

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. 4-26-0682

IN THE APPELLATE COURT

OF ILLINOIS

FILED

October 30, 2026

Carla Bender

4th District Appellate
Court, IL

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Judge Presiding.

Presiding Justice Steigmann and Justice DeArmond concurred in the judgment.

¶ 2 In November 2025, the State filed a petition to terminate the parental rights of respondent, Floyd S., as to his minor child, N.S.-R. (born in 2019). The child’s mother is not a party to this appeal. In May 2026, the trial court granted the State’s petition and terminated respondent’s parental rights. Respondent appeals the court’s finding of unfitness, arguing it is against the manifest weight of the evidence because he made progress in his required services. For the reasons that follow, we affirm.

¶ 4 In August 2024, the State filed a petition to adjudicate the minor child, N.S.-R., as neglected under section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b)).

(West 2024)). In particular, the State alleged the minor's mother was hospitalized for psychiatric issues, and the respondent, the minor's father, failed to protect the child and could not be reached or located until the day after the mother's hospitalization. In October 2024, the trial court adjudicated the minor neglected due to being in an environment injurious to his welfare. In December 2024, the court entered a dispositional order and found both parents unfit and unable to care for the minor, made the minor a ward of the court, and placed custody and guardianship with the Illinois Department of Children and Family Services (DCFS). At that time, the goal was to return the minor home within 12 months, and the court warned the parties that failure to comply with services and correct the conditions leading to removal could result in termination of their parental rights.

¶ 5 In November 2025, the State filed a petition to terminate the parental rights of respondent, and the permanency goal was changed to substitute care pending ruling on that petition. The petition alleged respondent was unfit under section 50/1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2024)) for failing to make reasonable progress toward the return of the minor during the nine-month period of October 31, 2024, through July 31, 2025.

¶ 6 In April 2026, the minor's mother executed a final and irrevocable consent to adoption. Thereafter, the State alleged respondent continued to demonstrate failure to complete the requirements outlined in the service plan. Specifically, the State argued he failed to initiate individual counseling, despite referrals made by the agency and follow-up attempts to contact him. The State identified consistent and ongoing housing concerns that began during the pendency of the proceedings and continued throughout the case and argued a referral for housing services was closed due to lack of contact. Additionally, the State argued that visitation was still supervised and attendance at supervised visitations with N.S.-R. was inconsistent. The trial court

entered an order finding respondent remained unfit and unable to care for N.S.-R.

¶ 7 In May 2026, the hearing began on the State’s petition to terminate parental rights. Respondent failed to appear. The trial court noted he was present when the hearings were scheduled, he had prior notice, and his counsel was present. At the fitness phase of the termination hearing, the State introduced two exhibits. The first exhibit was an evidence stipulation summarizing the service plan recommendations and respondent’s progress during the pendency of the proceedings. The second exhibit was a request for the court to take judicial notice of the entire court file, including the petition for adjudication of wardship, the adjudicatory and dispositional orders, and the permanency orders filed in the case. The court admitted both without objection.

¶ 8 The trial court reviewed the history of the case and identified the requirements of respondent to return N.S.-R. to his care as being in the areas of employment verification, safe and stable housing, consistent cooperation with DCFS, participation in a mental health assessment and recommended counseling, completion of a domestic violence assessment, and engagement in psychological and parenting capacity evaluations and subsequent counseling. The court noted, as reflected in the stipulation, respondent received copies of the service plan and acknowledged the expectations. Based on its review, the court found several conditions remained uncorrected during the nine-month period outlined in the State’s petition. Although respondent reportedly maintained employment during the nine-month period, he did not provide verification as required. Additionally, the unresolved housing concerns were detailed, including that the initial residence when the minor came into care “would never pass a home safety check list” and the subsequent residence was “even less *** appropriate” for a child than the first home. The court further noted the supervised parenting time observations reflected continuing concerns

about emotional engagement and supervision, and respondent did not engage in individual counseling, one-on-one parenting coaching, or unsupervised visits with the minor during the nine-month statutory window.

¶ 9 The trial court found the case never progressed to a discussion of how the minor could return to respondent's care, and the State proved respondent failed to make reasonable progress toward the return of N.S.-R. during the period of October 31, 2024, through July 31, 2025. The court therefore found respondent unfit, immediately proceeded to the best interest phase of the proceeding, and found it in N.S.-R.'s best interest to terminate respondent's parental rights.

¶ 10 This appeal followed.

¶ 11 II. ANALYSIS

¶ 12 Respondent argues the trial court's unfitness finding is against the manifest weight of the evidence. Specifically, respondent maintains he made reasonable progress during the nine-month period outlined in the State's petition to terminate parental rights. We note respondent asks this court to reverse the court's order finding him unfit, vacate the order terminating his parental rights, and remand his case for further proceedings; however, respondent argues only the single issue of whether the unfitness finding was against the manifest weight of the evidence in his appeal. Because we affirm the court's finding, we review only the court's decision that respondent was unfit.

¶ 13 The involuntary termination of parental rights requires the State to prove, by clear and convincing evidence, that the parent is "unfit," as defined in the Adoption Act (750 ILCS 50/1(D) (West 2024)). *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005); *In re Ta. T.*, 2021 IL App (4th) 200658, ¶ 50. Under section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii)

(West 2024)), a parent may be found unfit for the failure to “make reasonable progress toward the return of the child to the parent during any 9-month period” after the minor child is adjudicated as a neglected minor. The term “reasonable progress” has been defined as an “objective standard” that may be found if “the progress being made by a parent to comply with the directives given for the return of the child 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 L.L.S.*, 218 Ill. App. 3d 444, 461 (1991).

¶ 14 Reasonable progress can be measured by a parent’s “compliance with the service plans and court’s directives in light of the condition that gave rise to the removal of the child” and also by progress in correcting “other conditions which later become known that would prevent the court from returning custody of the child to the parent.” *In re K.P.*, 2020 IL App (3d) 190709, ¶ 36 (citing *In re C.N.*, 196 Ill. 2d 181, 216-17 (2001)). The conditions that led to removal are not the only conditions that may require correction in order for reasonable progress to be found because “other serious conditions, existing at the time the child is removed, may become known only after removal, following further investigation of the child, parent and family situation.” *C.N.*, 196 Ill. 2d at 214. Thus, the court can look at “other conditions that later come to light” when determining reasonable progress under the statute. *Id.*

¶ 15 We will not disturb a trial court’s finding of unfitness unless it is against the manifest weight of the evidence. *In re J.H.*, 2020 IL App (4th) 200150, ¶ 68. A decision is against the manifest weight of the evidence if the opposite conclusion is clearly evident. *Ta. T.*, 2021 IL App (4th) 200658, ¶ 48.

¶ 16 The State argues it presented clear and convincing evidence of respondent’s failure to make reasonable progress during the nine-month period of October 31, 2024, through

July 31, 2025. In support of its position, the State argues respondent did not address the issues that required N.S.-R. be removed from his care or the issues that became apparent following the investigation, specifically, the issues of housing and one-on-one parenting engagement. We agree with the State.

¶ 17 A parent can show effort in engaging in services but still fail to make reasonable progress if he or she does not correct issues the services are meant to correct. *In re P.S.*, 2023 IL App (4th) 230026-U, ¶ 22; see *Ta. T.*, 2021 IL App (4th) 200658, ¶¶ 54-57 (finding a father who continued to be involved in reported incidents of domestic violence failed to make reasonable progress even though he fully completed his service plan). Here, respondent did not make reasonable progress toward the return of N.S.-R. during the nine-month period of October 31, 2024, through July 31, 2025, because the evidence offered at the fitness hearing showed he did not sufficiently correct the issues that brought N.S.-R. into care or that came to be known during the investigation of the child and family situation following DCFS's involvement.

¶ 18 In December 2024, it was discovered that respondent's home did not pass a safety checklist. Trash, dirty dishes, and boxes cluttered the family areas and made it difficult to walk through the home, insulation was exposed through a hole in the wall in the living area of the home, and N.S.-R.'s room was "filled with storage." A referral for housing services was closed by June 2025 because the advocate was unable to maintain contact with respondent. In September 2025, respondent provided a new address shared with his adult son and an adult female but refused to provide the adult female's contact information for the agency to complete a background check. The new residence did not pass a home safety check because respondent did not allow a caseworker inside. Although respondent completed assessments and stayed in contact with the agency, he did not attend the recommended individual counseling during the nine-month

period. Further, visitation did not progress beyond supervised visits during the pendency of the case. Caseworkers reported that although respondent was approved to move visits to locations within the community in September and October 2025, he chose to only visit N.S.-R. at the agency's visiting room. Moreover, he was reportedly late to visits and was observed sleeping during a visit in October 2025.

¶ 19 The trial court noted in its decision that respondent never progressed to a point that the steps necessary to facilitate the return of N.S.-R. to his care could meaningfully be discussed. Accordingly, the finding of unfitness in this case was appropriate. See *Ta. T.*, 2021 IL App (4th) 200658, ¶ 55 (“Ultimately, the trial court’s ability to return the children to a parent’s care in the near future is the lodestar of whether a parent has made reasonable progress.”). Respondent failed to make progress in services related to housing and one-on-one parent counseling during the period alleged in the State’s petition and did not appear at the hearing on the State’s petition to terminate his parental rights. Respondent had the time and opportunity for compliance but failed to make the necessary progress to correct the conditions necessary to meaningfully discuss the return of N.S.-R. to his care. The court’s finding of unfitness was proper. *Ta. T.*, 2021 IL App (4th) 200658, ¶ 55.

¶ 20 Based on the evidence presented, the trial court’s finding respondent was unfit for failing to make reasonable progress toward the return of N.S.-R. during the relevant nine-month period was not against the manifest weight of the evidence.

¶ 21 III. CONCLUSION

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

¶ 23 Affirmed.