and September of 2025, before failing to appear for the next four sessions and being removed from the program. Addus received a new referral for Mother to restart parenting services in March of 2026, but she had not yet started classes.

¶ 28 Williams described Mother as being very “attentive and loving” to the minor during visitation, and she brought him appropriate toys, books, and snacks. After her two consecutive absences in November of 2025, Mother’s visitation was reinstated in early December, and she regularly attended visitation that month. However, she failed to call ahead and confirm two visits in January of 2026, causing the visits to be cancelled, and then she was out of contact with Addus and DCFS until March of 2026. Williams added that at all times when her attendance lapsed, Mother was aware that transportation assistance was available to her. Like Chamoun, Williams also attempted to contact Mother via text several times during the period in early 2026 when Mother ceased communications. Mother only responded once.

¶ 29 Next, DCFS public service administrator Amber Huston testified that she was the supervisor on the minor’s case, and had served in this position “on and off” since the case was opened. She stated that, at present, Mother had not completed services such that DCFS could safely return the minor to her care, nor did she have a home in which he could live with her. Huston

³Father was incarcerated at the time, having begun serving a four-year sentence in December of 2025.

further testified that Mother's primary service requirement was substance abuse, because this was the reason for the minor's removal. Huston met with Mother and discussed the substance abuse services available to her, which included residential facilities that allowed for children to live with their parents. Huston added that the apartments available to Mother through the substance abuse program would have been a safe place for the minor to be returned to her care.

¶ 30 On cross-examination, Huston stated that she believed Mother had recently gone to detox; she did not recall the exact date but estimated that it was within the past month. Huston also stated that Mother had not completed detox at the time of the hearing.

¶ 31 Next, Mother testified on her own behalf. She stated that she participated in mental health and substance abuse treatment at a behavioral health center for "a couple months." The program met in-person once a month, and the rest of the meetings were virtual.

¶ 32 Mother was also in detox for five days in April of 2026. Referring to Chamoun's prior testimony that Mother's drug tests ceased in December of 2025, Mother stated that she had taken drug tests in 2026, the most recent of which took place on the day before the current hearing. She also attested that the results of the drug test she took the day before entering detox were negative for all substances. When asked why she did not start mental health treatment, Mother responded that there was "[n]o real viable reason," though she later reiterated that she had had some mental health counseling through the behavioral health center where she was also undergoing substance abuse counseling.

¶ 33 Mother also testified that she was staying with a friend, and the friend's house had room for both Mother and the minor. She provided her current address and stated that she currently had stable housing. Regarding parenting services, Mother acknowledged that the classes she was taking at one point were suspended, but she stated that she had recently reengaged in parenting

classes. Mother was also asked about the reasons for her missed visits with the minor. She responded that she did not have any explanations that “hold[] a lot of reliability.”

¶ 34 On cross-examination, Mother admitted that she had dealt with substance abuse for some time, and that she understood—albeit “not right away”—that she needed to seek residential treatment if she was struggling. She further acknowledged that she was aware of the services offered by the facility recommended by DCFS for her inpatient treatment, because she had been employed there in 2024; she also knew that these services were available to her. Mother also explained that the reason for her lack of contact with DCFS and any service providers in January and February of 2026 was her ongoing struggles with addiction.

¶ 35 After hearing argument, the circuit court announced its findings and decisions. The court determined that the State had proven by clear and convincing evidence that Mother was unfit on the bases of lack of reasonable efforts or progress. In explaining its decision, the court stated that the testimony demonstrated that Mother made “minimal efforts” to address the overarching issue of her substance abuse during the nine-month period from June 6, 2025, to March 6, 2026. Specifically, during the relevant period, Mother attended virtual outpatient services from June to September of 2025. These services were not approved or recommended by DCFS. Furthermore, the court found that the testimony was “pretty clear” that throughout the relevant time, DCFS made numerous efforts to encourage Mother to go to inpatient treatment—and Mother confirmed this in her testimony, in addition to admitting that she had no excuse for not engaging in treatment. She further admitted to struggling with addiction during the relevant time. The circuit court added that, based on its observation during Mother’s testimony, Mother even appeared to be under the influence of substances at present. However, the court clarified that its fitness ruling was not based

on her appearance in court. Thus, the court concluded that Mother had not made reasonable efforts based on the aforementioned findings.

¶ 36 Turning to reasonable progress, the court broadened its review to include not only her engagement in substance abuse services, but her compliance with the rest of her service plan. The court found that the testimony showed that any mental health treatment that Mother obtained during the relevant time was limited to the same three-month period as her substance abuse counseling. In the same nine months, Mother attended some parenting classes but did not complete them, and was evicted from her home. Her visitation was also sporadic, and at one point, was suspended for almost two months. Thus, the circuit court concluded that, during the State's alleged nine-month period, Mother failed to make reasonable progress to correct the conditions that brought the minor into care. Moreover, the court found that she made "no progress" toward reunification in that time.

¶ 37 C. Best-Interest Hearing

¶ 38 After finding Father to be similarly unfit, the circuit court proceeded to the best-interest hearing. At the start of this portion, Mother's counsel informed the court that his client wished to ask for a continuance. The court gave counsel time to confer with Mother about her request. After discussion off the record, counsel told the court that he was withdrawing the motion. However, Mother stated that she was not ready to proceed. Following another discussion off the record, counsel informed the court that Mother was requesting a continuance that would allow her to have one more visit with the minor.

¶ 39 The State responded that DCFS would allow Mother one or two more visits with the minor even if the court granted the State's motion. The court then asked Mother whether she was ready to proceed, in light of this information. Mother said she was not. The court took note of Mother's

objection, and stated that it would proceed to the best-interest hearing if there was no remaining basis for Mother's request for a continuance.

¶ 40 The State called Chamoun, who explained that in April of 2025, the minor was taken into protective custody and placed in a foster home after leaving the hospital. While Chamoun was not assigned to the minor's case at that time, she was supervising another minor in the same foster home, and thus she was able to observe the minor during her monthly visits to check on the other minor. She described him as doing "very well" in his foster placement, and stated that the foster parents were willing and financially able to provide him with permanency through adoption.

¶ 41 Chamoun further testified that the one-year-old minor was attached to his caregivers, and generally got along well with his two-year-old foster brother. He was also integrated into the foster parents' nearby extended family. The foster parents got him the medical care he needed, including vaccinations and treatment for injuries he sustained at birth. The minor attended church functions with his foster family and appeared to be adapting well to life with the family. Chamoun opined that it was in the minor's best interest that he be adopted by his foster parents.

¶ 42 During Chamoun's testimony, Mother rose to leave the courtroom. The circuit court informed her that the hearing would proceed without her, and Mother stated she did not wish to stay. After she left, the court noted her voluntary departure, and heard the remainder of Chamoun's testimony.

¶ 43 Following argument, the circuit court began by listing the statutory best-interest factors it must review pursuant to the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2024)). The court then stated that the minor was placed with his foster family directly after his release from the hospital when he was born, and thus this was the only family he had ever known. The court found that remaining with the foster family would be the least disruptive placement for him, and that this

placement met his need for permanence. Therefore, the court ruled that it was in the minor's best interest that the State's motion be granted and both parents' parental rights be terminated. Mother and Father filed separate appeals of the court's decision.

¶ 44

II. ANALYSIS

¶ 45 In the memorandum supporting its *Anders* motion, counsel states that he considered raising the following issues on appeal: (1) whether the circuit court abused its discretion in denying Mother's oral motion to continue the best-interest hearing, (2) whether the circuit court's unfitness finding was against the manifest weight of the evidence, and (3) whether the circuit court's best-interest finding was against the manifest weight of the evidence. Counsel has determined that these issues would be without arguable merit, and the circuit court's judgment was therefore proper.

¶ 46

A. Mother's Motion for a Continuance

¶ 47 Illinois Supreme Court Rule 901 discusses the setting and continuances of hearings involving child custody and allocation of parental responsibilities. It states, in relevant part, as follows:

“(b) Setting of Hearings. Hearings in child custody and allocation of parental responsibilities proceedings shall be set for specific times and state whether parties shall appear in person or remotely, including by telephone or video conference. At each hearing, the next hearing shall be scheduled, and the parties shall be notified of the date and time of the next hearing and whether the parties shall appear in person or remotely, including by telephone or video conference. Hearings rescheduled following a continuance shall be set for the earliest possible date.

(c) Continuances. Parties, witnesses and counsel shall be held accountable for attending hearings in child custody and allocation of parental responsibilities proceedings. Continuances shall not be granted in child custody and allocation of parental responsibilities proceedings except for good cause shown and may be granted if the continuance is consistent with the health, safety and best interests of the child. The party requesting the continuance and the reasons for the continuance shall be documented in the record.” Ill. S. Ct. R. 901(b), (c) (eff. Oct. 1, 2021).

¶ 48 The record shows that at a status hearing on April 10, 2026, the circuit court set a date and time for a combined fitness and best-interest hearing on the State’s motion to terminate parental rights. There is no basis in the record for finding any error in the setting of the hearing. We turn next to the court’s decision not to continue the best-interest portion at Mother’s request.

¶ 49 As per Rule 901(c), Mother was required to show good cause for her request. Furthermore, the circuit court had broad discretion to grant or deny a continuance, and we will not disturb its decision “[u]nless there is manifest abuse of discretion, or a palpable injustice apparent in the record on appeal.” *In re Hill*, 102 Ill. App. 3d 387, 392 (1981); *In re K.O.*, 336 Ill. App. 3d 98, 104-05 (2002); 735 ILCS 5/2-1007 (West 2024) (“On good cause shown, in the discretion of the court and on just terms, additional time may be granted for the doing of any act or the taking of any step or proceeding prior to judgment.”).

¶ 50 After resolving Mother’s wish to see the minor one more time, the court asked if Mother was ready for the best-interest hearing. Mother said she was not, and the court proceeded with the hearing over her objection, as the sole basis for her request was no longer applicable. Thus, we agree with appointed counsel that there is no merit to any argument that the court’s denial of her motion for a continuance constituted an abuse of discretion.

¶ 51 B. The Circuit Court’s Finding of Unfitness

¶ 52 A parent’s right to raise his or her child is a fundamental right, which a court may not terminate without the parent’s consent except as authorized by statute. *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005). A court’s statutory authority to involuntarily terminate parental rights is governed by the Juvenile Court Act and the Adoption Act. *Id.* Pursuant to the Juvenile Court Act, the involuntary termination of parental rights requires a two-step process. *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006). First, the court must determine, by clear and convincing evidence, that the

parent is an “unfit person” as defined by section 1(D) of the Adoption Act. *Id.*; 705 ILCS 405/2-29(2) (West 2024); 750 ILCS 50/1(D) (West 2024). If the court makes a finding of unfitness, it next considers whether termination of the parent’s rights is in the best interests of the child. *In re Donald A.G.*, 221 Ill. 2d at 244; 705 ILCS 405/2-29(2) (West 2024).

¶ 53 Here, the circuit court based its fitness ruling on (1) a failure to make reasonable efforts to correct the conditions that were the basis for the removal, during the nine-month period from June 6, 2025, to March 6, 2026 (750 ILCS 50/1(D)(m)(i) (West 2024)); and (2) a failure to make reasonable progress toward the return of the minor, during the same nine-month period (*id.* § 1(D)(m)(ii)). Section 1(D) of the Adoption Act sets forth numerous grounds under which a parent may be deemed unfit. However, only one properly proven ground is sufficient to enter a finding of unfitness. See *id.* § 1(D) (stating that the grounds of unfitness “are any one or more” of an enumerated list); see also *In re C.W.*, 199 Ill. 2d 198, 210 (2002).

¶ 54 As applicable to the underlying case, the Adoption Act defines an “unfit person” as:

“D. ‘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 ***:

* * *

(m) Failure by a parent (i) to 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 ***, or (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 ***,.” 750 ILCS 50/1(D)(m)(i), (ii) (West 2024).

¶ 55 Under the Adoption Act, “reasonable effort” is “a subjective standard and refers to the amount of effort reasonable for the particular parent.” *In re P.S.*, 2021 IL App (5th) 210027, ¶ 34. The court must determine “whether the parent has made earnest and conscientious strides toward correcting the conditions that led to the removal of the minor from the home.” *Id.*

¶ 56 By contrast, “reasonable progress” is determined by an objective standard, which is based upon the amount of progress measured from the conditions existing at the time custody was revoked. *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 47. The Adoption Act provides guidance for measuring reasonable progress as follows:

“If a service plan has been established *** 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 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 ***.” 750 ILCS 50/1(D)(m)(ii) (West 2024).

The benchmark for measuring reasonable progress “encompasses the parent’s compliance with the service plans and court’s directives in light of the condition that gave rise to the removal of the child and other conditions which later become known that would prevent the court from returning custody of the child to the parent.” *In re D.T.*, 2017 IL App (3d) 170120, ¶ 17 (citing *In re C.N.*, 196 Ill. 2d 181, 208 (2001)).

¶ 57 In reviewing a court’s findings that a parent is unfit and that terminating parental rights is in the best interest of the child, we do not retry the case; rather, we must determine if the findings are against the manifest weight of the evidence. *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 31. The lower court’s finding of unfitness is afforded great deference because that court was best positioned to view and evaluate the parties and their testimony. *Id.* Accordingly, on appeal, we will not reweigh the evidence or reassess the credibility of the witnesses. *Id.* A decision is contrary to the manifest weight of the evidence “if the opposite conclusion is apparent or when findings appear to be unreasonable, arbitrary, or not based on the evidence presented.” *Id.*

¶ 58 Regarding reasonable efforts, the condition that led to the minor’s removal was Mother’s substance abuse. The uncontroverted evidence showed that, during the relevant nine months, Mother never produced a negative drug test and never entered inpatient treatment for her substance

abuse. She only entered detox after the end of this time period, and only did approximately two months of virtual outpatient treatment through a program that was not approved by DCFS. Furthermore, she was unsuccessfully discharged from that program after a lack of engagement. Lastly, Mother admitted in her testimony that her approximately two-month lack of contact with DCFS—which occurred during the relevant nine months—was the result of her addiction.

¶ 59 A subjective review of Mother’s situation does not absolve her lack of effort. She admitted to being aware of the substance abuse treatment opportunities available to her, as she had previously worked at the facility recommended by DCFS. She also acknowledged her long history of struggling with substance abuse, and she understood that she needed a higher level of care than what she chose to pursue. The uncontested testimony also established that Mother was offered transportation assistance, and that the residential treatment facility would have given her a safe, stable place to live with the minor. Additionally, Mother admitted that she had no excuse for failing to engage in treatment. Thus, we conclude that any challenge to the circuit court’s unfitness finding based on a lack of reasonable efforts would lack merit.

¶ 60 While we may end our analysis here, we briefly note that we reach the same determination regarding lack of reasonable progress. The above discussion of Mother’s substance abuse struggles applies to this basis as well. Additionally, the testimony established that Mother did not complete any part of her service plan. Her engagement with mental health services was as limited as that of substance abuse treatment. While her performance at visitation was positive, her attendance was sporadic, and her absences caused her visitation to be suspended for some time. During the nine-month period, Mother lost her housing, and there was no evidence that she had a stable, safe residence from January 2026 through the end of the period in March of 2026. Lastly, she was unsuccessfully discharged from parenting classes during this period, and did not reengage in these

services by March of 2026. Therefore, the circuit court’s decision regarding lack of reasonable progress was also not against the manifest weight of the evidence.

¶ 61 C. The Circuit Court’s Best-Interest Finding

¶ 62 Once the court makes a finding of unfitness, “[t]he issue is no longer whether parental rights *can* be terminated; the issue is whether, in light of the child’s needs, parental rights *should* be terminated.” (Emphases in original.) *In re D.T.*, 212 Ill. 2d 347, 364 (2004). The parent’s interest in maintaining the parent-child relationship “must yield to the child’s interest in a stable, loving home life.” *Id.* At this stage of the termination hearing, the State bears the burden of proving by a preponderance of the evidence that termination of parental rights is in the child’s best interest. *In re J.B.*, 2019 IL App (4th) 190537, ¶ 31.

¶ 63 In making a best-interest determination, the court must consider several factors, within the context of the child’s age and developmental needs. 705 ILCS 405/1-3(4.05) (West 2024). The factors are as follows:

“ ‘(1) the child’s physical safety and welfare; (2) the development of the child’s identity; (3) the child’s familial, cultural[,] and religious background and ties; (4) the child’s sense of attachments, including love, security, familiarity, continuity of affection, and the least disruptive placement alternative; (5) the child’s wishes and long-term goals; (6) the child’s community ties; (7) the child’s need for permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child.’ ” *In re J.B.*, 2019 IL App (4th) 190537, ¶ 32 (quoting *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1072 (2006)).

¶ 64 As with the circuit court’s findings at the unfitness stage, we afford the court great deference, as it is in a superior position to view the witnesses, assess their credibility, and weigh conflicting evidence. *Id.* ¶ 33. We will not reverse the circuit court’s best-interest determination unless it is against the manifest weight of the evidence. *Id.*

¶ 65 Appointed counsel on appeal considered the possible argument that Mother had recently started working on her service plan, albeit after the nine-month period in which she failed to make reasonable efforts or progress. In April of 2026, Mother entered detox—despite not completing it—and was testing negative for substances. In the week before the hearing, she restarted parenting classes. Furthermore, she was described as being very attentive and loving toward the minor during visits, and she regularly brought appropriate food, toys, and other supplies for him. Lastly, she testified that she had regained stable housing by staying with a friend, and the home had space for her to live with the minor.

¶ 66 Despite Mother’s recent efforts, we agree with appointed counsel that Chamoun’s uncontroverted best-interest testimony clearly supported the circuit court’s decision, and no meritorious argument could be made that this decision was against the manifest weight of the evidence. We do not question Mother’s love for her son. However, a parent’s desire to continue her parental role in the child’s life is not a relevant factor at the best-interest stage. See *In re D.T.*, 212 Ill. 2d at 364. The appropriate measure of a minor’s best interests is the Juvenile Court Act’s list of statutory factors, which the circuit court considered in this case.

¶ 67 We also note that Mother chose not to testify at the best-interest portion of the hearing, and the record shows that she instead left the courtroom during Chamoun’s testimony. The circuit court confirmed that her leaving was voluntary, and that she understood that the hearing would proceed in her absence. Thus, she did not take the opportunity to challenge any of the testimony presented on behalf of the State.

¶ 68 At the best-interest hearing, the court was presented with undisputed evidence that the minor had spent virtually his entire life with his foster family, was integrated into their extended family and community, and would have the greatest stability and permanence by remaining in their

home. The foster parents had expressed their wishes to adopt the minor, and had the means and desire to provide for all of his needs. The minor was doing very well with his foster family, and there was a bond between him and his foster parents. Therefore, once again, we find that the circuit court's decision was clearly not against the manifest weight of the evidence.

¶ 69

III. CONCLUSION

¶ 70 As this appeal presents no issue of arguable merit, we grant appointed counsel leave to withdraw and affirm the circuit court's judgment.

¶ 71 Motion granted; judgment affirmed.