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) 260770-U

NOS. 4-26-0770, 4-26-0771 cons.

FILED
November 24, 2026
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re Adoption of Km. A. & Kv. A., Minors	)	Appeal from the
	)	Circuit Court of
(Fred B. and Michelle B.,	)	Peoria County
Petitioners-Appellees,	)	Nos. 23AD65
v.	)	23AD66
Walter A. Jr.,	)	
Respondent-Appellant).	)	Honorable
	)	Daniel M. Cordis,
	)	Judge Presiding.

JUSTICE GRISCHOW delivered the judgment of the court.
Presiding Justice Steigmann and Justice DeArmond concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed the trial court's judgment terminating respondent's parental rights and granting the amended related adoption petition. concluding the court's best interest determination was not against the manifest weight of the evidence.

¶ 2 Petitioners, Fred and Michelle B., filed petitions to adopt each of their minor grandchildren, Km. A. (born September 2020), and Kv. A. (born August 2019). The petitions were filed in separate cases and sought to terminate the parental rights of the children's father, respondent, Walter A. Jr., following his incarceration for the murder of Alexis B., petitioner's daughter and the mother of Km. A. and Kv. A., and to grant the adoptions. Respondent, appealed both cases, arguing the trial court erred in its determination that it was in the best interest of the children to terminate his parental rights and grant the related adoption petitions. On respondent's motion, we consolidated the appeals. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Respondent, who never married Alexis, executed a voluntary acknowledgement of paternity when Km. A. and Kv. A. were born. See 750 ILCS 46/301 (West 2020) (explaining that a voluntary acknowledgment of paternity signed in accordance with Illinois law can establish parentage or create a parent-child relationship). Respondent and Alexis, lived separately, and shared custody of the children. Respondent lived in an apartment in Peoria, Illinois, and Alexis lived with both minor children in petitioners' home in Princeville, Illinois. The record revealed a volatile relationship between respondent and Alexis. Police reports showed respondent called Alexis names like "bitch, slut[,] and hoe"; urged her to kill herself; and pushed her against a wall, choked her, took her phone, and slapped her face in front of the children. Police reports also documented an incident when the children were present and respondent threw Alexis against the wall, choked her, called her names, took her phone, and slapped her across the face as she tried to escape with the children.

¶ 5 In May 2022, Alexis, Km. A., and Kv. A. moved from petitioners' home into an apartment. Respondent moved in with them temporarily almost a year later. Soon after, in April 2023, as documented in police reports, respondent continued to act violently toward Alexis in front of the children. Two days later, Alexis and the children moved back in with petitioners. On April 12, 2023, Alexis obtained an emergency order of protection against respondent. The plenary order of protection was never heard, as when Alexis was moving out of her apartment, respondent, armed with a gun, shot and killed her. As a result of the shooting, respondent was arrested, petitioners were granted emergency guardianship of Km. A. and Kv. A., and Fred obtained an order of protection against respondent on behalf of petitioners and the children.

¶ 6 In April 2023, Gloria A., respondent's mother, age 75, and LaKora L., respondent's

sister, age 47, filed suit for guardianship of Km. A. and Kv. A. The guardianship was denied, but they were first awarded weekly FaceTime visits and were later allowed in-person supervised visits with the children. Gloria and LaKora both objected to the petitioners as guardians.

¶ 7 In May 2023, petitioners filed a petition to adopt Km. A. and Kv. A. In April 2025, petitioners amended their petition, alleging, among other things, respondent was presumptively depraved under section 1(D)(i) of the Adoption Act (750 ILCS 50/1(D)(i) (West 2024)) because he was convicted of first degree murder (720 ILCS 5/9-1(a)(1) (West 2022)), and it was in the best interest of the children to terminate his parental rights because he was serving 72 years' imprisonment. Attached to the amended petition for related adoption was a report from Michelle Eggert, the guardian *ad litem* (GAL).

¶ 8 The GAL's report outlined the procedural history of the case and explained a story was created for the children to clarify what happened to their parents. The story explained respondent was in jail, he loved the children and would not hurt them, and the children could neither speak with nor visit Alexis in heaven. All adults were expected to know and repeat the story because it comforted the children. The GAL met with the therapists assigned to both minor children and discussed their observations that the children talked about petitioners often and had "a primary bond with [them that] need[ed] to be protected." The GAL noted the children did not mention or ask about respondent, Gloria, or LaKora.

¶ 9 The GAL's report also described the history and misgivings between petitioners and respondent and his family. The children did not speak to or see Gloria or LaKora for months, until they began FaceTime calls in the fall of 2023. The children did not see Gloria or LaKora in person until December 23, 2023, when the supervised visits commenced. The GAL observed there were "allegations of hateful or racist motives against [petitioners] by [Gloria and LaKora]." The

GAL determined these allegations were unfounded because "[t]here [was] simply no evidence." In explaining the animosity between the families, the GAL reported that Gloria and LaKora believed petitioners were angry at respondent for their daughter's death and were depriving the children of contact with his family. The GAL's report indicated petitioners requested visitation between the minor children and respondent's family temporarily cease after several incidents that "deepen[ed] the distrust" of the families. These incidents included a report that a member of respondent's family attempted to obtain custody of the children with paperwork signed by respondent and filed with the trial court but not signed by a judge, that a friend of respondent was reportedly willing to "scoop[ ] up" the children if they were around him while in petitioners' care, and that respondent's family shared screenshots from FaceTime conversations with respondent, in violation of a no-contact order between respondent and the children. The GAL's report noted petitioners filed responses in the court record indicating they were "willing to do whatever the court says regarding the children's best interests and visitation with [Gloria and LaKora]" but that respondent's counsel objected to this response because it "implie[d] that the [petitioners]" would refuse contact or visits between the children and respondent's family if the adoption were granted.

¶ 10 In April 2024, Gloria and LaKora filed a petition for third party visitation, and an agreed order for visitation was entered that prohibited anyone from allowing any contact of any nature between the children and respondent.

¶ 11 Thereafter, respondent stipulated he was unfit pursuant to section 1(D)(i) of the Adoption Act. The case was then set for a best interest hearing.

¶ 12 A follow-up report from the GAL was filed before the best interest hearing. The report described the GAL's involvement, the history of the case, and concluded by recommending the trial court find it in the best interest of the children to terminate respondent's parental rights

and grant the amended petition for adoption filed by petitioners. The GAL asserted the children had "an acute need for permanence" and a desire for security that adoption by petitioners could provide. Further warranting adoption was "[r]espondent's continued efforts to reach the children from prison, through [Gloria, who was] willing to violate court orders." The GAL's report also discussed the best interest factors (see 705 ILCS 405/1-3(4.05) (West 2024)) and concluded the children's background and familial, cultural, and religious ties were with petitioners, who the children had lived with for a majority of their lives. The GAL observed "[p]etitioners reported consistently *** that they believed continued contact with LaKora, Gloria and extended *** family [of respondent's] [was] an important part of helping the children learn, understand and incorporate their biracial and cultural heritage into their identities." The GAL reported petitioners intended "to continue contact with the [respondent's] family not only because it [wa]s ordered but because the children enjoy[ed] it." The GAL further noted petitioners were willing to expand visitation with respondent's family when appropriate. The report also detailed that in 2025 and 2026, Gloria allowed the children to speak with respondent by phone, in violation of court orders, and that "the children's sense of security was directly undermined" by the calls because the exposure to respondent and the "burden of keeping [the call] a secret from Petitioners" caused distress.

¶ 13 At the best interest hearing, Margaret Classen, a therapist who saw the children, testified consistently with the GAL's report. She confirmed the children were very attached to petitioners, particularly Michelle, and she had no concerns about petitioners' ability to care for them, as they understood the children's clinical needs, diagnostic treatment, and goals. Classen stated the children had improved mentally in petitioners' care and were very well adjusted to petitioners' home, their community, and their schools. Classen also testified the children's visits with Gloria, when they had contact with respondent, were a setback, particularly because the

children were asked to lie to petitioners about contact with respondent when in respondent's family's care. Classen stated she "was an advocate in the very beginning that it would be important for these kids to maintain *** contact with *** [respondent's family] because this is—this is a part of their family." Classen continued,

> "However, then you have to take safety into consideration. And while I don't believe that *** Gloria would ever cause physical harm to these kids, her lack of understanding of the traumatic effects of the loss of their mother at the hands of their father and then the subsequent loss of their father, it concerns me."

Considering the information available to her and the best interest factors the trial court had to consider, Classen recommended the children be adopted and that contact with respondent's family should continue if visitation could be made "safe."

¶ 14 Fred testified that he and Michelle complied with all the trial court's orders, including those concerning the children's visitation with Gloria and LaKora. He also stated that he and his wife were both employed, lived with Km. A., Kv. A., their own adult daughter, and that daughter's young child, a girl, whom Km. A. considered a sister. Petitioners redecorated two bedrooms in their home to the children's liking and had a swing set and trampoline in the yard. Fred stated the children considered his and Michelle's house their home and were very happy there. Petitioners covered the expenses Km. A. and Kv. A. incurred, which they were financially able to do, and made sure the children attended school and all their doctor appointments. Petitioners spent a lot of time outside with the children camping, hunting, and fishing. Km. A. and Kv. A. went to vacation bible school, took swimming lessons, and had friends. When asked about respondent's family, Fred answered he would comply with orders related to contact between the children and respondent's family. Fred testified he wanted to adopt Km. A. and Kv. A. and raise

them as his own so that they could move on with their lives.

¶ 15 Michelle testified consistently with Fred. She added that she danced and cooked with the children, who she described as the center of her and Fred's world. She said she wanted to adopt the children so that they had a sense of permanence, stability, and safety. Michelle asserted she and Fred loved the children and had their best interest in mind. Michelle also acknowledged the children enjoyed visiting with respondent's family, she thought it was in the children's best interest to maintain a relationship with his family and she would abide by any court order related to visitation with the children and respondent's family.

¶ 16 Respondent called his niece and three of his sisters, one of whom was LaKora, to testify at the best interest hearing. The testimony of these four women revealed respondent comes from a large, close-knit family that loved Km. A. and Kv. A. Members of respondent's family that lived in the Peoria area went to a church run by a family member, and they saw the children regularly inside and outside of church. The children, who received hugs and kisses from respondent's family and played with their cousins on respondent's side of the family, recognized the people around them as family and felt comfortable in their presence, whether that was in person or on FaceTime calls. Km. A. and Kv. A. also saw family from outside of the Peoria area around three or four times per year. Although respondent's niece stated she knew nothing about respondent's contact with the children while in Gloria's care and would have stopped it if she had known, LaKora testified she heard about the phones calls but did not tell anyone.

¶ 17 In closing, petitioners argued they met their burden to establish it was in the best interest of the minor children to grant their petition for adoption. Respondent asked the trial court to find it was not in the children's best interest to grant the adoption petition because of the risk of eliminating contact between the children and his family if no court order existed requiring

petitioners to allow contact.

¶ 18 The trial court found it was in the best interest of Km. A. and Kv. A. to terminate respondent's parental rights and grant the amended adoption petition. In so finding, the court noted Km. A. and Kv. A. were very bonded to petitioners and addressed all the best interest factors, determining, among other things, the children's identity was being developed in petitioners' home and favored adoption. Also favoring adoption was the children's community ties to their schools and friends. The court observed that "familially and culturally, [the children] certainly do have contact with [respondent's family]." The court noted it "[took] that into account," but "[o]n balance, [it thought] that that factor favor[ed] a finding that the adoption [was] in the best interest of the children." The court addressed respondent's family and concluded the respondent's interest in maintaining the relationship did not offset the children's interest in stability.

¶ 19 Respondent did not file a posttrial motion. He opted, instead, to file a notice of appeal.

¶ 20 This appeal followed.

¶ 21 II. ANALYSIS

¶ 22 On appeal, respondent argues the trial court erred in finding termination of his parental rights was in the best interest of the minor children. Specifically, respondent claims petitioners' bad faith actions of limiting and terminating the children's contact with him and his family prevented the court from properly assessing several of the best interest factors. Respondent argues it would be more appropriate for petitioners to be made the children's guardians, which would provide permanency and preserve the children's relationship with respondent's family. Petitioners contend respondent forfeited his arguments because they were not raised in the lower court and that respondent's arguments should fail because respondent failed to provide record

citations and failed to provide authority to support his argument that the court's determination was against the manifest weight of the evidence. We believe respondent raised below, at least tangentially, the same theory he argues on appeal. See *Chicago City Bank & Trust Co. v. Ceres Terminals, Inc.*, 93 Ill. App. 3d 623, 629 (1981). Moreover, although we acknowledge the issues are forfeited, we observe that forfeiture is a limitation on the parties, not the courts. See *In re Janine M.A.*, 342 Ill. App. 3d 1041, 1045 (2003). Accordingly, we will address the issues respondent raises on appeal.

¶ 23 Turning to the merits, proceedings to adopt a related child shall be commenced by the filing of a petition under the Adoption Act. 750 ILCS 50/5(A) (West 2024). And, "[i]n every adoption case, there must be *** a termination of parental rights by reason of consent or a finding of unfitness" before the trial court can make a "determination of whether the best interests of the child would be served by allowing the petition." *In re Petition of Filippelli,* 207 Ill. App. 3d 813, 819 (1990). The Adoption Act "allows the filing of a petition which alleges unfitness, and the ground therefore, and a subsequent hearing by the court in the adoption proceeding at which the court determines whether the allegation of unfitness has been proved." *Id.* at 819-20.

¶ 24 Here, the petition filed alleged respondent was unfit under section 1(D)(i) of the Adoption Act (750 ILCS 50/1(D)(i) (West 2024)). Respondent stipulated to the unfitness allegation, and he does not challenge the finding of unfitness or his stipulation. On appeal, respondent only argues the evidence failed to support the trial court's finding that it was in the children's best interest to terminate his rights and grant the adoption petition. We disagree.

¶ 25 Following an unfitness finding, the issue is no longer whether parental rights can be terminated but is instead focused on the needs of the child and whether, based on the child's best interest, parental rights should be terminated. *In re D.T.*, 212 Ill. 2d 347, 364 (2004). In

making the best interest determination, the trial court must consider the factors set forth in section 1-3(4.05) of the Juvenile Court Act of 1987 (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. A child's best interest is superior to all other factors, including the interests and desires of the biological parents. *In re V.M.*, 352 Ill. App. 3d 391, 398 (2004).

¶ 26 "We afford great deference to a court's best-interest finding because it sits in a superior position to observe the witnesses, judge credibility, and assess the evidence." *In re Adoption of M.C.*, 2026 IL App (4th) 260287-U, ¶ 34. On review, "[w]e will not disturb a [trial] 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 finding is against the

manifest weight of the evidence only if the evidence clearly calls for the opposite finding [citation], such that no reasonable person could arrive at the [trial] court's finding on the basis of the evidence in the record." (Internal quotation marks omitted.) *In re J.H.*, 2020 IL App (4th) 200150, ¶ 68.

¶ 27 Respondent argues that the trial court's determination that it was in the children's best interest to terminate his parental rights was against the manifest weight of the evidence because "guardianship rather than termination would have been a more appropriate determination" for the children. Respondent's arguments on appeal are best summarized by his interest in the children maintaining a relationship with respondent's family. However, "at 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.

¶ 28 *In re Julieanna M.*, 2018 IL App (1st) 172972, ¶ 6, relied on by respondent, is not relevant to this case, as that case involved a parent's constitutional challenge to the section of the Juvenile Court Act that allows the trial court to set the goal, following a petition alleging abuse or neglect filed by the State, as either "adoption" or "guardianship." *In re Marriage of Gambla*, 367 Ill. App. 3d 441 (2006), also relied on by respondent, is also unpersuasive here. That case involved a custody determination between two fit parents in which the court granted custody to the mother and the father appealed. *Id.* at 457-59. In this case, the review is not of a custody determination between two fit parents, or even of two competing adoption petitions; instead, the issue on appeal is whether it was in the best interest of the minor children for the court to terminate respondent's parental rights and grant the adoption petition. Here, the evidence established, by a preponderance of the evidence, that the termination of parental rights and the granting of their petition was in the children's best interest. See *In re Adoption of C.D.*, 313 Ill. App. 3d 301, 307-08 (2000) (analyzing the best interest review of competing adoption petitions on appeal).

¶ 29 In the matter *sub judice*, the evidence showed the trial court discussed each of the statutory best interest factors in turn and explained why each factor weighed in favor of petitioners. The court heard evidence that revealed the children lived with petitioners, in the home, for most of their young lives. The court noted that the children were "very, very bonded to the Petitioners." The court addressed respondent's family, noting that it was clear the children had a loving relationship with members of respondent's extended family but found the concerns related to contact between respondent's family and the children did not "even come close to offsetting the reasons under the best-interest factors to find that the adoption's in the best interests of the children." The court considered petitioners' ability to care for the minors' physical needs, the children's development, their background and cultural ties, where the children felt valued, their sense of security, the continuity of affection for the children, their community ties, and the need for permanence. Accordingly, we cannot conclude the trial court's best interest determination is against the manifest weight of the evidence.

¶ 30 In reaching this conclusion, we note we are not persuaded by respondent's claims the trial court (1) could not properly consider the best interest factors, given petitioners allegedly acted in bad faith by limiting or terminating the children's contact with respondent and his family or (2) failed to give sufficient weight "to the development of the children's identity, their familial and cultural background[,] and their community ties." This court will consider only fully briefed and argued issues. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020). "A court of review is entitled to have the issues clearly defined with pertinent authority cited and cohesive arguments presented." *In re M.M.*, 2016 IL 119932, ¶ 30. Respondent's arguments regarding petitioner's alleged "bad faith" are presented without clear analysis to assert why the statutory best interest factors weighed in favor of respondent. Respondent makes only general, broad assertions regarding these points

and does not cite to authority related to the alleged "bad faith" or the alleged concerns regarding the children's cultural ties. Accordingly, these arguments are not considered. *Id.*

¶ 31 Even absent forfeiture, however, respondent has not shown that the trial court failed to consider these factors or that the court's decision was against the manifest weight of the evidence. We reiterate the trial court is in the best position to evaluate the evidence and witnesses. *M.C.*, 2026 IL App (4th) 260287-U, ¶ 34. Here, the court conducted a full hearing, heard testimony of multiple witnesses, reviewed detailed reports from the GAL, and articulated the best interest factors on the record. The court described each best interest factor and concluded "all of those factors point in the direction of a best-interest finding and the burden being carried by a preponderance of the evidence that the Petition should be granted in the best interest of the children." Accordingly, we cannot conclude the trial court decision was against the manifest weight of the evidence.

¶ 32 III. CONCLUSION

¶ 33 For the reasons stated, we affirm the trial court's judgment.

¶ 34 Affirmed.