

2026 IL App (2d) 260008-U
No. 2-26-0008
Order filed May 22, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

In re B.G., a Minor

(The People of the State of Illinois, Petitioner-Appellee, v. Jacquelyn S., Respondent-Appellant).

Appeal from the Circuit Court of McHenry County.
Honorable Carl E. Metz, Judge, Presiding.
No. 22-JA-117

JUSTICE SCHOSTOK delivered the judgment of the court.
Presiding Justice Kennedy and Justice Jorgensen concurred in the judgment.

ORDER

- ¶ 1 *Held:* The trial court did not err in terminating respondent's parental rights where the evidence supported its finding that respondent was an unfit parent and she raised no argument that termination of her parental rights was not in the best interest of the minor.
- ¶ 2 Respondent, Jacquelyn S., appeals from the order of the circuit court of McHenry County terminating her parental rights to B.G., her minor child.¹ Respondent argues that the trial court erred in finding that she was an unfit parent. We affirm.

¹The parental rights of Austin G., the minor's father, were terminated in the same proceedings but are not at issue in this appeal. The minor also has an older half-sister who was placed with her natural father and whose status is likewise not at issue in this appeal.

¶ 3

I. BACKGROUND

¶ 4 B.G. and his twin brother were born on October 15, 2022, with cocaine in their systems. The Department of Children and Family Services (DCFS) opened an intact case and initiated a safety plan. On December 19, 2022, after respondent violated that safety plan, the State filed a petition for adjudication of wardship. Following a hearing, the trial court found probable cause to support the filing of the petition but no urgent and immediate necessity to remove the minors from respondent's care, and B.G. and his twin brother were returned to respondent's custody.

¶ 5 A January 2023 integrated assessment indicated that B.G. and his twin brother had an older half-sister and that there had been six prior DCFS investigations involving respondent, three of which related to substance abuse. The assessment further indicated that respondent had a history of cocaine use, had completed a substance abuse assessment for which no services were recommended, and had been compliant with random in-home drug drops, all of which were negative.

¶ 6 On July 18, 2023, following the death of B.G.'s twin brother, B.G. was taken into protective custody. Two days later, the State filed an amended petition for adjudication of wardship. Following a shelter care hearing, the trial court granted temporary custody and guardianship to DCFS, and B.G. was placed with his maternal grandparents. Respondent was granted weekly supervised visitation. The State later filed a second amended petition adding allegations that a white powdery substance was found in respondent's home following the death of B.G.'s twin brother and that respondent tested positive for cocaine the following day. The trial court subsequently adjudicated B.G. neglected based on findings that he was born with cocaine in his system and was in an injurious environment.

¶ 7 On October 20, 2023, the trial court entered a dispositional order setting a permanency goal of return home within 12 months. Respondent was ordered to comply with services that included maintaining sobriety, random drug screens, substance abuse and mental health services, and parenting education. DCFS worked with an outside agency, Youth Service Bureau (YSB), and one of its caseworkers to coordinate services.

¶ 8 Early service plans and agency reports reflected that respondent initially engaged in services. She completed substance abuse counseling and began engaging in substance abuse aftercare support. Respondent also attended individual counseling, parenting classes, and weekly supervised visitation. She was complying with random drug testing and test results were negative.

¶ 9 However, beginning in February 2024, respondent increasingly failed to comply with drug test requirements. Respondent failed to appear for drug drops on February 21 and 28, and on February 23 her drop was adulterated. Drug drops on March 1 and 4 were negative. Further, of 11 drug drops between March 13 and June 4, 2024, respondent failed to appear for six, one was invalid, and four were negative. Of six scheduled drug drops between June 21 and August 27, 2024, respondent failed to appear for four and two were negative. Respondent failed to provide documentation supporting her inability to attend the scheduled drug drops and the agency was concerned with respondent's inability to consistently perform drug drops.

¶ 10 On March 4, 2024, respondent was successfully discharged from substance abuse aftercare, but was advised to continue building on her sober support network by attending Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) meetings at least two times per week. Respondent never provided any documentation to show attendance at AA or NA meetings.

¶ 11 Agency reports and service plans from Fall 2024 indicated that respondent had disengaged from both services and visitation. She continued to be inconsistent with completing her drug

screens. She tested positive for cocaine on October 25 and November 22, 2024. She failed to appear for other drug screens. Further, she missed a meeting that was scheduled with the agency and her mental health counselor to discuss her discharge from individual counseling in light of conflicting reports regarding her employment and drug screens. Respondent also missed multiple other scheduled meetings with the agency and had not provided documentation as to the reasons for missing those meetings. Respondent had not communicated with the agency since August 2024. Respondent stopped attending visitation in early September 2024.

¶ 12 The trial court subsequently entered a permanency order finding that respondent had not made reasonable efforts or reasonable progress toward the return home of the minor. The trial court found that respondent was not fully compliant with services. The permanency goal was changed to substitute care pending determination of termination of parental rights.

¶ 13 On October 25, 2024, the State filed a petition for termination of parental rights. The petition alleged that respondent was unfit because she failed to maintain a reasonable degree of interest, concern or responsibility as to the minor's welfare; subjected a child residing in her residence to substantial neglect that was continuous or repeated, and that resulted in the death of the child; failed to protect the minor from conditions within his environment injurious to his welfare; demonstrated an addiction to unprescribed drugs for at least a year prior to filing the petition; failed to make reasonable efforts to correct the conditions that were the basis for the minor's removal or to make reasonable progress toward his return during various nine-month periods between September 2023 and October 2024. See 750 ILCS 50/1 (West 2024).

¶ 14 On February 14, 2025, following fitness hearings on January 21 and 22, 2025,² the trial court entered a written order denying the State's petition. The trial court found that, up until

²Transcripts from these hearings are not included in the record on appeal.

February 21, 2024, respondent had maintained her sobriety but, after that, she took all possible steps to conceal her renewed drug abuse. Respondent had missed 16 of 22 screens, based on excuses the trial court did not find credible. The trial court noted that, while a January 2024 agency report raised no issues with sobriety, by March 2024 respondent was not engaged in services and failed to meet with her caseworker to avoid addressing the fact that she was not showing up for screens. The trial court also noted that court-ordered screens on October 25 and November 22, 2024, were both positive for cocaine.

¶ 15 Nonetheless, the trial court found that the State had not proved, by clear and convincing evidence, that respondent was unfit. The trial court acknowledged that respondent stopped attending visits a few months prior to the hearing but found that she had maintained a reasonable degree of interest, concern, and responsibility by consistently visiting the minor before that time. The trial court also found that the State presented no evidence that respondent was at fault for the death of B.G.'s twin brother or that she failed to protect B.G. from conditions injurious to his welfare. Further, because respondent tested clean on her drug drops until February 2024, the State failed to prove an addiction to unprescribed drugs for at least one year prior to the filing of the petition. Finally, because respondent's effort and progress were reasonable until February 21, 2024, just eight months before the filing of the petition, the State failed to prove that respondent failed to make reasonable efforts or reasonable progress for any nine-month period prior to the filing of the petition. The trial court subsequently denied the State's motion to reconsider.

¶ 16 On February 20, 2025, the trial court entered an order requiring respondent to submit to a drug screen prior to exercising any visitation. On March 20, 2025, following a hearing, the trial court changed the permanency goal to return home in five months.

¶ 17 Subsequent agency reports indicated that respondent continued to miss drug screens. She failed to appear for a drug drop on February 26, 2025. On March 13, 2025, respondent failed to appear for a court-ordered drug screen, complaining of stomach pains before leaving the courthouse. Respondent also failed to appear for four requested drug screens between March 26 and April 30, 2025. The agency reports further indicated that, after the permanency goal was changed to return home in five months, the agency reinstated prior services, including mental health and substance abuse services. The agency attempted to arrange meetings with respondent to review services and schedule drug screens, but respondent failed to appear or respond to messages. Respondent had no contact with the agency since March 2025.

¶ 18 On June 5, 2025, the State filed its second petition to terminate respondent's parental rights, alleging that respondent was an unfit parent because she failed to maintain a reasonable degree of interest, concern, or responsibility as to B.G.'s welfare. See *id.* § 1(D)(b). At a permanency hearing held that same day, the goal was changed to substitute care pending determination of termination of parental rights. The trial court found that respondent had not made reasonable efforts or reasonable and substantial progress toward the return home of the minor.

¶ 19 The trial court held a fitness hearing on August 27, 2025. The trial court admitted the 2025 agency reports into evidence. The trial court also took judicial notice of respondent's positive drug screens on October 25 and November 22, 2024; the January 2025 fitness hearing; its February 2025 written decision denying the State's first petition to terminate parental rights; a March 13, 2025, order requiring respondent to submit to an immediate drug test; the February 20, 2025 order requiring respondent to submit to drug screens prior to visitation; and the trial court's March 20 and June 5, 2025 permanency orders.

¶ 20 Jamie Mowers testified that she had been a YSB caseworker since 2011 and had been assigned to B.G.'s case in July 2023. By the time of the initial fitness hearing in January 2025, Mowers already had concerns with respondent's substance abuse because respondent was not participating in agency drug drops and court-ordered drops were testing positive for cocaine. When the permanency goal was changed from termination to return home in five months, respondent's services were reinstated. Respondent's service plan was updated accordingly, and Mowers attempted to contact respondent to discuss services, but was unable to reach her. Respondent provided Mowers with an April 2025 substance abuse evaluation, but Mowers was concerned because it made no recommendations for treatment. Mowers thus asked respondent to sign releases so that she could review the full evaluation. Mowers sent the release forms to respondent, but respondent never completed or returned them.

¶ 21 Mowers further testified that communication with respondent had been inconsistent since January 2025. Mowers spoke with respondent on May 30, 2025, at the courthouse, which was the first time she had spoken with respondent since the goal was changed to return home in five months. Respondent agreed that she needed a new substance abuse assessment. However, following that conversation, Mowers did not receive a release for the April 2025 assessment or proof that respondent had obtained a new assessment. Despite trying to contact respondent two or three times per month by text message, telephone, and email, Mowers was unable to reach respondent and had no further contact with her after seeing her at the courthouse.

¶ 22 Mowers testified that, following the January 2025 termination hearing, respondent was permitted supervised visitation with B.G. as long as she submitted to a drug screen. However, respondent never submitted to a drug screen and thus did not have any subsequent visitation. Respondent last exercised visitation in September 2024. Mowers further testified that respondent

had not since requested visitation, inquired about B.G.'s wellbeing, or provided the agency with gifts or letters for him.

¶ 23 On cross-examination, Mowers acknowledged that respondent had requested a new caseworker and that the agency agreed to accommodate the request, but respondent failed to attend the meeting arranged for that purpose. Mowers reiterated that she never received a release from respondent for the most recent substance abuse assessment. Although respondent told Mowers that she had attended AA for one month, respondent never provided documentation to substantiate her attendance.

¶ 24 Respondent testified that she had undergone a new substance abuse evaluation, but the provider did not recommend any services. Because the DCFS provider did not offer her services, respondent began attending AA and participating in a virtual program called "The Meeting Guide." She testified that she had received her one-month sobriety coin the week before the hearing and she presented it in court. Respondent acknowledged that her last visit with B.G. occurred in September 2024 but stated that she continued to demonstrate interest and concern for his wellbeing by speaking with her parents about him, dropping off diapers and medicine when he was sick, and purchasing clothes for him. Respondent testified that she dropped something off for B.G. at least once a week, including a birthday present and a fourth of July gift. Each time she dropped something off, she included a letter telling him how much she loved him.

¶ 25 On cross-examination, respondent acknowledged that she never submitted to a drug screen after February 20, 2025, so that she could visit B.G. Respondent also acknowledged that the Fourth of July gift she referenced was given in 2024. Respondent testified that she attempted to sign the requested release for the April 2025 substance abuse assessment, but also stated that, as far as she knew, she had no further obligations after forwarding the assessment to Mowers.

¶ 26 On October 2, 2025, the trial court entered a written memorandum granting the State’s petition. The trial court found that, prior to the first termination hearing, respondent had been in a “seven-month slide.” The trial court found that respondent failed to maintain sobriety and ceased visitation. After being given a second chance, respondent “ha[d] done nothing.” Since February 2025, respondent failed to meet with the agency to discuss services and, despite agency requests and court orders, had not submitted to a drug screen since January 2025. Respondent last visited B.G. in September 2024 and had not asked for any visitation thereafter. The trial court found respondent’s testimony that she provided gifts for the minor in 2025 was not credible. The trial court concluded that respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to B.G.’s welfare and, accordingly, found respondent unfit. An order incorporating the written decision was entered the following day.

¶ 27 On December 12, 2025, following a best-interests hearing, the trial court entered a written memorandum and decision, finding that termination of respondent’s parental rights was in B.G.’s best interest. The trial court found that B.G. had been in the care of his maternal grandparents for more than two-thirds of his life and that they provided a safe and nurturing environment in which he was loved and all his needs were met. The trial court further found that the grandparents shared a loving bond with the minor. Accordingly, the trial court granted the State’s petition, and an order terminating respondent’s parental rights was entered on December 18, 2025. Thereafter, respondent filed a timely notice of appeal.

¶ 28

II. ANALYSIS

¶ 29 On appeal, respondent argues that the trial court erred in finding her to be an unfit parent and terminating her parental rights because the State failed to establish by clear and convincing

evidence that she failed to maintain a reasonable degree of interest, concern, or responsibility as to B.G.'s welfare.

¶ 30 The Juvenile Court Act of 1987 (Act) sets forth a two-stage process for the involuntary termination of parental rights. 705 ILCS 405/1-1 *et seq.* (West 2024). Initially, the State must establish, by clear and convincing evidence, that the parent is unfit under any single ground set forth in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). See 705 ILCS 405/2-29(2), (4) (West 2024); *In re J.L.*, 236 Ill. 2d 329, 337 (2010). If the trial court finds the parent unfit, the State must then prove, by a preponderance of the evidence, that termination of parental rights is in the child's best interest. See 705 ILCS 405/2-29(2) (West 2024); *In re D.T.*, 212 Ill. 2d 347, 367 (2004). We will not disturb a trial court's finding as to fitness or best interests unless it is against the manifest weight of the evidence. *In re N.B.*, 2019 IL App (2d) 180797, ¶¶ 30, 43. A decision is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent or the determination is unreasonable, arbitrary, or not based on the evidence. *In re Keyon R.*, 2017 IL App (2d) 160657, ¶ 16.

¶ 31 In the present case, respondent was found unfit based on a failure to maintain a reasonable degree of interest, concern, or responsibility as to the minor's welfare (750 ILCS 50/1(D)(b) (West 2024)). Petitions alleging unfitness pursuant to section 1(D)(b) are not limited to a specific time frame. *In re Dominique W.*, 347 Ill. App. 3d 557, 568 (2004). In evaluating fitness based on this ground, the trial court must examine the parent's conduct "in the context of the circumstances in which that conduct occurred." *In re Adoption of Syck*, 138 Ill. 2d 255, 278 (1990). The focus under this ground is on the reasonableness of the parent's efforts, not their ultimate success. *In re Jaron Z.*, 348 Ill. App. 3d 239, 259 (2004). The trial court may consider any circumstances that made it difficult for the parent to visit, communicate with, or otherwise demonstrate interest in the

child. *Id.* “Noncompliance with an imposed service plan, a continued addiction to drugs, a repeated failure to obtain treatment for an addiction, and infrequent or irregular visitation with the child have all been held to be sufficient evidence warranting a finding of unfitness under subsection (b).” *Id.* Finally, because the trial court is in the best position to observe the demeanor and conduct of the parties and witnesses, it is best situated to assess credibility and weigh the witnesses’ testimony. *In re E.S.*, 324 Ill. App. 3d 661, 667 (2001). Accordingly, the trial court is afforded broad discretion and great deference in matters involving minors. *Id.*

¶ 32 Here, the trial court’s finding of unfitness was not against the manifest weight of the evidence. Although respondent initially engaged in services, such as completing parenting classes, participating in individual and substance abuse counseling, and initially testing negative for substances, the record shows that, beginning in February 2024, she increasingly failed to comply with drug testing requirements. Over time, respondent missed numerous drug drops and failed to provide documentation supporting her absences. She ultimately tested positive for cocaine in October and November 2024. Further, while respondent initially exercised weekly supervised visitation, she stopped doing so in September 2024.

¶ 33 Respondent’s lack of engagement continued even after the trial court denied the State’s first termination petition and gave her another opportunity to work toward reunification. After the permanency goal was changed to return home within five months, the agency reinstated services and repeatedly attempted to contact respondent to discuss service requirements and drug testing. Nevertheless, respondent failed to maintain contact with the agency, failed to provide requested releases relating to her substance abuse assessment, and failed to complete any drug screens after January 2025. Because respondent was required to submit to a drug screen before exercising visitation, her failure to comply with testing also meant that she could not exercise any visitation.

Accordingly, by the time of the August 2025 fitness hearing, it had been almost a year since respondent exercised visitation, about a year and a half since respondent had consistently appeared for drug screens, and about eight months since she stopped attending any drug screens at all.

¶ 34 Respondent nevertheless argues that she demonstrated continued interest and concern for B.G. by participating in AA, communicating with relatives regarding his well-being, and providing gifts, clothing, and supplies for him. However, the trial court expressly found respondent's testimony, that she provided gifts for the minor in 2025, not credible, and we defer to that credibility determination (*E.S.*, 324 Ill. App. 3d at 667). Moreover, even accepting that respondent occasionally provided gifts or supplies, those actions did not negate her failure to exercise visitation for nearly a year despite being permitted visitation upon submitting to drug testing. See *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064 (2006) (a parent is not fit merely because she demonstrated some interest in or affection for her child). Further, respondent was advised to start attending AA meetings in March 2024 and by the time of the fitness hearing in August 2025, she provided only a one-month sobriety coin.

¶ 35 Respondent's reliance on *In re A.J.*, 296 Ill. App. 3d 903 (1998), is misplaced. In *A.J.*, this court reversed a finding of unfitness where the respondent father failed to comply with certain service-plan requirements because the State failed to establish that those requirements related to any demonstrated parental deficiency affecting his ability to parent the child. *Id.* at 914-17 (finding of unfitness based on the respondent's failure to attend drug testing and AA meetings despite the absence of competent evidence that he had a substance abuse problem). Here, by contrast, respondent's continued refusal to participate in drug testing and substance-abuse monitoring was not a minor or unrelated service-plan deficiency; rather, it concerned the very conditions that led to DCFS intervention—respondent's history of substance abuse and B.G. being born with cocaine

in his system. Unlike in *A.J.*, the missed services here bore a clear and substantial relationship to respondent's parental deficiencies.

¶ 36 In sum, the evidence established that respondent progressively disengaged from services, ceased communication with the agency, stopped attending drug screens, and failed to exercise visitation for an extended period of time. Given this record, we cannot say that the trial court's determination that respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to B.G.'s welfare was unreasonable, arbitrary, or against the manifest weight of the evidence. *In re A.F.*, 2012 IL App (2d) 111079, ¶ 41 (“[n]oncompliance with an imposed service plan or irregular visitation with the minor is sufficient for an unfitness finding”); *Jaron Z.*, 348 Ill. App. 3d at 259 (noncompliance with service plans and continued drug addiction are relevant to a fitness determination under section 1(D)(b)).

¶ 37 Finally, as respondent does not contest the trial court's best-interests finding, we conclude that the trial court's order terminating respondent's parental rights was appropriate. *In re Addison R.*, 2013 IL App (2d) 121318, ¶ 35.

¶ 38 III. CONCLUSION

¶ 39 For the reasons stated, we affirm the judgment of the circuit court of McHenry County.

¶ 40 Affirmed.