

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).

2026 IL App (4th) 260466-U

NO. 4-26-0466

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 15, 2026

Carla Bender

4th District Appellate
Court, IL

<i>In re</i> C.S., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Winnebago County
Petitioner-Appellee,	)	No. 23JA6
v.	)	
Alicia P.,	)	Honorable
Respondent-Appellant).	)	Erin B. Buhl,
	)	Judge Presiding.

JUSTICE DeARMOND delivered the judgment of the court.
Presiding Justice Steigmann and Justice Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court granted appellate counsel’s motion to withdraw and affirmed, finding the trial court’s termination of respondent’s parental rights was not against the manifest weight of the evidence.

¶ 2 In October 2025, the State filed a petition for termination of parental rights against respondent, Alicia P., the mother of C.S. (born in November 2014). In April 2026, the trial court granted the petition and terminated Alicia’s parental rights.

¶ 3 On appeal, appellate counsel filed a motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), arguing Alicia’s appeal presents no potentially meritorious issues for review. We grant the motion and affirm the trial court’s judgment.

¶ 4 I. BACKGROUND

¶ 5 On January 17, 2023, the State filed a petition alleging C.S. was neglected in that her environment was injurious to her welfare because Alicia had a substance abuse issue that

preventing her from parenting properly, and Alicia overdosed while C.S. was in the home, thereby placing C.S. at risk of harm (see 705 ILCS 405/2-3(1)(b) (West 2022)). Alicia waived her right to a shelter care hearing, and the trial court entered an order placing C.S.'s temporary custody and guardianship with the Illinois Department of Children and Family Services (DCFS).

¶ 6 During a hearing on January 23, 2023, Carissa Morrissey, a DCFS investigator, testified she conducted diligent searches for Richard P. and Tracey S., either of whom might be C.S.'s biological father. Morrissey testified to both individuals' respective last known addresses and her efforts to contact them. Morrissey learned that Richard P.'s name was on C.S.'s birth certificate, and he was married to Alicia when C.S. was born. Based on this information, the trial court found Richard P. was C.S.'s legal father. Alicia's counsel did not object to this finding. Tracey S. subsequently submitted to DNA testing, which determined he was not C.S.'s biological father. The court discharged Tracey S. from the case.

¶ 7 On October 9, 2025, the State petitioned to terminate Alicia's parental rights, alleging she was an unfit parent because she failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to C.S.'s welfare, (2) make reasonable efforts to correct the conditions that caused C.S. to be removed during the nine months from January 8, 2024, through October 8, 2024, or (3) make reasonable progress toward C.S.'s return during the same nine-month period. See 750 ILCS 50/1(D)(b), (m)(i), (m)(ii) (West 2024).

¶ 8 A. Fitness Hearing

¶ 9 The trial court conducted a fitness hearing on March 24, 2026. Initially, Alicia failed to appear. However, after the State asked the trial court to take judicial notice of the parties' filings during the case's pendency, Alicia arrived in the courtroom, accompanied by a man whom she insisted was C.S.'s biological father, Tracey S. The court swore Alicia in, and it

reminded her that Tracey S. had been discharged from the case in 2023 after DNA testing showed he was not C.S.'s biological father. Alicia asserted the person discharged was not the correct Tracey S., as the individual accompanying her was legally named "Marvin," but he went by the name "Tracey." Alicia testified Marvin Tracey S. knew he was C.S.'s father at the time of her birth, but his name was not on C.S.'s birth certificate, and he had taken no legal steps to establish his paternity or challenge the birth certificate. The court found that Marvin Tracey S. "was aware that [C.S.] was or could have been his" but had "taken no steps to address paternity." The court affirmed its prior determination that Richard P. was C.S.'s legal father, and it declined to order additional DNA testing or consider Marvin Tracey S. as a party. In response, Alicia exited the courtroom. The hearing was paused as the bailiff left to speak with Alicia, but she indicated she "[did] not want to be involved" in the proceedings.

¶ 10 Kristina Lambert, a child welfare specialist with Lutheran Social Services of Illinois (LSSI), testified she was assigned to C.S.'s case. Alicia did not maintain consistent contact with the agency throughout the case, and she had no contact with Lambert for "the majority of 2025." At the beginning of the case, Alicia was advised she needed to complete mental health services, complete substance abuse services, and comply with drug testing. Alicia "became involved with [mental health] services *** at the end of 2025," but Lambert did not know if she continued to engage in those services. Alicia did not engage in substance abuse services. Alicia failed to appear for her scheduled drug tests "[m]ore often than not." Lambert had contact with Alicia in November 2025.

¶ 11 Alicia was initially granted weekly visits with C.S., but her visitation was terminated in early 2025, after she stopped attending her scheduled visits. During the specified nine-month period, Alicia did not engage in any services or attend any visits. Lambert testified

Alicia's failure to attend visits negatively impacted C.S., causing her to suffer panic attacks and have trouble sleeping. At no point during the case's pendency was Alicia close to receiving unsupervised visits with C.S. because she did not comply with the necessary services, she had no contact with C.S. "for the vast majority" of the case, and C.S. "has an extreme emotional reaction to seeing or hearing [Alicia]." The agency continued to have ongoing concerns about Alicia's ability to safely parent for those reasons.

¶ 12 During cross-examination by the guardian *ad litem*, Lambert testified Alicia provided no information regarding potential fathers other than Richard P., her husband at the time C.S. was born. C.S. had attended the beginning of the fitness hearing via Zoom, and Lambert observed C.S.'s reaction when Alicia entered the courtroom. Lambert testified C.S. hugged her foster mother and tucked her head under her foster mother's elbow when Alicia appeared. According to Lambert, C.S. "has a history of having panic attacks around and related to seeing and talking to [Alicia]," and Lambert feared Alicia's appearance in court "may have triggered another panic attack." C.S. had one phone call with Alicia in November 2025, after which C.S. had another panic attack. Alicia had not visited C.S. since that phone call. Lambert testified C.S. was "concerned about possibly being returned home to [Alicia]." C.S. "would like to have visits but she does not want to return to Alicia."

¶ 13 The fitness hearing was continued to April 23, 2026. Alicia failed to appear. Alicia's counsel did not know why she was not present, and he moved for a continuance. The trial court denied the motion.

¶ 14 After the parties' closing arguments, the trial court found the State proved by clear and convincing evidence that Alicia was unfit on all three grounds listed in its termination petition. The court emphasized that, during the specified nine-month period, Alicia failed to

complete any of the requisite services, attend her scheduled visits, or remain in regular contact with LSSI. The court emphasized that Alicia failed to maintain a reasonable degree of interest, concern, or responsibility regarding C.S.’s well-being because she did not attend visits, meaningfully engage in services, inquire about C.S.’s development, or attempt to provide for any of C.S.’s needs. The court noted Alicia “appears unable to maintain sobriety and address her mental health needs on a consistent basis.”

¶ 15

B. Best-Interests Hearing

¶ 16 The matter immediately proceeded to a best-interests hearing, during which Lambert testified C.S. was 11 years old and had been placed with her maternal great-aunt, Pamela W. C.S. had known Pamela for most of her life. C.S. had her own room, which she had decorated. Lambert described the home as “safe and appropriate.” C.S. and Pamela had an “open and friendly” relationship, and they were “able to have open communication.” C.S. told Lambert that she “enjoys being in [Pamela’s] house.” C.S. had many different interests, including drawing, making up stories, riding her bike, playing games, and spending time with her friends. Pamela allowed and encouraged C.S. to explore these interests. C.S. was integrated into Pamela’s family. C.S. lived in the same neighborhood as one of her cousins, whom she saw regularly. Pamela wished to adopt C.S. C.S. wanted to be adopted by Pamela because she was happy and comfortable in Pamela’s home, and she wanted the stability Pamela provided. According to Lambert, C.S. did not have any communication with Alicia at the time of the hearing, and C.S. “has said that she does not want to return home to [Alicia], in no uncertain terms.”

¶ 17

The trial court found it was in C.S.’s best interests to terminate Alicia’s parental rights. The court emphasized C.S. had “essentially *** no relationship” with Alicia. The court

observed C.S. had a strong, negative reaction to seeing Alicia during the fitness hearing, noting C.S. appeared “fearful” and “very uncomfortable.” C.S. had expressed her desire to remain with Pamela and not to return to Alicia’s custody. Pamela provided C.S. with stability and consistency, and she supported C.S.’s growth and development. While in Pamela’s care, C.S. was “attending school, engaged in *** many activities, and she certainly has a plethora of interests that are certainly being supported, encouraged, and developed.”

¶ 18 This appeal followed.

¶ 19 II. ANALYSIS

¶ 20 In July 2026, Alicia’s appellate counsel filed a motion seeking leave to withdraw as counsel. Alicia did not file a response. Counsel asserts no arguably meritorious issue can be raised on appeal. We agree.

¶ 21 A. Standard of Review

¶ 22 To terminate an individual’s parental rights, the State must first show the parent is unfit by clear and convincing evidence and then show that terminating their parental rights serves the child’s best interests by a preponderance of the evidence. *In re D.F.*, 201 Ill. 2d 476, 494-95 (2002); *In re D.T.*, 212 Ill. 2d 347, 366 (2004). We will not reverse an unfitness finding unless it is against the manifest weight of the evidence, as such a determination “involves factual findings and credibility determinations that the trial court is in the best position to make.” *In re Ta. T.*, 2021 IL App (4th) 200658, ¶ 48. Likewise, we will not reverse a best-interests finding unless it is against the manifest weight of the evidence. *In re Dal. D.*, 2017 IL App (4th) 160893, ¶ 53. “A decision is against the manifest weight of the evidence when the opposite conclusion is clearly apparent.” *Ta. T.*, 2021 IL App (4th) 200658, ¶ 48.

¶ 23 B. Unfitness Finding

¶ 24 The Adoption Act provides several grounds on which a trial court may find a parent unfit. See 750 ILCS 50/1(D) (West 2024). Any one ground, if proved by clear and convincing evidence, is sufficient to establish unfitness. *In re Tyianna J.*, 2017 IL App (1st) 162306, ¶ 88. Those grounds include a parent’s failure to “maintain a reasonable degree of interest, concern, or responsibility as to the child’s welfare.” 750 ILCS 50/1(D)(b) (West 2024). When determining whether a parent demonstrated reasonable interest, concern, or responsibility for their child’s welfare, we consider “the parent’s efforts to visit the child and to otherwise maintain contact with the child, as well as the parent’s inquiries into the child’s welfare.” *In re J.H.*, 2020 IL App (4th) 200150, ¶ 72. A parent’s failure to “comply with the directives of a service plan is tantamount to objectively unreasonable interest, concern, or responsibility as to the child’s welfare.” (Internal quotation marks omitted.) *In re Tr. A.*, 2020 IL App (2d) 200225, ¶ 50.

¶ 25 There is no issue of arguable merit concerning the trial court’s unfitness finding. To regain custody of C.S., Alicia needed to complete mental health services, complete substance abuse services, comply with scheduled drug testing, attend visits with C.S., and maintain communication with LSSI. She satisfied none of these requirements. Alicia’s failure to attend her weekly scheduled visits caused C.S. to lose sleep and have panic attacks. Alicia attended visits so infrequently that LSSI terminated her visitation in early 2025 to protect C.S.’s well-being. During the nine-month period in question, Alicia neither engaged in nor completed mental health services or substance abuse services. C.S. was removed from Alicia’s custody after Alicia overdosed while C.S. was in the home, yet Alicia failed to attend her scheduled drug tests “[m]ore often than not.” Alicia’s communication with LSSI was inconsistent, and she had no contact with the agency for “the majority of 2025.” The court’s unfitness finding was not against

the manifest weight of the evidence. *In re A.L.*, 409 Ill. App. 3d 492, 500 (2011).

¶ 26

C. Best-Interests Determination

¶ 27

Once a trial court finds a parent unfit, it must consider whether terminating their parental rights serves the child's best interests. "[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." *D.T.*, 212 Ill. 2d at 364. When considering whether termination of parental rights serves a child's best interests, the trial court must consider several factors within "the context of the child's age and developmental needs." 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 familial, cultural[,] and religious background and ties; (4) the child's sense of attachments, including love, security, familiarity, continuity of affection, and the least disruptive placement alternative; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child." *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1072 (2006).

See 705 ILCS 405/1-3(4.05) (West 2024).

¶ 28

There is no issue of arguable merit regarding the trial court's best-interests finding. Pamela was C.S.'s great-aunt, and C.S. had known her for most of her life. Pamela maintained a safe and appropriate home, in which C.S. had her own room. Lambert testified

Pamela's relationship with C.S. was "open and friendly," and they communicated well. Pamela supported and encouraged C.S.'s various interests. C.S. was integrated into Pamela's family, and they lived in the same neighborhood as one of C.S.'s cousins. Pamela wanted to provide C.S. permanency by adopting her, and C.S. wanted to be adopted by Pamela. Conversely, C.S. had virtually no relationship with Alicia, and C.S. informed Lambert "in no uncertain terms" that she did not want to return to Alicia's custody. Based on this evidence, the court determined it was in C.S.'s best interests to terminate Alicia's parental rights. We cannot say "the opposite conclusion is clearly apparent," nor can we find the court's decision to be "unreasonable, arbitrary, or not based on the evidence." *In re Keyon R.*, 2017 IL App (2d) 160657, ¶ 16.

¶ 29 D. Denial of Motion to Continue

¶ 30 Finally, the trial court did not err in denying Alicia's counsel's motion to continue when Alicia failed to appear at the best-interests hearing. "[A] party has no absolute right to a continuance." *In re Tashika F.*, 333 Ill. App. 3d 165, 169 (2002). "[T]he denial of a request for [a] continuance will not be grounds for reversal unless the complaining party has been prejudiced by such denial." *Tashika F.*, 333 Ill. App. 3d at 169. Alicia did not communicate with her counsel regarding her absence from the best-interests hearing. During the hearing, her counsel cross-examined witnesses and argued on her behalf. No arguably meritorious issue can be raised that Alicia was prejudiced by the court's denial of counsel's motion to continue or that the court abused its discretion in doing so. See *Tashika F.*, 333 Ill. App. 3d at 169.

¶ 31 III. CONCLUSION

¶ 32 We agree with appellate counsel this appeal presents no issue of arguable merit. Accordingly, for the reasons stated, we grant counsel's motion to withdraw and affirm the trial court's judgment.

¶ 33

Affirmed.