

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

NO. 4-26-0695

OF ILLINOIS

FILED

October 2, 2026

Carla Bender

4th District Appellate

Court, IL

[illegible]

Judge Presiding.

¶ 3 In their October 2024 petition, petitioners alleged that respondents were unfit within the meaning of sections 1(D)(b) and 1(D)(n)(1) of the Adoption Act (Act) (750 ILCS

50/1(D)(b), (n)(1) (West 2024)) because they (1) failed to maintain a reasonable degree of interest, concern, or responsibility for D.J.E.’s welfare and (2) manifested an intent to forgo their parental rights by failing to (a) visit D.J.E., (b) communicate with D.J.E. when not prevented from doing so by an agency or court order, and (c) maintain contact with or plan for D.J.E.’s future, although physically able to do so, between October 1, 2022, and October 1, 2023.

¶ 4 In June 2025, following a bench trial, the trial court denied petitioners’ adoption petition, finding that petitioners had not proved that respondents were unfit as alleged in the petition.

¶ 5 Petitioners appealed, arguing that the trial court erred by finding that petitioners had not proved that respondents were unfit as alleged in the petition. In *In re Adoption of D.J.E.*, 2026 IL App (4th) 251115-U, ¶¶ 121-23, this court agreed with petitioners, reversed the trial court’s judgment, and remanded for a best-interest hearing.

¶ 6 On remand, the trial court conducted a best-interest hearing and concluded that a preponderance of the evidence favored the termination of parental rights of both respondents.

¶ 7 Denisha appeals, arguing primarily that the trial court’s termination of her parental rights was against the manifest weight of the evidence. Denisha also argues that (1) she “was denied due process in the proceedings leading to and during the best interest hearing” and (2) the guardian *ad litem*’s (GAL) report, which the court considered at the hearing, was “procedurally deficient and its conclusions unsupported by the record.”

¶ 8 We reject all of Denisha’s arguments and affirm the trial court.

¶ 9 I. BACKGROUND

¶ 10 A. The Initial Proceedings

¶ 11 In this court’s earlier decision in this case, in which we reversed the trial court’s

finding that petitioners failed to prove by clear and convincing evidence that respondents were unfit, this court discussed at length (1) the procedural history of this case after petitioners filed a petition for adoption of D.J.E. in October 2024 and (2) the evidence presented at the June 2025 bench trial that the trial court conducted on that petition. Although we choose not to repeat what we wrote in that earlier decision, we stand by that analysis. We have also considered the evidence presented at the June 2025 hearing as part of the basis upon which we decide the present appeal now before us.

¶ 12 However, because this case is procedurally strange, we repeat what we wrote in the earlier case regarding its background:

“In early 2018, the Illinois Department of Children and Family Services (DCFS) removed D.J.E. from Denisha’s care when D.J.E. was about four weeks old based on concerns about (1) Denisha’s mental health, (2) Denisha’s alcohol use, and (3) domestic violence between Denisha and Kendrick. In July 2018, Denisha filed a petition for parenting time. At that time, D.J.E. was placed at the Children’s Home Association of Illinois (Children’s Home) in Peoria, Illinois. In her petition, Denisha alleged she was currently allowed to visit D.J.E. for only two hours per week, and she sought additional visitation time. The outcome of that petition is not reflected in the record.

When D.J.E. was six months old, Children’s Home placed him with petitioners as foster parents, and D.J.E. has lived there continuously since that time. In January 2019, D.J.E. was adjudicated neglected in an action filed in the juvenile division of the trial court.

In October 2022, the trial court granted petitioners guardianship over D.J.E. with the consent of DCFS. Respondents appeared *pro se* at the hearing and opposed guardianship. Denisha told the court she wanted to continue to pursue the return of D.J.E. to her care.

During the guardianship hearing, Kendrick asked Whitney whether, if the guardianship were to proceed, he would have the opportunity to see D.J.E. Whitney responded, 'We could discuss that.' Denisha did not ask any questions but expressed confusion about why D.J.E. could not be placed with her. The State never filed a petition to terminate respondents' parental rights, and DCFS closed the case after petitioners were granted guardianship.

Around the same time, Denisha filed pleadings seeking parenting time with D.J.E.'s older sibling, who resided with a different guardian. Those pleadings are not in the record on appeal, but the record indicates several pleadings were filed and ruled on in mid to late 2022. According to witnesses, sometime in 2024, Denisha filed a petition for parenting time with D.J.E. That petition is also not in the record. The record indicates the first hearing regarding the petition was conducted in December 2024. An attorney told the trial court during a hearing that the petition for parenting time was filed in August 2024.

In October 2024, petitioners filed a petition for adoption of D.J.E., who was then six years old. Petitioners alleged respondents were unfit under

the Act because they each (1) failed to maintain a reasonable degree of interest, concern, or responsibility for D.J.E.'s welfare and (2) manifested an intent to forgo their parental rights by failing to (a) visit D.J.E., (b) communicate with D.J.E. when not prevented from doing so by an agency or court order, and (c) maintain contact with or plan for the future of D.J.E., despite being physically able to do so, during a 12-month period from October 1, 2022, to October 1, 2023. See 750 ILCS 50/1(D)(b), (n)(1) (West 2024).” *Id.* ¶¶ 9-13, 15.

¶ 13 As noted, the trial court conducted a bench trial on petitioners’ adoption petition in June 2025 and denied the petition.

¶ 14 Petitioners appealed, and this court reversed, explaining as follows:

“Ultimately, the trial court failed to consider each ground for unfitness separately. By failing to do so, the court applied the incorrect legal standard to determine whether respondents manifested an intent to forgo their parental rights.

Applying the correct standard, the only conclusion to be drawn from the record is that petitioners proved by clear and convincing evidence respondents manifested an intent to forgo their parental rights by failing to communicate or maintain contact with petitioners or D.J.E. for a 12-month period after their last contact with D.J.E. Respondents’ lack of effort to make contact with D.J.E. was not excused by objective impediments external to respondents during the 12-month period. Accordingly, the trial court’s determination was against the manifest weight of the evidence.

Because petitioners proved respondents were unfit by clear and convincing evidence based on their manifestation of an intent to forgo their parental rights, we reverse the trial court's fitness determination and remand for the second-step determination of whether the termination of parental rights is in D.J.E.'s best interest." *Id.* ¶¶ 121-23.

¶ 15 B. The Proceedings After Remand

¶ 16 After remand and prior to the trial court's conducting the best-interest hearing on June 8, 2026, Denisha filed a 13-page memorandum "regarding the best interest of the minor child," in which she argued that the court should deny petitioners' petition for adoption and preserve her parental rights. Debbie A. Harper, the GAL in this case, filed her five-page report on the morning before the court conducted the best-interest hearing.

¶ 17 Before that hearing began, the GAL corrected the report to state that Kendrick had been found unfit at the initial dispositional hearing in Tazewell County case No. 18-JA-85, but at the last permanency hearing, "he was found fit, but unable" and thus "he is fit, but unable as [Denisha] is as well."

¶ 18 At the June 8, 2026, best-interest hearing, two witnesses testified: Justin and Denisha. Justin testified about being the foster parent for D.J.E. along with his wife, Whitney, for the last eight years. He also described his work as an heating, ventilation, and air conditioning (HVAC) technician service manager and what the hours of his work schedule were. Justin described in some detail the extensive parenting activities he and Whitney engaged in regarding D.J.E. over the last several years. He testified that they both love D.J.E. and tell him that they love him all the time. He and Whitney view themselves at this point as D.J.E.'s parents and wish to continue in that role. He also testified that D.J.E. calls him "dad."

¶ 19 Justin was cross-examined by Denisha’s lawyer regarding “cultural connections,” given that Justin and his wife are White and D.J.E. is Black. Justin responded as follows: “We still try to keep him involved with the black community insomuch as choosing, for instance, the correct barber to help him with his hair style with what he feels works best for him.” Justin also testified that he understood D.J.E. was “of a different cultural” background. He explained that he and Whitney were “trying to help him maintain not only his identity of who he is now, but where he comes from. [They] have never tried to teach him to be anything other than who he is.”

¶ 20 Denisha testified consistently with her lengthy memorandum regarding the best interest of the minor child that her attorney filed with the court.

¶ 21 As earlier noted, the GAL filed her report the morning of the best-interest hearing. That report, in part, contained the following:

“It is undisputed that Justin and Whitney have been the ones to provide all of the food, shelter, clothing for [D.J.E.] since the guardianship was entered (and even before as foster parents since October of 2018). They have solely been responsible for his health care needs and have met all of his basic physical needs. In speaking with Denisha and reviewing information provided by her, I believe she would be able to meet the basic physical needs of [D.J.E.] for visitation (as she does with her older child), but she has not done so at this point.

*** [D.J.E.] has lived with Justin and Whitney the majority of his life. Justin and Whitney are the ones that he refers to as mom and dad and who he looks to for comfort and security. He does not know Denisha or Kendrick. During my meeting with [D.J.E.], I showed him many

photographs of the petitioners and respondents as well as other extended family members. [D.J.E.] was quick to point out Justin (and identified him as dad) and Whitney (and identified her as mom). He was also able to identify many other extended family members of Justin and Whitney. There were some extended family members that he did not see as often and could not identify. Likewise, when he was shown photographs of Denisha and Kendrick, he did not know who they were. It has been almost four years since he has seen either of them and he simply does not remember them.

*** [D.J.E.] has grown up in the home of Justin and Whitney. While they are not his biological family, they are the ones that [D.J.E.] considers family. He knows a great deal of the extended family of Justin and Whitney, and the petitioners ensure that he has a relationship with his brother ***. Certainly, there are familial and cultural ties that Denisha and Kendrick would be able to offer to [D.J.E.] as well. However, that is not who [D.J.E.] considers his family.

*** The [next factor is the] child's sense of attachments, including love, security, familiarity, continuity of affection and the least disruptive placement alternative. This factor is very strongly in favor of Justin and Whitney. [D.J.E.'s] home with Justin and Whitney is the only home that he can remember. He was approximately four months old when he was placed with them. He is happy and well-cared for in their home and considers them his parents—his family. [D.J.E.] has no relationship with Denisha or Kendrick. As stated above, when shown pictures of them—he did not even

know who they were.

* * *

*** [D.J.E.] is in need of permanence. He is in a stable, loving home the only home he can remember. He has been in this home since he was approximately four months old. He has had a continual, loving relationship with Justin and Whitney (as well as extended family). Justin and Whitney have also ensured that he maintains a relationship with his brother ***.

*** [D.J.E.] has a strong, loving relationship with Justin and Whitney. He has a relationship with his brother ***. I do not doubt that Denisha and Kendrick love [D.J.E.] very much and want to be a part of his life—but they have not been in his life for a very long time—and that has taken a toll on any relationship they previously had. Currently, there is no relationship and no bond between [D.J.E.] and his biological parents.

* * *

*** In reviewing the best interests factors, almost all factors weigh heavily towards the termination of parental rights—and allowing [D.J.E.] to be adopted by Justin and Whitney. As such, I would recommend that the parental rights of Denisha [E.] and Kendrick [R.] be terminated, and the petition for adoption filed by Justin [K.] and Whitney [L.] be granted.”

¶ 22 After the presentation of evidence and arguments at the best-interests hearing, the trial court stated that it had reviewed the evidence carefully and had also carefully considered the statutory best-interest factors. The court also made reference to the findings and

recommendations of the GAL. In addition, the court correctly emphasized that the focus of the best-interest hearing is on the child. The court then concluded by the preponderance of the evidence that termination of the parental rights of both the mother and father was appropriate.

¶ 23 This appeal followed.

¶ 24 II. ANALYSIS

¶ 25 Denisha appeals, arguing primarily that the trial court’s termination of her parental rights was against the manifest weight of the evidence. Denisha also argues that (1) she “was denied due process in the proceedings leading to and during the best interest hearing” and (2) the GAL’s report, which the court considered at the hearing, was “procedurally deficient and its conclusions unsupported by the record.”

¶ 26 We reject all of Denisha’s arguments and affirm the trial court’s judgment.

¶ 27 A. The Applicable Law and the Standard of Review

¶ 28 With the adoption of a minor child, the consent of both parents is generally required. See 750 ILCS 50/8(b)(1) (West 2024). However, if the trial court finds by clear and convincing evidence that a parent is an “unfit person” as defined in the Act, then that parent’s consent is not required. *In re Adoption of L.T.M.*, 214 Ill. 2d 60, 67 (2005).

¶ 29 When a petition for adoption alleges that a parent is unfit, the first step, before granting the adoption, is a determination of whether the parent is unfit. *Regan v. Joseph P.*, 286 Ill. App. 3d 889, 892 (1996). If the trial court finds that the biological parents are unfit, the court must then proceed to a second step before ruling on the adoption petition. *Id.* That second step requires the court to determine whether the termination of parental rights and adoption is in the minor child’s best interest. See *id.*; *In re Adoption of Syck*, 138 Ill. 2d 255, 277 (1990).

¶ 30 At the best-interest hearing, “the parent’s interest in maintaining the parent-child

relationship must yield to the child’s interest in a stable, loving home life.” *In re D.T.*, 212 Ill. 2d 347, 364 (2004). “The issue is no longer whether parental rights *can* be terminated; the issue is whether, in light of the child’s needs, parental rights *should* be terminated.” (Emphases in original.) *Id.* Simply put, “[o]nce the trial court finds the parent unfit, the parent’s rights are no longer of concern.” *In re Veronica J.*, 371 Ill. App. 3d 822, 831 (2007).

¶ 31 A trial court’s best-interest determination will not be reversed unless it is against the manifest weight of the evidence. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 74. “We afford great deference to the court’s determination, as it is in the best position to view the witnesses and judge their credibility.” *Id.* “A decision is against the manifest weight of the evidence when the opposite conclusion is clearly the proper result.” *In re C.P.*, 2019 IL App (4th) 190420, ¶ 68.

¶ 32 B. Denisha’s Claim That the Trial Court’s Determination That Termination of Her Parental Rights Was Against the Manifest Weight of the Evidence

¶ 33 Denisha’s primary argument on appeal is that the trial court’s termination of her parental rights was against the manifest weight of the evidence. We strongly disagree.

¶ 34 We previously discussed the evidence presented at the June 8, 2026, best-interest hearing and need not repeat it. Further, like the trial court, we have considered the additional evidence that had been presented in this case at the June 2025 hearing the court conducted on the petitioners’ petition for adoption of D.J.E. And, perhaps most significantly, we have considered the detailed and comprehensive report prepared by the GAL that also served to inform the trial court when it made its decision to terminate respondent’s parental rights.

¶ 35 As noted earlier, a trial court’s finding of parental unfitness will not be reversed unless it is against the manifest weight of the evidence. We conclude that the evidence before the trial court fully supported its decision to terminate respondent’s parental rights.

¶ 36 C. Denisha’s Claim That She Was “Denied Due Process in the Proceedings Leading to and During the Best Interest Hearing”

¶ 37 Denisha raises several claims under the rubric that “she was denied due process in the proceedings leading to and during the best interest hearing,” but none of these claims has any merit whatsoever.

¶ 38 First, she claims she was denied appointed appellate counsel. The problem with this claim is that Denisha had privately retained counsel both at the best-interest hearing and now on appeal.

¶ 39 Denisha next claims that she was denied an opening statement at the best-interest hearing, but nothing in the record shows she requested one.

¶ 40 Denisha also complained about first receiving the GAL’s report on the morning of the best-interest hearing, but she never requested a continuance of that hearing and, in fact, informed the trial court that she was ready to proceed. The record shows that Denisha’s counsel asked for a few minutes to finish reading the report, and the court indicated it would give her as much time as she wished. After a recess, Denisha’s counsel confirmed that she and her client “had sufficient time to review” the report and she was prepared to proceed.

¶ 41 Last, we reject Denisha’s claims that the trial court (1) improperly treated her counsel differently during the best-interest hearing than she did petitioners’ counsel and (2) was not fair to Denisha’s counsel. The record shows no basis whatsoever for these claims.

¶ 42 D. Denisha’s Claim That the GAL’s Report Was “Procedurally Deficient and Its Conclusions Unsupported by the Record”

¶ 43 Last, Denisha attacks the GAL’s report. She argues the following:
“Neither the [GAL], nor the 2022 order itself [(regarding her older son’s case)], nor the trial court’s ruling has ever explained what renders Denisha

unable notwithstanding a finding of fitness, or how that classification, imported wholesale from an unrelated case, bears on the statutory best interest factors here. *** The report offers no explanation for why the two parents received different classifications, and no explanation for what, if anything, Denisha would need to do to resolve whatever ‘unable’ was meant to describe.”

¶ 44 The problem with Denisha’s contention is that it has nothing to do with the issue before the trial court at the June 2026 hearing the court conducted. The *sole* issue at that hearing was whether it was in the best interest of D.J.E. that the parental rights of his biological parents be terminated.

¶ 45 Denisha’s argument regarding the alleged confusion contained within the GAL’s report is totally irrelevant because that argument concerns whether the respondent parents were unfit. However, this court, in its earlier decision, had definitively resolved that matter.

¶ 46 In the earlier appeal regarding D.J.E. and these respondents, this court reversed the trial court’s determination that petitioners had not proved respondents were unfit by clear and convincing evidence. We wrote in that decision the following: “Because petitioners proved respondents were unfit by clear and convincing evidence based on their manifestation of an intent to forgo their parental rights, we reverse the trial court’s fitness determination and remand for the second-step determination of whether the termination of parental rights is in D.J.E.’s best interest.” *D.J.E.*, 2026 IL App (4th) 251115-U, ¶ 123.

¶ 47 As a result, the trial court was strictly limited to doing on remand what this court had directed. See *People ex rel. Department of Transportation v. Firststar Illinois*, 365 Ill. App. 3d 936, 939 (2006), in which the court wrote the following:

“The basic rules on how a trial court should proceed when a cause is remanded are well settled. [Citation.] After a judgment is reversed and the cause is remanded, the trial court can conduct only such further proceedings as conform to the appellate court’s judgment. [Citation.] For example, when the appellate court gives specific directions on how the cause should proceed, the trial court can do nothing except carry out those explicit instructions.”

¶ 48 Accordingly, the trial court was prohibited—even if it had been so inclined—to inquire further into whether and why respondents were unfit parents. Instead, it could only determine, as this court directed, whether the best interest of D.J.E. required that the parental rights of his biological parents be terminated.

¶ 49 And, as we have pointed out, the trial court was clearly correct in so ruling.

¶ 50 III. CONCLUSION

¶ 51 For the reasons stated, we affirm the trial court’s judgment.

¶ 52 Affirmed.