

NOS. 4-26-0492, 4-26-0493, 4-26-0494, 4-26-0495, 4-26-0496 cons.

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 THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
October 29, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> He. S., S.S., M.S., B.S., and Ha. S., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Lee County
Petitioner-Appellee,	)	Nos. 22JA17
v.	)	22JA18
Dana S.,	)	22JA19
Respondent-Appellant).	)	22JA20
	)	22JA21
	)	
	)	Honorable
	)	Theresa M. Friel-Draper,
	)	Judge Presiding.

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

ORDER

¶ 1 *Held:* The appellate court affirmed orders terminating respondent-mother's parental rights to five children where the judgments were not against the manifest weight of the evidence, the trial court did not prejudice the issue of the children's best interests, and respondent failed to present a cogent argument regarding a violation of her substantive due process rights.

¶ 2 In these consolidated appeals, respondent, Dana S., appeals orders terminating her parental rights to five of her children: He. S. (born November 2012), S.S. (born September 2014), M.S. (born July 2016), B.S. (born October 2017), and Ha. S. (born October 2021). We affirm the judgments.

¶ 3 I. BACKGROUND

¶ 4 Respondent and her husband, Frank S., who is not a party to this appeal, had six

daughters together: He. S., S.S., M.S., B.S., T.S., and Ha. S. Respondent and Frank also both have older children from prior relationships. The family had a lengthy history of involvement with the Illinois Department of Children and Family Services (DCFS). Some of the DCFS investigations over the years were indicated, whereas others were determined to be unfounded.

¶ 5 The impetus for DCFS taking protective custody of the five children at issue in these appeals in March 2022 was the death of three-year-old T.S. She died after developing a large trichobezoar in her stomach, which was linked to her habit of consuming hair over an extended period of time. There was concern that respondent and Frank failed to ensure that T.S. received appropriate medical care, particularly as her health deteriorated. On May 23, 2022, respondent and Frank were criminally charged with endangering the life of a child in connection with T.S.'s death, and those charges remain pending.

¶ 6 During the investigation surrounding T.S.'s death, DCFS identified additional concerns about the conditions in which respondent and Frank raised their children. For example, the school-aged children were not attending school regularly. The family also resided in a crowded home with three unrelated adult men, one of whom could not pass a DCFS background check and two of whom were purportedly sexually abusing respondent's minor daughters from a prior relationship.

¶ 7 The State alleged that each of the five children at issue in this appeal were neglected in that their environments were injurious to their welfare due to the circumstances surrounding T.S.'s death. See 705 ILCS 405/2-3(1)(b) (West 2022). To that end, for each child, count I of the State's amended petitions alleged that T.S.'s death resulted from environmental neglect, and count II alleged that T.S.'s death resulted from medical neglect. As to He. S. and S.S., count III alleged that they were "not receiving the proper or necessary support, education as required by law, or

medical or other remedial care recognized under State law as necessary for a minor's well-being.” See 705 ILCS 405/2-3(1)(a) (West 2022). As to M.S., B.S., and Ha. S., count III alleged their environment was injurious to their welfare due to the educational neglect of their siblings.

¶ 8 In April 2023, the trial court adjudicated all five children neglected pursuant to counts II and III. In May 2023, the court entered dispositional orders finding respondent unable to care for the children, made the children wards of the court, and placed custody and guardianship of the children with DCFS.

¶ 9 In March 2025, the State filed petitions to terminate respondent's and Frank's parental rights to all five children. Each petition alleged that respondent was an unfit parent because she (1) failed to maintain a reasonable degree of interest, concern, or responsibility as to the children's welfare (750 ILCS 50/1(D)(b) (West 2024)) (paragraph 8(a) of the petitions); (2) substantially neglected, continuously or repeatedly, a child residing in the household, resulting in the death of that child (750 ILCS 50/1(D)(d-1) (West 2024)) (paragraph 8(b)); (3) failed to make reasonable progress toward the return of the children from May 17, 2023, through February 17, 2024 (750 ILCS 50/1(D)(m)(ii) (West 2024)) (paragraph 8(c)); (4) failed to make reasonable efforts to correct the conditions which were the basis for the removal of the children from May 17, 2023, through February 17, 2024 (750 ILCS 50/1(D)(m)(i) (West 2024)) (paragraph 8(d)); (5) failed to make reasonable progress from February 17, 2024, through November 17, 2024 (750 ILCS 50/1(D)(m)(ii) (West 2024)) (paragraph 8(e)); (6) failed to make reasonable efforts from February 17, 2024, through November 17, 2024 (750 ILCS 50/1(D)(m)(i) (West 2024)) (paragraph 8(f)); and (7) was unable to discharge parental responsibilities due to a mental impairment, mental illness, intellectual disability, or developmental disability (750 ILCS 50/1(D)(p) (West 2024)) (paragraph 8(g)). The petitions alleged the same grounds of unfitness against Frank in paragraph

9.

¶ 10

A. Unfitness Hearing

¶ 11

The unfitness hearing proceeded over the course of six days between December 15, 2025, and April 8, 2026. At the State's request, the trial court took judicial notice of numerous items, including transcripts of testimony that two medical witnesses had provided at the adjudicatory hearing relating to the circumstances attendant to T.S.'s death. The State then presented testimony from 11 witnesses. Neither respondent nor Frank presented any evidence.

¶ 12

As noted above, the State alleged respondent was an unfit parent on seven grounds. The State introduced a massive amount of evidence, and the trial court ultimately found that the State met its burden of proof on all grounds as to both parents. For purposes of addressing respondent's sufficiency-of-the-evidence arguments on appeal, we must uphold the judgments if the State proved even one ground of unfitness. See *In re J.H.*, 2020 IL App (4th) 200150, ¶ 74. Accordingly, we will focus primarily on the evidence pertaining to the two allegations (contained in paragraphs 8(c) and 8(e) of the termination petitions) that respondent failed to make reasonable progress from both May 17, 2023, through February 17, 2024, and February 17, 2024, through November 17, 2024 (750 ILCS 50/1(D)(m)(ii) (West 2024)). However, to contextualize the evidence regarding respondent's progress and explain the barriers the family faced to returning the children home, we will reference additional facts outside of those time frames as needed.

¶ 13

1. *Frank's Attitude and Respondent's Codependency on Him*

¶ 14

The evidence showed that throughout this case, Frank blamed DCFS personnel for removing the children from his home, refused to accept the possibility that he could improve as a parent, and thoroughly resisted service providers' efforts to help him and his family. We recently affirmed the orders terminating Frank's parental rights to the five children at issue here based on

his lack of efforts and progress. See *In re He. S.*, 2026 IL App (4th) 260485-U, ¶¶ 82, 97.

¶ 15 Respondent is married to Frank and lived with him throughout these proceedings. Unlike Frank, respondent typically was not overtly combative, and the evidence showed that she generally went along with whatever Frank said. According to multiple witnesses, respondent often allowed Frank to speak for her. As an example, when April Queckboerner, who was the family's caseworker from September 2022 until the end of August 2023, inquired at a case management meeting in May 2023 whether respondent could obtain employment, Frank was the one who spoke, insisting that respondent had memory problems and could not work in any capacity. Patti Jennings, who worked for an organization called Believe in the Children and worked with this family extensively, reported similar experiences when she brought up the possibility of respondent obtaining employment. Respondent purportedly did not talk much and expressed herself with head nods, thus indicating her agreement when Frank would blame DCFS for the children's problems. However, respondent sometimes echoed the things Frank said, such as that her children would not require services if they were in their home. Multiple witnesses characterized the relationship between Frank and respondent as codependent.

¶ 16 Jennings testified that respondent and Frank made it clear they wanted the children to return home to them as a family, not to either parent separately. Rachael Williams, who was the family's caseworker from the end of August 2023 through the termination proceedings, testified that she explained to respondent and Frank that because they planned to parent together, they would "rise and fall together" when it came to completing services.

¶ 17 With the exception of counseling, respondent and Frank typically engaged in services together. Caseworkers and service providers reported having more success with respondent on the few occasions when Frank was busy doing something else. Jennings and

Williams both testified that at one point, respondent declined their offer to pursue parenting coaching without Frank. Jennings testified that Frank was “mad” and “beside himself” when an attempt was made to have respondent do a class separately. In Jennings’s experience, “[i]f Frank didn’t approve of it, [respondent] didn’t want to do it.”

¶ 18 *2. Respondent’s Adaptive Functioning*

¶ 19 Another dynamic that witnesses identified as an ongoing concern was that respondent did not seem to implement the skills that service providers worked to develop during parent-child visits. DCFS referred both respondent and Frank to Dr. Richard Hutchison for psychological evaluations and parenting capacity evaluations, which were completed in fall 2023.

¶ 20 After evaluating Frank, Hutchison diagnosed him with having an “unspecified personality disorder, paranoid personality style.” Hutchison reached the conclusion that Frank was unable to parent his children independently.

¶ 21 During the clinical interview for respondent’s psychological evaluation, Hutchison noted that respondent seemed confused, did not understand many things, and exhibited a flat affect. Respondent’s IQ scores were in the below-average range, which Hutchison suspected may have “overestimated her intellectual ability.” Hutchison then had respondent complete other tests, where she scored in the “borderline range.” For example, respondent tested at a fourth or fifth grade level for reading and math. Hutchison ultimately ascertained that respondent functioned at a borderline level, which would correlate to an IQ of between 70 and 79 and would be above the cutoff for intellectual disability. Hutchison diagnosed respondent with attention deficit/hyperactivity disorder (ADHD) and an unspecified personality disorder, characterized by avoidant, schizoid, and dependent features.

¶ 22 During the separate clinical interview for respondent’s parenting capacity

assessment, Hutchison again discerned that respondent seemed confused and had very limited adaptive skills. When observing respondent's interactions with her children, Hutchison noted that she could focus on only one child at a time, did not take the initiative to feed the youngest child, and did not stop the youngest child from standing on a chair. Hutchison opined that there was no way respondent could parent independently with her limitations, though she could function at a slightly higher level by being dependent on Frank and other people in her family.

¶ 23 On cross-examination by respondent's counsel, Hutchison testified that it would be helpful for respondent to (1) attend parenting coaching without Frank, (2) speak with a pediatric nurse about the signs and symptoms of medical problems in children and when to seek medical care, and (3) incorporate role playing into parenting coaching (*i.e.*, to have somebody pretend to be a child). However, as mentioned above, respondent rejected the offer for individual parenting coaching. Similarly, when Jennings wanted to arrange for a pediatric nurse to meet with respondent, she resisted, saying: "I know how to take a temperature. I don't need that." Additionally, according to Jennings, when she tried role playing with respondent, respondent "expressed that she felt silly," which was not how Jennings wanted her to feel.

¶ 24 The testimony from caseworkers and service providers about their experiences working with respondent was consistent with Hutchison's assessments regarding her limited adaptive functioning capabilities. For example, when respondent participated in a group parenting class in July 2022, Jennings noticed that respondent was not doing homework or retaining information. At the request of Frank's attorney, Jennings allowed respondent and Frank to participate in a single-day parenting session where they were the only clients. As another example, in fall 2024, respondent expressed difficulty understanding the contents of her service plan. Williams accommodated respondent by printing out a "refrigerator page" of service requirements

for her and identifying the tasks she still needed to complete.

¶ 25 However, there was some testimony that was inconsistent with Hutchison’s conclusion that respondent had a personality disorder. Jessica Burrows, who provided counseling services to respondent from May 2023 through the time of the unfitness hearing, did not believe respondent had a personality disorder. Rather, Burrows diagnosed respondent with an “adjustment order with depressed mood.” Burrows also suspected that respondent could fit the criteria for ADHD, if Burrows were to do an additional assessment of that.

¶ 26 *3. Respondent's Participation in Services*

¶ 27 During the two nine-month periods at issue in the termination petitions' lack-of-reasonable-progress counts (May 17, 2023, through February 17, 2024, and February 17, 2024, through November 17, 2024), respondent was directed to participate in counseling and parenting coaching.

¶ 28 a. Counseling

¶ 29 Burrows testified that respondent engaged in counseling sessions once a month, either in-person or by phone. Respondent was consistent in her attendance, never missing an appointment in 2½ years. Burrows explained that the goals of counseling were for respondent to (1) “develop a safe, supportive relationship” with Burrows, (2) “process emotions and gain some coping skills to be able to manage *** distress,” and (3) work through grief, trauma, and loss. Some of the other things Burrows mentioned respondent working on in treatment included finding balance in life, prioritizing self-care and leisure, and advocating for herself and her children. Burrows testified that somebody from DCFS once asked her to work on “some parenting-related stuff” with respondent, but Burrows declined to do so because it was not her specialty.

¶ 30 According to Burrows, respondent was not excited about doing therapy at first, and

they spent the first six months of treatment building a therapeutic relationship and beginning to process emotions and stressors. Respondent attended early counseling sessions with her oldest daughter, but Burrows then asked respondent to attend sessions alone. Burrows testified that respondent had done very well working toward her goals and made really good progress in treatment. Burrows acknowledged that respondent had not reached a point where she could be discharged from therapy successfully.

¶ 31 b. Parenting Coaching

¶ 32 In September 2023, respondent and Frank began participating in weekly parenting coaching sessions, which occurred the day before parent-child visitations. With some interruptions, they continued that service until the goal changed to substitute care pending termination of parental rights in February 2025.

¶ 33 Jennings testified that during a meeting in September 2023, Frank resisted having to participate in parenting coaching, explaining that he felt it was a setup or a conspiracy and that it would not work. Nevertheless, both he and respondent agreed to participate in parenting coaching and generally attended that service regularly. Jennings explained that respondent wanted an agenda for parenting coaching. Unfortunately, that backfired because when Frank saw something on an agenda that he did not want to address, it was impossible to get to the end of an agenda. Jennings was never able to get through a week's agenda with respondent and Frank. Philippe Singletary, who worked for Believe in the Children and sat in on coaching sessions, was once able to get through a day's parenting coaching agenda because he did not let Frank speak.

¶ 34 Between September 2023 and December 2023, Jennings had to modify the parenting coaching curriculum she had used in the past because it was not going to work for respondent and Frank. Jennings instead used "elementary worksheets" to teach budgeting skills.

That too was unsuccessful because respondent and Frank gave Jennings “a litany of reasons” why they did not feel they needed a budget. Neither Frank nor respondent completed homework assignments, which consisted, for example, of writing down the money they spent during a week.

¶ 35 After a pause in services, much of the same continued when parenting coaching resumed in 2024. There was one occasion in June 2024 when respondent and Frank refused to attend a parenting-coaching session because Frank was upset that the next day’s parent-child visit had to be rescheduled due to the Juneteenth holiday. On a positive note, Jennings testified that there was one occasion in fall 2024 when respondent had success working on a project. However, according to Jennings, that improvement was not repeated in the next parent-child visit or the next coaching session.

¶ 36 Jennings testified that by November 17, 2024 (the end of the second nine-month period at issue in the State’s termination petitions), she did not feel respondent had made any progress in parenting coaching or met any of the agenda items. Singletary likewise testified that he never observed any progress in the parenting coaching sessions.

¶ 37 *4. Parent-Child Visits*

¶ 38 Throughout the case, respondent and Frank consistently attended supervised parent-child visits.

¶ 39 Multiple witnesses testified about the chaotic nature of the visits during the spring and summer of 2022, which was soon after the children came into care. For example, Singletary testified that in April and May 2022, the children did not listen to supervising staff, and neither respondent nor Frank redirected the children. According to Singletary, respondent did not have much interaction with most of the children during those early visits, as she would just sit holding Ha. S. Singletary observed that visits went smoother in May and June 2022 because the older

children who were not involved in this case would redirect the younger children, doing things such as implementing discipline and changing diapers. Singletary did not see respondent take on a parental role during those early visits.

¶ 40 Jennings echoed Singletary's testimony about respondent not demonstrating a parental role during visits with the children during summer 2022. Jennings explained that respondent was "more juvenile in action," whereas Frank would yell at the children. Another concern Jennings identified during visits in that time frame was that respondent repeatedly took the children to a bathroom, where supervisors could not overhear conversations. Jennings also testified that during a visit in July 2022, respondent and Frank made fun of one of the children for wearing a dress, causing the child to tear up and sit in a corner.

¶ 41 Queckboerner, who became involved in the case in September 2022, testified that respondent struggled to establish structure and routine during parent-child visits. This would include things such as having the children sit down at a table to eat, pick up before leaving visits, and get their coats on. Queckboerner recalled one occasion when Ha. S. was given a hot dog that was not cut up, which was a concern due to that child's age. Additionally, when the children would run off, either staff or Frank's oldest daughter would follow them, but respondent did not. In July 2023, DCFS personnel decided to have the children's adult siblings attend visits only once per month to allow respondent and Frank more time by themselves with the five youngest children.

¶ 42 During her year working with the family, Queckboerner saw respondent become more interactive with the children during visits. However, she still was not implementing the skills that had been taught to her in the parenting class. According to Queckboerner, respondent "needed a lot of help with the parenting aspect of this case." Around the time Queckboerner left the case and Williams took over as the caseworker, respondent and Frank began parenting coaching.

¶ 43 Jennings testified that during visits in 2023, respondent would play cards with the older children, watch a movie, or put music on a phone. Jennings related that on one occasion, respondent instructed one of the children to have Jennings make chicken nuggets from another parent's food stash because respondent and Frank did not bring food. Before Ha. S. was toilet-trained, there were multiple times when Jennings would have to encourage respondent to change the child's diaper at the end of visits. During visits in 2023 and 2024, Jennings noticed that respondent interacted with the older children and gave them more attention than the younger ones. Singletary likewise testified that the middle children vied for respondent's and Frank's attention. Indeed, Singletary never saw respondent do anything at all with two of the children. Jennings observed that respondent would take on a parental role when given a direct instruction but not otherwise.

¶ 44 According to Singletary, parent-child visits were no less chaotic by February 2024. Jennings testified that during 2024, respondent interacted with Ha. S. in more of a parent-like role than she had seen before, doing things such as cutting up food and making sure the child was seated in her high chair. Nevertheless, during fall 2024, Williams did not feel she could increase the duration or frequency of parent-child visits or decrease the supervision level. According to Williams, respondent had not demonstrated improvement in interacting with the children or an ability to parent more than one child at the same time.

¶ 45 Jennings testified that by the end of the second nine-month period alleged in the State's termination petitions (November 17, 2024), neither respondent nor Frank had shown improvement in being able to balance the demands of having five children present and addressing their needs effectively. According to Jennings, respondent still had a childlike way of interacting with the children, which made it feel more like a sibling visit than parenting. To that end,

respondent would comply with immediate directions about what to say to or do with the children during visits but would not implement the parenting tools from such directives going forward. In her time with the case up to November 17, 2024, Jennings did not observe respondent improve her ability to exhibit empathy, understanding, or nurturing emotions toward her children.

¶ 46 Williams testified that in her time working on the case, she did not see any improvement with respondent as far as understanding the children's needs, recognizing the need for structure and consistency, and managing the children's behaviors. Williams did not believe respondent met minimal parenting standards by the time of the unfitness hearing.

¶ 47 *5. Housing Instability*

¶ 48 In addition to the concerns about respondent's and Franks's parenting skills, the evidence showed that a significant practical barrier to reunification throughout the entire case was that the family lacked suitable housing. There was never any real prospect of returning the children to the home in Nelson, Illinois, where they lived before they were taken into care, as the owner of that home could not pass a DCFS background check. On top of that, in March 2023, the Lee County Health Department declared the Nelson home uninhabitable due to problems with the septic system.

¶ 49 According to Queckboerner, in May 2023, Frank said that he and respondent would continue to reside in the Nelson home and get a new septic system put in. At that time, Queckboerner discussed with respondent and Frank housing options through both county and federal assistance programs. Respondent and Frank wanted to apply for housing at Coloma Courts, which was administered by a county housing authority. However, respondent lacked an identification card and could not complete the application for Coloma Courts until she got one. Queckboerner discussed with respondent how she could get an identification card. Another

obstacle to obtaining low-income housing was that Frank reported having a large outstanding utility bill in his name.

¶ 50 The issue with the septic system went unresolved into the fall of 2023. According to Queckboerner, by August 2023, respondent and Frank were purportedly living either in their vehicle or in the backyard of a residence in Harmon, Illinois. When Williams took over as the caseworker, she attempted to refer respondent and Frank to a housing advocacy program, but there were no openings. Williams provided respondent and Frank with lists of housing resources in three different counties. Williams also offered information about shelters, but respondent and Frank were not interested in that as an option. Williams further asked respondent and Frank whether it would be helpful for her to “talk with housing, fill out any applications, [or do] anything they needed in that way.” Respondent and Frank declined that offer for assistance, telling Williams that they had already applied to Coloma Courts and that there was a waitlist of 18 to 24 months. Williams asked respondent and Frank to sign a release of information so she could verify the application had been submitted, but they declined. Nevertheless, Williams called the county housing authority and confirmed generally that the waitlist was in accord with what respondent and Frank represented. Between September 2023 and January 2024, Williams spoke with respondent and Frank about exploring federal housing assistance, as Queckboerner had done in March 2023.

¶ 51 In November 2023, Deputy Jason Heller of the Lee County Sherriff’s Office went to respondent’s and Frank’s home in Nelson, which was still deemed uninhabitable, to assist the health department. Heller entered the residence and found respondent and Frank inside. It appeared to Heller that people were living in the home, even though it was very damp and moldy and had a pungent odor. Respondent and Frank were arrested for criminal trespass to property.

¶ 52 According to Williams, after the arrests, respondent and Frank reported staying with friends or sleeping in their vehicle at different points. Williams testified that she was not able to visit wherever respondent and Frank were living, as they said the people they were staying with did not want DCFS in the home. Williams was not sure where respondent and Frank were living when she rated the service plan in March 2024.

¶ 53 Williams testified that between September 2023 and May 2024, respondent and Frank never took her up on her offer for assistance regarding housing, other than accepting a booklet of resources from her. In May 2024, respondent and Frank applied for federal housing assistance. They did not have all the documentation they needed at that time, so the federal housing assistance program scheduled a follow-up meeting with them in August 2024. Frank declined Williams's offer to drive him to Cook County to obtain his birth certificate free of charge. However, respondent accepted from Williams an application for a replacement Social Security card, along with instructions about how to obtain her birth certificate from Whiteside County. Respondent and Frank both obtained the required documentation in advance of the August 2024 meeting, at which point they were approved for federal housing assistance and authorized to search for a one-bedroom rental.

¶ 54 As of the September 2024 service plan review, respondent and Frank had not yet procured housing through the federal program and were living in Rock Falls, Illinois. Williams learned of that change of address a month after respondent and Frank had "notified court services," presumably in connection with their criminal cases. Even then, respondent and Frank did not directly tell Williams about their change in residence. Rather, Williams found out about it because respondent and Frank notified a transportation provider that they should be picked up at a different location. Respondent and Frank advised Williams that the Rock Falls home "was not a home that

the kids would be returning to” and that the individuals who lived there did not want DCFS personnel in the home. Accordingly, respondent and Frank would not allow Williams to see this home, even by a FaceTime call.

¶ 55 In November 2024, respondent and Frank procured a one-bedroom home of their own in Sterling, Illinois, through the federal assistance program. Williams visited that home in both November and December 2024 and discerned no obvious safety hazards. The home was not an appropriate size for respondent, Frank, and their five children to live together. However, according to Williams, if the children were to return to respondent’s and Frank’s care, the family would be approved through the federal program for “a home with more units,” and it would then be incumbent on respondent and Frank to find larger housing that would accept the federal assistance. At the time of the unfitness hearing, respondent and Frank continued to live in their one-bedroom Sterling home.

¶ 56 *6. Lack of Income*

¶ 57 Coinciding with unstable housing, another major problem that needed to be addressed was that respondent and Frank lacked the means to support their children. Respondent was never employed during this case, and Frank was employed only briefly at a restaurant in the fall of 2024. Jennings testified that she and Williams both attempted to help respondent “in different ways and [at] different times” with respect to obtaining Social Security disability benefits.

¶ 58 A service plan in evidence indicates that respondent first applied for Social Security disability benefits in 2012, at which time she evidently was denied. Jennings testified that she spoke with respondent during parenting coaching in 2023 about reapplying for benefits. Frank was against doing so, insisting that someone had told him respondent could not reapply. At that time, Jennings offered to help sort out the issue, but Frank refused to tell her who advised him that

respondent could not reapply for benefits.

¶ 59 Despite Frank's initial resistance, respondent apparently reapplied for Social Security disability benefits in November 2023. When respondent told Jennings she was "waiting for a call back" with respect to that application, Jennings offered to speak with the Social Security Administration on respondent's behalf. However, respondent and Frank refused to sign a release to authorize Jennings to communicate with the Social Security Administration. Respondent likewise was not willing to sign a release to allow Williams to check the status of the application.

¶ 60 By July 2024, respondent and Frank reported having contacted an attorney to help them obtain Social Security disability benefits. It is apparent from a service plan in evidence that respondent and Frank were confused by the application process. However, they also refused to allow Jennings and Williams to assist them in ascertaining what needed to be done. The record does not reflect that respondent was ever approved for Social Security disability benefits.

¶ 61 *7. The Trial Court's Unfitness Findings*

¶ 62 The trial court found both respondent and Frank to be unfit parents on all seven grounds the State alleged. Pertinent to the issue of respondent's progress, the court's overarching observations were that respondent and Frank failed to understand the significance of the educational and mental health problems their children faced, blamed others rather than accepting help to address problems, took months to complete tasks, and failed to implement the skills they learned in services without prompting.

¶ 63 The trial court recognized that "Frank takes a controlling lead" in many of the problems that were brought up during the testimony. However, the court found that respondent, "by lack of doing anything different," was doing the same things as Frank. To that end, the court believed that respondent's codependency on Frank was "a choice," and she did not "do any of the

things that you would want her to do” in the face of Frank’s pattern of blaming others and resisting services.

¶ 64 The trial court noted that parent-child visits never increased in frequency over the years. The court also mentioned that respondent played with the children but did not recognize issues affecting their safety and did not initiate interactions with them. The court recognized there was testimony about some positive things that respondent and Frank demonstrated at various points during the case. However, the problem in the court’s view was that the positives were “not consistently demonstrated.”

¶ 65 The trial court placed “great weight” on Hutchison’s opinions, including that respondent was unable to discharge parental responsibilities and that such inability would extend beyond a reasonable time. The court found that Hutchison’s assessments were consistent with the behaviors the court observed in respondent and Frank throughout the case. Although the court acknowledged that respondent made progress in her counseling sessions with Burrows, the court emphasized that this progress centered on “self-care,” “codependency on Frank,” and “[a]dvocacy for herself,” not “advocacy for others.” The court believed that “[w]e are a long way from not being codependent as well as advocating for others, let alone her inability to parent based on the psychological and parenting capacity” assessments.

¶ 66 The trial court explained that although respondent and Frank loved their children, neither love nor “checking a box” were enough, as there had to be “demonstrated actions and improvement in those services so that reunification could have occurred.” Thus, the court found by clear and convincing evidence that both respondent and Frank were unfit parents.

¶ 67 Immediately thereafter, the trial court made the following statement: “For those reasons the Court finds that it is in the best interest of all the minor children and the public that the

parental rights of Mother and Father be forever terminated. All findings are made. As far as—.” One of the assistant state’s attorneys then interjected that she would “draft up those unfitness orders and provide them to the clerk for signature.” She then had the following colloquy with the court:

“[ASSISTANT STATE’S ATTORNEY]: As to the best interest portion of the proceedings—

THE COURT: Best interest, yes.

[ASSISTANT STATE’S ATTORNEY]: —it was the State’s plan to have testimony today from Rachael Williams, which will take us to the end of the day, I would imagine, and then we do have a witness list with additional witnesses that we plan to present then on [April 14, 2026]. I think we’ve provided that witness list to counsel, and we’re prepared to file that with the clerk today.

THE COURT: All right. All right. The Court will adjourn the fitness portion of the petition at this point.”

The court confirmed that the State was “ready to proceed with the separate hearing on best interest” and then opened the proofs on that hearing. The written “order[s] of unfitness” that the court entered on April 8, 2026, reflect the court’s findings regarding parental unfitness and make no mention of the children’s best interests.

¶ 68 B. The Best Interests Hearing

¶ 69 The best interests hearing proceeded over the course of two days (April 8 and 14, 2026). The State presented four witnesses and asked the trial court to take judicial notice of the testimony from the unfitness hearing. The court took judicial notice of that testimony. Neither respondent nor Frank presented any evidence. The guardian *ad litem* admitted reports into evidence addressing the children’s best interests.

¶ 70

1. *He. S.*

¶ 71 The evidence showed that He. S. was 13 years old and had resided in a specialized foster home with a nonrelative foster mother for almost three years. He. S. was in a specialized foster home because she required care from a person with experience “dealing with children with more educational needs and mental health issues.” For example, He. S. was on psychotropic medications and required support with “daily functioning.” The family’s caseworker, Williams, explained that He. S.’s foster mother was “very supportive and encouraging” of He. S., served as a “tremendous advocate” for her, and provided her with consistency and stability.

¶ 72 He. S.’s foster mother signed a permanency agreement and was willing to adopt the child. Nevertheless, according to Williams, the foster mother, who was “an older caregiver,” expressed that she would be supportive of He. S. transitioning to a different permanency provider if the results of a pending psychological assessment were to show that He. S. would require “substantial support into adulthood.” According to Williams, the foster mother’s specific concern was that she did not want to be in a position where she was unable to provide long-term support for He. S. as an adult, should that be needed.

¶ 73 He. S.’s clinical therapist, Chelsea Davis, testified that He. S. has expressed wanting to know what permanency will look like for her, which led to “anxiety and fears.” Davis’s understanding was that He. S.’s foster mother was “more than willing to keep [He. S.] for a very long *** time.” According to Davis, the foster mother’s concern was whether He. S. would need to have a guardian or reside with someone after the foster mother died. Davis’s impression from her discussions with the foster mother was that the foster mother did “not have any plans of having [He. S.] go anywhere as of right now.” In Davis’s view, it would be better for He. S. to remain in her “stable and committed home while [a] permanency option is located” than “to remain in the

state of limbo and attend monthly visits with [her] parents.”

¶ 74

2. *S.S. and M.S.*

¶ 75

The evidence showed that S.S. was 11 years old and M.S. was 9. For the past two years, they resided together with their aunt, uncle, and 18-year-old cousin. S.S. and M.S. had also lived in this home previously, but they were transitioned to other placements before returning. Williams testified that both girls have positive relationships with their foster family, engage in a lot of family activities, and have a sibling-like relationship with their cousin. The foster parents signed permanency agreements with respect to both S.S. and M.S. and were willing to adopt them.

¶ 76

Both S.S. and M.S. were engaged in counseling with Stacey Nielsen. Nielsen testified that the children seemed “very close” with their foster parents and called them “Mom” and “Barry,” respectively. S.S., in particular, had spoken to Nielsen about “waiting for *** a finalization of some sort” in connection with this case. According to Nielsen, S.S. had gone “back and forth” as to whether she wanted to be adopted by her foster parents versus returning home to her parents.

¶ 77

Both S.S. and M.S. also engaged in trauma therapy with Davis. Davis noticed that S.S. was “very aware of how long this [case] has been going on for and verbalizes it often.” Of the three siblings in the family whom Davis treated, S.S. was the one who wanted to return home the most, yet she did not fully understand the dynamics. Davis testified that visiting with respondent and Frank caused “emotional turmoil” for S.S., given that she missed them and feared she was not going to return home. Davis believed that S.S. was looking for “closure” and “answers.” Davis testified that S.S. enjoys both of her foster parents and has a lot of love for them, but there are “times and moments” when they do not get along.

¶ 78

According to Davis, M.S. was resistant to talking about anything pertaining to her

parents or the situation attendant to this case. Davis's impression was that M.S. was bonded with her foster mother and had "a lot of love" for her, whereas M.S.'s relationship with her foster father was "more play-based." Davis noted that after visiting with respondent and Frank, M.S. had nightmares and dreams and would become more resistant to speaking with Davis. Davis believed that M.S. would benefit from a "tangible answer" about what is going to happen in connection with this case.

¶ 79 Both Nielsen and Davis opined that it would be a better alternative for S.S. and M.S. to reside in their stable and committed homes than to remain in limbo while attending monthly visits with respondent and Frank.

¶ 80 3. B.S.

¶ 81 The evidence showed that B.S., who was eight years old, had resided in a specialized, nonrelative foster home for three years. She had a strong relationship with her foster mother, whom she alternatively called "Ms. Becky" or "Mom." The foster mother originally signed a permanency agreement for B.S. However, the foster mother subsequently experienced health issues that led her to believe she would not be the best long-term care provider for B.S.

¶ 82 According to Williams, DCFS identified another fictive kin "adoptive resource" who was willing to provide permanency for B.S. The intended replacement foster mother previously served as a visitation specialist and transportation provider for B.S., and they had a "positive relationship." The woman was in the process of being certified, had met with B.S.'s therapist, had participated in child and family team meetings, and had started both daytime and overnight visits with B.S. Nevertheless, B.S. was unaware that she would be transitioning to a new home. DCFS personnel thought it would be best to "get through the termination process" before relocating B.S. to a new home. According to Williams, the current foster mother "is going to

remain part of [B.S.'s] life" after the transition.

¶ 83 Mary Alice Wentling, B.S.'s therapist, diagnosed her with complex posttraumatic stress disorder. Wentling explained that B.S. struggled with forming attachments and ran away from people offering love. Wentling observed that B.S.'s current foster mother provided security and safety, which was "wonderful." Wentling recounted that B.S. sometimes had rough days after attending visits with respondent and Frank. According to Wentling, B.S. believed from things that Frank and her siblings told her that she was going to return home to her parents. Wentling felt that this uncertainty did not provide a stable basis for B.S. to continue developing. Wentling explained that permanency was very important for B.S., as they would "have to go back to square one to help her gain a sense of *** safety again" if there were a disturbance in her placement. Nevertheless, Wentling opined that B.S. remaining in her stable and committed home while a permanency option was located would be better than remaining in limbo and attending monthly visits with respondent and Frank. It would "absolutely" be worse for B.S. to be in limbo than to transition to a new placement.

¶ 84 4. *Ha. S.*

¶ 85 The evidence showed that Ha. S., who was four years old, had been placed in a home with fictive kin for four years. She lived with her foster parents and their four children. According to Williams, the foster parents provided "fabulous care" for Ha. S., and Ha. S. considered them her parents and her "safe people." According to Williams, Ha. S. also had positive sibling relationships with the other children in her home. The foster parents signed a permanency commitment, agreeing to adopt Ha. S. Ha. S. had recently started attending play therapy with Wentling.

¶ 86

5. *Cross-Examination Regarding the Statutory Preference for Placing
Children With Relatives*

¶ 87

During the cross-examination of Williams, Frank's counsel asked questions pertaining to the legislative preference for placing children with relatives, as reflected in the Kinship in Demand Act (KIND Act) (Pub. Act 103-1061 (eff. Feb. 5, 2025)), which amended numerous statutes with multiple effective dates in 2025. Specifically, Frank's counsel asked Williams why all of the children were not placed with either family or fictive kin. Williams responded that "[n]obody was able to take all of them in." According to Williams, DCFS identified "no other relatives" as placements, and the children were "all in their current placements when [she] received the case" in late August 2023. Williams explained that when there was a disruption in S.S.'s and M.S.'s placement with their aunt and uncle, DCFS sought out available relatives and found none. Thus, S.S. and M.S. spent time in a traditional foster placement and then with fictive kin before returning to live with their aunt and uncle, where they remain today.

¶ 88

Frank's counsel inquired about the specific reason why DCFS determined there were no relatives available to care for the children. Williams replied that she was told when she received the case "that there were no relatives that were approved to accept placement of the children." Williams acknowledged she did not confirm that information, though she knew there was initially difficulty in finding placements for all five children.

¶ 89

Williams further testified on cross-examination by Frank's counsel that during the time she was the family's caseworker, only S.S. and M.S. went through placement changes before eventually returning to live with their aunt and uncle. Williams testified that when those children stopped living with their aunt and uncle, she did not "reask" about whether family members would be willing or able to take the children, as no prior placements had been approved. However, in the

next sentence of her testimony, Williams said that she inquired with both “the aunt and uncle” and the children’s fictive kin whether there were other available relatives or fictive kin connections to explore. Williams did not recall whether she asked respondent or Frank about that issue. Asked whether she spoke with Frank’s mother about placements, Williams answered that she “never had Frank’s mom’s information.” Williams testified that she never considered Frank’s adult children as placements for S.S. and M.S. because those adult siblings were living in the family’s home when one of respondent’s other children, who is not at issue in this appeal, was sexually abused.

¶ 90 On redirect examination, Williams testified that this case passed a legal screening in January 2025, which was before the KIND Act’s provisions went into effect. Williams testified there was no requirement to disrupt placements that were already established when the case passed the legal screening.

¶ 91 On additional cross-examination by respondent’s counsel, Williams acknowledged that when she recently had to find a new placement for B.S., she did not “look at family members at that time.”

¶ 92 At the conclusion of Williams’s testimony, the State asked the trial court to take judicial notice of a permanency order entered in these cases on February 18, 2026. In that order, the court found that (1) DCFS “made diligent and reasonable efforts to engage in ongoing family finding and relative engagement” and (2) further efforts were excused “because they are futile or not in the minor’s best interest.” The court took judicial notice of that order without objection.

¶ 93 *6. The Trial Court’s Best Interests Findings*

¶ 94 The trial court determined that it was in the best interests of all five children to terminate respondent’s and Frank’s parental rights. The court indicated that it considered the applicable statutory factors. See Pub. Act 103-1061, § 15 (eff. Feb. 5, 2025) (amending 705 ILCS

405/1-3(4.05)). The court noted that the witnesses testified about how the children benefited during their foster placements, though the children will require “ongoing therapeutic intervention” to address the trauma of losing a sibling and living with their parents. The court acknowledged that with respect to He. S. and B.S., permanency was “not where [the court] would like it to be” and that He. S.’s foster parent had a concern about providing long-term care into He. S.’s adulthood. However, presumably recalling Dr. Hutchison’s testimony from the unfitness hearing, the court also found that the expert testimony showed it was highly unlikely that either respondent or Frank “would reach the ability to parent the children.” Balancing the various factors, the court found that the permanency concerns for He. S. and B.S. did not “outweigh all the other factors *** regarding the supportive and loving and safe and secure environment that each of those children have benefitted from for all of *** four years.”

¶ 95 The trial court continued:

“[He. S.] has been with her placement for three [years]; [S.S.] and [M.S.] for two, and all of those were described as positive, loving relationships. [B.S.] has been also with her foster parent currently at three years and has been able to enjoy the same relationships. The Court does acknowledge, as I indicated, but again, the highly unlikely ability of those parents to be able to ever parent the children. The expert says slim chance.”

The court mentioned that Ha. S. had been in her foster home almost her entire life and considered her foster parents to be her family. According to the court, the foster home was where Ha. S. sought comfort and reassurance and felt safe. The court concluded its ruling by reiterating that the evidence showed the children benefited from the relationships developed while in foster care.

¶ 96 Respondent timely appealed in each child’s case. This court granted her unopposed

motion to consolidate the appeals.

¶ 97

II. ANALYSIS

¶ 98 On appeal, respondent challenges the sufficiency of the evidence supporting the trial court's findings regarding parental unfitness and the children's best interests. She also argues that the court prejudged the children's best interests and violated her substantive due process rights by failing to consider guardianship as an alternative to termination of parental rights.

¶ 99 Pursuant to Illinois Supreme Court Rule 311(a)(5) (eff. July 1, 2018), "[e]xcept for good cause shown," the deadline for filing our decision was September 28, 2026. We were unable to meet this deadline due to (1) granting three extensions totaling 52 days for respondent to file her appellant's brief, (2) granting the parties' requests to file briefs exceeding typical page limits, and (3) the need to review the voluminous record. Respondent did not file her reply brief until September 17, 2026. Under the circumstances, we find there is good cause for the delay in filing our decision.

¶ 100 Involuntary termination of parental rights is a two-step process. *In re D.D.*, 2022 IL App (4th) 220257, ¶ 27. The State must first prove by clear and convincing evidence that the parent is unfit under section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *D.D.*, 2022 IL App (4th) 220257, ¶ 27. If the parent is unfit, the matter proceeds to a second hearing, at which the State must prove by a preponderance of the evidence that it is in the best interests of the children to terminate parental rights. *D.D.*, 2022 IL App (4th) 220257, ¶ 27. We will not disturb the finding of unfitness or the best interests determination unless the trial court's rulings are against the manifest weight of the evidence. *D.D.*, 2022 IL App (4th) 220257, ¶ 28. "A finding is against the manifest weight of the evidence only if the evidence clearly calls for the opposite finding [citation], such that no reasonable person could arrive at the circuit court's finding on the basis of

the evidence in the record.” (Internal quotation marks omitted.) *J.H.*, 2020 IL App (4th) 200150, ¶ 68.

¶ 101 A. The Unfitness Findings

¶ 102 Respondent first challenges the sufficiency of the evidence supporting the trial court’s findings that she is an unfit parent.

¶ 103 A reviewing court must affirm an unfitness finding if the evidence supports any single ground of unfitness alleged. See *J.H.*, 2020 IL App (4th) 200150, ¶ 74. We choose to focus on two of the grounds the State alleged—that respondent failed to make reasonable progress from both May 17, 2023, through February 17, 2024, and February 17, 2024, through November 17, 2024. See 750 ILCS 50/1(D)(m)(ii) (West 2024) (providing that a parent is unfit if, during any nine-month period after the adjudication of neglect, he or she fails to “make reasonable progress toward the return of the child to the parent”).

¶ 104 “Progress is considered in light of both the circumstances that gave rise to the original loss of custody as well as any other conditions that later become known.” *In re A.M.*, 2025 IL App (1st) 250467, ¶ 52. Reasonable progress “is assessed under an objective standard” and “exists when a parent’s compliance with the service plan and the trial court’s directives ‘is sufficiently demonstrable and of such a quality that the court, in the *near future*, will be able to order the child returned to parental custody.’ ” (Emphasis in original.) *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 65 (quoting *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991)). Failure to fulfill one’s obligations under a service plan and remediate the conditions that brought the child into care is evidence of a lack of reasonable progress. *Baby Boy*, 2025 IL App (4th) 241427, ¶ 65. “Importantly, 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.’ ” *Baby Boy*, 2025 IL App (4th) 241427, ¶ 65 (quoting *In re Ta. T.*, 2021 IL App (4th) 200658, ¶ 56). “A finding of unfitness is appropriate if ‘the court will not be able to return the child home in the near future, despite ample time and opportunity for compliance with the court’s directives.’ ” *Baby Boy*, 2025 IL App (4th) 241427, ¶ 65 (quoting *Ta. T.*, 2021 IL App (4th) 200658, ¶ 55).

¶ 105 We note that in presenting her argument regarding her progress, respondent intermingles citations to permanency review hearings and the unfitness hearing. To be clear, we review only the evidence presented at the unfitness hearing. *In re Dar. H.*, 2023 IL App (4th) 230509, ¶ 49.

¶ 106 Here, the five children came into care in March 2022 under tragic circumstances—the death of their three-year-old sibling, T.S. The State had serious concerns about why respondent and Frank did not recognize their daughter’s deteriorating physical condition or obtain medical help that might have saved her life. One of the reasons the trial court adjudicated the children neglected in these proceedings was that medical neglect led to T.S.’s death. Additionally, respondent’s school-aged children were not attending school regularly before they came into care.

¶ 107 Beyond the immediate concerns arising from T.S.’s death that prompted DCFS to take protective custody of the children, the evidence showed that respondent needed to make progress toward addressing other issues before it would be possible to return the children to her care. One significant problem was that before the children came into care, they resided with respondent and Frank in a home that was owned and occupied by an unrelated adult who could not pass a DCFS background check. Also living in that home were other unrelated adults who allegedly were child sex offenders. Additionally, the family’s home was deemed uninhabitable by March 2023 due to problems with the septic system. Obviously, the children could not return to their

parents unless there was a safe structure and environment for them to live. The family's lack of financial means to support their large family was another problem that needed to be addressed.

¶ 108 The evidence showed that during the first nine-month period at issue—May 17, 2023, through February 17, 2024—respondent made almost no progress toward acquiring suitable housing. She and Frank apparently were living at various points in cars, with friends, or in their Nelson home, even though the health department had declared it uninhabitable. During this time frame, respondent and Frank did not consistently update their caseworkers about where they were living and would not allow DCFS to conduct home inspections. Respondent and Frank would not accept offers for assistance in their search for housing, nor would they sign releases confirming that they were doing the things they needed to do. Although respondent and Frank purportedly got themselves on a long waitlist for county housing assistance during this first nine-month period, they did not follow up on the recommendation to apply for federal housing assistance.

¶ 109 Respondent made more progress with respect to the issue of housing during the second nine-month period—February 17, 2024, through November 17, 2024. In May 2024, respondent and Frank finally followed up on the recommendation to apply for federal housing assistance. They were approved for that assistance in August 2024. That quick turnaround—three months—underscores that respondent and Frank could have secured stable housing much earlier in the case, had they accepted help or entertained suggestions from caseworkers about pursuing federal assistance. The trial court mentioned in its unfitness ruling that respondent and Frank took months to do simple tasks, did not accept offers for assistance, and did not demonstrate consistent progress. That finding accurately summarizes the evidence relating to respondent and Frank procuring housing.

¶ 110 In November 2024, right at the end of the second nine-month period for evaluating

progress, respondent and Frank procured a one-bedroom home with federal assistance. Although the home had no obvious safety hazards, it was not suitable housing for a family of seven. There was some testimony that respondent and Frank would be authorized through the federal assistance program to search for a larger home if the children ever returned to their care. However, the trial court was entitled to consider the likelihood of the children returning to respondent's and Frank's care in light of all the other evidence. At the end of the second nine-month period, respondent and Frank still did not have a home that the five children could live in immediately.

¶ 111 On the whole, the record shows that respondent made virtually no progress with respect to securing suitable housing during the first nine-month period and some progress in the second period. There is simply no merit to respondent's contention on appeal that the trial court failed to "consider the limitations to obtain adequate housing imposed on [her] by her obvious poverty." It is unpersuasive for respondent to blame poverty for her housing instability after she refused to accept assistance from or sign releases for the people who wanted to help her with those problems.

¶ 112 With respect to demonstrating that she had a means to support her children financially, the evidence showed that respondent made no progress during either nine-month period. There was no evidence that she ever submitted any job applications. Although respondent claimed she had applied for Social Security disability benefits, she refused to sign releases to allow her caseworker to confirm the status of that application. The evidence also showed that Frank consistently rejected suggestions regarding prospective employment opportunities, and he was employed only for a brief period in the fall of 2024. Further, respondent and Frank failed to cooperate with attempts to teach them about budgeting.

¶ 113 The evidence showed that respondent attended once-a-week parenting coaching

starting in September 2023. The evidence overwhelmingly showed that respondent made no progress in that service. The testimony showed that Frank tended to derail parenting coaching sessions by talking and resisting so much that it was almost always impossible to get through a given week's agenda. Respondent, for her part, did not consistently complete assignments that were part of parenting coaching, nor did she show up prepared. Neither Jennings nor Singletary thought that respondent made any progress.

¶ 114 In her appellant's brief, respondent notes that Hutchison recommended that she should receive (1) parenting coaching separately from Frank, which would include role playing and (2) instruction from a pediatric nurse. Respondent argues the evidence showed that Williams planned to implement those suggestions through referrals but never did so before the goal changed. In that sense, respondent maintains that necessary accommodations were never made available to her to allow her to meaningfully participate in services.

¶ 115 Respondent's point about a lack of available services and/or accommodations is unpersuasive. Jennings and Williams both testified that respondent declined their offer to pursue parenting coaching without Frank. Jennings also testified that respondent was scheduled to meet with a pediatric nurse but resisted doing so, saying, " 'I know how to take a temperature. I don't need that.' " Jennings further testified that she tried role playing but shifted tactics when respondent expressed that it made her feel silly. Accordingly, contrary to what respondent insinuates, this is not a case where DCFS either failed to accommodate her or failed to provide services.

¶ 116 During the entire case, including during the two nine-month periods at issue in the reasonable-progress counts, respondent regularly attended supervised parent-child visits. However, multiple witnesses raised concerns that during those visits, respondent struggled to

implement the skills that she was supposed to be learning through several years of services. One of the overarching problems was that respondent tended to focus on playing with a few of the children rather than demonstrating that she could fulfill a parental role for all of them. Witnesses explained that respondent accepted immediate instructions about what to do or say during visits but then would not incorporate those suggestions into her interactions with the children going forward. The evidence also showed that witnesses had a different set of concerns about Frank's behavior during visits, such as that he tended to yell at the children and make inappropriate comments in front of them. By the time the unfitness hearing concluded, the children had been in substitute care for four years. During that time, visits were never able to increase in frequency or decrease in supervision level. Plainly, that was not reflective of reasonable progress.

¶ 117 In her reply brief, respondent maintains that visits with numerous people present, including five children, are bound to be chaotic. She also asserts that "DCFS should have arranged individual visits with one child at a time" to teach her "how to better address children individually." To be sure, managing five children at once would be no easy task for anyone. But that is exactly what respondent and Frank would need to do on a daily basis if the children ever returned home. Beyond just noise and commotion, which would be understandable in a family with five children, the chaos that witnesses observed sometimes implicated safety issues, such as the children attempting to run off during visits. It was reasonable for DCFS personnel and service providers to expect respondent to demonstrate an ability to take the lead as a parent to address those issues in an appropriate way when they arose, rather than needing prompting or leaving that to others. As for respondent's suggestion that she could have met with the children individually, we note that Jennings testified that they tried having respondent take some of the children in one room while Frank took the other children elsewhere. According to Jennings, that "did not go well" because

Frank “was not comfortable with [respondent] being gone and in the other room with the kids like that.”

¶ 118 The evidence showed that respondent participated in once-a-month individual counseling with Burrows beginning in May 2023. Respondent was consistent in her attendance and made progress toward her treatment goals. Although that is commendable and appropriate, the nature of respondent’s counseling goals and progress did not directly remediate the core issues that brought the children into care and prevented them from returning to her. We do not mean to minimize respondent’s strides in processing emotions and advocating for herself, which is certainly part of the overall progress respondent needed to make before it would be possible for the children to return home. However, the trial court was entitled to consider the significance of that progress in counseling both in context and in light of all the other evidence.

¶ 119 The evidence also showed that respondent had limited adaptive functioning and was in the “borderline” range. Reasonable progress is judged by an objective standard, so “a parent with cognitive disabilities may be found to fail in making progress toward the minor’s return home despite having a desire to care for the child.” *A.M.*, 2025 IL App (1st) 250467, ¶ 52. We stress that the record here shows that caseworkers and service providers made every effort to meet respondent at her level throughout the case, giving her the opportunity to engage meaningfully in services. See *In re I.W.*, 2018 IL App (4th) 170656, ¶ 112 (DeArmond, J., specially concurring) (in a case where a father’s parental rights were terminated pursuant to section 1(D)(p) of the Adoption Act (750 ILCS 50/1(D)(p) (West 2016)) because he purportedly had an intellectual or developmental disability that rendered him unable to discharge parental responsibilities, the specially concurring justice opined that DCFS should have accommodated the father’s capabilities to give him “an opportunity to meaningfully participate” in services). For example, when parenting classes were

not effective at the beginning of the case, Jennings pivoted to authorizing a one-day session where respondent and Frank were the only clients. Later in the case, when parenting coaching was proving unsuccessful, Jennings modified her strategies and focused on simpler skills, such as budgeting. Another example is when respondent said she did not understand the service plan, Williams printed out a simplified version for respondent's refrigerator and identified the services that respondent needed to complete. Accordingly, DCFS personnel and service providers tailored services to respondent's needs and abilities.

¶ 120 Furthermore, the evidence showed that respondent was heavily dependent on and subservient to Frank, whose obstinance and negativity undoubtedly made it harder for service providers to work with respondent. However, respondent and Frank generally insisted on participating in services together and made it clear that they intended to work toward having the children return to their joint care and custody. In evaluating respondent's progress toward returning the children to her care, the trial court was entitled to consider that respondent intended to coparent with Frank even though he openly rejected the idea that his family, including the children, needed services. See *A.M.*, 2025 IL App (1st) 250467, ¶ 42 (in the course of affirming a finding that a mother was unfit, the appellate court found it significant that she intended to coparent with the father, who was an unfit parent). Among the concerns when the children came into care were that the children were not attending school regularly or receiving necessary medical care. The record fosters no confidence that Frank would be willing or able to ensure that his children received necessary services if they returned home. Unfortunately, the record also clearly shows that respondent follows Frank's lead.

¶ 121 Finally, we note that respondent's children were in foster care for four years before the unfitness hearing concluded. By no means did the State rush to terminate respondent's parental

rights. Respondent had ample opportunity to demonstrate that she could make reasonable progress toward addressing the various obstacles that brought the children into care and prevented them from returning home. She did not make that progress.

¶ 122 Under the totality of the circumstances, the trial court’s findings that respondent failed to make reasonable progress during both nine-month periods alleged in the State’s petitions were not against the manifest weight of the evidence.

¶ 123 B. The Best Interests Hearing

¶ 124 Respondent raises three issues pertaining to the children’s best interests: (1) whether the trial court prejudged the children’s best interests, (2) whether the court “violated [her] substantive due process rights by failing to consider guardianship as a less restrictive alternative to termination” of parental rights, and (3) whether the best interests findings were against the manifest weight of the evidence.

¶ 125 1. *Whether the Trial Court Prejudged the Children’s Best Interests*

¶ 126 At the end of its explanation for its rulings regarding unfitness, the trial court said:

“The Court does find by clear and convincing evidence that both parents are unfit. For those reasons the Court finds that it is in the best interest of all the minor children and the public that the parental rights of Mother and Father be forever terminated. All findings are made.”

Shortly thereafter, the court then convened the first day of the best interests hearing, which the court acknowledged was a “separate hearing.”

¶ 127 On appeal, respondent argues that these remarks deprived her of a fair trial and violated her right to due process because the trial court “prejudg[ed] the ultimate issue before hearing evidence on best interest.” Although respondent acknowledges she failed to object to these

remarks and did not raise this issue below, she directs our attention to *In re G.W.*, 357 Ill. App. 3d 1058 (2005), wherein the appellate court reversed a judgment on purportedly similar facts after raising an issue *sua sponte*. As her relief, respondent asks us to reverse the best interests findings “or remand for further proceedings on this point before a different judge.”

¶ 128 The State maintains that respondent forfeited this issue by failing to comply with Illinois Supreme Court Rule 341(h)(7) (eff. Oct. 1, 2020). In the State’s view, respondent raises a “stream of consciousness” due process claim “without legal analysis,” such as a discussion of the factors outlined in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). The State submits that respondent also forfeited her argument for a second reason: she failed to raise a timely objection below and does not argue plain error on appeal.

¶ 129 Beyond the procedural bars to the claim, the State asserts that “the record clearly indicates that no error occurred and that the court simply misspoke in pronouncing respondent unfit at the conclusion of a lengthy fitness hearing that spanned four months.” The State emphasizes that after making this misstatement, the trial court proceeded to a two-day best interests hearing and made appropriate factual findings about the children’s best interests. Thus, the State maintains that any error occasioned by the court’s misstatement was harmless.

¶ 130 In connection with this particular issue that respondent raises, we discern no violation of Rule 341(h)(7), which requires an appellant’s brief to contain argument supported by citation of authorities and the pages of the record relied on. Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020). Respondent complied with this rule by presenting a cogent three-page argument, supported by citations to the record and three cases. This is different from the circumstances in the unpublished cases the State cites, where this court deemed arguments forfeited based on violations of Rule 341(h)(7). See *In re J.R.-M.*, 2025 IL App (4th) 250480-U, ¶ 42 (finding that the

respondent forfeited a due process argument that was conclusory, only four sentences long, and contained no record citations); *In re G.P.*, 2025 IL App (4th) 241578-U, ¶ 123 (finding that the respondent forfeited a due process argument where her appellant’s brief cited neither authority nor the record).

¶ 131 On the other hand, the State is correct that respondent forfeited her claim because she failed to object when the trial court made the comments she now challenges. See *In re Soren W.*, 2026 IL App (5th) 251004, ¶ 68 (“Failure to object to an error results in forfeiture of that claim on appeal.”). Notably, respondent does not attempt to circumvent this forfeiture by alleging that she received ineffective assistance of counsel or expressly presenting a plain-error analysis. See *Baby Boy*, 2025 IL App (4th) 241427, ¶ 87 (recognizing that the appellate court reviews ineffective assistance of counsel claims raised in juvenile proceedings under the same framework used in criminal proceedings); *In re J.C.*, 2024 IL App (4th) 240747, ¶ 30 (“Because termination of parental rights affects a fundamental liberty interest, a court of review may consider whether a forfeited issue constituted plain error.”).

¶ 132 Rather than present her claim under the recognized exceptions to forfeiture, respondent relies on the reasoning of *G.W.* In that case, the trial court determined the respondent mother was an unfit parent and later determined it was in the best interests of the children to terminate parental rights. *G.W.*, 357 Ill. App. 3d at 1059. On appeal, the respondent argued that the unfitness findings were against the manifest weight of the evidence. *G.W.*, 357 Ill. App. 3d at 1059. The appellate court first held that the trial court’s unfitness findings were not conducive to review, as the court failed to make *any* factual findings on that issue. *G.W.*, 357 Ill. App. 3d at 1060.

¶ 133 The appellate court added that “[r]egardless of the difficulties placed upon this

court due to a lack of findings of fact, the trial court committed reversible error” when it referenced the children’s best interests twice while explaining its unfitness ruling and purported to terminate the respondent’s parental rights before even holding a best interests hearing. *G.W.*, 357 Ill. App. 3d at 1060. The appellate court recognized that the respondent did not raise that particular issue on appeal and ordinarily would be deemed to have forfeited the point. *G.W.*, 357 Ill. App. 3d at 1061. The appellate court also acknowledged that it was not its role “to scour the record in order to find a reason to reverse the trial court.” *G.W.*, 357 Ill. App. 3d at 1061. Nevertheless, the appellate court stated that it had the authority to review obvious errors affecting substantial rights under the plain-error doctrine. *G.W.*, 357 Ill. App. 3d at 1061.

¶ 134 The appellate court vacated the judgment and remanded the matter for a new unfitness hearing, reasoning as follows:

“We need not scour the record in this case; the error of the trial court is contained in the judgment order and the transcripts of the oral entry of judgment. The trial court repeatedly invoked the best interests of the children at the conclusion of the fitness hearing and even stated that ‘an order terminating’ parental rights is to be entered. These misuses of the standards to be used, findings to be made, and orders to be entered at the best interests hearing, *not* the fitness hearing, may have been nothing more than inadvertent slips of the tongue; however, in the absence of any factual findings by the trial court, we cannot determine whether the trial court merely misspoke or was truly confused and misapplied the standards and findings of the best interests hearing to the fitness hearing. A parent’s interest in the care, custody, and management of her children is a fundamental liberty interest protected under the fourteenth amendment. [Citations.] To allow the termination of a parent’s

right to her children when the trial court's ruling is so misplaced would indeed be an affront to the integrity and reputation of the judicial system. This is true even when, especially when, the parent's appointed trial and appellate attorneys fail to properly address the issue. There is no post-adoption petition in which a parent can raise ineffective assistance of counsel; if the issue is waived on appeal and the judgment of termination is affirmed, there is no future opportunity to reconsider a relationship that has been permanently and completely severed by the termination of parental rights. [Citation.] The outcome of this case is not worthy of confidence and cannot stand." (Emphasis in original.) *G.W.*, 357 Ill. App. 3d at 1061-62.

¶ 135 *G.W.* is distinguishable from the present case and does not support overlooking respondent's forfeiture of her due process claim. To be clear, the appellate court's reason for reversing the judgment in *G.W. sua sponte* was not that the trial court prejudged the children's best interests. Rather, the problem was that the trial court made no factual findings and repeatedly conflated the legal standards that apply at an unfitness hearing with the standards that apply at a best interests hearing. See *In re A.H.*, 2026 IL App (5th) 260027, ¶ 75 (explaining that a trial court may not consider the child's interests during the unfitness portion of termination proceedings). Unlike in *G.W.*, the trial court here made detailed factual findings at the unfitness hearing that are conducive to appellate review and later made detailed factual findings at the best interests hearing that are conducive to review. Also unlike in *G.W.*, the court did not conflate the legal standards that apply at the unfitness phase of the proceedings with the standards that apply at the best interests phase. To the contrary, the court explained why respondent's and Frank's actions rendered them unfit parents under the grounds the State alleged.

¶ 136 We acknowledge that the trial court should not have said at that point—at the end

of its rulings on unfitness—that “it is in the best interest of all the minor children and the public that the parental rights of Mother and Father be forever terminated.” Nevertheless, the record supports a conclusion that this was an inadvertent misstatement, not a declaration that the court had actually predetermined the children’s best interests before the best interests hearing even began. To that end, after the court made the subject statement, the court (1) entered orders of unfitness that made no mention of the children’s best interests and (2) held a full best interests hearing, which the court recognized was a “separate hearing.” The cases respondent cites pertaining to judicial bias are distinguishable, as it was apparent from the records in those cases that the trial courts prejudged the facts before them. See *People v. Jackson*, 409 Ill. App. 3d 631, 647 (2011) (reversing a judgment entered after a bench trial where “the trial court abandoned its role as a neutral and impartial arbiter of fact by adopting a prosecutorial role when questioning [the] defendant’s expert witness and by relying on matters based on prior private knowledge”); *Roe v. Ross*, 701 S.W.2d 799, 801 (Mo. Ct. App. W.D. 1985) (reversing a judgment where the trial court declared that it saw no reason for the parties to present further evidence and announced its ruling before one of the parties had an opportunity to present any evidence). Here, by contrast, the record suggests that the court misspoke rather than prejudged the case. There is no hint in the voluminous record that the court exhibited bias at any stage of the proceedings. The court also allowed the parties to question and cross-examine witnesses at extraordinary length without ever exhibiting frustration or impatience.

¶ 137 For these reasons, respondent forfeited her claim regarding the trial court’s comments at the end of the unfitness hearing, and the circumstances give us no reason to overlook that forfeiture.

¶ 138 2. *Failure to Consider Guardianship as a Less Restrictive Alternative*

¶ 139 Respondent also argues that the trial court “violated [her] substantive due process rights by failing to consider guardianship as a less restrictive alternative to termination” of parental rights. Respondent reasons that the care, custody, and control of one’s children is a matter that impacts a parent’s fundamental rights. Citing cases involving constitutional challenges to statutes, respondent then notes that the government may not intrude on a fundamental right unless doing so is the least restrictive means to further the government’s compelling interests. From there, respondent explains that in 2025, the legislature amended section 2-28(2.3) of the Juvenile Court Act of 1987 (Juvenile Court Act) (see Pub. Act 103-1061, § 15 (eff. Feb. 5, 2025) (amending and renumbering 705 ILCS 405/2-28(2.3)))—which pertains to establishing permanency goals—to remove the requirement that a court must rule out termination as a goal before considering guardianship. Respondent asserts that “[n]ow, *** in order to comply with substantive due process, the trial court is required to consider both termination and guardianship, and weigh the least restrictive option to parental rights consistent with the child’s best interest.” Respondent maintains that the court here violated this rule because the court

“did not consider guardianship, nor did it hear and consider evidence that might make guardianship a preferred, constitutionally less restrictive option, such as evidence on the children’s and respective foster parents’ wishes, the foster parents’ intentions in allowing the mother-child relationship to continue through regular visits, and the harm (if any) that might emanate from the mother’s continued supervised contact.”

Thus, respondent asks us to reverse the best interests findings “with regard to some or all of the children,” and/or remand the matter for further proceedings.

¶ 140 The State responds that because the trial court terminated respondent’s parental

rights more than a year after the statutory amendments went into effect, we must presume the court knew and followed the law unless the record shows otherwise, which it does not. Additionally, the State maintains that respondent forfeited her due process claim because she “has not explained how any portion of the amendments to the Juvenile Court Act impact her due process rights.” Furthermore, the State argues that the statutory changes put guardianship on equal footing with termination of parental rights but “did not alter the court’s responsibility to determine the best interests of the child[ren] by evaluating the best interest factors.” Finally, the State notes that preserving a parent’s relationship with her children is not one of the statutory factors to consider when determining best interests.

¶ 141 We start with the State’s point that respondent failed to explain how the statutory amendments to section 2-28(2.3) of the Juvenile Court Act impact her due process rights. Illinois Supreme Court Rule 341(h)(7) (eff. Oct. 1, 2020) indeed requires an appellant’s brief to present a cogent argument in support of the points raised. *Alms v. Peoria County Election Comm’n*, 2022 IL App (4th) 220976, ¶ 28. We determine that respondent has failed to present a cogent substantive due process analysis, thus forfeiting that point. Respondent cites language from cases involving constitutional challenges to statutes, yet she does not challenge the constitutionality of any statute. Without challenging the constitutionality of a statute, it makes no sense for respondent to discuss whether the government has a compelling interest or whether there might be a less restrictive means to accomplish the government’s goal. Thus, to the extent respondent frames her claim as a substantive due process challenge based on cases addressing the constitutionality of statutes, she has forfeited the point by failing to present a cogent argument.

¶ 142 Apart from the “substantive due process” label, respondent’s broader contention appears to be that a trial court may not terminate a person’s parental rights unless (1) the State

introduces evidence regarding the undesirability or unavailability of guardianship and (2) the court expressly rules out guardianship as a less restrictive alternative. However, respondent cites no statute or case imposing such requirements. Notably, section 1-3(4.05) of the Juvenile Court Act (Pub. Act 103-1061, § 15 (eff. Feb. 5, 2025) (amending 705 ILCS 405/1-3(4.05))) identifies the factors a court must consider when ascertaining a child’s best interests. That statute does not require a court to rule out guardianship before terminating parental rights.

¶ 143 Respondent’s reference to section 2-28(2.3) of the Juvenile Court Act is unpersuasive. She does not explain why that statute, which applies to permanency hearings, should govern the analysis at best interests hearings. Furthermore, that statute does not say that a trial court must rule out guardianship before setting termination of parental rights as a permanency goal. By way of background, prior to 2025, a court holding a permanency hearing in a juvenile neglect case could not set guardianship as the goal for a child unless the court ruled out certain other goals, including adoption and substitute care pending court determination on termination of parental rights. 705 ILCS 405/2-28(2) (West 2024). In that sense, the legislature “expressed a preference for terminating parental rights over guardianship.” *A.M.*, 2025 IL App (1st) 250467, ¶ 69. In 2025, the legislature amended and renumbered this statute to allow a trial court to set guardianship as the goal for a child without first ruling out adoption or termination as goals. Pub. Act 103-1061, § 15 (eff. Feb. 5, 2025) (amending and renumbering 705 ILCS 405/2-28(2.3)). As the appellate court has recognized, the amended version of section 2-28(2.3) *does not* require a court to rule out guardianship before setting termination of parental rights as the goal. *A.M.*, 2025 IL App (1st) 250467, ¶ 69. Rather, the amendments to that statute merely put the options of guardianship and termination of parental rights “on equal footing.” *A.M.*, 2025 IL App (1st) 250467, ¶ 69. Here, respondent is essentially arguing that guardianship is preferable to termination

because it is less restrictive of a parent's fundamental rights, but that is not what the statute says.

¶ 144 Under the circumstances, respondent has failed to present a cogent substantive due process argument. Her broader point that a trial court must rule out guardianship before terminating parental rights is inconsistent with established law.

¶ 145 *3. Whether the Best Interests Findings Were Against the Manifest Weight
of the Evidence*

¶ 146 Respondent finally argues that the trial court's best interests findings were against the manifest weight of the evidence as to "all or some of the minors." Respondent reasons that the State failed to introduce evidence on certain matters, including (1) whether permanency with the respective foster parents would take the form of adoption, guardianship, or long-term care, (2) whether the foster parents intended to continue the children's relationships with respondent and Frank, and (3) the children's wishes regarding available permanency options and maintaining connections with respondent and Frank. Notwithstanding her argument that the State failed to introduce evidence about the children's wishes, respondent notes there was evidence that some of the children desired to maintain a relationship with her.

¶ 147 Respondent directs some of her arguments toward He. S.'s and B.S.'s circumstances more particularly. Respondent mentions that the evidence showed the respective foster parents for He. S. and B.S. may withdraw from providing care for those children, yet DCFS is not currently considering placement with relatives. Respondent also notes the possibility that He. S. and B.S. may not find adoptive placements. Respondent acknowledges that this court held in *In re Tashika F.*, 333 Ill. App. 3d 165, 170 (2002), that a child's likelihood of being adopted is merely one factor to consider in determining a child's best interests. Nevertheless, respondent notes that *Tashika F.* was decided before the KIND Act placed guardianship on equal footing with

termination of parental rights. For that reason, respondent proposes that the circumstances here are “similar in posture” to in *In re M.F.*, 326 Ill. App. 3d 1110, 1117-18 (2002), where this court reversed a finding that terminating parental rights was in the best interests of one of the children involved in the proceedings.

¶ 148 The State responds that the evidence overwhelmingly showed that terminating parental rights was in the best interests of all five children. The State reasons that (1) the children were all in loving foster homes, (2) permanency had already been established for each child except B.S., and (3) there was a cohesive transition plan for B.S. to move to a permanent placement. The State further maintains that the possibility a child will not be adopted does not preclude termination of parental rights. Addressing respondent’s point about DCFS not considering placing either He. S. or B.S. with relatives, the State notes Williams testified that no additional relatives were available to take care of or adopt the children. Moreover, the State contends that the trial court considered the children’s continued relationships with respondent and Frank, as the court reasoned it was highly unlikely that either respondent or Frank would reach a point where they could serve in parental roles. The State also points out that a child’s attachment to his or her parents is merely one factor to consider, that a trial court need not expressly reference every statutory best interests factor, and that a reviewing court may affirm on any basis in the record.

¶ 149 After a trial court makes a finding of parental unfitness, “the focus shifts to the child.” *In re D.T.*, 212 Ill. 2d 347, 364 (2004). To that end, terminating parental rights is warranted only if the State proves by a preponderance of the evidence that doing so would serve the child’s best interests. *D.D.*, 2022 IL App (4th) 220257, ¶ 50. Section 1-3(4.05) of the Juvenile Court Act (Pub. Act 103-1061, § 15 (eff. Feb. 5, 2025) (amending 705 ILCS 405/1-3(4.05))) sets forth a lengthy list of factors guiding a trial court’s assessment of a child’s best interests. *D.D.*, 2022 IL

App (4th) 220257, ¶ 49. Here, the trial court expressly confirmed on the record that it considered those factors, which the court read into the record and said it “must consider.” As mentioned previously, we will not reverse a trial court’s findings about a child’s best interests unless the findings are against the manifest weight of the evidence. *D.D.*, 2022 IL App (4th) 220257, ¶ 28.

¶ 150 We hold that the trial court’s findings regarding the children’s best interests were not against the manifest weight of the evidence. All five children had resided with their respective foster parents for long periods of time, ranging from two to four years. For Ha. S., that was almost her entire life. All the children were bonded with their foster parents and were receiving appropriate medical care and educational support, which was a major concern when the children left respondent’s home in March 2022. The record shows that all five children had positive relationships with their foster parents and that their needs were met in those placements. S.S. and M.S. resided together with their aunt and uncle, whereas He. S., B.S., and Ha. S. resided separately with nonrelatives. Contrary to what respondent claims, the record indeed shows that the respective foster parents for He. S., S.S., M.S., and Ha. S. committed to providing permanency through adoption.

¶ 151 The trial court was aware that He. S.’s foster mother raised concerns about her ability to provide long-term care for He. S., should He. S. have needs extending into adulthood. However, there was no evidence that He. S.’s foster mother intended to relinquish care of He. S., either imminently or in the future. To the contrary, He. S.’s therapist testified that the foster mother did “not have any plans of having [He. S.] go anywhere as of right now.” Thus, the record indicates that He. S. had achieved permanency in her home and was likely to be adopted by her foster mother. The court was entitled to evaluate the significance and likelihood of any potential future disruption in He. S.’s permanency in light of all the circumstances of the case.

¶ 152 Unlike the other four children, who had strong prospects for achieving permanency through adoption in their respective foster homes, the evidence showed that B.S. would need to move to a new placement due to her current foster mother’s health issues. The new intended foster mother was described as being a fictive kin “adoptive resource” who was willing to provide permanency to B.S. B.S. was diagnosed with complex posttraumatic stress disorder and struggled with forming attachments, so there was reason to believe that any change in homes would be difficult for her. On the other hand, B.S. already knew the intended replacement foster mother and purportedly had a “positive relationship” with her. It was also anticipated that the current foster mother would remain part of B.S.’s life. Although B.S. was unaware she would transition to a new placement, DCFS had started incorporating the new intended foster mother into B.S.’s life, including by facilitating daytime and overnight visits and having her participate in meetings regarding B.S. B.S.’s therapist, Wentling, opined that remaining in a stable and committed home while a permanency option was located would be better for B.S. than remaining in limbo and attending monthly visits with respondent and Frank.

¶ 153 In making its best interests findings, the trial court expressly stated that it considered B.S.’s circumstances. The court balanced B.S.’s prospects for permanency against the other relevant factors, including that (1) it was highly unlikely that either respondent or Frank “would reach the ability to parent the children” and (2) all five children benefited from residing in supportive, loving, safe, and secure environments in foster homes. Although it remains to be seen whether B.S. will find permanency in her intended replacement foster home, the court provided a reasonable explanation for how it weighed that issue in light of the totality of the circumstances. See *Tashika F.*, 333 Ill. App. 3d at 170 (explaining that although a court may consider a child’s likelihood of adoption at a best interests hearing, “it is merely one factor to consider, and a child’s

slim chance of adoption does not *per se* require a finding that termination of parental rights is not in the child’s best interest”).

¶ 154 Respondent insinuates that the rule articulated in *Tashika F.* (and other cases) might no longer be good law due to recent legislative changes placing guardianship on equal footing with termination of parental rights. However, respondent does not develop an argument on that point. Plainly, the KIND Act—which, in relevant portion, removed the requirement for a trial court to rule out adoption and termination before setting guardianship as a goal—did not call into question the proposition recognized in *Tashika F.* that no single factor is dispositive at a best interests hearing. Recent cases continue to recognize that no single best interests factor is dispositive. See, *e.g.*, *In re E.V.*, 2026 IL App (1st) 251072, ¶ 58.

¶ 155 Respondent asserts that DCFS did not search for a relative caretaker when attempting to find a replacement foster parent for B.S. However, respondent does not explain why that would call the trial court’s best interests findings into question. At any rate, we note that Williams testified about DCFS’s unsuccessful efforts at various points during the case to identify potential relative caretakers for the children.

¶ 156 Respondent unpersuasively analogizes the circumstances of this case to those in *M.F.* In *M.F.*, one of the children resided for years with her father, who “had full custody and guardianship” of her and was never alleged to be an unfit parent. *M.F.*, 326 Ill. App. 3d at 1118. The child’s mother, on the other hand, was determined (and affirmed on appeal) to be an unfit parent because she had a mental disability that prevented her from serving in a parental role. *M.F.*, 326 Ill. App. 3d at 1115. We reversed a judgment terminating the mother’s parental rights to this child, though we affirmed a termination order as to another child who had a different father. We reasoned that there was no benefit to this child in terminating the mother’s parental rights, as doing

so would provide no more stability in the child's life and would only deprive her of the relationship she had developed with her mother through supervised visitations. *M.F.*, 326 Ill. App. 3d at 1118. The present case is distinguishable from *M.F.* because, here, the children have not resided with either of their parents since 2022, and both parents were ultimately found to be unfit. Unlike in *M.F.*, terminating parental rights would benefit the children by freeing them for adoption.

¶ 157 Respondent asserts that the State failed to introduce evidence as to (1) whether the children's respective foster parents intended to continue the children's relationships with respondent and Frank and (2) how the children felt about that subject. Respondent does not provide a compelling argument as to why this requires reversing the best interests findings. For example, she cites no authority indicating that a trial court may terminate parental rights only if foster parents promise to facilitate the child's ongoing relationship with the birth parents or if the child does not wish to see his or her birth parents. We certainly are not aware of any such authority. We also note that the children here were relatively young, ranging from ages 4 to 13. We would not expect DCFS personnel to have conversations with four-year-old Ha. S. on such topics, which obviously would be beyond her capacity to understand.

¶ 158 Moreover, we note that the testimony showed that S.S. went "back and forth" as to whether she wanted to be adopted by her foster parents, versus returning home to her parents. According to Davis—who provided therapy to He. S., S.S., and M.S.—S.S. was the child who wanted to return home the most, but at 11 years old, she did not fully understand the dynamics. Moreover, the evidence showed that some of the children, particularly the older ones, who were more aware of what was going on in the case, struggled with the uncertainty attendant to being in substitute care. As some examples, after parental visits, S.S. reportedly experienced "emotional turmoil," M.S. had nightmares, and B.S. had rough days. The State's witnesses also opined that it

would be detrimental for the children to remain in limbo. Thus, there was evidentiary support for the trial court's conclusion that terminating respondent's parental rights was in the children's best interests, even if that meant severing the children's relationship with respondent completely.

¶ 159 Respondent asserts that "[e]vidence of a strong bond between the minor and her original family tends to weigh against termination of parental rights, particularly where there is evidence that the potential adoptive parents intend to sever the bond by unreasonably limiting or discontinuing visits." Here, there was neither evidence that the children had a particularly strong bond with respondent nor that the foster parents were unreasonably limiting or discontinuing visits. Thus, whatever force respondent's contention might have as a general matter simply is not aligned with the facts. Despite what respondent appears to suggest, nothing about this case indicates that guardianship or some other arrangement short of termination of parental rights was a good long-term option for these children.

¶ 160 There is no doubt that respondent loves her children. However, the children were in substitute care for four years, and there was no prospect by the end of that time of them returning home anytime soon. The trial court, familiar with the history of this case, the parents' attitudes and problems, and the circumstances of each child, carefully weighed the evidence and determined it was in the best interests of all the children to terminate respondent's parental rights. We cannot say that the judgments were against the manifest weight of the evidence.

¶ 161 III. CONCLUSION

¶ 162 For the reasons stated, we affirm the trial court's judgments.

¶ 163 Affirmed.