2026 IL App (4th) 260803-U

NOS. 4-26-0803, 4-26-0804, 4-26-0805, 4-26-0806, 4-26-0849, 4-26-0850, 4-26-0851, 4-26-0852 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
November 16, 2026
Carla Bender
4th District Appellate
Court, IL

In re C.B., J.B., K.B., and Ja. B., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Peoria County
Petitioner-Appellee,	)	Nos. 23JA227
v.	)	23JA228
Joan B.,	)	23JA229
Respondent-Appellant).	)	23JA230
	)	
	)	Honorable
	)	Daniel M. Cordis,
	)	Judge Presiding.

In re C.B., J.B., K.B., and Ja. B., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Peoria County
Petitioner-Appellee,	)	Nos. 23JA227
v.	)	23JA228
Jacquri B.,	)	23JA229
Respondent-Appellant).	)	23JA230
	)	
	)	Honorable
	)	Daniel M. Cordis,
	)	Judge Presiding.

JUSTICE DOHERTY delivered the judgment of the court.
Justice Grischow and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held*: In appellate court case Nos. 4-26-0803, 4-26-0804, 4-26-0805, and 4-26-0806, we grant appellate counsel's motion to withdraw and affirm, concluding no issue of arguable merit could be raised on appeal. In appellate court case Nos. 4-26-0849,

4-26-0850, 4-26-0851, and 4-26-0852, we affirm the trial court, finding neither the court's unfitness finding nor its termination of parental rights was against the manifest weight of the evidence.

¶ 2 In October 2023, the State filed a petition to terminate the parental rights of respondents Joan B. (hereinafter the mother) and Jacquri B. (hereinafter the father) as to their minor child, C.B. (born 2018). The mother's and the father's other minor children, J.B. (born 2016), K.B. (born 2013), and Ja. B. (born 2012), were joined in this action. (The minors' two oldest siblings, A.B. (born 2007) and N.B. (born 2011), who have different putative fathers, are not involved in this appeal.) In July 2026, the trial court terminated the parental rights of both respondents. Each filed a notice of appeal, and the court appointed each an attorney to represent them. On our own motion, we consolidated the two appeals for review and decision.

¶ 3 Appointed appellate counsel for the mother filed a motion to withdraw, citing *Anders v. California*, 386 U.S. 738 (1967), and arguing that the appeal presented no potentially meritorious issues for review. See *In re S.M.*, 314 Ill. App. 3d 682, 685 (2000) (holding *Anders* applies in juvenile abuse and neglect cases). This court gave the mother the opportunity to respond to the motion, but she filed no response. The father argues on appeal that the trial court's unfitness finding as to him and termination of his parental rights were against the manifest weight of the evidence.

¶ 4 For the reasons that follow, we (1) grant the motion to withdraw filed by counsel for the mother and (2) find the trial court's unfitness finding as to the father and termination of his parental rights were not against the manifest weight of the evidence. Accordingly, we affirm the court's judgment.

¶ 5 I. BACKGROUND

¶ 6 On October 19, 2023, the State filed a petition to adjudicate C.B. neglected under section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2022)). The State alleged that C.B.'s environment was injurious to her welfare because (1) the family's residence was uninhabitable; (2) all the children were dirty and unkempt, (3) a registered sex offender lived in the home with the children; (4) the children were not registered for and had not attended school in 2023; (5) the father tested positive for heroin and tetrahydrocannabinol (THC); (6) the mother tested positive for THC; and (7) the father had one prior conviction for forgery, one prior conviction for theft, and two prior convictions for aggravated battery. The children were subsequently adjudicated neglected, and the mother and the father were ordered to complete various services and tasks in order to have the children returned to their care.

¶ 7 The services and tasks the mother and the father were ordered to complete included maintaining stable housing, undergoing drug treatment, and submitting to random drug testing. The mother and the father failed to complete almost all of the services and tasks. Accordingly, the State petitioned to terminate their parental rights, alleging that from January 17, 2025, to October 17, 2025, the mother and the father failed to make reasonable progress to correct the conditions that resulted in the children being removed from their care. See 750 ILCS 50/1(D)(m)(ii) (West 2024).

¶ 8 At a subsequent fitness hearing, Stephanie Church, a caseworker from FamilyCore, testified that, from January 17, 2025, to October 17, 2025, the mother and the father attended most of the scheduled visits with the children. The mother brought coloring books and word puzzles with her and played with the children. The father, who brought homemade baked goods with him twice, sat at a nearby table and waited for the children to approach him before interacting with

them. When he did engage with the children, he made promises about providing them with shoes and toys that were never fulfilled. He also showed up for visits several times smelling of cannabis and under what Church believed was the influence of drugs or alcohol. Visitation was not canceled when he did so because he was not a safety threat. During that same period, the mother and the father failed to obtain stable housing and provide proof that they had legal employment, although the father had made attempts to complete these tasks by (1) signing up for subsidized housing and (2) going on job interviews.

¶ 9 Church indicated that the mother was not honest about the things she needed to do to obtain custody of the children and failed to cooperate with her and/or FamilyCore. Church explained that the mother did not attend counseling; attain sobriety, which was a prerequisite to undergoing counseling; and submit to random drug testing. Church elaborated that the mother was ordered to complete 27 drug drops, but she only submitted to 3. According to evidence admitted at the hearing, the mother tested positive for cocaine twice and THC and methamphetamine three times on the three occasions where she completed random drug testing.

¶ 10 Concerning the father, Church stated that although he was polite most of the time, he, too, failed to complete services. The father, like the mother, was untruthful about whether he had completed services or was working toward doing so. He frequently changed his phone number but notified Church or FamilyCore as required only 10% of the time. He also, like the mother, was ordered to submit to 27 random drug drops. The record reflected he underwent testing only twice, and on those two occasions, he tested positive for THC.

¶ 11 In her testimony, the mother claimed that she had, in fact, completed two assessments for substance abuse and mental health. She did not provide any of the paperwork from the assessments to her caseworker because she was told the facility would send it over. She also

said she was unable to complete many of the services because she either did not get the proper referral or lacked transportation. She claimed she told Church about this problem.

¶ 12 The father testified that, in contrast to what Church had stated, he completed two substance abuse assessments. He also denied showing up for visitations while under the influence of drugs or alcohol. He asserted that although he may have committed crimes in the past, he had not been arrested for any offenses between January 17, 2025, and October 17, 2025.

¶ 13 On a later date, the trial court found Church credible and the mother, who was not in court, untruthful. It determined that the mother, from January 17, 2025, to October 17, 2025, failed to (1) communicate adequately with Church and/or FamilyCore; (2) undergo a drug assessment; (3) test negative for illicit drugs; (4) complete a mental health assessment; (5) go to drug counseling; (6) obtain stable housing; and (7) become legally employed. The court found that the father, who was in court, failed to do the following during the same time period: (1) undergo regular drug testing; (2) test negative for illicit drugs; (3) complete a mental health assessment; (4) engage in counseling; (5) obtain stable housing; (6) provide proof of lawful employment; and (7) update Church and/or FamilyCore regularly when he changed his phone number. Accordingly, the court found the mother and the father unfit because they failed to make reasonable progress toward the return of their children to their care.

¶ 14 At the best interest hearing, Jacob Razo, a caseworker for C.B., Ja. B., and J.B., testified that the children had attained stability in their foster homes. Razo intimated that he reached this conclusion based in part on seeing the children in their foster homes four times in 30- to 45-minute increments. From those visits, which were scheduled in advance, Razo learned Ja. B. and J.B., who resided in the same foster home for 16 weeks, were healthy and had adequate food, shelter, and clothing. Ja. B. and J.B. identified with their foster family, loved them, wanted to

remain with them, and felt safe and secure in their house. They also hugged their foster parents, called them mom and dad, and sat close to them. Ja. B. and J.B. went to school in the foster family's district; did well in school; had friends; and were involved in the community, attending camps and playing sports in the area. The foster parents allowed Ja. B. and J.B. to maintain a relationship with their siblings, provided the least disruptive placement available, and wanted to adopt Ja. B. and J.B.

¶ 15 Razo testified similarly to his testimony with respect to C.B., who was placed with another foster family and has lived with them for 31 months. C.B. went to school in her foster family's district, did well in school, and had friends. She was comfortable in her foster family's home, was affectionate with her foster family, called her foster parents mom and dad, talked freely with them about any issues she had, hugged them, and sat close to them. Razo asserted C.B.'s foster parents let her maintain a relationship with her siblings and wished to adopt her.

¶ 16 Razo stated the mother and the father were unhoused, having couch surfed from home to home. When they were unable to stay with friends or family, they stayed at Dream Center, a homeless shelter. Razo indicated that the father's one visit with the children he observed went well, and during that visit, the children called their father "dad." Although Razo, who spoke to the father the day before the best interest hearing, believed the father had been employed for several months, Razo asserted the father did not provide him with proof of that employment. The father also never told Razo that he had a place to live.

¶ 17 Monica Kilpatrick, the caseworker for K.B., testified K.B. felt safe in his foster home, which Kilpatrick classified as stable. K.B. was healthy and had adequate food, shelter, and clothing. He identified with his foster family, with whom he had lived for 16 months. He also was happy, felt loved, and was safe and secure in the family's home. K.B., who went to school in his

foster family's district and did very well, wanted to stay with his foster family, a placement that would be the least disruptive. K.B. also had ties to the community, attending church with his foster family and playing with his friends in the neighborhood. His foster parents, whom K.B. called mom and dad, allowed K.B. to maintain a relationship with his siblings and wanted to adopt him. Kilpatrick stated that when she talked to K.B. about the mother and the father, he shut down. Kilpatrick asserted she has had no contact with the mother and/or the father.

¶ 18 The mother testified she had been sober for five weeks. She said she would start work at Dunkin' Donuts and undergo counseling and drug treatment in one week. With her first paycheck and with help from a nonprofit financial assistance organization, she hoped to get an apartment for herself and her children.

¶ 19 Although the father indicated he had recently missed three months of one time per month visitation with the children because of miscommunications, the visits he has had have generally gone well. He brings snacks and gifts to the visits, Ja. B. and K.B. call him dad, K.B. kisses him, C.B. clings to him, and all four children have expressed a desire to live with him. The father also asserted that, for the last month, he has lived in a one bedroom efficiency apartment that can house up to seven people. He said that he had not provided Razo with his address or phone numbers, but he did give that information to the front desk at FamilyCore. The father said he had not used drugs in the last year or two, and he failed to complete random drug drops in the past because he could not make it to the testing facility during the times they were open. After he completed his two drug assessments, which he testified to during the fitness hearing, drug counseling was not recommended. He also indicated he had participated in counseling up until he got sick and/or fell on hard times and had to live in a homeless shelter. The father testified he loves his children and believes he is able to care for them.

¶ 20 The trial court found it was in the best interest of the children to terminate the mother's and the father's parental rights. In so finding, the court noted the case had been pending for two years and eight months. During that time, the mother and the father struggled with housing instability, missed drug testing, and tested positive for illicit drug use. They also had extended periods of time where they did not cooperate or communicate with FamilyCore and missed many scheduled visits with the children. Further, during that time, the children bonded with their foster families. They attended school in their foster families' district, made friends in that community, and participated in sports and camps. In weighing the best interest factors, some of which favored not terminating the mother's and the father's parental rights, the court found the mother's and the father's parental rights should be terminated.

¶ 21 These appeals followed.

¶ 22 II. ANALYSIS

¶ 23 The mother's appellate counsel moves to withdraw. Counsel supports her motion with a memorandum of law providing a statement of facts, a discussion of potential claims, and arguments why those issues lack arguable merit. Notice of counsel's request to withdraw was sent to the mother's last known address, and the mother was notified of her right to respond. No response was filed. Counsel for the mother submits it would be frivolous to argue that the trial court erred in finding (1) the mother unfit and (2) it was in the best interest of the children to terminate the mother's parental rights. The father argues on appeal that the court's unfitness finding as to him and the termination of his parental rights were against the manifest weight of the evidence.

¶ 24 Under section 2-29(2) of the Juvenile Court Act (705 ILCS 405/2-29(2) (West 2024)), the involuntary termination of parental rights is a two-step process. First, the State must

prove by clear and convincing evidence the parent is "unfit," as defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006). If the State proves unfitness, it then must prove by a preponderance of the evidence that termination of parental rights is in the best interest of the child. *In re D.T.*, 212 Ill. 2d 347, 363-66 (2004).

¶ 25 A determination of parental unfitness involves factual findings and credibility determinations the trial court is in the best position to make. See *In re M.I.*, 2016 IL 120232, ¶ 21 ("[T]he trial court's opportunity to view and evaluate the parties *** is superior." (Internal quotation marks omitted.)). A trial court's finding of parental unfitness will not be reversed unless it is against the manifest weight of the evidence. *In re N.G.*, 2018 IL 121939, ¶ 29. A decision is against the manifest weight of the evidence only when the opposite conclusion is clearly apparent. *Id.*

¶ 26 Here, the trial court found the mother and the father unfit because they failed to make reasonable progress toward the return of their children during the nine-month period at issue, *i.e.*, January 17, 2025, to October 17, 2025. See 750 ILCS 50/1(D)(m)(ii) (West 2024). "Reasonable progress" has been defined as "demonstrable movement toward the goal of reunification." (Internal quotation marks omitted.) *In re Reiny S.*, 374 Ill. App. 3d 1036, 1046 (2007). Reasonable progress exists when the trial court

> "can conclude that *** the court, in the *near future*, will be able to order the child returned to parental custody. The court will be able to order the child returned to parental custody in the near future because, at that point, the parent *will have fully complied* with the directives previously given to the parent in order to regain custody of the child." (Emphases in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991).

¶ 27 We have emphasized " 'reasonable progress' is an 'objective standard.' " *In re F.P.*, 2014 IL App (4th) 140360, ¶ 88 (quoting *L.L.S.*, 218 Ill. App. 3d at 461). A trial court may only consider evidence from the relevant time period in determining a parent's fitness based on reasonable progress. *Reiny S.*, 374 Ill. App. 3d at 1046 (citing *In re D.F.*, 208 Ill. 2d 223, 237-38 (2003)).

¶ 28 In this case, the children were removed from the mother's and the father's care in October 2023. This happened because the family home was uninhabitable, a registered sex offender lived in the home with the children, the children were unkempt and did not attend school, and both the mother and the father tested positive for illicit drug use. To correct these issues, the mother and the father were ordered to complete various services and tasks directly related to the conditions that caused the children's removal. This included obtaining stable housing, passing random drug testing, and completing various forms of counseling. The credible evidence revealed the mother and the father failed to successfully complete these services and tasks. Moreover, nothing in the record sufficiently established that the mother or the father will complete these services and tasks and have the children returned to them in the near future. Thus, we find the trial court's determination that the mother and the father were unfit was not against the manifest weight of the evidence.

¶ 29 The father argues that his adequate visitation with the children between January 17, 2025, and October 17, 2025, and disputed evidence concerning whether he completed drug assessments show he made reasonable progress toward reunification. We disagree. Even putting aside the question of drug assessments, the facts above show that the father failed to make reasonable progress toward having the children returned to his care. The trial court found, on balance, the evidence favored finding the father unfit. We cannot conclude an opposite conclusion

is clearly apparent. We further conclude that the mother's appointed counsel had no nonfrivolous basis to argue otherwise as to her.

¶ 30 Counsel for the mother next submits it would be frivolous to argue it was not in the children's best interest to terminate her parental rights. The father argues the trial court's order terminating his parental rights was against the manifest weight of the evidence.

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

> "(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's background and ties, including familial, cultural, and religious; (4) the child's sense of attachments, including love, security, familiarity, and continuity of affection, and the least-disruptive placement alternative; (5) the child's wishes; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parental figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the persons available to care for the child." *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071(2009) (citing 705 ILCS 405/1-3(4.05) (West 2008)).

"The court's best interest determination [need not] contain an explicit reference to each of these factors, and a reviewing court need not rely on any basis used by the trial court below in affirming its decision." *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19.

¶ 32 On review, "[w]e will not disturb a court's finding that termination is in the [child's] best interest unless it was against the manifest weight of the evidence." *In re T.A.*, 359 Ill. App. 3d 953, 961 (2005). "A [best interest determination] is against the manifest weight of the evidence only if the facts clearly demonstrate that the trial court should have reached the opposite result." *Jay H.*, 395 Ill. App. 3d at 1071.

¶ 33 Here, the evidence demonstrated the children had a strong bond with their foster families. The foster families provided for the children's needs, including sending them to school, where they all have thrived. The children feel secure and happy with their foster families and have obtained stability with them. The trial court considered the evidence presented at the best interest hearing in relation to the statutory best interest factors and found they weighed in favor of terminating the mother's and the father's parental rights. We cannot conclude the evidence in the record clearly demonstrates the court should have reached the opposite result, *i.e.*, not terminating the mother's and the father's parental rights. Accordingly, the court's best interest determination was not against the manifest weight of the evidence. We also conclude that it would be frivolous for the mother's appointed counsel to argue otherwise.

¶ 34 The father suggests that despite the "substantial evidence supporting the children's current foster placements," his parental rights should not have been terminated because the children's ties to him remained intact, they expressed their love for him, and they were not residing in the same foster home. Moreover, in support of not terminating his parental rights, the father notes he obtained employment and housing. Putting aside the veracity of the facts which the father

cites and the fact all the foster parents wanted the children to maintain a relationship with each other, there was ample evidence supporting the termination of the father's parental rights, most notably all the favorable evidence establishing the children were thriving in their foster homes for over a year. See *D.T.*, 212 Ill. 2d at 364 (noting a biological parent's interest in maintaining a parent-child relationship must yield to the child's interest in having a stable, loving home life).

¶ 35 In sum, regarding the mother's appeal, we agree with counsel after examining the record, the motion to withdraw, and the memorandum of law that this appeal presents no issue of arguable merit. Accordingly, we grant appellate counsel's motion to withdraw and affirm the trial court's judgment. Concerning the father's appeal, we conclude that neither the unfitness finding as to him nor the termination of his parental rights were against the manifest weight of the evidence. Therefore, like with the mother's appeal, we affirm the trial court's judgment.

¶ 36 III. CONCLUSION

¶ 37 For the reasons stated, we grant the mother's appellate counsel's motion to withdraw and affirm the trial court's judgment in both the mother's and the father's appeals.

¶ 38 Affirmed.