2026 IL App (2d) 260182-U
No. 2-26-0182
Order filed September 11, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re K.B., a Minor

(The People of the State of Illinois, Petitioner-Appellee, v. Delorian B., Respondent-Appellant).

Appeal from the Circuit Court of McHenry County.
Honorable Carl E. Metz II, Judge, Presiding.
No. 23-JA-62

JUSTICE SCHOSTOK delivered the judgment of the court.
Justices McLaren and Jorgensen concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err in terminating respondent's parental rights where the evidence supported its finding that respondent was an unfit parent.

¶ 2 Respondent, Delorian B., appeals from the order of the circuit court of McHenry County terminating his parental rights to K.B., his minor child. Respondent argues that the trial court erred in finding that he was an unfit parent. We affirm.

¶ 3 I. BACKGROUND

¶ 4 K.B. was born on June 21, 2023. He was born with symptoms of withdrawal and placed in the neonatal intensive care unit (NICU). On July 26, 2023, K.B. was taken into protective custody by the Department of Children and Family Services (DCFS).

¶ 5 On July 27, 2023, the State filed a petition for adjudication of wardship. (An amended petition correcting K.B.'s name was filed on October 20, 2023.) The petition alleged that K.B. had been hospitalized in the NICU since birth due to withdrawal symptoms from his mother's use of methadone while pregnant. The petition also alleged that K.B.'s mother had minimal contact with K.B., that respondent did not visit K.B. and when he did, he became frustrated and stated that he "cannot handle the baby," and that respondent had a history of weapons charges, domestic violence, and gang affiliation. On that same day, the trial court entered a temporary custody order granting temporary custody of K.B. to DCFS.

¶ 6 A November 2023 integrated assessment indicated that respondent was "guarded throughout the assessment." At the time of the assessment, he did not have stable housing and was living with various friends. Respondent denied any domestic violence, but the assessment reported that there was a history of domestic violence between respondent and K.B.'s mother. Further, the assessment stated that "in the hospital [respondent] was easily overwhelmed for caring for [K.B.], and demonstrated behavior suggesting that he was not able to handle [K.B.'s] crying." It was recommended that respondent participate in individual counseling to help regulate his emotions, parenting education and direct one-on-one coaching with K.B., and a domestic violence assessment.

¶ 7 On November 17, 2023, the trial court entered an adjudicatory order finding that K.B. was neglected in that he was in an environment injurious to his welfare. The finding was based on stipulations from the mother that: K.B. was hospitalized for withdrawal symptoms due to her methadone use; she left the hospital each day and returned after 5 p.m.; respondent did not visit K.B. regularly and, when he did, he would become frustrated, slam the door, and leave due to K.B.'s high-pitched cries, stating that he could not handle the baby; respondent had a gang

affiliation, history of weapons charges, and was uncooperative with aggressive behavior; there was a history of domestic violence between the mother and respondent; K.B.'s family had a history with DCFS including three unfounded investigations and two indicated investigations; she had three other children who were initially in the primary care and custody of their fathers. Respondent stipulated that: he was K.B.'s father; K.B. was hospitalized after birth because of withdrawal symptoms; the mother had minimal contact with K.B.; the mother failed to make proper arrangements to bring K.B. home from the hospital; and the history of DCFS investigations.

¶ 8 On January 5, 2024, the trial court entered a dispositional order finding respondent unfit and unable to care for K.B. It stated that respondent needed to participate in and complete: individualized therapy to improve his emotional regulation and control; domestic violence services; and parenting classes and coaching. The trial court set a permanency goal of return home in 12 months.

¶ 9 On April 29, 2024, respondent was suspended from visitations with K.B. at ROAN Solutions LLC (ROAN) because of his "unsafe and concerning behavior." According to a letter from ROAN, at an April 26, 2024, visit, respondent repeatedly swore at staff in front of K.B., including screaming "fuck you, bitch" at a staff member and slamming a car door so hard that there were concerns about car damage. Though respondent later apologized, ROAN was concerned about the safety of K.B., its staff, and other families it served. Thus, ROAN suspended respondent and stated that it would consider working with him in the future if he attended a minimum of five consecutive therapy sessions.

¶ 10 The June 26, 2024, family service plan stated that there was unsatisfactory progress toward the 12-month return home goal. It noted the "hiccups" with ROAN, but stated that respondent was reinstated after completing the required counseling sessions. However, respondent's progress with

respect to counseling was rated unsatisfactory. It stated that he had not been consistently engaged in therapy without disruption "due to his verbal aggression towards service providers."

¶ 11 On July 12, 2024, DCFS submitted a permanency hearing report to the trial court, which stated that respondent had not made reasonable efforts or substantial progress. The report stated that respondent's first therapist discontinued sessions because they were not making progress and he would be better served elsewhere. However, respondent did engage in counseling, online parenting classes, and domestic violence classes.

¶ 12 On August 8, 2024, the trial court held a permanency hearing where it found that respondent had not made reasonable efforts or reasonable and substantial progress toward the goal of returning K.B. home, and remained unfit and unable to care for K.B. Respondent needed to continue to comply with services and demonstrate an ability to implement what he learned. The permanency goal remained return home within 12 months.

¶ 13 On November 9, 2024, DCFS submitted a status hearing report to the trial court. It indicated that respondent's "visits [were] productive [and] engaging indicating a strong father-son bonding." Respondent completed parenting and domestic violence classes and was involved in individual therapy. However, the report noted that there were "times where [respondent was] not fully aware of the financial, parenting responsibilities and commitment it will take to have his son in his care."

¶ 14 In December 2024, K.B.'s mother died from an apparent drug overdose.

¶ 15 The January 22, 2025, family service plan stated that respondent had made some efforts, but his progress was unsatisfactory. The narrative portion of the plan stated that although he frequently visited K.B., he missed visits after confirming them, arrived to visits late, and acted erratic and volatile during visits. He also sent a late-night text message to a transportation driver

seeking to "link up." As a result, that transportation company refused to work with respondent. The service plan also stated that respondent "exhibited verbally aggressive behavior" towards the case worker. Respondent was referred to DCFS Family Advocacy at Nicasa Behavioral Health for assistance "with addressing his housing concerns and other needs to facilitate reunification with his child." Additionally, respondent initially agreed to complete a psychological evaluation but later refused to go. He first stated that he already completed a psychological evaluation at Nicasa, but the case worker explained that it was a different evaluation. He then refused to go because of the distance to the location in Chicago.

¶ 16 On January 23, 2025, DCFS submitted a permanency hearing report to the trial court. It stated that respondent had not made reasonable efforts and had not made reasonable and substantial progress towards reunification. This conclusion was based on the same information from the January 22, 2025, family service plan.

¶ 17 On March 11, 2025, a continued permanency hearing report was submitted to the trial court. It stated that respondent had missed two scheduled visits with Nicasa due to car troubles. Respondent continued to have positive visits with K.B., demonstrating attentiveness and affection to K.B. However, DCFS continued to have concerns regarding his readiness to assume full-time parental responsibility due to his behavior and difficulty understanding program requirements. K.B. was referred for an autism evaluation, so DCFS had apprehensions about respondent's ability to meet the demands for a child with possible special needs. The report stated that "[d]espite making some efforts, there are concerns that [respondent] is focusing on fulfilling procedural requirements rather than preparing for the realities of parenting a young child with potential special needs." The report also noted that respondent was living with his grandparents but refused a home safety assessment because he preferred to wait until he had his own housing.

¶ 18 On March 21, 2025, the trial court conducted a permanency hearing where it found that respondent had not made reasonable efforts or reasonable and substantial progress toward the return home goal, and remained unfit and unable to care for K.B. The trial court denied the State's request to change the permanency goal to substitute care pending determination of termination of parental rights and instead changed it to return home within five months, with a goal completion date of August 7, 2025, because "[t]his case has gone on too long." The trial court noted respondent's behavioral issues and stated that "those issues are prohibiting your progress." It cautioned respondent that "[t]his is your lifeline ***. This is your last opportunity."

¶ 19 On June 24, 2025, a review hearing report was submitted to the trial court. It stated that respondent had "declined further engagement" with Nicasa because he only wanted help with housing, but Nicasa provided more comprehensive support services. DCFS therefore submitted a new referral to Nicasa, respondent's third such referral. Respondent was allowed unsupervised visits with K.B., but the first three visits had issues because respondent did not have an appropriate car seat and he twice returned K.B. to his foster mother early. Respondent now reported living with his aunt, but a home safety inspection showed an inoperable smoke detector. The home was therefore not approved for visitation. Despite attempts by the DCFS caseworker to schedule a follow-up inspection, respondent's aunt was unreachable. DCFS was also suspicious that respondent was no longer living with his aunt. Additionally, respondent's employment with a painting company was verbally confirmed, but no documentation was provided. Documentation is needed to determine eligibility for housing assistance. DCFS remained concerned due to respondent's continued housing instability, lack of verified income, and unproven ability to meet K.B.'s needs.

¶ 20 The June 30, 2025, family service plan stated that respondent started anger management classes on April 11, 2025, and "[s]o far he is in compliance" because he "attended most of his sessions." However, respondents' other issues remain unchanged and DCFS continued to express concerns, especially regarding housing. DCFS also noted that respondent had been told that he can attend K.B.'s medical appointments to learn more about K.B.'s special needs, but respondent had not done so. Given respondent's full-time work schedule, DCFS expressed concern about who would be responsible for meeting K.B.'s medical needs. The plan also rated respondent "unsatisfactory progress" for the goals of "not to discontinue any services without DCFS approval," "provide proof of employment and a copy of his work schedule," "cooperate with Family Advocacy Center [at Nicasa] case manager," "develop a budget with [DCFS] or service provider to demonstrate ability to meet his child's [financial] needs," "provide a safe, adequate and clean housing arrangement for his child," and "demonstrate progress and benefit from treatment as evidenced by maintaining a period of stabilization for 6 months without any verbal aggression towards service providers."

¶ 21 On August 26, 2025, DCFS filed a permanency hearing report, which concluded that K.B. should not be returned to respondent's care. DCFS expressed concerns about respondent's frequent cancellations and rescheduling of visits, housing instability, and ability to care for and manage K.B.'s special needs, given K.B.'s autism and pica diagnoses. (Pica is disorder where an adult or infant attempts to consume inedible items.)

¶ 22 On September 24, 2025, respondent testified at the permanency hearing that he never refused to work with Nicasa. Rather, he worked with Nicasa to obtain housing, but that Nicasa told him he needed to complete the services on his service plan before they could help him with housing. Nicasa sent him a list of subsidized housings and he submitted applications, but those

applications were denied. Respondent also stated that he looked for housing on Facebook Marketplace. Respondent said that his goal was to have unsupervised visits with K.B. at his aunt's home while he was looking for permanent housing, but he could not "get through to her" regarding scheduling a follow-up home safety inspection.

¶ 23 Respondent testified that K.B.'s foster mother told him that he could attend K.B.'s medical appointments. He said that he was never told by DCFS that he should attend the appointments and his work schedule prevented him from attending. Despite not attending the appointments, respondent testified that he was well-informed about K.B.'s autism and pica diagnoses. He said that on one occasion, when K.B. put an inedible object in his mouth, respondent redirected K.B. to a teething ring to chew on instead.

¶ 24 On October 9, 2025, the trial court found that respondent had not made reasonable efforts, and had not made reasonable and substantial progress towards the return home goal. The trial court noted that K.B. was "not close to returning home despite the age of this case" and that they "are nearly in the same situation we were in during the last permanency hearing" in March 2025. The trial court also found that respondent's lack of permanent housing was a significant issue and that "[t]he facts essentially have not changed." The trial court took issue with respondent blaming DCFS and the service providers for not telling him to go to K.B.'s appointment, which the trial court found was evidence of a lack of progress. Therefore, the trial court changed the permanency goal to substitute care pending court determination on termination of parental rights. After the trial court's ruling, respondent said that "[t]his is not going to be the end. *** And DCFS, you all ain't keeping my baby. Period. Get ready for civil lawsuits and Supreme Court [*sic*]. Get ready."

¶ 25 Also on October 9, 2025, respondent was hospitalized after sustaining injuries during a reported shooting in Fox Lake. Respondent was later arrested and charged with several felonies,

including unlawful possession of a weapon by a felon and unlawful possession of a controlled substance with intent to deliver. He has been incarcerated in Lake County jail since October 20, 2025.

¶ 26 On November 5, 2025, the State filed a petition to terminate respondent's parental rights. The State alleged that respondent failed to maintain a reasonable degree of interest, concern or responsibility as to the welfare of K.B (750 ILCS 50/1(D)(g) (West 2024)); failed to make reasonable efforts to correct the conditions that were the basis for the removal of K.B. during any nine-month period after the adjudication of neglect (*id.* § 50/1(D)(m)(i)) during the periods of: November 17, 2023, through August 17, 2023; August 8, 2024, through May 8, 2024; and January 9, 2025, through October 9, 2025; and failed to make reasonable progress toward the return of K.B. for any nine-month period after the adjudication of neglect (*id.* § 50/1(D)(m)(ii)) during the same time periods.

¶ 27 On January 21, 2026, the trial court held a hearing on the unfitness portion of the State's petition. Alberta Crescenzo, the DCFS case manager, was the sole witness to testify at the hearing. She testified consistent with the written reports, which were admitted into evidence, regarding respondent's actions and DCFS's concerns. She also testified that respondent had not had any contact with K.B. since his incarceration in October 2025. Prior to his incarceration, respondent had about four visits with K.B. per month. She said he missed "maybe one to two" visits per month. Regarding the Nicasa housing assistance, Crescenzo said that respondent initially participated in the housing referral but chose not to work with or provide information to Nicasa. Specifically, respondent was supposed to provide Nicasa with a list of potential homes, which he did not do until the trial court changed the permanency goal on October 9, 2025.

¶ 28 On February 3, 2026, the trial court entered a written order finding respondent unfit. The trial court stated that "[w]hile over the course of two and one-half years [respondent] participated in some services, *** he showed little to no progress toward the return to home goal." The court noted that respondent "never showed his ability to regulate his emotions, *** never achieved housing stability, *** failed to take advantage of services to assist him, *** [and] never provided income verification so that housing assistance could be calculated." It also noted that respondent never attended K.B.'s doctor's appointments despite being given the opportunity to do so. The trial court concluded that respondent's "failure to fully engage in the case or services and to demonstrate and use what he learned clearly demonstrates his failure to maintain a reasonable degree of interest, concern or responsibility as to the welfare of [K.B.]; and demonstrates his failure to take reasonable steps and achieve reasonable and substantial progress towards the return of [K.B.] As such, [respondent] is unfit."

¶ 29 On March 17, 2026, the trial court held a hearing on the best interests portion of the State's petition. The trial court heard testimony from Crescenzo, K.B.'s foster parents, and an advocate manager from CASA of McHenry County. The trial court also took judicial notice of respondent's criminal charges and incarceration in Lake County. On April 6, 2026, the trial court entered a written order finding that it was in K.B.'s best interests to terminate respondent's parental rights. The trial court determined that respondent "never engaged himself to understand all of [K.B.'s] needs" and that he is now "incarcerated, with his future unknown." It also found that K.B.'s foster parents continue to meet all his needs and that he was "thriving in his current environment." Defendant timely appealed from this order.

¶ 30 II. ANALYSIS

¶ 31 Respondent argues on appeal that the trial court erred in finding that he was unfit and terminating his parental rights as a result.

¶ 32 The Juvenile Court Act of 1987 (Act) sets forth a two-stage process for the involuntary termination of parental rights. 705 ILCS 405/1-1 *et seq.* (West 2024). Initially, the State must establish, by clear and convincing evidence, that the parent is unfit under any single ground set forth in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). See 705 ILCS 405/2-29(2), (4) (West 2024); *In re J.L.*, 236 Ill. 2d 329, 337 (2010). If the trial court finds the parent unfit, the State must then prove, by a preponderance of the evidence, that termination of parental rights is in the child's best interest. See 705 ILCS 405/2-29(2) (West 2024); *In re D.T.*, 212 Ill. 2d 347, 367 (2004). We will not disturb a trial court's finding as to fitness or best interests unless it is against the manifest weight of the evidence. *In re N.B.*, 2019 IL App (2d) 180797, ¶¶ 30, 43. A decision is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent or the determination is unreasonable, arbitrary, or not based on the evidence. *In re Keyon R.*, 2017 IL App (2d) 160657, ¶ 16. Although section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)) sets forth several grounds under which a parent may be deemed unfit, any one ground, properly proven, is sufficient to sustain a finding of unfitness. *M.I.*, 2016 IL 120232, ¶ 43.

¶ 33 Respondent argues that the trial court's ruling that he failed to maintain a reasonable degree of interest, concern, or responsibility (750 ILCS 50/1(D)(b) (West 2024)) as to K.B.'s welfare was against the manifest weight of the evidence. Petitions alleging unfitness under subsection (b) are not limited to a specific time frame. *In re Dominique W.*, 347 Ill. App. 3d 557, 568 (2004). In evaluating fitness based on this ground, the trial court must examine the parent's conduct "in the

context of the circumstances in which that conduct occurred." *In re Adoption of Syck*, 138 Ill. 2d 255, 278 (1990). The focus is on the reasonableness of the parent's efforts, not their ultimate success. *In re Jaron Z.*, 348 Ill. App. 3d 239, 259 (2004). A parent is not fit merely because they have shown some interest or affection for a child. *In re M.J.*, 314 Ill. App. 3d 649, 657 (2000). The trial court may consider any circumstances that made it difficult for the parent to visit, communicate with, or otherwise demonstrate interest in the child. *Id.* "Noncompliance with an imposed service plan, a continued addiction to drugs, a repeated failure to obtain treatment for an addiction, and infrequent or irregular visitation with the child have all been held to be sufficient evidence warranting a finding of unfitness under subsection (b)." *Id.* Finally, because the trial court is in the best position to observe the demeanor and conduct of the parties and witnesses, it is best situated to assess credibility and weigh the witnesses' testimony. *In re E.S.*, 324 Ill. App. 3d 661, 667 (2001).

¶ 34 Here, the trial court's finding of unfitness was not against the manifest weight of the evidence. The evidence and testimony at the unfitness hearing established respondent's failure to comply with the goals set forth on his service plan. "[T]he failure to comply with the directive of a service plan with the stated goal of returning a child home is tantamount to objectively unreasonable interest, concern, or responsibility as to the child's welfare." *In re M.J.*, 314 Ill. App. 3d at 657. While respondent made some efforts to comply with his service plan by participating in treatment for his behavioral issues, the record is clear that those issues continued to repeatedly cause problems with service providers and hindered his ability to visit K.B For example, respondent had repeated emotional outbursts with service providers, at times profanity-laden, including in front of K.B. Respondent also failed to make reasonable efforts towards other goals,

such as maintaining his participation in his treatments without issue, working with the service providers to develop a financial plan, and obtaining appropriate housing.

¶ 35 Additionally, respondent displayed a lack of interest when he often cancelled or rescheduled his visits with K.B, and on two occasions returned K.B. early to his foster parents. Respondent also failed to attend any of K.B.'s doctor's appointments, apparently because he was never told that he should. Crescenzo testified that it was important to attend these appointments "to get a feel of fatherly duties and to know what his child needs and *** he should know what's going on with his child medically, mentally, [and] emotionally." Respondent's lack of interest in attending these appointments is especially concerning given K.B.'s special needs. Respondent's alleged criminal behavior resulting in incarceration further shows respondent's lack of interest. Therefore, the evidence supports the trial courts finding that respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to K.B.'s welfare.

¶ 36 Although we may affirm the finding of unfitness based on the above alone (*M.I.*, 2016 IL 120232, ¶ 43), respondent's arguments that he made reasonable efforts to correct the conditions that were the basis for removal (750 ILCS 50/1(D)(m)(i) (West 2024)) and made reasonable progress toward reunification (*id.* § 50/1(D)(m)(ii)) similarly fail. "Reasonable efforts relate to the goal of correcting the conditions that caused the removal of the child from the parent [citation], and are judged by a subjective standard based upon the amount of effort that is reasonable for a particular person." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1066-67 (2006). Reasonable progress is "an objective judgment based upon progress measured from the conditions existing when the parent was deprived of custody" (*In re S.J.*, 233 Ill. App. 3d 88, 117 (1992)) or progress toward correcting "a parental shortcoming that would inhibit the return of the child to the parent" (*In re A.J.*, 296 Ill. App. 3d 903, 914 (1998)). The lack of reasonable efforts or progress must occur

during a nine-month period following the adjudication of neglect that is identified in the State's petition. See 750 ILCS 50/1(D)(m) (West 2024).

¶ 37 Here, in addition to failing to make reasonable efforts or progress toward correcting his behavioral issues, respondent made little progress toward attaining appropriate permanent housing prior to his incarceration. During each identified time period, respondent repeatedly failed to utilize the resources DCFS offered, like Nicasa, and did not provide income verification toward receiving subsidized housing. Additionally, although respondent's aunt's home initially appeared to be a reasonable housing option, respondent failed to facilitate his aunt's cooperation for scheduling a follow-up home safety inspection. As the trial court noted, respondent's aunt seemed uninterested in housing K.B., effectively making her home not a viable option. These facts demonstrate a lack of reasonable efforts towards correcting the conditions leading to removal and reasonable progress toward reunification with K.B.

¶ 38 Respondent insists that his completion of some services shows that he was making reasonable efforts and substantial progress. However, the record shows that respondent was at times sporadic in his completion of services, often ending and restarting services, or failing to make any reasonable efforts or progress at all, as previously described. DCFS repeatedly raised concerns, such as with his emotional outbursts and housing situation, but respondent continued to make little to no progress. For example, while he completed some counseling and anger management classes, respondent often did not show signs of implementing what he had learned, as he continued to have emotional outbursts toward service providers. Rather, as DCFS and the trial court believed, it appears respondent was merely going through the motions of checking off completed services without demonstrating any reasonable progress. There is "a significant difference between going through the motions, checking off the boxes, and mechanically doing

what is asked of the parent, and actually changing the circumstances that brought the children into care." *In re Ta. T.*, 2021 IL App (4th) 200658, ¶ 56. The purpose of the trial court and DCFS "requiring parents to attend classes and engage in services is not just so the parents can say they attended; it is so parents *apply* what they learn in their lives, in the real world, such that the court can be confident that the children will be safe in their care." (Emphasis in original.) *Id.*

¶ 39 Lastly, respondent attempts to argue the trial court's March 21, 2025, changing of the permanency goal to return home within 5 months was a positive sign that he was making progress. However, that conclusion is unsupported and affirmatively rebutted by the record. The trial court's ruling was based on the length of time the case was pending and respondent's lack of progress. The trial court warned respondent that it was his "last opportunity." Despite this, the record demonstrates that respondent failed to make reasonable efforts toward correcting the grounds for removal or reasonable progress toward reunification with K.B., even after that warning. Accordingly, the trial court's finding respondent unfit was not against the manifest weight of the evidence.

¶ 40 Finally, as respondent does not contest the trial court's best-interests finding, we conclude that the trial court's order terminating respondent's parental rights was appropriate. *In re Addison R.*, 2013 IL App (2d) 121318, ¶ 35.

¶ 41 III. CONCLUSION

¶ 42 For the reasons stated, we affirm the judgment of the circuit court of McHenry County.

¶ 43 Affirmed.