

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).

2026 IL App (4th) 260699-U

NO. 4-26-0699

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
October 29, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> A.P., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Boone County
Petitioner-Appellee,	)	No. 23JA9
v.	)	
Monisha R.,	)	Honorable
Respondent-Appellant).	)	Janet R. Holmgren,
	)	Judge Presiding.

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

ORDER

¶ 1 *Held:* The appellate court granted appointed appellate counsel’s motion to withdraw and affirmed the trial court’s judgment terminating respondent’s parental rights to her minor child.

¶ 2 Respondent, Monisha R., appealed the trial court’s judgment terminating her parental rights to her minor child A.P. (born February 2023), and counsel was appointed to represent her on appeal. On appeal, appointed counsel moves to withdraw on the basis she can raise no colorable argument the court erred in terminating respondent’s parental rights. We grant counsel’s motion and affirm the trial court’s judgment.

¶ 3 I. BACKGROUND

¶ 4 A. Adjudicatory Proceedings

¶ 5 On May 10, 2023, the State filed a petition for adjudication of wardship with respect to A.P., alleging he was a neglected minor under section 2-3(1)(b) of the Juvenile Court

Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2022)). The State alleged that A.P.'s environment, when in respondent's care, was injurious to his welfare in that respondent (1) "has a substance abuse issue which currently prevents her from properly parenting the minor" (count I); (2) was "indicated" by the Illinois Department of Children and Family Services (DCFS) in a juvenile neglect case involving A.P.'s older sibling, and the "older sibling is currently in the care of DCFS[] after [respondent's parental] rights were terminated" (count II); and (3) "was offered intact family services and has declined those services, knowing that her failure to follow through with services in the past led to her older child being placed outside the home and her parental rights being terminated" (count III). According to the statement of facts filed by DCFS, respondent and A.P. tested positive for marijuana at the time of A.P.'s birth, and respondent's parental rights to her older child had been terminated in August 2021.

¶ 6 On August 3, 2023, the State amended the neglect petition to add a fourth count, which alleged A.P. was neglected due to an injurious environment in that respondent and A.P.'s father had "engage[d] in domestic violence incidents in the presence of the minor, thus placing the minor at risk of harm" (count IV).

¶ 7 On August 24, 2023, respondent stipulated to the allegations in count II, and the State voluntarily dismissed counts I and III. On December 19, 2023, the trial court held a hearing on count IV, after which it entered an order adjudicating A.P. a neglected minor as alleged in counts II and IV of the State's neglect petition.

¶ 8 Following a dispositional hearing on November 9, 2023, the trial court entered an order finding respondent unfit and unable to care for A.P., making A.P. a ward of the court, and granting custody and guardianship of the minor to DCFS.

¶ 9 B. Termination Proceedings

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caseworker. The March 2024 graded service plan shows that respondent tested positive for alcohol on January 2, 2024, and again on February 29, 2024.

¶ 17 b. Kelly

¶ 18 Kelly testified that she was employed by Rosecrance as “a senior addictions counselor for Project Safe.” Kelly explained that “Project Safe is a gender specific group designed to meet the needs of women with substance abuse problems and engagement with child welfare.” Kelly testified that respondent was admitted to the Project Safe intensive outpatient program on July 17, 2024. Kelly “placed [respondent] on a treatment contract upon admission to try and have more successful outcomes than we had previously had to address the barriers to treatment.” Kelly testified that respondent was unsuccessfully discharged from the program on August 8, 2024. She explained the reason for respondent’s discharge, stating:

“Unfortunately her attendance to group was inconsistent. She missed many groups and did not contact us before missing. The last two times that she was in person, she was very unhappy and upset and did not complete requested drug drops on those dates and then left and did not return and did not return attempts to contact her to reengage.”

¶ 19 c. Johnson

¶ 20 Johnson testified that he was employed by Rosecrance as an “addictions counselor” for an intensive outpatient program. The program required clients to attend and engage in three three-hour group meetings each week. Johnson testified that respondent was admitted to the program on August 15, 2024. However, according to Johnson, respondent’s attendance at the group meetings “wasn’t good,” and “throughout her history being in those groups, there w[ere] times where she was actually under the influence of alcohol.” Johnson

testified, “[O]n her last day in group, she was under the influence. So there w[ere] multiple times throughout her stay *** where she came to the group under the influence.” On October 7, 2024, respondent “was unsuccessfully discharged with a recommendation for inpatient treatment.”

¶ 21 d. Sanchez

¶ 22 Sanchez testified that she was the supervisor assigned to A.P.’s case from April 2024 to January 2025. Sanchez, in her role as the case supervisor, approved two of respondent’s graded service plans—one in September 2024 and another in March 2025. Both documents were admitted into evidence. When asked whether there was “one issue over any of the others that *** was important for [respondent] to deal with prior to having her child returned to her,” Sanchez answered, “Yes. It was her substance use.” Sanchez testified that despite substance abuse being the main concern, respondent failed to successfully complete an intensive outpatient program during Sanchez’s time on A.P.’s case. Sanchez further testified that she had informed respondent that a failure to submit to a drug screening would be considered a positive test. According to the service plan graded in September 2024, respondent failed to submit to 13 drug screenings between April 2024 and August 2024.

¶ 23 Sanchez also described an in-person meeting she had had with respondent in November 2024. During the meeting, Sanchez told respondent that she would need to complete inpatient substance abuse services. According to Sanchez, respondent responded as follows:

“At that time [respondent] became escalated and stated that she did not need inpatient. She had stated that her only issue had been her drinking. At that time it was another worker that was with me as well. So we tried to de-escalate [respondent] and talk to her about the importance of inpatient [treatment] and the fact that she had already been unsuccessfully discharged from [intensive

outpatient program] providers several times.”

Sanchez testified that respondent never engaged in inpatient treatment during the relevant time periods.

¶ 24 e. Danielak

¶ 25 Danielak, an officer with the Belvidere Police Department, testified that he was dispatched to respondent’s residence on November 10, 2024. Danielak testified that upon arriving at the residence, he made the following observations about respondent’s behavior:

“I could tell that she was obviously intoxicated. I knew that because she had glassy, bloodshot eyes. I detected a strong odor of an alcoholic beverage coming from her. She was unsteady on her feet, and her emotions were, for lack of a better term, kind of all over the place. So she was kind of cooperative and then upset and then angry and kind of all over the place.”

¶ 26 f. McPhillips

¶ 27 McPhillips testified that she was a “[m]ental health clinician” with Family Counseling Services. McPhillips testified that respondent was referred to her for individual counseling in March 2024. At that time, McPhillips conducted an assessment to determine which goals to set for respondent’s counseling. McPhillips testified, “After completing that assessment, her goals were determined to be developing healthy coping skills for managing anger and frustration and identifying and processing her emotions in a healthy way and processing complex trauma as it comes up.” McPhillips testified that between March 2024 and December 2024, respondent missed some sessions, but she would reengage after missing the sessions. McPhillips further testified that she believed respondent had made some progress toward completing the goals they had set for her in counseling.

¶ 28 g. The Trial Court’s Unfitness Finding

¶ 29 The trial court found the State had proven respondent unfit for failing to make reasonable progress toward A.P.’s return to her care during the relevant nine-month periods. The court provided the following reasoning:

“Kelly was the substance abuse counselor who testified about the substance use services that were provided during the relevant time period *** indicated by the State. And just to *** summarize the substance of her testimony, there was, as the Court would describe it, sporadic engagement in Project Safe services, *** there was an unsuccessful discharge during that period of time, then reengagement. The last admission during that time frame, as per [Kelly], was back in July of 2024 and discharged shortly thereafter.

The issue of substance use on [respondent’s] part has been if not the driver, one of the drivers of the safety concerns that have been present from the date of [A.P.’s] birth, and [respondent’s] inability to achieve sobriety and maintain sobriety as well as to modify behaviors and attitudes during that time frame is indicative of her failure for the critical juncture of *** October 2023 through December 2024. Throughout that entire period, there w[ere] unsuccessful attempts at sobriety and completion of treatment services[,] and that alone is a basis for the Court to find that [respondent] is unfit and unable *** by a standard of clear and convincing evidence.”

¶ 30 3. *Best-Interest Hearing*

¶ 31 On June 4, 2026, the trial court held a hearing on the best-interest portion of the State’s termination petition. At the State’s request, and without objection, the court admitted into

evidence a best-interest report prepared by the State in May 2026. The court also took judicial notice of the evidence that had been presented at the fitness hearing. Respondent called McPhillips to testify and testified on her own behalf.

¶ 32 a. Best-Interest Report

¶ 33 According to the best-interest report, at the time of the hearing, A.P. was living in a “licensed traditional foster home.” He had been placed in the foster home on February 7, 2024. The foster home was his fourth placement since he came into care.

¶ 34 The best-interest report indicated that A.P.’s foster parents “[met] the minimum parenting standards providing emotional support, physical safety, clothing, food, and shelter for [A.P.]” The foster parents took A.P. to his medical and dental appointments, and A.P. had developed “a strong attachment and bond with” the foster parents and their children. He called his foster parents “mom” and “dad,” and he referred to their children as his “brother and sisters.” According to the report, A.P. “ha[d] always appeared happy and comfortable” in the foster home, and he “[was] always eager to show off his toys, his room, and his gymnastic skills.” At the time of the hearing, A.P. was attending daycare on a weekly basis and expected to begin preschool in the fall of 2026. He also attended a local church with the foster family, and he had made a “best friend” at the church. The foster parents had expressed their desire to provide permanency for A.P. through adoption. They also indicated they would encourage A.P. to maintain a relationship with respondent if her parental rights were to be terminated.

¶ 35 The best-interest report further indicated that respondent “ha[d] been consistent in regard to visitation with the child and demonstrate[d] appropriate parenting skills during family time.” According to the report, A.P. “ha[d] an attachment” to respondent, but respondent “ha[d] not provided emotional support [or] educational support[,] nor has she met his physical needs.”

Further, respondent “ha[d] not been committed to the return home goal. This [was] evident in her lack of participation and/or completion of services. As well as her inability to remain sober.”

¶ 36 b. McPhillips

¶ 37 McPhillips testified that respondent received inpatient treatment for substance abuse in early 2025. McPhillips testified that she noticed a change in respondent after she completed inpatient treatment and remained sober. Specifically, McPhillips indicated respondent was “engaged” and “alert” in their counseling sessions and “working toward those goals that she had in therapy.”

¶ 38 c. Respondent

¶ 39 Respondent testified that at the time of the hearing she was working full-time for Amazon and living in a three-bedroom house. She testified she had completed parenting classes in November or December 2025 and had successfully completed inpatient treatment on February 11, 2025. Respondent testified that she had remained sober since completing inpatient treatment. Respondent’s counsel asked her why she believed it was not in A.P.’s best interest to terminate her parental rights, and she answered as follows:

“Because I’m his mother. I love him. It took me a while—well, five years—to become a new me. I love myself more, wanted more. It took a while, but I’m definitely a better mother, a better person, a better friend, a better neighbor. *** I’m proud of where I’m at right now. I mean, I’ll probably still be dealing with life but I know how to maintain and keep focused, keep moving forward. And I’m always gonna be better for me and mines [*sic*]. I mentally and physically and financially can take care of my kids and anybody else’s kids.”

¶ 40 d. The Trial Court’s Best-Interest Finding

¶ 41 The trial court found the State had proven by a preponderance of the evidence that termination of respondent’s parental rights was in A.P.’s best interest. The court discussed the best-interest factors listed in section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2024)) and determined that each factor that applied to A.P.’s case supported a finding that termination of respondent’s parental rights was in his best interest.

¶ 42 This appeal followed.

¶ 43 II. ANALYSIS

¶ 44 On appeal, appointed counsel moves to withdraw on the basis she can raise no colorable argument the trial court erred in terminating respondent’s parental rights to A.P.

¶ 45 A. Unfitness Finding

¶ 46 First, counsel contends she can raise no colorable argument the trial court erred in finding respondent unfit for failing to make reasonable progress toward A.P.’s return during the nine-month periods identified in the State’s petition—*i.e.*, October 20, 2023, to July 20, 2024, and March 20, 2024, to December 20, 2024.

¶ 47 Section 2-29 of the Juvenile Court Act “delineates a two-step process in seeking termination of parental rights involuntarily.” *In re J.L.*, 236 Ill. 2d 329, 337 (2010). First, the State must prove by clear and convincing evidence that the parent is unfit. *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006). In making such a determination, the trial court considers whether the parent’s conduct falls within one or more of the unfitness grounds described in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *In re D.D.*, 196 Ill. 2d 405, 417 (2001). Under the Adoption Act, an unfit parent includes any parent who fails to make reasonable progress toward his or her child’s return during any nine-month period following the neglect adjudication. 750 ILCS 50/1(D)(m)(ii) (West 2024). In addressing section 1(D)(m) of the

Adoption Act, our supreme court has stated the following:

“[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 (2001).

This court has described reasonable progress as “an ‘objective standard,’ ” which exists “when ‘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 F.P.*, 2014 IL App (4th) 140360, ¶ 88 (quoting *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991)). “A reviewing court will not reverse a trial court’s fitness finding unless it was contrary to the manifest weight of the evidence, meaning that the opposite conclusion is clearly evident from a review of the record.” *In re A.L.*, 409 Ill. App. 3d 492, 500 (2011).

¶ 48 Here, we agree with counsel that no colorable argument can be made challenging the trial court’s unfitness finding. The evidence presented at the fitness hearing shows that A.P. initially came into care because he tested positive for marijuana at birth and due to concerns with respondent’s substance abuse issues. Artreche, A.P.’s caseworker from August 2023 to March 2024, testified that maintaining sobriety was “the absolute most important” task respondent had to complete to have A.P. returned to her care. Sanchez, the supervisor assigned to A.P.’s case from April 2024 to January 2025, testified that respondent’s “substance use” was the most

important issue for her to resolve before A.P. could be returned to her. Nonetheless, throughout the duration of the two nine-month periods at issue, respondent made no progress toward completing her substance abuse services. Specifically, she was unsuccessfully discharged from an intensive outpatient program multiple times, she refused to receive inpatient treatment, she tested positive for alcohol multiple times, and she failed to submit to 13 drug screenings during a four-month period from April 2024 to August 2024. Moreover, the police were dispatched to respondent's residence on November 10, 2024—approximately one month before the conclusion of the second nine-month period—and one of the responding officers testified that “she was obviously intoxicated” and her emotions were “all over the place.”

¶ 49 In short, given that the evidence presented at the fitness hearing shows respondent made no progress toward completing the most important task in her service plan, we agree with appointed counsel that no argument can be made on appeal challenging the trial court's unfitness finding as against the manifest weight of the evidence.

¶ 50 B. Best-Interest Finding

¶ 51 Next, counsel asserts she can raise no colorable argument the trial court erred in finding termination of respondent's parental rights was in A.P.'s best interest.

¶ 52 If the State satisfies its burden of proving the respondent unfit, the termination proceedings advance to the second stage, where the State must prove by a preponderance of the evidence that termination of the respondent's parental rights is in the minor's best interest. 705 ILCS 405/2-29(2) (West 2024). At the best-interest stage, the focus shifts from the parent to the child, and the issue is “whether, in light of the child's needs, parental rights should be terminated.” (Emphasis omitted.) *In re D.T.*, 212 Ill. 2d 347, 364 (2004). Thus, “the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable,

loving home life.” *Id.*

¶ 53 Section 1-3(4.05) of the Juvenile Court Act lists the best-interest factors for trial courts to consider, in the context of the minor’s age and developmental needs, when making a best-interest determination: (1) the child’s physical safety and welfare; (2) the development of the child’s identity; (3) the child’s background and ties; (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. 705 ILCS 405/1-3(4.05) (West 2024). We will not reverse a best-interest determination absent a finding it was against the manifest weight of the evidence, which, again, “mean[s] that the opposite conclusion is clearly evident from a review of the record.” *A.L.*, 409 Ill. App. 3d at 500.

¶ 54 Here, we agree with counsel that no colorable argument can be made challenging the trial court’s best-interest finding. According to the best-interest report that was admitted into evidence at the hearing, A.P.’s foster parents were “meet[ing] the minimum parenting standards providing emotional support, physical safety, clothing, food, and shelter for [A.P.]” The foster parents were ensuring A.P. attended all of his medical and dental appointments. A.P. had “a strong attachment and bond” with the foster parents and the foster parents’ children. He called his foster parents “mom” and “dad,” and he referred to their children as his “brother” and “sisters.” Moreover, A.P. “ha[d] always appeared happy and comfortable” since being placed in the foster home, and he was “always eager to show off his toys, his room, and his gymnastic skills.” A.P. was also attending daycare on a weekly basis, and he was expected to begin preschool in the fall of 2026. He attended a local church with the foster family and had a “best friend” at the church. The foster parents expressed their desire to provide permanency for A.P.

through adoption. Although respondent testified that she had been sober for over a year and did not wish to have her parental rights terminated, at the best-interest stage, “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. Moreover, we note that the foster parents indicated they would encourage A.P. to maintain a relationship with respondent if her parental rights were terminated.

¶ 55 Given that A.P. was finally in a foster home that was meeting all of his needs and willing to provide him with permanence through adoption, we agree with appointed counsel that no colorable argument can be made on appeal challenging the trial court's best-interest finding as against the manifest weight of the evidence.

¶ 56 III. CONCLUSION

¶ 57 For the reasons stated, we grant appointed appellate counsel’s motion to withdraw and affirm the trial court’s judgment.

¶ 58 Affirmed.