NOTICE
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2026 IL App (5th) 260346-U

NO. 5-26-0346

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).

In re MANNY J.-P., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Vermilion County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 21-JA-40
	)	
Alton P.,	)	Honorable
	)	Thomas O'Shaughnessy,
Respondent-Appellant).	)	Judge, presiding.

JUSTICE HACKETT delivered the judgment of the court.
Justices Boie and Sholar concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm the order terminating Father's parental rights where the evidence supports both the circuit court's findings of unfitness and its determination that termination of parental rights was in the best interest of the child.

¶ 2 The respondent, Alton P. (Father), appeals an order of the circuit court of Vermilion County terminating his parental rights. He argues that the circuit court erred both in finding him to be an unfit parent and in determining that termination of his rights was in the child's best interests. We affirm.

¶ 3 I. BACKGROUND

¶ 4 This appeal involves a child born to two parents with cognitive impairments. The child at issue, Manny J.-P., was born early in May 2021 to Father and his paramour, Stormi J. (Mother).[1] On May 7, 2021, the State filed a petition for adjudication of wardship alleging that Manny was a neglected minor pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2020)) in that his environment was injurious to his welfare due to his mother's failure to complete services and correct the conditions that brought her older children into care in two previous cases. After a shelter care hearing held the same day, the circuit court placed temporary custody of Manny with the Department of Children and Family Services (DCFS) and ordered Father to submit to DNA testing to establish paternity.

¶ 5 After various delays, the matter proceeded to an adjudicatory hearing on January 19, 2022. The circuit court entered an adjudicatory order on January 24, 2022, finding Manny to be neglected and finding that the neglect was inflicted by Mother. On March 25, 2022, the circuit court entered a dispositional order making Manny a ward of the court.

¶ 6 The first permanency hearing in the case took place on June 15, 2022. The circuit court made a judicial finding of paternity that day based upon DNA test results. The following day, the circuit court entered a permanency order establishing a goal of return home within 12 months. The court found that both parents had made reasonable efforts and reasonable and substantial progress toward that goal, but the goal had not yet been achieved.

¶ 7 On September 26, 2022, the circuit court entered another permanency order. This time, the court found that both parents made reasonable efforts and some progress, but they did not make

[1]Mother has filed a separate appeal of the termination of her parental rights and is not a party to this appeal. We discuss matters related to Mother only as they pertain to the issues before us in Father's appeal.

reasonable and substantial progress toward the goal of returning Manny to their care. The goal remained return home within 12 months.

¶ 8 The next permanency order was entered on December 14, 2022. The circuit court found that both parents failed to make either reasonable efforts or reasonable and substantial progress. The court maintained the goal as return home within 12 months.

¶ 9 On April 24, 2023, the circuit court entered a permanency order finding that Father made reasonable efforts toward the goal of returning Manny to his custody but did not make reasonable and substantial progress toward that goal. The court further found that Mother made neither reasonable efforts nor reasonable and substantial progress. The goal remained return home within 12 months. The circuit court made these same findings in the next two permanency orders, entered September 25, 2023, and December 14, 2023. The court maintained a goal of return home within 12 months.

¶ 10 The next two permanency orders were entered on April 22, 2024, and on July 17, 2024. In each order, the circuit court found that both parents made reasonable efforts but failed to make reasonable and substantial progress. In both orders, the circuit court maintained a goal of return home within 12 months.

¶ 11 On October 9, 2024, the circuit court entered a permanency order finding that both parents failed to make either reasonable efforts or reasonable and substantial progress. This time, the court changed the goal to substitute care pending determination of termination of parental rights.

¶ 12 On November 14, 2024, the State filed a petition to terminate parental rights alleging that both Father and Mother were unfit parents on the following three grounds: (1) failure to maintain a reasonable degree of interest, concern, or responsibility for the child's welfare (750 ILCS 50/1(D)(b) (West 2022)); (2) failure to make reasonable efforts to correct the conditions that led

to the child's removal during any nine-month period following adjudication of neglect (*id.* § 1(D)(m)(i)); and (3) failure to make reasonable progress toward the return of the child during any nine-month period following adjudication of neglect (*id.* § 1(D)(m)(ii)). The nine-month period identified by the State for both failure to make reasonable efforts and failure to make reasonable progress was January 9, 2024, through October 9, 2024.

¶ 13 After two continuances, the matter came for a hearing on the question of parental unfitness on June 13, 2025. The State called Dr. Michelle Iyamah as a witness. Dr. Iyamah, a psychologist employed by DCFS, conducted a parenting capacity assessment on Father, spending a total of four hours with him in September 2023 and January 2024. She was qualified as an expert without objection.

¶ 14 Dr. Iyamah explained that a parenting capacity assessment involves observation of the parent and child, interviews, and a review of records. Among the records Dr. Iyamah reviewed prior to conducting her assessment of Father were a report from Father's counselor, Gail Mills, and a psychological evaluation performed by Dr. Luke Delfiume in January 2023. During the parenting capacity assessment itself, Dr. Iyamah interviewed Father, observed him with his son, and "did several testing measures with him."

¶ 15 During Dr. Iyamah's interview with Father, Father indicated that Mother "impeded his efforts." For example, she did not want him to work despite his therapist's recommendation that he do so. Father further indicated that he wanted to maintain his relationship with Mother despite his awareness of her negative impact.

¶ 16 From her review of the psychological evaluation, Dr. Iyamah learned that Father's intellectual functioning was "well below average," falling into the "borderline" category. The psychological evaluation also indicated that Father was below average in adaptive functioning,

which relates to "daily living skills." According to Dr. Iyamah, her observations of Father during the time she spent with him were consistent with the psychological evaluation in these regards.

¶ 17 Next, Dr. Iyamah testified about her review of the Adaptive Behavioral Assessment System-3 administered to Father.[2] She testified that Father's general adaptive composite score was 70, placing him at the lower end of the "borderline" category. His conceptual skills score was 65, placing him in the "impaired" category. His social skills and practical skills scores were both 73, placing him in the "borderline" category. Dr. Iyamah explained that "borderline" referred to the border between "very low" and "impaired."

¶ 18 Dr. Iyamah also considered the results of the Wechsler Adult Intelligence Scale IV, a cognitive assessment performed by Dr. Delfiume as part of the psychological evaluation. Dr. Iyamah testified that Father's score on the overall verbal index was 71, his perceptual reasoning and nonverbal skills score was 77, and his working memory score was 71, placing him in the "borderline" category in all three measures. Father's processing speed score was 86, placing him in the "low average" category. His full-scale I.Q. was 72. Dr. Iyamah explained that these scores were significant to the parenting capacity assessment because borderline cognitive function "suggests deficits in problem solving, cognitive function flexibility, ability to make decisions and understand the consequences of those decisions."

¶ 19 The parenting capacity assessment included a one-hour period of parent-and-child observation. According to Dr. Iyamah, Father interacted with Manny in a positive manner during this observation period and "was generally responsive." She noted, however, that he did not bring any toys or snacks.

[2]Dr. Iyamah noted in her parenting capacity assessment report, which was entered into evidence, that caseworker Hess completed this assessment tool with Father.

¶ 20 Dr. Iyamah discussed various risk factors and weaknesses in Father's ability to parent. In particular, she noted that he was unemployed and was involved in a "dependent relationship" with Mother. Father told Dr. Iyamah that he was afraid to make Mother angry. Also concerning was the fact that Father had no good role models. Dr. Iyamah noted that Father indicated he was spanked as a child and did not see this as a problem. She testified, "He also showed respect for physical abuse on the Child Abuse Potential Inventory." Indeed, when Dr. Iyamah administered this inventory, "the abuse score was highly elevated." In view of Father's cognitive limitations, Dr. Iyamah opined that he would struggle to understand and avoid these possible risks. Her overall conclusion was that Father was unable to provide Manny with even "basic necessities such as shelter, safety, food [and] nurturing."

¶ 21 On cross-examination, Dr. Iyamah noted that during her observation of Father's interactions with Manny, they demonstrated affection toward each other. She did not observe any abusive conduct, and she acknowledged that Father had no history of abusing Manny. She further acknowledged that Father did not indicate he intended to use corporal punishment.

¶ 22 Dr. Iyamah testified that a parent with borderline intellectual capacity can parent a child "with proper training and a lot of support." Asked if there were additional services she could recommend to improve Father's parenting ability, she replied, "I believe I recommended parenting coaching." She noted that the Department of Rehabilitative Services might also offer helpful services, such as job training, assistance with housing, and assistance finding community resources.

¶ 23 Dr. Iyamah further testified that Father indicated he would rely on Mother to assist him in parenting. Dr. Iyamah was familiar with Mother's abilities because she had previously performed a psychological evaluation on Mother. She opined that relying on Mother for assistance would not

help Father because Mother had more deficits than he did and her intellectual functioning was lower than his.

¶ 24 The State next presented testimony from the family's caseworkers. Sherri Cummins of the Center for Youth and Family Solutions (CYFS) was the caseworker from June 2021 until August 2022. Cummins testified that Father and Mother were required to engage in the following services while she was their caseworker: an integrated assessment, psychological therapy, parenting classes, and housing. Referrals were made for each of these services. During Cummins's tenure as caseworker, both parents completed the integrated assessments with her and consistently cooperated with the other requirements in their service plans. Although their involvement in services was satisfactory, they did not complete any of their requirements while she had the case.

¶ 25 Cummins testified that Father and Mother were referred to Gail Mills for both psychotherapy and one-on-one parenting coaching. She explained that the referral for one-on-one parenting coaching was made due to their cognitive deficits.

¶ 26 Cummins supervised many of the parents' visits with Manny. During her time as caseworker, they were offered two-hour visits once a week, which they attended together.[3] She testified that both parents consistently attended visits, but noted that on "very seldom" occasions, they arrived "maybe 20, 25 minutes late."

¶ 27 During visits, Cummins had to provide coaching to both parents on things such as how to feed the baby properly. Such coaching was especially necessary for Mother; however, Father also required coaching. Asked about her observations of Father during visits, Cummins stated that he

[3]Visits were subsequently increased to two visits per week for a time, but they were then reduced again to once a week. Visits were always two hours long.

was “very responsive to Manny.” She testified, “He did the majority of taking the positive role in doing the visits.”

¶ 28 Cummins did not believe that either parent was ready for unsupervised visitation while she was their caseworker. She explained that unsupervised visits would not have been safe. Cummins likewise did not believe, at any time during her tenure, that returning Manny home within a short period of time would be possible.

¶ 29 The next witness was Jennifer Hess, a former CYFS foster care caseworker who served as Manny’s caseworker from August 2022 to June 2023. Hess testified that the services required of both parents during this period included individual counseling, couples counseling, and parenting classes with Gail Mills. Although both engaged in these services, there were “attendance issues.” She stated that between May 2022 and February 2023, each parent attended only 14 of the 33 appointments they were offered for individual counseling, explaining that 13 appointments were canceled and 6 were “no-shows.” She clarified that, because Mills was providing individual counseling, couples counseling, and parenting classes, this meant that they attended 14 of 33 appointments for a combination of those services. Hess testified that the agency offered transportation assistance and bus passes, but Father and Mother declined the offer. On cross-examination, Hess acknowledged that none of the services offered by Mills were terminated or altered due to non-attendance on the part of the parents.

¶ 30 According to Hess, Father and Mother’s attendance at visits with Manny was likewise inconsistent. Between June 2022 and March 2023, they were both offered 65 visits. Father attended 34 visits, while Mother attended 22. Although each parent missed seven visits due to illness, the remaining missed visits were “no-shows.” Hess observed many, but not all, of the visits. During the visits they attended, both parents engaged with Manny. They also brought snacks for him.

However, they needed guidance and prompting on things like diaper changes. Although both parents played with Manny during visits, there were also times they were on their phones instead of engaging. Hess observed that Father had more of an attachment to the child than Mother did.

¶ 31 Hess testified that when she became the family's caseworker, there was an existing referral to Norman Funds for housing services.[4] The goal of this service was to help them find a larger apartment. Hess stated, however, that Norman Funds terminated Father and Mother for lack of participation. She explained that they did not answer the door when a representative showed up at their apartment for scheduled appointments.

¶ 32 Hess conducted a home safety check of the family's residence in February of 2023 and found that it was not suitable for a child. She observed "copious amounts of clutter," breakable objects within reach of a toddler, and electrical outlets in the middle of the floor. Father and Mother were given a checklist of things to correct. Hess did not believe they corrected the conditions, but she noted that she "only completed that one safety check."

¶ 33 Hess indicated that neither parent made any progress toward the goal of returning Manny home during her time as caseworker. She explained that they had "a hard time grasping basic life skills." There was never a time that she felt comfortable allowing unsupervised visits.

¶ 34 The State's next witness was Brenda Larsen, who served as the family's caseworker from July 3, 2023, until she left the agency late in April 2024. When Larsen became the caseworker, the following services were already in place for both Father and Mother: counseling, parenting classes, visitation, and housing. Father's attendance at counseling "was generally consistent." Both parents engaged in parenting education, and Father engaged more than Mother.

[4]In a service plan, this service provider was identified as the Norman Housing Advocacy Program.

¶ 35 Larsen testified that Mills, who provided parenting classes and counseling services, set specific goals and benchmarks for Father and Mother to achieve. In Mills's reports to Larsen, she listed these goals and noted any improvements. Asked if there were any improvements, Larsen replied, "They were slight, but I think the slight improvements were more toward them showing up and engaging." She clarified that neither parent completed a set of goals established for them by Mills.

¶ 36 Regarding visitation, Larsen testified that Father attended 22 of 35 visits offered between August 2023 and March 2024, while Mother attended only 16 of these visits. All Father's absences were "excused" due to illness or weather. Larsen was familiar with the parenting capacity assessment of Father conducted by Dr. Iyamah. Her observations of Father's parenting skills during visits were consistent with Dr. Iyamah's conclusions. She stated that Father was generally more engaged with the child during visits than Mother was.

¶ 37 Larsen conducted a home safety check in March 2024. The residence did not pass. She explained that there was wiring "everywhere," clutter in the home, and prescription medications and lighters accessible to a child. Larsen discussed these issues with Father and Mother. No one answered the door when she returned for a scheduled recheck.

¶ 38 There was never a time during Larsen's tenure as caseworker that she felt unsupervised visits would be safe. Likewise, there was never a time she believed Manny could be returned home soon. Based on her observations, Larsen did not believe that either Father or Mother could independently parent Manny, nor did she believe they could parent him together.

¶ 39 The State's final witness was CYFS caseworker Briana Verhoeven, who became the family's caseworker when Larsen left the agency and remained in that position throughout the remainder of the case. Verhoeven added parenting coaching to the services already in place. She

explained that in parenting coaching, a counselor provides instructions on appropriate parenting during visits with the child. Both parents engaged with this service and were successfully discharged in July 2024. However, Verhoeven referred them for additional parenting coaching in August or September of 2024 because she believed they still "needed extra help." They were discharged unsuccessfully in October 2024 due to inconsistent attendance.

¶ 40 Verhoeven next testified about visitation. She was present for some of the parents' visits with Manny. Father attended approximately 90% of the visits offered. Verhoeven was familiar with the parenting capacity assessment Dr. Iyamah conducted. Based on Verhoeven's observations during visits, Father's parenting was consistent with the conclusions in Dr. Iyamah's report. Verhoeven testified that both parents completed a 12-week parenting class while she was their caseworker, and she acknowledged that this satisfied their obligation to complete that service. However, she did not believe either Father or Mother could independently parent Manny without support.

¶ 41 Verhoeven believed that both parents consistently attended counseling sessions with Mills. This service ended in May 2025 when Mills closed her office. Verhoeven noted that Father and Mother continued to engage until that time, even after the goal was changed to substitute care pending determination of termination of parental rights. She testified that Mills reported to her on their progress periodically. She further testified that Mills had certain goals and benchmarks the parents were supposed to achieve through counseling, but she could not recall whether those goals were met. According to Verhoeven, Mills noted some progress in July 2024, but she reported some regression by October 2024.

¶ 42 Verhoeven testified that Father and Mother moved to a new residence in October 2024. She stated that no home safety check had been performed, explaining that two had been scheduled, but no one answered the door.

¶ 43 Father opted not to testify. However, he offered into evidence a copy of a certificate showing that he and Mother completed a 12-week parenting course, which was admitted.

¶ 44 Mother testified on her own behalf. Pertinent to Father's appeal, she testified that although she and Father ended their relationship in April, they still lived in the same residence in different parts of the home. She noted that they lived with her sister and her sister's boyfriend in a three-bedroom house rented by her sister. Mother acknowledged that the home was not appropriate for Manny due to the presence of her sister's four dogs.

¶ 45 Two service plans were admitted into evidence. The first plan, dated February 9, 2023, was prepared by Hess. In it, Hess noted that Father and Mother were referred to the Norman Housing Advocacy Program on August 26, 2021. Hess further noted that she had attempted to find homemaker services as a resource for developmentally disabled adults such as Father and Mother; however, she had not been successful, as two such services in the community had been discontinued.

¶ 46 The plan identified the following services for Father: (1) visit with Manny; (2) bring necessary items to visits, such as diapers, baby wipes, and formula; (3) parenting classes with Mills; (4) weekly counseling sessions; and (5) cooperation with the agency. Father's progress on bringing necessary items to visits was rated as satisfactory. However, his progress on all other services was rated as unsatisfactory. In particular, the plan noted that Father's visits with Manny were sporadic, that both parents missed visits due to oversleeping, and that they did not attend any visits with Manny during the month of December 2022. The plan further noted that Father's

attendance at parenting classes and counseling sessions was likewise sporadic. Finally, Father was rated as unsatisfactory for cooperation due to difficulty staying in touch with his caseworker.

¶ 47 The other service plan admitted into evidence was prepared by Brenda Larsen and dated April 30, 2024. A narrative of the family's progress included a description of a March 3, 2024, safety check of the parents' residence. In it, Larsen noted that lighters and medication bottles were "lying around in the living room," and there were "bags stacked upon bags" in the bedroom. She further noted that a recheck of the home had been scheduled for April 15, 2024, but no one answered the door when the scheduled recheck was attempted.

¶ 48 In the April 2024 service plan, Father's progress was rated as satisfactory for attending visits with Manny, although the plan noted that he attended only 25 of 32 visits. He was rated as satisfactory for bringing necessary items to visits, attending parenting classes, counseling, and cooperating and keeping in touch with his caseworker. Parenting coaching was added as a new service beginning in April 2024.

¶ 49 Dr. Iyamah's parenting capacity assessment report was also entered into evidence. The report was consistent with and largely duplicative of Dr. Iyamah's testimony at the hearing. Additional relevant details include her observations that Father was affectionate and playful with Manny, that he stopped interacting with his son at one point during the observation period but reengaged when Manny "went to his father to gain his attention," and that although Manny was happy to see Father, he was even more excited to see his caseworker when she came to take him home. Also pertinent, Dr. Iyamah opined that Father did not put Manny's needs above Mother's wishes. She noted, for example, that Father admitted he allowed Mother to cause him to miss visits with Manny or arrive late. She also pointed to Father's statement that his attorney had advised him that ending his relationship with Mother might improve his chances of regaining custody of

Manny. Father indicated that if he took this advice, he intended to reconcile with Mother after the case was closed.

¶ 50 The circuit court issued a written "Decision with Respect to Parental Unfitness" on January 26, 2026. After reviewing the procedural history of the case and the evidence presented, the court addressed each ground of unfitness asserted by the State, beginning with the allegation that both parents failed to maintain a reasonable degree of interest, concern, or responsibility for the child's welfare. The court noted that during the first 14 months the case was open, both parents consistently attended visits with Manny, which were then two hours once per week. However, when visitation was increased to twice a week, their attendance "became more inconsistent," particularly Mother's, and they sometimes arrived late to the visits they did attend. The circuit court found that Mother's inconsistent attendance at both visits with Manny and appointments for services demonstrated a lack of reasonable interest in Manny's welfare. The court recognized that Father was more consistent but found that neither parent made progress despite receiving parenting instruction geared toward people with cognitive impairment.

¶ 51 The court further found that the parents' failure to maintain a home that was safe for their child to return to likewise demonstrated a lack of reasonable responsibility for the child's welfare. The court expressly found that their cognitive impairment did not prevent Father and Mother from attending visits and services more regularly or from obtaining and maintaining safe and suitable housing. The court thus found that both parents were unfit for failure to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the child.

¶ 52 The circuit court turned its attention to the allegation that Father and Mother failed to make reasonable efforts to correct the conditions that brought Manny into care between January 9, 2024,

and October 9, 2024. The court found that the State did not present clear and convincing evidence to prove them unfit on this ground.

¶ 53 With respect to failure to make reasonable progress toward the return of the child during the same nine-month period, the circuit court made the following findings: During the designated period, both parents' attendance at visits was inconsistent. Neither parent progressed to even unsupervised visits. They failed to maintain a safe home at any time due to the presence of safety hazards in their home, such as clutter, breakable objects within reach, and electrical panels in the middle of the floor. With respect to counseling services, the court pointed to Larsen's testimony that neither parent achieved any of the substantive goals set for them by their counselor, Mills. Finally, with respect to parenting classes and parenting coaching, the court found that although both parents completed the 12-week parenting class, their skills did not improve.

¶ 54 In conclusion, the court found that Father and Mother failed to make measurable progress toward Manny's return to their care during the designated period. The court emphasized that they did not develop the skills needed to parent him safely. The court thus concluded that the State proved them unfit for failure to make reasonable progress by clear and convincing evidence.

¶ 55 On March 10, 2026, CYFS filed a best interest report prepared by Verhoeven. The report contained the following information: Manny was placed in a traditional foster home, where he had lived with his foster parents since June 2021. He had a strong bond with his foster parents and siblings. He had his own room in their home, was well cared-for, and had adequate space, food, shelter, and toys. Addressing the development of Manny's identity, the report noted that the foster parents encouraged his interests and pointed him toward other things he might enjoy. Addressing Manny's community ties, the report noted that he had made friends with children in his daycare and formed attachments to some of his teachers there as well. The report indicated that Manny

considered his foster parents' house to be his home and that, in light of his strong bond with them, leaving that placement "would likely be a difficult adjustment."

¶ 56 The report indicated that Father and Mother continued to reside together. When Verhoeven attempted to complete a scheduled home safety check of their residence, no one answered the door. The report further indicated that both parents attended six of the seven visits they were offered between December 2, 2025, and February 26, 2026.

¶ 57 In conclusion, the report indicated that it was in Manny's best interest to obtain permanency through adoption, which his foster parents were willing to provide. It contained a recommendation to change the goal to adoption.

¶ 58 On April 17, 2026, the matter proceeded to a best interest hearing. All parties stipulated to the best interest report. In addition, Verhoeven testified for the State that Manny was "doing very well" in his foster home and was "very bonded to the family." She noted that the foster parents had three other adopted children. Verhoeven further testified that the foster parents were able to meet Manny's needs and were willing to provide him with permanence through adoption. She stated that Manny felt loved and safe in his foster home. Verhoeven opined that Manny's current foster home was the best placement for him. On cross-examination, Verhoeven testified that Father and Mother generally interacted well with Manny during visits. She noted that "Manny tended to have more of a bond with [Father]."

¶ 59 Announcing its ruling from the bench, the circuit court first acknowledged that both Father and Mother clearly loved their son. The court emphasized, however, that the case began in May 2021 and, despite nearly five years "of efforts directed towards assisting the parents to develop those skills and knowledge necessary to provide Manny with basic parenting needs," they did not develop those skills. The court listed the statutory factors, noting that it considered all of those

factors. The court found it particularly relevant that Manny had remained in the care of his foster parents from the time he was two months old through the life of the case. The court stated, "That is not to say that he doesn't have a relationship, that he doesn't recognize his biological parents. But the evidence is that his home and his family is his current placement." The court concluded that terminating parental rights was in Manny's best interest.

¶ 60 On April 22, 2026, the circuit court entered a written order terminating both Father's and Mother's parental rights. Father filed a timely notice of appeal on April 23, 2026.

¶ 61 II. ANALYSIS

¶ 62 Father argues that the circuit court erred both in finding him unfit and in finding that termination of his parental rights was in Manny's best interest. We reject these contentions.

¶ 63 A. Findings of Unfitness

¶ 64 Involuntary termination of parental rights involves a two-step process. First, the State must prove the respondent parent unfit by clear and convincing evidence. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 62. If the circuit court finds the parent unfit, the proceedings progress to the second step, during which the State must prove by a preponderance of the evidence that termination of parental rights is in the children's best interests. *Id.* ¶ 73.

¶ 65 We give great deference to the circuit court's unfitness findings because that court had the opportunity to observe and evaluate the parties and their testimony. *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064 (2006). As such, we will reverse a finding of unfitness only if it is against the manifest weight of the evidence. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 63. A decision is against 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." *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 31.

¶ 66 Here, the circuit court found Father unfit on two grounds: (1) failure to maintain a reasonable degree of interest, concern, or responsibility for the child's welfare (750 ILCS 50/1(D)(b) (West 2024)); and (2) failure to make reasonable progress towards the return of the child to his custody during any nine-month period after adjudication of neglect, specifically, January 9, 2024, to October 9, 2024 (*id.* § 1(D)(m)(ii)). Because a parent may be found unfit if the State proves any one of the statutory grounds for unfitness by clear and convincing evidence, we will affirm the circuit court's decision if the evidence supports its finding as to either of these grounds. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶¶ 63-64.

¶ 67 In considering whether a parent failed to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the child, our "focus is on the parent's reasonable efforts more so than the parent's success." *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 36. Thus, we must take into account any circumstances that made it difficult for the parent to demonstrate the requisite reasonable degree of interest, concern, or responsibility. *Id.*; *In re M.J.*, 314 Ill. App. 3d 649, 656 (2000). Although the circuit court must consider whether circumstances, such as a parent's intellectual or cognitive disability, impede the parent's ability to demonstrate interest, concern, or responsibility for the child's welfare, such circumstances "do not necessarily or automatically redeem a parent's failure to demonstrate reasonable interest, concern or responsibility" or require "a different standard of reasonableness." *In re M.I.*, 2016 IL 120232, ¶ 29. Parents " 'need not be at fault to be found unfit.' " *Id.* ¶ 30 (quoting *In re E.O.*, 311 Ill. App. 3d 720, 727 (2000)). A finding of unfitness for failure to maintain a reasonable degree of interest, concern, or responsibility for the child's welfare is appropriate whether the parent's failure stems "from unwillingness or an inability to comply." *Id.* ¶ 26.

¶ 68 Moreover, a parent cannot avoid a finding of unfitness by showing *some* interest, concern, or responsibility; rather, the question is whether the parent's interest, concern, and/or responsibility is *reasonable*. *Id.* ¶ 30. In addition, because the statutory language is disjunctive, any one of the three elements may provide a basis for a finding of unfitness. *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 36. That is, a parent may be found unfit for failing to maintain a reasonable degree of interest or concern or responsibility. *Id.*

¶ 69 A parent's inconsistent visitation and/or failure to comply with service plan requirements is sufficient to support a finding of unfitness for failure to maintain a reasonable degree of interest, concern, or responsibility for the child's welfare. *In re D.P.*, 2024 IL App (1st) 231530, ¶ 33 (quoting *In re Nicholas C.*, 2017 IL App (1st) 162101, ¶ 24). The circuit court's consideration is not limited to a specific time period. *In re M.J.*, 314 Ill. App. 3d at 656.

¶ 70 Here, there were periods in which Father consistently visited with Manny and engaged in required services, but there were other periods during which both his visitation and participation in services became inconsistent. The circuit court expressly found that Father's cognitive impairment did not prevent him from more regularly attending either visits with Manny or appointments for services with Mills. The evidence supports this finding. Father was able to attend both visits and appointments with Mills consistently early in the case, and he declined assistance with transportation that was offered to him.

¶ 71 In addition, the circuit court found that Father failed to remedy the conditions that made his home unsafe even though it found that his cognitive impairment did not preclude him from doing so. Although not highlighted by the circuit court, we emphasize that the safety hazards observed in the home were related to issues the parents could easily fix without assistance—removing clutter and placing hazardous items such as lighters, breakable objects, and medication

bottles out of reach of a toddler. Father and Mother were referred for housing assistance, but they were dropped from this service due to their lack of participation. Thus, the evidence supports the circuit court's findings.

¶ 72 Most tellingly, there was evidence that Father was unwilling or unable to put Manny's needs ahead of his desire to maintain his relationship with Mother. According to Dr. Iyamah, Father recognized that Mother was impeding his progress, but he nevertheless stopped looking for employment to comply with her wishes and allowed her to cause him to miss visits with Manny. We believe this evidence is sufficient to support the circuit court's finding of unfitness for failure to maintain a reasonable degree of interest, concern, or responsibility for the child's welfare.

¶ 73 We likewise find the evidence supports the circuit court's finding of unfitness for failure to make reasonable progress. Failure to make reasonable efforts to correct the conditions that brought the children into care and failure to make reasonable progress toward their return are two distinct grounds for parental unfitness. *In re Daphnie E.*, 368 Ill. App. 3d at 1066-67. We assess a parent's reasonable progress by an objective standard. *Id.* at 1067. The benchmark for measuring reasonable progress is "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). "At a minimum, reasonable progress requires measurable or demonstrable movement toward the goal of reunification." *In re Daphnie E.*, 368 Ill. App. 3d at 1067. A parent has made reasonable progress when the trial court, "in the *near future*, will be able to order the child returned to parental custody." (Emphasis in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991).

¶ 74 Here, both Larsen and Verhoeven, the caseworkers assigned to the case during the pertinent nine-month period, testified that there was no point at which they believed returning Manny to Father's custody would be possible in the near future. Both Larsen and Verhoeven likewise testified that there was never a point at which they believed that even unsupervised visitation would be safe for Manny. See *In re Ka. F.*, 2023 IL App (4th) 230496-U, ¶ 39 (upholding a finding that a father failed to make reasonable progress where he "never progressed to unsupervised visits and his ability to have the children in his custody in the near future was highly questionable").[5]

¶ 75 In addition, Verhoeven testified that although both parents made some progress in counseling with Mills, Mills reported regression by October 2024, the end of the relevant period. She further testified that she made a second referral for parenting coaching in August or September of 2024, late in the nine-month period, because at that point, Father still required extra assistance. Father was discharged from parenting coaching unsuccessfully in October 2024, although Verhoeven did not specify whether this occurred before or after October 9, the end date of the nine-month period. Finally, the evidence established that Father's home was not safe for Manny at any point during the pendency of the case. This evidence was sufficient to support the circuit court's finding of unfitness for failure to make reasonable progress toward the return of the child.

¶ 76 In support of his claim to the contrary, Father first asserts that the agency had difficulty finding appropriate services to assist a parent with cognitive impairments, such as homemaker services, dual parent coaching, and "therapeutic visits." We are not persuaded.

¶ 77 We acknowledge that the agency's efforts to find homemaker services were unsuccessful, but we find that the record otherwise contradicts Father's claim. Parenting coaching was initially

[5]We cite *In re Ka. F.* as persuasive authority in accordance with Illinois Supreme Court Rule 23(e)(1) (eff. Jan. 1, 2021).

added as a service in April of 2024. The term "dual parenting coaching" was used during an April 2024 permanency hearing when the State proffered that "if called to testify, the caseworker would testify that [a] referral has gone out for the dual parenting coaching." Two referrals were made for parenting coaching, which took place during the parents' joint visits with Manny. Thus, the record clearly shows this service was, in fact, provided. As to "therapeutic visits," the April 2024 service plan indicates that Verhoeven requested this service for *Mother*, whose intellectual functioning was lower than Father's, as a means of assessing her parenting skills. There is no indication that the service was ever recommended for Father.

¶ 78 Moreover, we do not believe the unavailability of homemaker services to assist Father requires us to overturn the circuit court's findings of unfitness. Undisputed evidence showed that Father indicated an intent to rely on Mother for assistance even though her parenting deficits were more pronounced than his. Undisputed evidence also established that Father's visits with Manny and engagement in services were not always consistent and that his home was not safe for a child Manny's age. The circuit court expressly found that Father's cognitive impairment did not preclude him from attending visits and appointments more regularly or from maintaining a clean home free of hazards. The evidence supports these findings. Father declined bus passes and offers of transportation, he failed to answer the door when representatives from the Norman Housing Advocacy Program came to his residence for scheduled appointments, and he likewise failed to answer the door when caseworkers came to the residence for scheduled home safety checks. While additional services might have been helpful, Father failed to fully engage in the services he was provided and failed to make reasonable progress toward the return of the child in ways that were not the result of his cognitive limitations.

¶ 79 Father next alleges that he was able to parent Manny independently and that "[o]ther than attendance, there were no issues with [Father's] visits with his son." These claims are contradicted by the record. Dr. Iyamah specifically testified that Father was not able to parent Manny independently. Larsen and Verhoeven likewise testified that he was unable to parent independently. Further, although Father required less coaching and prompting during visits than Mother did, both Cummins and Hess testified that he still required coaching.

¶ 80 In a related argument, Father asserts that the agency did not assist him and Mother to parent their child together. However, Larsen specifically testified that they were unable to parent independently, either together or separately. Further, because Mother's parenting deficits were even more pronounced than Father's, Dr. Iyamah opined that relying on Mother for assistance would not enable Father to safely parent his son.

¶ 81 Finally, Father asserts that he was not the reason the child came into care and that he was found to have made both reasonable efforts and reasonable and substantial progress in the circuit court's permanency orders. We are not convinced. It is true that the child came into care due to Mother's failure to correct the conditions that led to the removal of her two older children in previous cases that did not involve Father. However, this does not preclude a finding of unfitness. As explained above, a parent's reasonable progress is measured by compliance with service plan requirements in light of both the conditions that led to the child's removal and "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 at 216-17. In addition, while the circuit court found that Father made reasonable and substantial progress toward Manny's return in its initial permanency order and found that he made reasonable efforts in several subsequent permanency orders, the court also found that Father failed to make both reasonable efforts and reasonable and substantial progress

in multiple other permanency orders. In view of this evidence, we reject Father's contention that the circuit court's findings of unfitness were against the manifest weight of the evidence.

¶ 82 B. Best Interest of the Child

¶ 83 Once the circuit court finds a parent unfit, the focus shifts to the child. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 73. During the best interest phase, the parent's interest in maintaining a relationship with the child "must yield to the child's interest in a stable, loving home life." *In re D.T.*, 212 Ill. 2d 347, 364 (2004).

¶ 84 In deciding whether termination of parental rights is in a child's best interest, the circuit court must consider the following statutory factors: (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 attachment; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the need for permanence and stability and the continuity of the child's relationships with parental figures, siblings, and other family members; (8) the uniqueness of each child and family; (9) the risks inherent in substitute care; and (10) the preferences of the individuals available to provide care. 705 ILCS 405/1-3(4.05) (West 2024). Although the court must consider all applicable statutory factors, it is not required to refer to each individual factor in rendering its decision. *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19.

¶ 85 As with the circuit court's unfitness finding, we review its best interest finding to determine whether it is against the manifest weight of the evidence. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 74. As stated previously, this occurs "if the opposite conclusion is apparent or when findings appear to be unreasonable, arbitrary, or not based on the evidence presented." *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 31.

¶ 86 Here, the circuit court indicated that it considered the relevant factors. Evidence showed that Manny was strongly bonded to his foster parents and their three children, that he was doing well in their care, and that removing him from that placement would be a difficult adjustment for him. This evidence supports the circuit court's determination.

¶ 87 In support of his argument to the contrary, Father asserts that it was not in Manny's best interest to terminate his parental rights because he "maintained interest and concern for his child," attended visits, and engaged in services, and the evidence showed that he "had a bond with his son and his son recognized him." We disagree. The circuit court acknowledged Father's love for his child and the fact that Manny recognized Father and had some relationship with him. The circuit court was not required to find that this was enough to outweigh Manny's strong bond with the foster parents who had cared for him nearly his entire life or his interest in permanence and continuity. We do not believe the circuit court's best interest determination was unreasonable or arbitrary, nor do we believe the opposite conclusion was clearly evident. See *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 31. Therefore, we reject Father's claim that the court's decision was against the manifest weight of the evidence.

¶ 88 III. CONCLUSION

¶ 89 For the foregoing reasons, we affirm the order of the circuit court terminating Father's parental rights.

¶ 90 Affirmed.