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) 260779-U

NO. 4-26-0779

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 10, 2026
Carla Bender
4th District Appellate
Court, IL

In re A.P., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Boone County
Petitioner-Appellee,	)	No. 23JA9
v.	)	
Devon P.,	)	Honorable
Respondent-Appellant).	)	Janet R. Holmgren,
	)	Judge Presiding.

JUSTICE LANNERD delivered the judgment of the court.
Justices Vancil and Harris concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err in finding termination of respondent's parental rights was in the minor's best interest.

¶ 2 In March 2025, the State filed a petition to terminate the parental rights of respondent, Devon P., to his minor child, A.P. (born in February 2023). Following the fitness and best interest hearings, the trial court granted the State's petition and terminated respondent's parental rights. (The court also terminated the parental rights of A.P.'s mother, Monisha R., who is not a party to this appeal.) On appeal, respondent argues the court erred when it found termination of his parental rights was in A.P.'s best interest. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On May 10, 2023, the State filed a petition for adjudication of wardship, alleging A.P. was a neglected minor pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987

(Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2022)). The petition contained three counts; however, none of the allegations in the petition involved respondent. The next day, the trial court entered an order appointing counsel for respondent and Monisha respectively and setting a first appearance on the State's petition for June 8, 2023.

¶ 5 At the first appearance on the State's petition, the trial court admonished the parties as to their rights with respect to the petition. During its admonishments, the court advised respondent, "Now, I understand there is no allegations of abuse or neglect on your part, [respondent], and it's been confirmed that [A.P.] is actually placed in your care, but there still remains a duty to cooperate in these court proceedings." Based on a request by the State, the court entered a written order directing the Illinois Department of Children and Family Services (DCFS) to open an intact case and ordering respondent and Monisha to "cooperate with DCFS" and "follow through with any assessments and treatment recommendations." The court set the case for an adjudicatory hearing on August 24, 2023.

¶ 6 On August 3, 2023, the State filed an amended petition for adjudication of wardship, which included the following additional allegation:

> "COUNT 4: Said minor is a Neglected Minor in that he is under 18 years of age and his environment is injurious to his welfare, in that the minor's mother, Monisha [R.], and father, [respondent], engage in domestic violence incidents in the presence of the minor, thus placing the minor at risk of harm, pursuant to 705 ILCS 405/2-3(1)(b)."

¶ 7 That same day, the trial court held a shelter care hearing. Following the presentation of evidence and the parties' arguments, the court found (1) there was probable cause for the State's petition, (2) there was an "immediate and urgent necessity to remove [A.P.]" from respondent's

custody, (3) reasonable efforts were made to keep A.P. in respondent's custody, "but they have not eliminated the necessity for removal of [A.P.]" (emphasis omitted) from respondent's custody, and (4) leaving A.P. in respondent's custody "is contrary to the health, welfare[,] and safety of [A.P.]" The court granted temporary custody and guardianship of A.P. to DCFS.

¶ 8 The trial court held a continued adjudicatory hearing on October 19, 2023. (We note Monisha stipulated to count 2 of the petition in August 2023. However, after Monisha's stipulation, the court continued the hearing so the State could present evidence as to count 4, which involved respondent.) At the continued hearing date, following presentation of evidence and the parties' arguments, the court found the State met its burden of proving by a preponderance of the evidence A.P. was a neglected minor as alleged in count 4 of the petition. On November 9, 2023, the court held a dispositional hearing. After hearing evidence and the parties' arguments, the court entered a dispositional order, finding respondent was unfit and unable "to care for, protect, train, educate, supervise[,] or discipline [A.P.] and placement with him is contrary to the health, safety[,] and best interests of [A.P.]" The court ordered custody and guardianship of A.P. remain with DCFS.

¶ 9 On March 27, 2025, the State filed a petition to terminate respondent's and Monisha's parental rights. The petition alleged respondent was an unfit parent in that:

> "COUNT 1: [Respondent] has failed to maintain a reasonable degree of interest, concern, or responsibility as to [A.P.]'s welfare;
>
> COUNT 2: [Respondent] has failed to make reasonable progress toward the return home of [A.P.] within any nine (9) month period of time after the adjudication of neglect on October 19, 2023.
>
> COUNT 3: [Respondent] is a depraved person as it is defined by 750 ILCS

50/1(D)(i).”

Additionally, with respect to count 3, the State asserted respondent had the following convictions: aggravated battery (Winnebago County case No. 15-CF-926), aggravated battery (Winnebago County case No. 15-CF-2507), aggravated battery (Winnebago County case No. 17-CF-66), aggravated battery (Winnebago County case No. 20-CF-1685), domestic battery (Winnebago County case No. 23-CF-1043), and resisting a peace officer (Boone County case No. 24-CF-56). (C. 707)

¶ 10 With respect to count 2, the State specified in an additional document, filed on the same date as the petition, the following nine month periods: October 29, 2023, through July 20, 2024, and March 20, 2024, through December 20, 2024.

¶ 11 The trial court set the case for a hearing on the State’s petition. The fitness hearing occurred over two days on January 29, 2026, and May 7, 2026. The best interest hearing occurred on June 4, 2026. Because respondent’s argument on appeal relates solely to the court’s best interest finding, we include only those facts necessary to understand respondent’s contention on appeal.

¶ 12 A. Fitness Hearing

¶ 13 At the fitness hearing, the State moved to dismiss count 1 of the petition to terminate parental rights and proceeded solely on counts 2 and 3. After the presentation of evidence, the trial court found the State had proved by clear and convincing evidence respondent was an unfit parent as alleged in counts 2 and 3 of the petition to terminate parental rights.

¶ 14 B. Best Interest Hearing

¶ 15 At the best interest hearing, the State requested that the trial court “take judicial notice of the testimony and exhibits from” “Stage 1 of this proceeding.” The State also moved to admit the best interest report filed on May 21, 2026, without objection. The court admitted the best

interest report and indicated it would take judicial notice of the testimony and exhibits from the fitness hearing.

¶ 16 The best interest report was drafted by Krista Bergstrom, an advanced permanency specialist for Brightpoint. (Brightpoint was a contracted agency for DCFS.) It contained the following sections: reasons for involvement; current status for biological mother, father, and child; and best interest for A.P. The best interest for A.P. section detailed the statutory factors the trial court must consider when determining whether it is in a minor's best interest for their parents' parental rights to be terminated and any applicable information for the court to consider with respect to those factors. See 705 ILCS 405/1-3(4.05) (West 2024).

¶ 17 The report noted the trial court, in November 2023, ordered there was to be no contact between respondent and A.P. Despite this court order, respondent had unauthorized contact with A.P. via Facetime on two occasions in December 2025. Respondent was arrested on multiple felony charges in January 2026, and as a result, his parole was revoked and "he returned to the correctional facility to serve the remainder of his sentence." After respondent's release from prison in March 2026, he failed to contact the caseworker. When the caseworker reached out to respondent to provide him with a copy of the service plan, respondent did not inquire about A.P.

¶ 18 According to the report, A.P., who was then three years old, was placed in a traditional foster home. A.P. had resided with his foster parents for over two years and had "a strong attachment and bond" with the foster parents and their children. The foster parents were "diligent about scheduling and taking [A.P.] to his medical and dental appointments." Additionally, the foster parents provided "emotional support, physical safety, clothing, food, and shelter for [A.P.]" The foster parents were willing to adopt A.P. but "would like [A.P.] to continue maintaining contact with extended family and parents when they have addressed the needed

concerns for it to be a safe and healthy relationship." The report concluded by asserting it would be in A.P.'s best interest for respondent's parental rights to be terminated.

¶ 19 Respondent did not present any evidence at the best interest hearing. A.P.'s foster mother made a brief statement, in which she noted A.P. was "doing excellent" in preschool and had become part of their family. The foster mother stated she was willing to provide A.P. with permanency. Following the foster mother's statement, the trial court provided its oral ruling. The court stated,

> "Under the Juvenile Court Act, there are certain factors that the Court is required to consider in the totality of the circumstances of evaluating what is in the best interest of the minor in question. The initial factor is specifically the physical safety and welfare of the child including food, shelter, health and clothing. So looking at that factor, in reviewing the report that's in evidence as well as considering the exhibits previously offered and the testimony offered in the first part, [A.P.] has been placed with the [foster parents] since February of 2024. So he's essentially one-year-old at the time of that placement and since that time there have been only reports of his well being that are reflected in the summary in, A, they're meeting minimum parenting standards regarding emotional support, physical safety, clothing, food and shelter. [A.P.] has always been reported to be a healthy, happy, spunky little boy, and as the report indicates, the foster parents have consistently provided a safe and stable environment that has not only just met [A.P.'s] basic needs but ensured his well being also including making sure that his medical and dental needs are addressed and kept up to date.
>
> Since he's not in the care of either parent, there's no ability to compare at

this juncture, you know, safety of the placement with either of them other than the factors that have been considered in Part 1. But looking at this current environment, the Court would find that best interests support a finding in favor of making [A.P.] available for adoption with regard to that factor.

The next factor is considering the development of his own identity, and, you know, Monisha describes again a playful happy boy, teases her, teases everyone apparently and very much his own little man from all the accounts here today.

And then with regard to his background and ties, before [A.P.] was placed in his current placement, several family placements or fictive kin placements were attempted. He did actually start in the care and custody of [respondent] but was then removed and placed with maternal grandmother, who for her reasons had asked that [A.P.] be removed from her care and so he was placed with a fictive kin placement, who was then found not to be eligible to pass the background checks and so again another placement was attempted with an aunt and that placement was disrupted when the aunt was determined to be allowing unauthorized contact with [respondent] while [A.P.] was in her care. It was at that point in time that family placements were ruled out and the placement in his current foster placement began in February of 2024. And since that time, [A.P.] has enjoyed a placement that is stable, nurturing, promoting his best interests, his own individual development and, like I say, his safety and well being.

Then his sense of attachments, it's clear he does have an attachment to his mother and responds very positively towards her and enjoys his time with her. It's also clear that in his current placement he has developed close relationships with

his siblings, with the other children in the [foster parents'] home who would be his siblings and loving and supportive foster parents who again have provided him a nurturing and stable environment for the time that he's been in their care. It's notable that he's spent over half of his life in their household and in their care.

The factor of the child's wishes, the next factor, [A.P.], of course, at his age is far too young to have an expression regarding that factor.

And with community ties, again the current placement has encouraged and developed a wide variety of supports and interests for [A.P.] including recreational, church, education and community as enumerated in the best interest report. And the report also adds that [A.P.] is very bonded to his foster family when engaging in community activities.

The factor that the Court—I wouldn't call it a super factor but really looking at the need for permanence and [A.P.] has been in care almost for his entire young life and the Court feels very strongly that permanence is needed, that it definitely is what is required to meet his best interests, that he needs to be in a place that he knows is permanent, stable, his own where he can thrive, where he can continue on his journey of self-discovery and growth. There's no question that permanence is due.

With regard to the factor of uniqueness, he's truly bonded to the foster family by all reports, that he within that environment is able to assert his independence, be assured of his safety, encourages self-expression, meets his health and well being needs, needs are fully supported in the foster home and in his best interests.

He's been in care for approximately three years so the risks of remaining in care—there doesn't seem to be any reason or need for the continuation of a situation where he's a child in care and that moving to a next step of establishing permanency, that will give him that security, that—and permanence is most assuredly in his very best interest and it's paramount for his best interests.

Looking at the preferences of the people available to care for him, there's no question that—his mother expresses often her love for her child and she testified today to her wanting to have him in her care and I have to acknowledge her hard work in achieving sobriety for over a year, which even she herself acknowledged was a long time coming to get there, and it's positioned Monisha to continue to work on other issues that are also significant and ongoing and that's the work that she's doing now—or planning to apparently in counseling, but she herself acknowledged there still is work to be done.

[Respondent] himself with regard to his relationship with [A.P.], that really hasn't happened just because of his situation of either refraining from engagement due to legal matters or actually being incarcerated not being able to share time with [A.P.] There really isn't a relationship there of father/son as traditionally established. So the relationship that—looking at the foster parents, they have acknowledged their openness and willingness to adopt and include [A.P.] as a member of their family.

And based on all of that, the Court would find that it is in [A.P.'s] best interests that the parental rights of both biological mother, Monisha [R.], and biological father, [respondent], be terminated."

The court then entered a written order terminating respondent's parental rights. Respondent timely filed a notice of appeal.

¶ 20 This appeal followed.

¶ 21 II. ANALYSIS

¶ 22 On appeal, respondent argues the trial court erred in finding the termination of his parental rights was in A.P.'s best interest.

¶ 23 Under section 2-29(2) of the Juvenile Court Act (705 ILCS 405/2-29(2) (West 2024)), there is a two-stage process for the involuntary termination of parental rights. The first stage, commonly referred to as a fitness hearing, "focus[es] *** on the parent's conduct relative to the ground or grounds of unfitness alleged by the State." *In re D.T.*, 212 Ill. 2d 347, 364 (2004). The burden is on the State to "demonstrate by clear and convincing evidence that the parent is 'unfit' under one or more of the grounds set forth in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2004))." *In re Veronica J.*, 371 Ill. App. 3d 822, 828 (2007).

¶ 24 Following a trial court's determination a parent is unfit, "the court then determines whether it is in the best interests of the minor that parental rights be terminated." *D.T.*, 212 Ill. 2d at 352. At this second stage, commonly referred to as the best interest hearing, "the State bears the burden of proving by a preponderance of the evidence that termination of parental rights is in the child's best interest." *In re J.B.*, 2019 IL App (4th) 190537, ¶ 31. When determining if the State has met its burden, the court should consider the following statutory factors:

> " '(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 Dal. D.*, 2017 IL App (4th) 160893, ¶ 52 (quoting *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1072 (2006)).

On review, this court "affords great deference to a trial court's best-interest finding because the trial court is in a superior position to view the witnesses and judge their credibility." *J.B.*, 2019 IL App (4th) 190537, ¶ 33. "A trial court's finding that termination of parental rights is in a child's best interests will not be reversed on appeal unless it is against the manifest weight of the evidence." *In re M.C.*, 2018 IL App (4th) 180144, ¶ 35. "A decision is against the manifest weight of the evidence when the opposite conclusion is clearly apparent." *In re Ta. T.*, 2021 IL App (4th) 200658, ¶ 48.

¶ 25 In this case, the trial court's determination it was in A.P.'s best interest for respondent's parental rights to be terminated was not against the manifest weight of the evidence. The best interest report established that respondent's only contact with A.P. in the past three years occurred in violation of the court's order prohibiting contact between respondent and A.P. It is clear from the evidence there was no relationship between respondent and A.P. Although respondent argues the court's order prohibited him from developing a relationship with A.P., the no contact order was put into place due to respondent's actions. A.P. has been in the care of his foster parents for more than half his life. The foster parents provide stability, medical care, food, shelter, and clothing for A.P. According to the foster mother, A.P. has become part of her family. It is clear from the evidence presented that the foster parents were meeting all A.P.'s needs, and

A.P. was safe and secure in their home. Conversely, respondent did not have a relationship with A.P. and had not seen A.P. since December 2025. For those reasons, the court did not err when determining it was in A.P.'s best interest for respondent's parental rights to be terminated.

¶ 26 We would be remiss if we did not acknowledge the detailed and thorough nature of the trial court's ruling at the best interest hearing. The trial court examined each of the statutory factors it must consider and specifically identified what evidence pertained to each factor. The trial court's comprehensive ruling greatly aided this court in its review.

¶ 27 III. CONCLUSION

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

¶ 29 Affirmed.