

NOTICE
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2026 IL App (5th) 260278-U
NO. 5-26-0278
IN THE
APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT

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

<i>In re</i> C.R., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Moultrie County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 22-JA-15
	)	
Suzanne R.,	)	Honorable
	)	Jeremy J. Richey,
Respondent-Appellant).	)	Judge, presiding.

JUSTICE McHANEY delivered the judgment of the court.
Presiding Justice Cates and Justice Bollinger concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court’s findings that Mother was an unfit parent and that termination of her parental rights was in the minor’s best interests were not against the manifest weight of the evidence where multiple professionals testified that Mother’s permanent cognitive limitations prevented her from safely discharging parental responsibilities, and the evidence established that the minor was thriving in her current placement.

¶ 2 I. BACKGROUND

¶ 3 C.R. was born on July 7, 2022. On September 9, 2022, the State filed a petition for adjudication of wardship alleging that C.R. was neglected and dependent because her environment was injurious to her welfare because she was without proper care due to the mental disabilities of her parents, Suzanne R. (Mother) and Christopher S. (Father). Three days later, following a shelter

care hearing, the circuit court found probable cause to believe C.R. was neglected and dependent and placed her in the temporary custody and guardianship of the Illinois Department of Children and Family Services (DCFS).

¶ 4 The circuit court ordered Mother to cooperate with DCFS, participate in recommended services, and undergo a parenting-capacity assessment. Mother complied with the evaluation process while the case proceeded through adjudicatory and dispositional hearings. The circuit court ultimately adjudicated C.R. neglected and dependent, made her a ward of the court, and placed her in the guardianship and custody of DCFS.

¶ 5 On August 24, 2023, the State filed a motion seeking findings of unfitness and termination of Mother's parental rights pursuant to section 1(D)(p) of the Adoption Act (750 ILCS 50/1(D)(p) (West 2022)), alleging that Mother was unable to discharge her parental responsibilities because of an intellectual disability and related mental-health conditions and that her inability would extend beyond a reasonable period. The State filed a second motion seeking findings of unfitness and termination of Mother's parental rights on September 19, 2025. The fitness hearing was held on February 11, 2026, where the evidence focused primarily on whether Mother's cognitive limitations prevented her from safely parenting C.R. despite her consistent participation in visitation and the affection she demonstrated toward her daughter.

¶ 6 Dr. Richard Hutchison, a licensed clinical psychologist, evaluated Mother in July 2025. Mother reported that she had been placed in special education throughout school, graduated while living in a group home after being removed from her parents' care, received Social Security disability benefits, and planned to continue living with Father while raising C.R. Dr. Hutchison administered psychological, intellectual, educational, and adaptive-functioning assessments, which placed Mother within the mild intellectual disability range, with a full-scale IQ of 63, and

reflected significant deficits in reasoning, comprehension, academic functioning, and adaptive skills. Dr. Hutchison also diagnosed Mother with post-traumatic stress disorder and generalized anxiety disorder. He testified that, although Mother genuinely desired to parent C.R. and demonstrated affection for her daughter, her intellectual functioning substantially impaired her ability to understand complex situations, solve problems, and independently respond to a young child's changing needs. In his opinion, Mother would require continuous supervision to safely parent C.R., and her intellectual disability was permanent and unlikely to improve through treatment.

¶ 7 The State also presented testimony from Sarah Usery, a licensed clinical social worker who completed Mother's parenting-capacity assessment after observing the parents during a supervised visit with C.R. Usery acknowledged that Mother was affectionate with C.R., fed and comforted her appropriately, and clearly loved her daughter. Usery nevertheless concluded that Mother struggled to recognize developmental needs, frequently looked to Father for reassurance before making decisions, and lacked the independent judgment necessary to safely parent without constant supervision. Although Usery believed Mother benefitted from coaching and instruction, she ultimately concluded that additional services would not overcome the cognitive limitations affecting her parenting capacity.

¶ 8 Irma Martin, the DCFS child welfare specialist assigned to the case, described Mother's visits with C.R. as loving and appropriate. Martin testified that Mother consistently attended visitation, interacted positively with C.R., and clearly wanted to be a parent. At the same time, Martin observed that Mother required repeated instruction regarding routine parenting matters and remained unable to independently manage C.R.'s medical and developmental needs, which

required frequent appointments and careful follow-up. Martin concluded that Mother could not safely care for C.R. without substantial assistance.

¶ 9 Mother presented testimony from Kalyn Morgan, a case manager with Marion County Horizon Center who had worked with Mother and Father for several years. Morgan testified that Mother lived independently with Father, maintained her home, paid bills, prepared meals, and functioned successfully within the community with available support services. Morgan had never observed unsafe conditions in the home and believed transportation (Mother did not have a driver's license) and other supportive services could continue if C.R. were returned to her parents. Morgan also believed Mother had demonstrated progress while participating in services.

¶ 10 After considering the testimony and documentary evidence, the circuit court found that the State proved by clear and convincing evidence that Mother was an unfit parent under section 1(D)(p). The court acknowledged Mother's affection for C.R. and her desire to parent. It also recognized that Mother had demonstrated the ability to live independently in many respects. Nevertheless, the court found Dr. Hutchison's testimony particularly persuasive and concluded that independent living did not establish the ability to safely discharge parental responsibilities for a young child with significant developmental and medical needs. The court further found that Mother's inability would extend beyond a reasonable period and entered a finding of unfitness.

¶ 11 The matter proceeded to a best-interest hearing. Timothy R., C.R.'s foster father and Mother's brother, testified that C.R. had lived with him and his wife since infancy and had become fully integrated into their family. He testified that C.R. viewed them as her parents, was thriving in their home, attended preschool and church with the family, and that he and his wife wished to adopt her.

¶ 12 Martin testified that C.R. remained safe, stable, and well-adjusted in the foster home and recommended that the permanency goal be changed to adoption. Martin acknowledged that she hoped Mother could remain part of C.R.'s life if the family relationship could be maintained.

¶ 13 After considering the statutory best-interest factors, the circuit court concluded that termination of Mother's parental rights served C.R.'s best interests. The court found that C.R. was safe, secure, and thriving in her foster placement and that adoption would provide the permanence and stability she required. The court further observed that, despite Mother's love for C.R., she lacked the capacity to safely care for her daughter independently and that returning C.R. to Mother's care would create an unsafe environment. Accordingly, the court entered an order terminating Mother's parental rights.

¶ 14 II. ANALYSIS

¶ 15 Mother first argues that the circuit court's finding that she was an unfit parent pursuant to section 1(D)(p) of the Adoption Act (750 ILCS 50/1(D)(p) (West 2024)) was against the manifest weight of the evidence. Specifically, Mother contends that the State failed to prove by clear and convincing evidence that her intellectual disability prevented her from discharging her parental responsibilities or that any such inability would extend beyond a reasonable period. We disagree.

¶ 16 The termination of parental rights under the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/1-1 *et seq.* (West 2024)) and the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 2024)) involves a two-step process. First, the State must prove by clear and convincing evidence that the parent is unfit under one or more of the statutory grounds set forth in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *In re D.T.*, 212 Ill. 2d 347, 352-53 (2004); *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005). If the circuit court finds the parent unfit, the proceeding advances to the best-interest stage, where the focus shifts from the parent's interest in

maintaining the parent-child relationship to the child's interest in a stable, loving, and permanent home. *D.T.*, 212 Ill. 2d at 364. Because the circuit court is in the superior position to observe the witnesses, assess credibility, and weigh the evidence, its finding of unfitness is entitled to great deference and will not be disturbed unless it is against the manifest weight of the evidence. *Gwynne P.*, 215 Ill. 2d at 354-55. A finding is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent. *In re D.F.*, 201 Ill. 2d 476, 498 (2002); *Gwynne P.*, 215 Ill. 2d at 354.

¶ 17 Here, the circuit court found Mother unfit under section 1(D)(p) of the Adoption Act. That section provides that a parent is unfit where she is unable to discharge parental responsibilities because of a mental impairment, mental illness, intellectual disability, or developmental disability, and there is sufficient justification to believe that the inability will extend beyond a reasonable period. 750 ILCS 50/1(D)(p) (West 2024).

¶ 18 As the Second District explained in *In re Cornica J.*, “[i]n order to prove a parent unfit under section 1(D)(p) of the Act, the State must (1) present competent evidence that the parent suffers from a mental impairment, mental illness, or mental retardation sufficient to prevent the discharge of normal parental responsibilities; and (2) present sufficient evidence to conclude that the inability will extend beyond a reasonable time period.” *In re Cornica J.*, 351 Ill. App. 3d 557, 566 (2004) (citing *In re M.M.*, 303 Ill. App. 3d 559, 566 (1999)). The court ultimately reversed the finding of unfitness because the psychologist's opinion rested upon only a handful of interactions with the parents and was contradicted by substantial evidence demonstrating the parents' relationship with their children and their ability to function appropriately. Unlike *In re Cornica J.*, the evidence presented in this case overwhelmingly corroborated the professional opinions regarding Mother's parenting capacity.

¶ 19 Mother correctly observes that an intellectual disability alone does not establish parental unfitness under section 1(D)(p). As the court recognized in *In re Cornica J.*, “a low IQ does not automatically translate into an inability to discharge parental responsibilities.” *Id.* at 569. Rather, the question is whether the parent’s impairment actually prevents her from discharging normal parental responsibilities and whether that inability will extend beyond a reasonable period. *Id.* at 566.

¶ 20 Dr. Hutchison based his opinions on more than a brief interview with Mother. He conducted a clinical interview; administered a mental status examination and multiple standardized psychological and intellectual assessments—including the Stanford-Binet 5 Intelligence Test, the Wide Range Achievement Test, the Vineland Adaptive Behavior Scales, and the House-Tree-Person assessment; and obtained Mother’s social and developmental history. He learned from Mother that she had been in group home settings since she was a child, was in special education classes, and graduated high school while living in an assisted environment. After completing his independent evaluation, Dr. Hutchison reviewed the integrated assessment, family service plans, parenting-capacity assessment, and other background materials to determine whether those records were consistent with his conclusions. The Stanford-Binet testing placed Mother within the mild intellectual disability range and revealed significant deficits in reasoning, comprehension, memory, and adaptive functioning.

¶ 21 More importantly, Dr. Hutchison explained how those limitations affected Mother’s ability to function and parent. He described Mother as a “very concrete thinker” whose ability to reason abstractly was “extremely limited.” Consequently, “what she might learn in one situation, she might have difficulty applying it in another situation.” Dr. Hutchison further explained that Mother would have difficulty understanding complex situations and “a very difficult time reasoning

through and understanding and then coming up with an appropriate response.” Although Mother could make “simple routine decisions,” Dr. Hutchison testified that she would be incapable of comprehending complex situations, thinking through appropriate actions, and making appropriate decisions. He further observed that Mother demonstrated no insight into why C.R. had been removed from her care, what was going on in the court proceedings, or what was required to raise a child.

¶ 22 Dr. Hutchison also distinguished Mother’s ability to perform familiar daily tasks from her capacity to independently parent. The evidence established that Mother received approximately 15 hours of assistance each week in her own home, and Dr. Hutchison testified that without that assistance her adaptive-functioning scores may have been even lower. In his opinion, Mother did not possess the ability to live “totally independently without supervision and assistance.” He diagnosed Mother with mild intellectual disability, post-traumatic stress disorder, and generalized anxiety disorder. Although the latter two conditions were amenable to treatment, he testified that Mother’s intellectual disability “will never change and will always be interfering with living for her.” Dr. Hutchison further concluded that Mother was “not capable of living totally independently without assistance or supervision.”

¶ 23 Usery’s parenting-capacity assessment provided further evidence of how Mother’s cognitive limitations manifested in the parenting context. Usery acknowledged that there was no question Mother loved C.R. and wanted to parent her. Indeed, Usery described it as “very, very clear” that Mother loved C.R., observed that Mother wanted to care for C.R. throughout the supervised visit, and testified that C.R. appeared comfortable with Mother. Nevertheless, Usery identified concerns extending beyond Mother’s ability to perform particular parenting tasks during a supervised visit.

¶ 24 Specifically, Usery testified that Mother’s limitations were “maybe even a little more extreme” than Father’s because Mother did not understand the needs of a baby or a child’s developmental stages and, due to her concrete thinking, was unable to apply parenting information in an abstract manner. Usery explained that although parenting classes teach specific skills, “those things never actually work out exactly like that in the real world,” requiring a parent to apply what was learned “in a broader sense.” When asked whether Mother would require “24 hour 7 days a week supervision” if C.R. were placed in her care, Usery answered, “Yes.” She further agreed that this level of supervision was necessary because of concern that even C.R.’s “most basic needs” would otherwise not be met. Thus, Usery’s concern was not that Mother simply needed additional parenting experience or occasional assistance, but that her underlying cognitive limitations prevented her from safely applying learned parenting skills without continuous supervision.

¶ 25 The circuit court identified concrete examples demonstrating this difficulty. As the court explained, the question was whether the parents could “take what they learned and put it into action.” The court identified “concrete examples” in the record where they could not, including evidence that “[d]iapers could not be put on correctly on the child” and that there were “problems feeding the child” involving “being able to put the right amount of liquid into a bottle” and prepare it properly. The significance of those incidents was not that an isolated difficulty changing a diaper or preparing a bottle renders a parent unfit. Rather, those incidents provided concrete examples of the precise limitation identified by Hutchison and Usery—Mother’s difficulty translating learned information into the practical and changing circumstances involved in caring for a child.

¶ 26 The circuit court also considered C.R.’s particular medical needs but did not treat them as the primary basis for its finding. The court noted Martin’s testimony concerning C.R.’s medical appointments, tubes in her ears, eye issues and surgery, and the need on one occasion to travel to

Peoria for treatment. The court contrasted those needs with the parents' inability to drive and their reliance upon assistance to attend work and appointments. Significantly, however, the court characterized this circumstance as "just at least maybe a minor fact that also suggests parental unfitness here." Thus, the circuit court did not find Mother unfit merely because C.R. had medical appointments or because Mother lacked a driver's license. Those circumstances were considered as one part of the broader evidence concerning Mother's capacity to independently meet C.R.'s needs.

¶ 27 We recognize, as did the circuit court, the evidence favorable to Mother. Mother consistently demonstrated affection for C.R. and a sincere desire to parent her, participated in services, and was able to perform many routine daily activities with available assistance. Morgan testified favorably concerning Mother's functioning, and the circuit court expressly found Morgan credible, observing that she had provided "some concrete testimony about the abilities of both Respondent Mother and Father that would be in their interest for this hearing." The circuit court nevertheless was entitled to weigh that evidence against Hutchison's psychological testing and Usery's parenting-capacity assessment, both of which addressed the different and more demanding question whether Mother could independently discharge parental responsibilities for C.R.

¶ 28 Importantly, the circuit court expressly recognized that intellectual disability, standing alone, does not establish parental unfitness. The court stated, "This is not an issue of simply you have a low IQ and therefore you lose your parenting rights." Instead, the court considered "all the facts in this case as a whole," including the multiple tests conducted by Dr. Hutchison, the records he reviewed, and the professional opinions concerning whether the parents possessed the capacity to care for C.R. The court further found that there was no evidence of "any sort of medication, therapy, or anything else" that would enable the parents to parent and concluded that they "would

not be able to discharge their parental responsibilities at any time, let alone a reasonable time period.” Accordingly, this is not a case in which Mother’s disability itself supplied the basis for the finding of unfitness. Rather, the evidence established the functional effect of Mother’s permanent cognitive limitations on her ability to independently discharge parental responsibilities. The circuit court’s finding that Mother was unfit under section 1(D)(p) therefore was not against the manifest weight of the evidence.

¶ 29 Having concluded that the circuit court properly found Mother unfit, we next consider whether the circuit court’s determination that termination of Mother’s parental rights served C.R.’s best interests was against the manifest weight of the evidence. Once a parent has been found unfit, the parent’s interest in maintaining the parent-child relationship must yield to the child’s interest in a stable, loving, and permanent home. *D.T.*, 212 Ill. 2d at 364. At the best-interest stage, the State bears the burden of proving by a preponderance of the evidence that termination of parental rights is in the child’s best interests. *Id.* A circuit court’s best-interest determination will not be disturbed unless it is against the manifest weight of the evidence. *Id.* at 367.

¶ 30 In making that determination, the circuit court must consider, within the context of the child’s age and developmental needs, the factors set forth in section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2024)), including the child’s physical safety and welfare, sense of attachment, community ties, need for permanence, continuity of relationships, and the least disruptive placement alternative.

¶ 31 The evidence presented at the best-interest hearing overwhelmingly supported the circuit court’s decision. Timothy R. testified that C.R. had lived continuously in his home with his wife since shortly after her birth. During that time, C.R. had become fully integrated into their family and viewed them as her parents. Timothy testified that C.R. had developed close relationships with

the other children in the home, attended preschool, participated in church and family activities, and was thriving in a safe and stable environment. Timothy further testified that he and his wife wished to adopt C.R. and provide her with the permanence she deserved.

¶ 32 Martin testified that C.R. was doing well in her foster placement and recommended that the permanency goal be changed to adoption. Martin explained that C.R. was secure in her placement, her needs were being met, and the foster parents were committed to providing her with a permanent home. Although Martin acknowledged Mother's continued love for C.R. and expressed hope that some family relationship could be maintained if appropriate, she nevertheless concluded that adoption by the foster family best served C.R.'s long-term interests.

¶ 33 The circuit court recognized that Mother genuinely loved C.R. and that the bond between them was sincere. However, the existence of a loving relationship does not control the best-interest determination. Rather, once a parent has been found unfit, "the parent's rights must yield to the child's best interest." *In re Tashika F.*, 333 Ill. App. 3d 165, 170 (2002). Here, the evidence established that C.R. had spent essentially her entire life in a safe, nurturing, and permanent foster home where all of her physical, emotional, developmental, educational, and medical needs were being met. The circuit court properly considered C.R.'s need for permanence. At the time of the best-interest hearing, C.R. had been living outside Mother's care for more than three years. During that period, she developed strong emotional attachments within her foster family and became fully integrated into that home. Section 1-2 of the Juvenile Court Act (705 ILCS 405/1-2 (West 2024)) recognizes that children are entitled to permanence and stability within a reasonable time. The expert testimony in this case established that Mother would never independently acquire requisite parenting abilities.

¶ 34 The evidence established that C.R. was thriving in a loving and permanent foster home whose members wished to adopt her; that her needs were consistently being met; and that adoption would provide the permanence and stability the Juvenile Court Act seeks to achieve for children who cannot safely be returned home. Accordingly, we cannot say that the circuit court's determination that termination of Mother's parental rights served C.R.'s best interests was against the manifest weight of the evidence.

¶ 35 III. CONCLUSION

¶ 36 Because an opposite conclusion is not readily apparent, we find that the circuit court's decision finding Mother unfit and terminating her parental rights was not against the manifest weight of the evidence.

¶ 37 Affirmed.