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) 260076-U

NOS. 4-26-0076, 4-26-0077 cons.

FILED
June 23, 2026
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re D.C. and M.C., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Warren County
Petitioner-Appellee,	)	Nos. 25JA2
v.	)	25JA3
Tavis C.,	)	
Respondent-Appellant).	)	Honorable
	)	Kenneth J. Hogan,
	)	Judge Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Doherty and Harris concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed the unfitness of the children's father, who had not made reasonable progress toward reunification with his children when the trial court terminated wardship of the children.

¶ 2 Respondent, Tavis C., is the father of D.C. and M.C. In January 2025, the State filed petitions for adjudication of wardship as to D.C. and M.C., alleging domestic violence between the minors' mother, Christina G., and stepfather, Joshua M. No allegations in the petition pertained to respondent, who did not live with the children. The children were adjudicated neglected and made wards of the court. At the permanency review hearing in December 2025, the trial court determined that Christina and Joshua had become fit and that the permanency goal of returning the children home had been achieved. Thus, the court terminated wardship and closed the case. At the same time, the court ruled that while respondent had made reasonable efforts

toward returning the children home, he had not made reasonable progress and remained unfit. Respondent appeals the court's orders finding that he had not made reasonable progress and remained unfit. We affirm.

¶ 3 I. BACKGROUND

¶ 4 D.C. and M.C. lived with their mother, Christina, and stepfather, Joshua. On January 15, 2025, the State filed petitions of wardship as to D.C. and M.C., alleging that they were neglected, pursuant to sections 2-3(1)(b) and 2-3(2) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b), 2-3(2) (West 2024)), in that (1) Joshua was charged with aggravated domestic battery in the children's home on May 27, 2024, (2) Joshua was charged with domestic battery, possession of methamphetamine, and possession of drug paraphernalia "in the presence of the children" on September 12, 2024, (3) Christina was aware Joshua was using methamphetamine, (4) the children recalled domestic violence and drug use in the home; (5) Christina agreed that the children would remain with her but that Joshua could not return home, (6) less than 48 hours later, Joshua was arrested at home, with Christina initially denying his presence there to the police, and (7) Joshua admitted using methamphetamine from July to September 2024. No allegations pertained to respondent.

¶ 5 On March 13, 2025, the State filed a motion for temporary custody/shelter care for D.C. and M.C. On the same day, the trial court entered an order which reflected that Joshua, Christina, and respondent all stipulated that (1) probable cause for the filing existed, (2) there was an "immediate and urgent necessity to remove the minor(s) from the home and leaving the minor(s) in the home would be contrary to the health, safety and welfare of the minor(s)," and (3) "[r]easonable efforts have been made to keep the minor(s) in the home and they have not eliminated the immediate and urgent necessity to remove the minor(s) from the home." The order

further reflected that the court allowed the petition and placed the minors in the temporary custody of the guardianship administrator of the Illinois Department of Children and Family Services (DCFS), with discretion to place the minors. In the order, the court admonished the parents to cooperate with DCFS and comply with the terms of the service plan and correct the conditions that required the minors to be in care or they risked termination of their parental rights. D.C and M.C. were placed with respondent's parents.

¶ 6 In an order scheduling the adjudicatory hearing, the trial court stated: "[Respondent] is excused from appearing." At the adjudicatory hearing on May 5, 2025, the court placed on the record that it excused respondent and his counsel from attending that hearing because respondent was "not implicated in the allegations of—as far as the neglect goes." The court found the minors neglected in that they were in an environment that was injurious to their welfare and there was a substantial risk of physical abuse. The court found the minors' neglect was inflicted specifically by Joshua and Christina. The findings were based on the following facts:

> "Domestic violence in the home in the presence of children resulting in injuring, the throwing of furniture around the home, that on 9/12/24 [Christina] was holding the youngest sibling in her arms when [Joshua] allegedly assaulted her; methamphetamine was found in the home which [Joshua] admitted using that evening. A child's pacifier was found on the floor near the dresser where the methamphetamine and methamphetamine smoking devices were found. Statements of the children evidenced awareness of the presence of drugs, presence of drug paraphernalia, and domestic abuse between [Christina] and [Joshua]. The parents blamed the presence of drugs and paraphernalia on an individual who was later allowed to return to the home and who was present with [Joshua] when [Joshua]

was arrested at that home for the methamphetamine and domestic battery charges arising from the 9/12/24 incident. [Joshua] has admitted to using methamphetamine the evening of that incident and over a period of months preceding the incident. *** Christina *** stipulated to the facts recited by the Petitioner in support of the allegations of the Petitions for Adjudication of Wardship."

¶ 7 A dispositional hearing was held on May 27, 2025. Respondent was absent, but his attorney was present. At the hearing, the trial court admitted into evidence the integrated assessment, dispositional report, and service plan that had been filed. Keyerra Taylor testified that she had been the family's caseworker since October 2024. She drafted the dispositional report and the integrated assessment, including the recommendations. Taylor testified that she spoke to respondent, who was in Chicago, Illinois, at the time, and said he was going to try to get drug drops scheduled and have the results e-mailed to her. She reported that respondent was cooperative and willing to complete the recommended services. Christina had begun some services, but Taylor said it would take time to get other services "up and going" because "there's waiting lists and things of that sort."

¶ 8 In the February 4, 2025, integrated assessment, respondent self-reported that he was arrested and accused of beating a child in 2023. He said he accepted a plea agreement and pleaded guilty to the battery of a minor. Part of his agreement was to engage in an inpatient substance abuse treatment program, which he began in March 2024 and completed in April 2025. The day after completing the program, respondent moved to Chicago to live with family.

¶ 9 Taylor testified that D.C. and M.C. were living with their paternal grandparents and seemed to be doing well. Taylor agreed that respondent was not the subject of any of the allegations in the petitions for adjudication of wardship. Taylor testified that even though respondent did not

do anything that led to the removal of his children from their home, "DCFS rules" required that a service plan be put into place for him. According to Taylor, during the pendency of the case, respondent used controlled substances and was "in a substance abuse rehab." Taylor agreed that respondent was not involved in any domestic violence in this case but said she knew about "prior instances." Taylor never asked respondent to provide drug drops because she did not believe he was using controlled substances. Taylor based respondent's service plan partially on his own disclosures during the integrated assessment. Taylor testified that it was her understanding that respondent was living in Chicago and working at a heating and cooling business with his grandfather, but she had not yet received verification of that employment. Taylor recommended that respondent complete a domestic violence assessment based on his background with "partner violence" and "battery to a child."

¶ 10 The services respondent was required to complete were as follows: (1) obtain and maintain stable housing, (2) meet with agency staff in the home monthly, (3) provide evidence of consistent, legal income, (4) complete a domestic violence assessment and follow all recommendations, (5) participate in a parenting education class, (6) complete a mental health assessment and follow all recommendations, (7) complete a substance abuse assessment and follow all recommendations, (8) complete monthly random substance use testing, and (9) participate in supervised visits with D.C. and M.C. Respondent's counsel, at the dispositional hearing on May 27, 2025, argued that he should not have to complete services because his actions did not lead to the conditions that caused the removal of D.C. and M.C. from their home.

¶ 11 After hearing testimony and reviewing the evidence, the trial court determined that it was in the best interests of the children to be made wards of the court. The court further determined that respondent had not been in the children's lives, "at least in the last couple years,"

and was in "a very unstable situation." Therefore, the court found all the services recommended for him were "warranted" and ordered that he complete them. The court set the permanency goal of reunification within 12 months.

¶ 12 In its dispositional order, the trial court found respondent "unfit" because of his "[h]istory of domestic violence and drug use, [and] lack of participation at hearings in these matters." According to his attorney, respondent was in Chicago at the time of the hearing. The court found that it was not "irrelevant" that respondent was absent from the dispositional hearing.

¶ 13 On November 4, 2025, Lutheran Social Services of Illinois filed a permanency review report outlining each parent's progress. According to the report, respondent was rated "Unsatisfactory" in obtaining and maintaining appropriate housing because he was living with a friend in Rock Island, Illinois, while he searched for his own housing. According to the report, he had been looking for his own housing but wanted to obtain employment and a vehicle first. He was also rated "Unsatisfactory" in successfully completing parenting education, counseling, and a domestic violence assessment. He was rated as "Satisfactory" in cooperating with the agency, obtaining and maintaining appropriate income, obtaining a substance abuse evaluation, and following all recommendations. According to the family service plan, respondent "participate[d] well" in his visitation with D.C. and M.C., and he "interact[ed] with them through play and [brought] food to be able to feed them as well." Respondent had been visiting D.C. and M.C. once or twice a month but planned on visiting them more once he obtained a vehicle.

¶ 14 In the permanency review report, the caseworker and supervisor recommended that guardianship of D.C. and M.C. be returned to Christina and Joshua, with a continuance under supervision order for 12 months.

¶ 15 At the permanency review hearing on December 15, 2025, Erin Combs, a child

welfare supervisor for Lutheran Social Services of Illinois, testified that she had been supervising this case. Combs reported that Christina was doing "really well with her services." She completed a parenting class and a domestic violence assessment, and she was engaged in counseling. Joshua had also completed services, including counseling, a domestic violence assessment, a parenting class, and a substance abuse evaluation.

¶ 16 Combs testified that she hadn't had "many interactions" with respondent. According to reports from the caseworker, "he's not very much involved." He requested monthly visits because he was having a hard time finding a home and employment. He had very recently completed a parenting class. He also completed a substance abuse evaluation. As far as Combs knew, he had not set up counseling. She also had no information that he completed a "domestic violence assessment." The caseworker rated respondent's communication as "satisfactory" but his cooperation with services as "unsatisfactory."

¶ 17 Based on how the children were doing with Christina and Joshua, Combs recommended that the minors be returned home to them. She agreed that her recommendation was based on Christina and Joshua "having completed the vast majority of services." Combs recommended a finding of fitness for Christina and Joshua.

¶ 18 Respondent testified that he was 27 years old and the father of D.C. and M.C. He testified that he worked at Alter Steel Recycling 48 to 60 hours per week and was paid $18.75 per hour. He also testified that he had been seeing a counselor weekly for almost a month and "it seem[ed] to be going very well."

¶ 19 The State recommended that the new permanency goal should be for the children to return home within five months. As to Christina and Joshua, the State argued that they both made reasonable efforts and "substantial progress." As to respondent, the State indicated it "would

need to get a little bit of documentation before [it] would be recommending substantial progress." The guardian *ad litem* (GAL) recommended "restoration of fitness of all three parents and children to be returned home and the case closed and six months of after care ordered." The GAL noted that respondent was the only one with services remaining but pointed out that he was not even named in the petition as a reason why the children came into care. Respondent's attorney agreed with the GAL's recommendations.

¶ 20 The trial court ruled that Joshua and Christina had made reasonable efforts and reasonable progress, and the court restored their fitness. As to respondent, the court found that he made reasonable efforts but not reasonable progress, explaining, "I don't think he moved the ball, so to speak, with respect to returning the children." The court found the permanency goal was achieved. Thus, the court vacated the wardship of the children and DCFS's guardianship. The court's order stated: "Case closed, [Christina and Joshua] restored to fitness; due to the best interest of the children [and] public." According to the same order, respondent's fitness had not been restored.

¶ 21 This appeal followed.

¶ 22 II. ANALYSIS

¶ 23 Respondent argues that the trial court erred in finding that he had not made reasonable progress and was unfit when it terminated the wardship. In his request for relief, respondent asks us to "reverse the finding of unfitness and remand the matter to the trial court with instructions to enter an order restoring [respondent] to fitness."

¶ 24 A. Termination of Wardship

¶ 25 Terminating a wardship and closing a minor's case require compliance with section 2-31(2) of the Act (705 ILCS 405/2-31(2) (West 2024)). See *In re Vicente G.*, 408 Ill. App. 3d

678, 683 (2011). That section provides:

> "Whenever the court determines, and makes written factual findings, that health, safety, and the best interests of the minor and the public no longer require the wardship of the court, the court shall order the wardship terminated and all proceedings under this Act respecting that minor finally closed and discharged." 705 ILCS 405/2-31(2) (West 2024).

When determining best interests, the trial court must consider the following factors, "in the context of the child's age and developmental needs:

> (a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
>
> (b) the development of the child's identity;
>
> (c) the child's background and ties, including familial, cultural, and religious;
>
> (d) the child's sense of attachments, including:
>
> (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
>
> (ii) the child's sense of security;
>
> (iii) the child's sense of familiarity;
>
> (iv) continuity of affection for the child;
>
> (v) the least disruptive placement alternative for the child;
>
> (e) the child's wishes and long-term goals, including the child's wishes regarding available permanency options and the child's wishes regarding

maintaining connections with parents, siblings, and other relatives;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures, siblings, and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child, including willingness to provide permanency to the child, either through subsidized guardianship or through adoption." 705 ILCS 405/1-3(4.05) (West 2024).

¶ 26 In determining whether to terminate a wardship, the trial court must consider each best interests factor but need not reference each factor explicitly in its holding. *In M.H.*, 2025 IL App (4th) 250271, ¶ 29. One of the main purposes of the Act is "to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of the minor's parents only when the minor's safety or welfare or the protection of the public cannot be adequately safeguarded without removal." 705 ILCS 405/1-2(1) (West 2024).

¶ 27 B. Respondent's Arguments

¶ 28 Here, respondent does not directly assert that the trial court erred in terminating the wardship of D.C. and M.C. Instead, respondent argues that court erred in finding that he had not made reasonable progress and was unfit when the wardship was terminated. We disagree.

¶ 29 1. *Reasonable Progress*

¶ 30 The evidence supported that respondent had not made reasonable progress. "At a minimum, reasonable progress requires measurable or demonstrable movement toward the goal of

reunification." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1067 (2006). "Reasonable progress exists when the trial court can conclude that it will be able to order the child returned to parental custody in the near future." *Daphnie E.*, 368 Ill. App. 3d at 1067.

¶ 31 Here, however, the evidence did not support that D.C. and M.C. could be reunited with respondent in the near future because (1) he did not have stable housing, (2) his visitation with his children had decreased instead of increased, and (3) he had not begun a domestic violence assessment or treatment although he had pleaded guilty to battery of a child just a few years earlier. Under these circumstances, the trial court did not err in finding that respondent had not made reasonable progress toward reunification with his children.

¶ 32 2. *Fitness*

¶ 33 We likewise find that the trial court's decision that respondent remained unfit when the guardianship was closed was supported by the evidence.

¶ 34 A reviewing court will reverse a trial court's findings that a parent is dispositionally unfit only if the findings are against the manifest weight of the evidence. *In re J.T.*, 2021 IL App (5th) 210066-U, ¶ 46. A finding is against the manifest weight of the evidence where a review of the record demonstrates that the opposite result was the proper one. *In re April C.*, 326 Ill. App. 3d 225, 238 (2001). Because a trial court is in a superior position to assess the credibility of witnesses and weigh the evidence, a reviewing court will not overturn the trial court's findings merely because the reviewing court may have reached a different result. *April C.*, 326 Ill. App. 3d at 238.

¶ 35 Here, the evidence supported the trial court's finding that respondent was unfit. While respondent had certainly completed some of the services required of him, such as a parenting class and substance abuse treatment, the evidence showed that respondent was not yet suitable or

capable of becoming a custodial parent of D.C. or M.C. because he had not yet completed several other services. Most importantly, respondent had not yet completed any domestic violence assessment or treatment, a requirement imposed as he had disclosed that he had a prior battery conviction involving a child. Respondent did not reside with the minors before they came into care, and he was not in a position in December 2025 to offer them a suitable home where they could visit, let alone live. Under these circumstances, it was not against the manifest weight of the evidence for the court to find respondent remained unfit when it terminated wardship of D.C. and M.C.

¶ 36 Respondent argues that it was unfair for the trial court to terminate wardship and close the case while he was still unfit because he has no way to regain fitness. Respondent is correct that once a wardship closes, the juvenile court loses jurisdiction to modify dispositional determinations, such as findings of unfitness. *In re D.V.*, 2024 IL App (4th) 240751, ¶ 40. Thus, respondent will remain dispositionally unfit for purposes of these neglect proceedings with no way to legally change his status in juvenile court. See *D.V.*, 2024 IL App (4th) 240751, ¶ 62; *M.H.*, 2025 IL App (4th) 250271, ¶ 35. However, that does not compel the court to find respondent fit when he had not yet attained that status. Importantly, the juvenile court's finding of dispositional unfitness at this stage may not necessarily be legally binding in family court. Respondent may not necessarily be precluded from asserting aspects of his parental rights over D.C. and M.C. in that forum, especially if circumstances change.

¶ 37 We further note that while the trial court's finding of unfitness was supported by the evidence at the time it was made, respondent had less than seven months to complete all services as of the December 15, 2025, permanency hearing. By that time, respondent had completed several of the services required of him, including obtaining employment, taking a

parenting class, and completing substance abuse treatment. He was also participating in counseling and had moved from Chicago to Rock Island to be closer to his children. These actions show that while respondent did make reasonable efforts and was making some progress, he had not yet made reasonable progress or regained fitness as of December 15, 2025. While proper, we emphasize that the court's unfitness finding was based only on a snapshot in time and may not label him indefinitely, as circumstances may change, and those changes might very well be relevant in family court.

¶ 38 As presented here, the trial court did not err in finding that respondent remained unfit on December 15, 2025, as he had not completed all the services required of him. He failed to do so by December 15, 2025, while Christina and Joshua had. Hence, it was appropriate for the court to terminate wardship since it determined that Christina and Joshua had completed all services and were fit, and the court entered a finding on the written order that it was in the children's best interests to do so. See 705 ILCS 405/2-31 (West 2024) (stating the trial court must terminate wardship when the court finds it is in the minor's best interests to do so). Thus, the court did not err in finding that respondent remained unfit when the court terminated the wardship and closed the case.

¶ 39 III. CONCLUSION

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

¶ 41 Affirmed.