

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

2026 IL App (4th) 251346-U
NOS. 4-25-1346, 4-25-1347, 4-25-1348, 4-25-1349 cons.

FILED
May 8, 2026
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

<i>In re</i> J.W., R.W., Z.W., Z.O., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Fulton County
Petitioner-Appellee,	)	Nos. 22JA26
v.	)	23JA23
Tresha B.,	)	23JA24
Respondent-Appellant).	)	23JA25
)	
	)	Honorable
	)	Curtis S. Lane,
	)	Judge Presiding.

JUSTICE DOHERTY delivered the judgment of the court.
Justices Knecht and DeArmond concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court’s fitness and best-interest determinations were not against the manifest weight of the evidence.

¶ 2 In May 2025, the State filed petitions to terminate the parental rights of respondent Tresha B. as to her minor children, J.W. (born in 2017), R.W. (born in 2018), Z.W. (born in 2019), and Z.O. (born in 2013). The children’s fathers are not parties to this appeal. In November 2025, the trial court granted the State’s petition and terminated respondent’s parental rights. Respondent appeals, arguing that the court’s fitness and best-interest determinations were against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On October 12, 2022, the State filed a petition to adjudicate Z.O. neglected under

section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2022)), alleging, in part, that Z.O. was in an environment injurious to her welfare because respondent had substance abuse issues which had not been adequately addressed and which negatively impacted respondent's ability to care for Z.O. The trial court subsequently adjudicated Z.O. neglected and found respondent unfit.

¶ 5 On October 30, 2023, the State filed a petitions to adjudicate J.W., R.W., and Z.W. neglected under section 2-3(1)(b) of the Juvenile Court Act (*id.*), alleging the children were in an environment injurious to their welfare because (1) respondent and the children's putative father engaged in acts of domestic violence in the presence of the children and (2) respondent had been found unfit in another proceeding, and her fitness had not been restored. The trial court subsequently adjudicated J.W., R.W., and Z.W. neglected and found respondent unfit.

¶ 6 In each of the cases, the trial court made the children wards of the court and placed guardianship and custody of the children with the Illinois Department of Children and Family Services.

¶ 7 In May 2025, the State filed petitions for termination of parental rights, alleging respondent was unfit under section 1(D)(m)(i) and 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D) (m)(i), (ii) (West 2024)) for failing to (1) make reasonable efforts to correct the conditions that were the basis for the removal of the children during a nine-month period after the adjudication of neglect and (2) make reasonable progress toward the return of the children to respondent's care during a nine-month period after the adjudication of neglect. The State alleged a nine-month period from July 14, 2024, to April 14, 2025.

¶ 8 A. Fitness Hearing

¶ 9 In October 2025, the trial court held a fitness hearing. Caseworker Justin Smith

testified that he was assigned to the cases in July 2024 and continued to be the caseworker assigned to the cases. Smith prepared a service plan that required respondent to complete a mental health assessment and counseling, substance abuse assessment and counseling, and a parenting class, and to engage in visitation and cooperation. Smith described his contact with respondent as sporadic during the relevant time period, and he rated respondent as not satisfactory regarding her obligations under the service plan.

¶ 10 Smith described respondent as “standoffish” and testified she lacked accountability. Respondent had multiple residences during the relevant time period. While respondent notified Smith of changes to her residences, she did not do so in a timely manner. Smith testified respondent was obligated to inform Smith of her criminal status, such as arrests, open cases, or sentences of probation, but she failed to inform him of pending criminal matters. In February 2025, respondent was involved in a hit-and-run incident but did not inform Smith. When Smith told respondent he knew of the incident even though she had not told him about it, respondent said, “ ‘I don’t care.’ ” Respondent’s driver’s license was suspended. Other criminal matters mostly involved respondent being picked up by law enforcement for failure to appear in court.

¶ 11 Smith testified respondent completed a mental health assessment and counseling. She also completed a parenting class. Smith testified respondent’s substance abuse counseling was “successfully discharged on a technicality.” When asked to explain further, Smith stated, “She was supposed to be discharged after three consecutive missed appointments. But, due to counselor and computer error, she was allowed to do that three different—six different times for 18 absences; so a three-month course took eight months.” Smith clarified that respondent did not attend substance abuse counseling regularly, and her absences were recorded, but she was not discharged after three consecutive absences like she should have been. Respondent was also required to attend random

drug screens during the relevant time period. However, she did not attend a random drug screen nearly the entire time period until March 2025. Respondent failed to complete 25 out of 27 random drug screens during the relevant time period. Smith notified respondent that any failure to appear for testing effectively resulted in a positive test.

¶ 12 Smith unsuccessfully tried on multiple occasions to schedule team meetings with the caregivers of the children and respondent in an effort to move the case toward reunification. On at least one occasion, respondent did not attend at the specific time because she said she did not know the time.

¶ 13 Regarding visits with the children, respondent exhibited chronic tardiness or absences and at times gave no confirmation she would appear. Smith indicated that, during February through April 2025, respondent improved but still missed around 50% of her visits. The visits were initially set at two visits per week for two hours each, but that was changed to two hours per week total due to respondent's failure to make progress on her service plan. Respondent also did not attend sibling visits, which were a total of four hours during the week.

¶ 14 Respondent had reported having transportation issues, but Smith said it was respondent's responsibility to obtain transportation and communicate if she would miss a meeting or visit. Smith testified that, at the end of the relevant time period, respondent was not any closer to reunification with her children than she was at the beginning of the service plan.

¶ 15 Respondent did not offer any evidence. Respondent's counsel argued that the State did not show respondent was unfit by clear and convincing evidence. Counsel argued respondent completed a parenting class, mental health treatment, and substance abuse treatment. Counsel also argued respondent's visits had improved and that issues with visitation and drug screens were related to respondent having difficulty with transportation.

¶ 16 The trial court found that the State proved respondent unfit by clear and convincing evidence based on respondent's failure to make reasonable (1) efforts to correct the conditions that were the basis for the removal of the children during a nine-month period after the adjudication of neglect and (2) progress toward the return of the children to respondent's care during a nine-month period after the adjudication of neglect. The court acknowledged that respondent completed mental health counseling during the relevant nine-month time period but noted that, while respondent had "theoretically" completed the substance abuse counseling, she had not completed random drug screens, with missed screens being presumed positive. The court found that, despite the great importance of visitation, respondent missed numerous visits. The court also noted the lack of communication about the visits and found that, while transportation was an issue, there was no evidence that respondent tried to remedy the issue, such as by requesting gas cards or changing the visit locations.

¶ 17 B. Best-Interest Hearing

¶ 18 In November 2025, the trial court held the best-interest hearing. Smith testified that Z.O. had been living with her paternal grandmother Elizabeth B. for approximately 755 days at the time of the hearing. Smith testified Elizabeth's home had passed safety checks. Elizabeth, her husband, and another grandchild shared the home. Z.O. had her own room, which was always clean and had everything she needed. Elizabeth provided for Z.O.'s physical and medical needs. Z.O. was involved in multiple sports, and Elizabeth transported her to all of her sporting obligations. Smith testified Z.O. was very comfortable in the home and had normal interactions with Elizabeth's family. She reported to Smith that she was safe and happy and that all of her needs were being taken care of. Z.O. also participated in family functions on her paternal side of the family, such as family vacations, reunions, and dinners. Smith testified Elizabeth was willing to

adopt Z.O. and provide her with permanency. When Smith spoke to Z.O. about adoption, Z.O. stated, “ ‘I just kind of figured this is where I would be.’ ”

¶ 19 Smith testified J.W., R.W., and Z.W., had lived with the same foster parent, Jerri S., for approximately 660 days. Jerri was a former grandmother by marriage and thus considered fictive kin. The foster home had passed safety checks, and a fourth child lived in the home with J.W., R.W., and Z.W. The two boys shared a bedroom with two beds, and Z.W. had her own bedroom. The children had appropriate toys, clothing, and furnishings. Jerri provided for the children’s physical and medical needs and took them to extracurricular activities. There was evidence Jerri suffered from some back pain, but she was physically able to care for the children and was willing to provide permanency for all three.

¶ 20 Smith said that when he spoke to J.W. and R.W. regarding permanency, J.W. “shrugs and brushes you off as you’re talking to him,” and R.W. said, “[O]kay. That’s fine.” Smith explained to Z.W. that she would probably be staying with Jerri if things did not improve, and Z.W. said, “[O]kay.” Smith testified the children referred to Jerri as “Grandma.”

¶ 21 Smith testified he had observed the children interact with respondent but expressed difficulty in determining whether they loved her, though he believed they wished to maintain a relationship with her. Z.O. took part in sibling visits, sometimes including overnight visits. Smith stated sibling visits would continue if respondent’s parental rights were terminated.

¶ 22 At the time of the hearing, Smith listed respondent’s address as “unknown” because she had been staying at a friend’s apartment and failed to communicate her new address. Smith knew the location but not the apartment number, and he had been unable to perform a safety check at that location. A few days before the hearing, respondent told Smith she was staying at her stepfather’s residence, a location of which he had “[o]nly negative” knowledge. Smith testified

respondent had lived there previously along with “a lot of other people at the time, including four other clients from other cases.” Because of familiarity with the residence, it had been unnecessary for him to perform a home safety check or have visits.

¶ 23 Respondent testified she lived at her stepfather’s residence, which was going to be a permanent address for her, and there was no one else living at the residence at that time. Respondent stated her stepfather was currently hospitalized, and she indicated it was unlikely he would be returning to the residence. Respondent testified that there were two bedrooms above the garage and two bedrooms inside the residence. When asked if all of the bedrooms were appropriate for children, respondent stated the two inside were and that she could sleep in a bedroom above the garage.

¶ 24 Respondent testified that if her children were returned to her, she would get them to school, extracurricular activities, and medical appointments. She admitted she did not have a vehicle or a driver’s license but said she would ask family for transportation, call a cab, or walk with them if necessary. Respondent indicated there were bus stops for school transportation, and she believed the residence was within walking distance to medical providers, doctors, and hospitals.

¶ 25 Respondent testified that she was employed and financially able to support the children. She stated she would continue to foster a relationship between the children and their foster parents. She had a brother nearby who would assist in caring for the children. Respondent testified that she loved her children and would protect them. If given the opportunity, she would continue with services. She wanted her children to be back in her care.

¶ 26 The trial court found that the State proved by a preponderance of the evidence that it was in the best interest of the children to terminate respondent’s parental rights. The court

addressed the required statutory best-interest factors, finding they supported termination of parental rights. The court noted that Z.O. had been in care with Elizabeth for over two years, who provided for all of her needs. Similarly, J.W., R.W., and Z.W. had also been in their placement for almost two years.

¶ 27 The trial court noted that, while respondent claimed she had a stable residence, no one from the agency had ever been advised of it. The court found there had been no background check to confirm it was an appropriate place for children and noted Smith’s testimony that other parents who were likely unfit had previously been staying there. The court terminated respondent’s parental rights.

¶ 28 This appeal followed.

¶ 29 **II. ANALYSIS**

¶ 30 On appeal, respondent argues the trial court erred in finding the State proved her unfit by clear and convincing evidence and that it was in the children’s best interest to terminate her parental rights.

¶ 31 **A. Fitness Determination**

¶ 32 Under section 2-29(2) of the Juvenile Court Act (705 ILCS 405/2-29(2) (West 2024)), the involuntary termination of parental rights is a two-step process. First, the State must prove by clear and convincing evidence that the parent is “unfit,” as defined in the Adoption Act. *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006). If the State proves unfitness, it then must prove by a preponderance of the evidence that termination of parental rights is in the best interest of the child. *In re D.T.*, 212 Ill. 2d 347, 363-66 (2004).

¶ 33 A determination of parental unfitness involves factual findings and credibility determinations that the trial court is in the best position to make because its “opportunity to view

and evaluate the parties *** is superior.” (Internal quotation marks omitted.) *In re M.I.*, 2016 IL 120232, ¶ 21. A trial court’s finding of parental unfitness will not be reversed unless it is against the manifest weight of the evidence. *In re N.G.*, 2018 IL 121939, ¶ 29. A decision is against the manifest weight of the evidence only when the opposite conclusion is clearly apparent. *Id.*

¶ 34 “As the grounds for unfitness are independent, the trial court’s judgment may be affirmed if the evidence supports the finding of unfitness on any one of the alleged statutory grounds.” *In re H.D.*, 343 Ill. App. 3d 483, 493 (2003). Here, among the grounds the court found for unfitness, the court found respondent failed to make reasonable progress toward the return of the children to respondent’s care during any nine-month period after the adjudication of neglect.

¶ 35 We find the trial court did not abuse its discretion in finding respondent unfit on the basis that she failed to make reasonable progress toward the return of the children to her care during the relevant period. See 750 ILCS 50/1(D)(m)(ii) (West 2024). Illinois courts have defined “reasonable progress” as “demonstrable movement toward the goal of reunification.” (Internal quotation marks omitted.) *In re Reiny S.*, 374 Ill. App. 3d 1036, 1046 (2007). This court has explained that reasonable progress exists when a trial court “can conclude that *** the 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). “ ‘Reasonable progress’ is measured by an objective standard.” *In re A.R.*, 2023 IL App (1st) 220700, ¶ 70.

¶ 36 Here, while respondent completed some services, there was ample evidence that she failed to make reasonable progress toward reunification. Respondent repeatedly failed to communicate or engage in visitation. While her counsel argued she encountered transportation issues, there was a lack of evidence that she attempted to remedy the issue or seek assistance. Respondent also missed a significant number of drug screens, which were then presumed positive.

¶ 37 In her brief, respondent points to testimony from a permanency review hearing that she was prescribed Adderall and was concerned that it could cause a false positive test for methamphetamine. She also points to other related factors and issues testified to at permanency review hearings. However, those issues and related evidence were not presented to the trial court at the fitness hearing, nor do we view them as a reasonable excuse to fail to appear for drug screening. Given respondent's lack of progress on her goals of communication, visitation, and drug screening, the State showed respondent could not progress to a return of the children in the near future. Accordingly, the court's determination that respondent failed to make reasonable progress toward the return of the children was not against the manifest weight of the evidence.

¶ 38 B. Best-Interest Determination

¶ 39 Respondent next contends the trial court's best-interest determination was against the manifest weight of the evidence.

¶ 40 When a trial court finds a parent unfit, it "then determines whether it is in the best interests of the minor that parental rights be terminated." *D.T.*, 212 Ill. 2d at 352. "[A]t a best-interests hearing, the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life." *Id.* at 364. The State must prove by a preponderance of the evidence termination of parental rights is in the minor's best interest. *Id.* at 366. In making the best-interest determination, the court must consider the factors set forth in section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2024)). These factors include:

"(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's background and ties, including familial, cultural, and religious; (4) the child's sense of attachments, including love, security, familiarity, and continuity of affection, and the least-disruptive placement alternative; (5) the

child's wishes; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parental figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the persons available to care for the child." *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071 (2009) (citing 705 ILCS 405/1-3(4.05) (West 2008)).

"The court's best interest determination [need not] contain an explicit reference to each of these factors, and a reviewing court need not rely on any basis used by the trial court below in affirming its decision." *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19. On review, "[w]e will not disturb a court's finding that termination is in the [child's] best interest unless it was against the manifest weight of the evidence." *In re T.A.*, 359 Ill. App. 3d 953, 961 (2005).

¶ 41 Here, the evidence demonstrated the children were comfortable with their foster parents and amenable to staying with them. The children needed permanence, and the foster parents provided for their needs and their safety and security. While respondent testified she had obtained a residence and was employed, she had not communicated the location of the residence to Smith until shortly before the hearing, and no safety checks had been completed. The trial court was entitled to discount the appropriateness of the residence for the children and respondent's ability to care for them.

¶ 42 Given the lack of evidence that respondent was able to adequately provide for the children's needs, while their foster parents provided safe and stable homes, we cannot conclude the evidence in the record "clearly calls for the opposite finding" or is such that "no reasonable person" could find as the trial court found. (Internal quotation marks omitted.) *In re J.H.*, 2020 IL App (4th) 200150, ¶ 68. Accordingly, the court's best-interest determination was supported by the

weight of the evidence.

¶ 43

III. CONCLUSION

¶ 44

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

¶ 45

Affirmed.