

NOS. 4-26-0485, 4-26-0486, 4-26-0487, 4-26-0488, 4-26-0489 cons.

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).

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
September 28, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> He. S., S.S., M.S., Ha. S., and B.S., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Lee County
Petitioner-Appellee,	)	Nos. 22JA17
v.	)	22JA18
Frank S.,	)	22JA19
Respondent-Appellant).	)	22JA20
	)	22JA21
	)	
	)	Honorable
	)	Theresa M. Friel-Draper,
	)	Judge Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Cavanagh and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed orders terminating respondent-father's parental rights to five children where the judgments were not against the manifest weight of the evidence and respondent was not prejudiced by the trial court taking judicial notice of five service plans.

¶ 2 In these consolidated appeals, respondent, Frank S., appeals orders terminating his parental rights to five of his children: He. S. (born November 2012), S.S. (born September 2014), M.S. (born July 2016), B.S. (born October 2017), and Ha. S. (born October 2021). We affirm the judgments.

¶ 3 I. BACKGROUND

¶ 4 Respondent and his wife, Dana S., who is not a party to this appeal, had six

daughters together: He. S., S.S., M.S., B.S., T.S., and Ha. S. Respondent and Dana also both have older children from prior relationships. The family had a lengthy history of involvement with the Illinois Department of Children and Family Services (DCFS). Some of the DCFS investigations over the years were indicated, whereas others were determined to be unfounded.

¶ 5 The impetus for DCFS taking protective custody of the five children at issue in these appeals in March 2022 was the death of three-year-old T.S. She died after developing a large trichobezoar in her stomach, which was linked to her habit of consuming hair over an extended period of time. There was concern that respondent and Dana failed to ensure that T.S. received appropriate medical care, particularly as her health deteriorated. On May 23, 2022, respondent and Dana were criminally charged with endangering the life of a child in connection with T.S.’s death, and those charges remain pending.

¶ 6 During the investigation surrounding T.S.’s death, DCFS identified additional concerns about the conditions in which respondent and Dana raised their children. For example, the school-aged children were not attending school regularly. The family also resided in a crowded home with three unrelated adult men, one of whom could not pass a DCFS background check and two of whom were purportedly sexually abusing Dana’s minor daughters from a prior relationship.

¶ 7 The State alleged that each of the five children at issue in this appeal were neglected in that their environments were injurious to their welfare due to the circumstances surrounding T.S.’s death. See 705 ILCS 405/2-3(1)(b) (West 2022). To that end, for each child, count I of the State’s amended petitions alleged that T.S.’s death resulted from environmental neglect, and count II alleged that T.S.’s death resulted from medical neglect. As to He. S. and S.S., count III alleged that they were “not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor’s well-being.”

See 705 ILCS 405/2-3(1)(a) (West 2022). As to M.S., B.S., and Ha. S., count III alleged their environment was injurious to their welfare due to the educational neglect of their siblings.

¶ 8 In April 2023, the trial court adjudicated all five children neglected pursuant to counts II and III. In May 2023, the court entered dispositional orders finding respondent unable to care for the children, made the children wards of the court, and placed custody and guardianship of the children with DCFS.

¶ 9 In March 2025, the State filed petitions to terminate respondent's and Dana's parental rights to all five children. Each petition alleged that respondent and Dana were unfit parents because they (1) failed to maintain a reasonable degree of interest, concern, or responsibility as the children's welfare (750 ILCS 50/1(D)(b) (West 2024)); (2) substantially neglected, continuously or repeatedly, a child residing in the household, resulting in the death of that child (750 ILCS 50/1(D)(d-1) (West 2024)); (3) failed to make reasonable progress toward the return of the children from May 17, 2023, through February 17, 2024 (750 ILCS 50/1(D)(m)(ii) (West 2024)); (4) failed to make reasonable efforts to correct the conditions which were the basis for the removal of the children from May 17, 2023, through February 17, 2024 (750 ILCS 50/1(D)(m)(i) (West 2024)); (5) failed to make reasonable progress from February 17, 2024, through November 17, 2024 (750 ILCS 50/1(D)(m)(ii) (West 2024)); (6) failed to make reasonable efforts from February 17, 2024, through November 17, 2024 (750 ILCS 50/1(D)(m)(i) (West 2024)); and (7) were unable to discharge parental responsibilities due to a mental impairment, mental illness, intellectual disability, or developmental disability (750 ILCS 50/1(D)(p) (West 2024)).

¶ 10 A. Unfitness Hearing

¶ 11 The unfitness hearing proceeded over the course of six days between December 15,

2025, and April 8, 2026. The State presented testimony from 11 witnesses. At the State's request and without objection, the trial court also took judicial notice of testimony that two other medical witnesses had provided at the adjudicatory hearing relating to the circumstances attendant to T.S.'s death. Neither respondent nor Dana presented any evidence.

¶ 12 1. *Admission of the Service Plans Into Evidence*

¶ 13 At the beginning of the hearing, the State asked the trial court to take judicial notice of eight service plans. The attorneys for both respondent and Dana objected, arguing that service plans should be admitted through testimony. Responding to those objections, the State mentioned, *inter alia*, that the authors of the service plans were going to testify. The court overruled the objections, taking judicial notice of the service plans, which were admitted as State's exhibit Nos. 1 through 8.

¶ 14 Thereafter, DCFS caseworkers April Queckboerner and Rachael Williams testified in detail about how they rated respondent's and Dana's compliance with the requirements outlined in the service plans. Those witnesses also laid the foundation for the admission of the plans as business records, even though they were already in evidence by way of judicial notice. See 705 ILCS 405/2-18(4)(a) (West 2024) (establishing a business-records exception to the hearsay doctrine in child-neglect proceedings); *In re D.D.*, 2022 IL App (4th) 220257, ¶ 41 (noting that service plans are admissible under this statute). On appeal, respondent focuses on State's exhibits Nos. 4 through 8, which were service plans that Williams addressed. Accordingly, we will provide additional detail about Williams's testimony relating to the foundation for qualifying these five exhibits as business records.

¶ 15 Williams testified that she took over as the family's caseworker on August 28, 2023. Even though Queckboerner had very recently updated the service plan, Williams needed to

do so again to comply with a requirement that service plans must be created within 30 days of administrative case reviews. Accordingly, Williams authored a service plan dated September 15, 2023, which both incorporated the evaluations made by Queckboerner and added some services for respondent and Dana. Williams testified that State's exhibit No. 4 was a true and accurate depiction of the service plan that she "drafted, developed, and presented" at the administrative case review in September 2023.

¶ 16 Williams later testified that in preparation for an administrative case review in March 2024, she reviewed and assessed the service plan on February 23, 2024. She identified State's exhibit No. 5 as a fair and accurate copy of the service plan she authored, which covered the period between September 2023 and March 2024. She further testified that this service plan was made and kept in the regular course of DCFS's business.

¶ 17 Williams also testified that she authored another service plan, covering the period from March 2024 to September 2024. She identified State's exhibit No. 6 as a fair and accurate copy of that plan. She confirmed that it was made and kept in the regular course of DCFS's business.

¶ 18 Williams offered substantially similar testimony with respect to State's exhibit Nos. 7 and 8, which were service plans she authored in advance of administrative case reviews in March 2025 and September 2025, after the trial court had changed the goal from return home to substitute care pending determination of termination of parental rights. Specifically, Williams testified that the exhibits were fair and accurate copies of the documents and were made and kept in the regular course of DCFS's business.

¶ 19 Once the State rested its case, the State asked the trial court to confirm that all of the State's exhibits had been admitted into evidence. The court indicated that all of those exhibits

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that were part of his parenting coaching, such as making a list of his weekly expenses.

¶ 24 Respondent attended supervised visits with the children regularly, including during the relevant time frame. However, multiple witnesses raised concerns about respondent's parenting skills. For example, respondent's adult children sometimes took over parenting tasks during visits. Accordingly, in July 2023, DCFS personnel decided that respondent's adult children should attend visits only once per month to allow respondent and Dana more time by themselves with the five children at issue in this case. Nevertheless, by the end of 2023, respondent still sometimes interacted with the visitation monitors more than he did his children.

¶ 25 Another concern was that respondent tended to yell at his children during visits when they acted inappropriately. He would threaten to take away their visits with their siblings or say things like, “ ‘Stop, you're going to get me in trouble.’ ” There were also times when respondent made inappropriate comments in front of the children, such as saying negative things about the foster parents or belittling one of his children for cutting her bangs and telling her how stupid she looked. By February 2024, there were still three or four people supervising the parent-child visitations.

¶ 26 The evidence further showed that respondent was unresponsive to feedback about his children's needs. His position was that DCFS involvement was the reason the children needed counseling and had other issues. Jennings reported that respondent told her at one point that he would not have the children continue engaging in mental health services if they returned to his care. Williams similarly testified that respondent and Dana “disagreed with the children being on medication” and did not believe they “needed mental health services.” Respondent did not always participate in discussions where the children's care was discussed. For example, respondent missed an appointment that was scheduled with one of the children's counselors in July 2023, did not

attend meetings relating to his children's individualized education programs, and did not attend child and family team meetings.

¶ 27 In the fall of 2023, respondent participated in a parenting capacity assessment and psychological assessment conducted by Dr. Richard Hutchison. During the assessments, Dr. Hutchison noted that respondent directed blame toward others. Dr. Hutchison diagnosed respondent with "unspecified personality disorder, paranoid personality style, and rule out generalized anxiety disorder." Dr. Hutchison opined that respondent probably was unable to make appropriate parenting decisions and could not parent his children independently. When the family's caseworker, Williams, learned of the preliminary recommendations resulting from these evaluations in November 2023, she wanted to refer respondent to counseling immediately. Respondent refused to accept a referral until he saw Dr. Hutchison's report and had the opportunity to review it with counsel. Thus, respondent did not end up signing a release to authorize a referral for counseling until March 2024.

¶ 28 Aside from respondent's overall negative attitude toward the proceedings and concerns that he was not progressing in services, the evidence showed that a significant practical barrier to returning the five children to respondent's and Dana's care during the relevant time frame was that the family lacked suitable housing. There was never any real prospect of returning the children to the home in Nelson, Illinois, where they lived before they were taken into care, as the owner of that home could not pass a DCFS background check. On top of that, in March 2023, the Lee County Health Department declared the Nelson home uninhabitable due to problems with the septic system.

¶ 29 The issue with the septic system went unresolved into the fall of 2023. Respondent and Dana purportedly lived with friends around that time, though they did not provide Williams a

specific address. They also told Williams that the person they were residing with did not want DCFS employees in the home. In November 2023, respondent was arrested and charged with criminal trespass when the police found him inside the Nelson home. By March 2024, Williams believed that respondent and Dana resided at some other location with friends. Wherever they were residing, respondent and Dana again told Williams she was not welcome there. Meanwhile, respondent and Dana refused offers for assistance procuring housing. They did not end up applying for housing through a federal program until May 2024.

¶ 30 Apart from unstable housing, another major barrier to returning the children to respondent's and Dana's care during the relevant time frame was that neither of them was employed. Dana was lower-functioning and purportedly was unable to work in any capacity. She claimed to have applied for Social Security benefits, yet she refused to sign releases allowing the caseworker to confirm that information. Respondent, for his part, was unreceptive to assistance finding employment, making excuses about why potential opportunities brought to his attention were infeasible or unacceptable to him. In September 2023, the trial court directed respondent to complete a job diary. However, respondent did not show any such diary to Williams until July 2024. Respondent was unemployed for the entire period from May 17, 2023, through February 17, 2024.

¶ 31 The trial court found respondent to be an unfit parent on all seven grounds the State alleged. Pertinent to the issues of efforts and progress, the court reasoned that during the pendency of the case, respondent refused to understand the significance of the educational and mental health problems his children faced, blamed DCFS rather than accepting help to address those problems, took months to complete tasks, and failed to implement things he learned in services. The court explained that although respondent loved his children, neither love nor "checking a box" were

enough, as there had to “be demonstrated actions and improvement in those services so that reunification could have occurred.”

¶ 32

B. Best Interests Hearing

¶ 33

The matter proceeded to a best interests hearing over the course of two days. The State presented four witnesses and asked the trial court to take judicial notice of the testimony from the unfitness hearing and one permanency order. The court took judicial notice of that testimony and order without objection. Neither respondent nor Dana presented any evidence. The guardian *ad litem* admitted reports into evidence addressing the children’s best interests.

¶ 34

1. He. S.

¶ 35

The evidence showed that He. S. was 13 years old and had resided in a specialized foster home with a nonrelative foster mother for almost three years. He. S. was in a specialized foster home because she required care from a person with experience “dealing with children with more educational needs and mental health issues.” For example, He. S. was on psychotropic medications and required support with “daily functioning.” The family’s caseworker, Williams, explained that He. S.’s foster mother was “very supportive and encouraging” of He. S., served as a “tremendous advocate” for her, and provided her with consistency and stability.

¶ 36

He. S.’s foster mother signed a permanency agreement and was willing to adopt the child. Nevertheless, according to Williams, the foster mother, who was “an older caregiver,” expressed that she would be supportive of He. S. transitioning to a different permanency provider if the results of a pending psychological assessment were to show that He. S. would require “substantial support into adulthood.” According to Williams, the foster mother’s specific concern was that she did not want to be in a position where she was unable to provide long-term support for He. S. as an adult, should that be needed.

¶ 37 He. S.'s clinical therapist, Chelsea Davis, testified that He. S. has expressed wanting to know what permanency will look like for her, which led to "anxiety and fears." Davis's understanding was that He. S.'s foster mother was "more than willing to keep [He. S.] for a very long *** time." According to Davis, the foster mother's concern was whether He. S. would need to have a guardian or reside with someone after the foster mother died. Davis's impression from her discussions with the foster mother was that the foster mother did "not have any plans of having [He. S.] go anywhere as of right now." In Davis's view, it would be better for He. S. to remain in her "stable and committed home while [a] permanency option is located" than "to remain in the state of limbo and attend monthly visits with [her] parents."

¶ 38 *2. S.S. and M.S.*

¶ 39 The evidence showed that S.S. was 11 years old and M.S. was 9. For the past two years, they resided together with their aunt, uncle, and 18-year-old cousin. Williams testified that both girls have positive relationships with their foster family, engage in a lot of family activities, and have a sibling-like relationship with their cousin. The foster parents signed permanency agreements with respect to both S.S. and M.S. and were willing to adopt them.

¶ 40 Both S.S. and M.S. were engaged in counseling with Stacey Nielsen. Nielsen testified that the children seemed "very close" with their foster parents and called them "Mom" and "Barry," respectively. S.S., in particular, had spoken to Nielsen about "waiting for *** a finalization of some sort" in connection with this case. According to Nielsen, S.S. had gone "back and forth" as to whether she wanted to be adopted by her foster parents versus returning home to her parents. Nielsen recounted that there were times when S.S. reported being upset by things respondent said during visits.

¶ 41 Both S.S. and M.S. also engaged in trauma therapy with Davis. Davis noticed that

S.S. was “very aware of how long this [case] has been going on for and verbalizes it often.” Of the three siblings in the family whom Davis treated, S.S. was the one who wanted to return home the most, yet she did not fully understand the dynamics. Davis testified that visiting with respondent and Dana caused “emotional turmoil” for S.S., given that she missed them and feared she was not going to return home. Davis believed that S.S. was looking for “closure” and “answers.” Davis testified that S.S. enjoys both of her foster parents and has a lot of love for them, but there are “times and moments” when they do not get along.

¶ 42 According to Davis, M.S. was resistant to talking about anything pertaining to her parents or the situation attendant to this case. Davis’s impression was that M.S. was bonded with her foster mother and had “a lot of love” for her, whereas M.S.’s relationship with her foster father was “more play-based.” Davis noted that after visiting with respondent and Dana, M.S. had nightmares and dreams and would become more resistant to speaking with Davis. Davis believed that M.S. would benefit from a “tangible answer” about what is going to happen in connection with this case.

¶ 43 Both Nielsen and Davis opined that it would be a better alternative for S.S. and M.S. to reside in their stable and committed homes than to remain in limbo while attending monthly visits with respondent and Dana.

¶ 44 3. B.S.

¶ 45 The evidence showed that B.S., who was eight years old, had resided in a specialized, nonrelative foster home for three years. She had a strong relationship with her foster mother, whom she alternatively called “Ms. Becky” or “Mom.” The foster mother originally signed a permanency agreement for B.S. However, the foster mother subsequently experienced health issues that led her to believe she would not be the best long-term care provider for B.S.

¶ 46 According to Williams, DCFS identified another “adoptive resource” for B.S., who was willing to provide permanency. The intended replacement foster mother previously served as a visitation specialist and transportation provider for B.S., and they had a “positive relationship.” The woman was in the process of being certified, had met with B.S.’s therapist, had participated in child and family team meetings, and had started both daytime and overnight visits with B.S. Nevertheless, B.S. was unaware that she would be transitioning to a new home. DCFS personnel thought it would be best to “get through the termination process” before relocating B.S. to a new home. According to Williams, the current foster mother “is going to remain part of [B.S.’s] life” after the transition.

¶ 47 Mary Alice Wentling, B.S.’s therapist, diagnosed her with complex posttraumatic stress disorder. Wentling explained that B.S. struggled with forming attachments and ran away from people offering love. Wentling observed that B.S.’s current foster mother provided security and safety, which was “wonderful.” Wentling recounted that B.S. sometimes had rough days after attending visits with respondent and Dana. According to Wentling, B.S. believed from things that respondent and her siblings told her that she was going to return home to her parents. Wentling felt that this uncertainty did not provide a stable basis for B.S. to continue developing. Wentling explained that permanency was very important for B.S., as she would “have to go back to square one to help her gain a sense of *** safety again” if there were a disturbance in her placement. Nevertheless, Wentling opined that remaining in her stable and committed home while a permanency option was located would be better than remaining in limbo and attending monthly visits with respondent and Dana. It would “absolutely” be worse for B.S. to be in limbo than to transition to a new placement.

¶ 48

4. *Ha. S.*

¶ 49 The evidence showed that Ha. S., who was four years old, had been placed in a home with “fictive kin” for four years. She lived with her foster parents and their four children. According to Williams, the foster parents provided “fabulous care” for Ha. S., and Ha. S. considered them her parents and her “safe people.” According to Williams, Ha. S. also had positive sibling relationships with the other children in her home. The foster parents signed a permanency commitment, agreeing to adopt Ha. S. Ha. S. had recently started attending play therapy with Wentling.

¶ 50 *5. The Trial Court’s Best Interests Findings*

¶ 51 The trial court determined that it was in the best interests of all five children to terminate respondent’s and Dana’s parental rights. The court indicated that it considered the applicable statutory factors. See 705 ILCS 405/1-3(4.05) (West 2024). The court noted that the witnesses testified about how the children benefited during their foster placements, though the children will require “ongoing therapeutic intervention” to address the trauma of losing a sibling and living with their parents. The court acknowledged that with respect to He. S. and B.S., permanency was “not where [the court] would like it to be” and that He. S.’s foster parent had a concern about providing long-term care into He. S.’s adulthood. However, presumably recalling Dr. Hutchison’s testimony from the unfitness hearing, the court also found that the expert testimony showed it was highly unlikely that either respondent or Dana “would reach the ability to parent the children.” Balancing the various factors, the court found that the permanency concerns for He. S. and B.S. did not “outweigh all the other factors *** regarding the supportive and loving and safe and secure environment that each of those children have benefitted from for all of *** four years.”

¶ 52 The trial court continued:

“[He. S.] has been with her placement for three [years]; [S.S.] and [M.S.] for two, and all of those were described as positive, loving relationships. [B.S.] has been also with her foster parent currently at three years and has been able to enjoy the same relationships. The Court does acknowledge, as I indicated, but again, the highly unlikely ability of those parents to be able to ever parent the children. The expert says slim chance.”

The court mentioned that Ha. S. had been in her foster home almost her entire life and considered her foster parents to be her family. According to the court, the foster home was where Ha. S. sought comfort and reassurance and felt safe. The court concluded its ruling by reiterating that the evidence showed the children benefited from the relationships developed while in foster care.

¶ 53 Respondent timely appealed in each child’s case. This court granted his unopposed motion to consolidate the appeals.

¶ 54 II. ANALYSIS

¶ 55 Although respondent divides the argument portion of his brief into three sections, we discern that he raises four overarching issues on appeal: (1) whether the trial court improperly took judicial notice of five service plans (State’s exhibit Nos. 4 through 8); (2) whether the court erred by finding him unfit on the death-of-a-child count (750 ILCS 50/1(D)(d-1) (West 2024)), where the only evidence introduced in support of that count was judicially noticed testimony from the adjudicatory hearing; (3) whether the court’s findings of unfitness on the remaining six counts were against the manifest weight of the evidence; and (4) whether the best interests findings were against the manifest weight of the evidence as to He. S. and B.S.

¶ 56 Involuntary termination of parental rights is a two-step process. *D.D.*, 2022 IL App (4th) 220257, ¶ 27. The State must first prove by clear and convincing evidence that the parent is

unfit under section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *D.D.*, 2022 IL App (4th) 220257, ¶ 27. If the parent is unfit, the matter proceeds to a second hearing, at which the State must prove by a preponderance of the evidence that it is in the best interests of the children to terminate parental rights. *D.D.*, 2022 IL App (4th) 220257, ¶ 27. We will not disturb the finding of unfitness or the best interests determination unless the court’s rulings are against the manifest weight of the evidence. *D.D.*, 2022 IL App (4th) 220257, ¶ 28. “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 circuit court’s finding on the basis of the evidence in the record.” (Internal quotation marks omitted.) *J.H.*, 2020 IL App (4th) 200150, ¶ 68.

¶ 57

A. The Unfitness Findings

¶ 58

With respect to the unfitness portion of the proceedings, respondent argues that (1) the trial court erroneously took judicial notice of five service plans, (2) the court’s decision with respect to the death-of-a-child count improperly rested entirely on judicially noticed testimony from the adjudicatory hearing, and (3) the court’s findings with respect to the remaining six counts were against the manifest weight of the evidence. As explained below, respondent has failed to demonstrate any reversible error in connection with the admission of the service plans, and he failed to make either reasonable efforts or progress from May 17, 2023, through February 17, 2024. Accordingly, we affirm the unfitness findings on those bases and need not address respondent’s arguments directed toward other counts.

¶ 59

1. *Judicial Notice of Service Plans*

¶ 60

Respondent argues that the trial court erroneously admitted into evidence five service plans (State’s exhibit Nos. 4 through 8), over objection, by taking judicial notice of those materials. Respondent maintains that service plans should be admitted into evidence only after the

State lays a foundation to qualify them as business records. See 705 ILCS 405/2-18(4)(a) (West 2024) (establishing a business-records exception to the hearsay doctrine in child-neglect proceedings); *D.D.*, 2022 IL App (4th) 220257, ¶ 41 (noting that service plans are admissible under this statute). Respondent contends that Williams’s testimony did not cure the defect because (1) Williams could not “supply the maker’s foundation for the plan” that was updated by Queckboerner and (2) the State never formally offered State’s exhibit Nos. 4 through 8 into evidence through Williams, but rather treated those exhibits “as already entered.” Respondent proposes that “[a] partial, after-the-fact authentication of some documents by a witness who did not author all of them is not the statutory foundation, and it cannot retroactively validate an admission the court had already made on an improper basis over objection.”

¶ 61 The State does not expressly defend the trial court’s decision to take judicial notice of the service plans at the beginning of the unfitness hearing. Rather, the State maintains that “the service plans were properly entered into evidence where the State actually laid foundation for their submission beyond the judicial notice.” To that end, the State emphasizes that after the court took judicial notice of the service plans, the State laid a proper foundation to render each plan admissible pursuant to the business-records exception to the hearsay doctrine. Thus, the State invokes the principle that a reviewing court may affirm the judgment on any basis the record supports. The State further proposes that respondent failed to preserve this evidentiary issue for review, as he did not object when the assistant state’s attorney confirmed before resting her case that all of the State’s exhibits had been admitted into evidence without objection. Finally, the State asserts that it presented “overwhelming evidence of respondent’s unfitness.”

¶ 62 “On appeal, we review a circuit court’s decisions regarding judicial notice for an abuse of discretion.” *In re Soren W.*, 2026 IL App (5th) 251004, ¶ 70. Under this standard of

review, a judgment will not be reversed unless “the trial court’s decision is arbitrary, fanciful, or unreasonable to the degree that no reasonable person would agree with it.” (Internal quotation marks omitted.) *People v. Morgan*, 2025 IL 130626, ¶ 23.

¶ 63 As this court explained in *In re M.D.*, 2022 IL App (4th) 210288, ¶ 79, it is often necessary for a trial court to take judicial notice of portions of the underlying court file at an unfitness hearing, particularly when the court must assess whether a parent has made reasonable efforts or progress throughout the case. To that end, “judicial notice is usually important and required in order to answer the threshold questions at a parental fitness hearing,” including what the court’s orders were and what remedial actions the parent was directed to take. *M.D.*, 2022 IL App (4th) 210288, ¶ 80. With that said, unlike dispositional hearings and permanency hearings, unfitness hearings are subject to the formal rules of evidence, so both litigants and trial courts have a responsibility to ensure that only admissible evidence enters the record at an unfitness hearing. *M.D.*, 2022 IL App (4th) 210288, ¶¶ 63, 72, 82, 87-88. Accordingly, a court should neither take wholesale judicial notice of everything taking place in the case prior to the unfitness hearing nor allow inadmissible hearsay into evidence. *M.D.*, 2022 IL App (4th) 210288, ¶¶ 82-83.

¶ 64 Here, the trial court did not take wholesale judicial notice of the proceedings leading up to the unfitness hearing. Rather, at the beginning of the hearing, over respondent’s objection, the court took judicial notice of eight service plans. Respondent now challenges the court’s decision as to five of the plans. As noted above, the State does not expressly argue that the service plans were susceptible to judicial notice. Instead, the State seems to invoke a harmless-error analysis. Case law indeed establishes that an error in taking judicial notice does not require reversal of a judgment terminating parental rights unless the respondent was prejudiced by the error. See *Soren W.*, 2026 IL App (5th) 251004, ¶ 75 (noting that improper judicial notice does not

require reversal “where the properly admitted evidence was sufficient to prove at least one ground of parental unfitness by clear and convincing evidence and the respondent parent cannot demonstrate prejudice resulting from the circuit court’s error”); *M.D.*, 2022 IL App (4th) 210288, ¶ 105 (holding that where the respondent “has not established that the trial court considered any inadmissible evidence through judicial notice when finding respondent unfit, she has failed to establish that she was prejudiced by her counsel’s failure to object to the [guardian *ad litem*’s] request that the court take judicial notice of ‘the file’ ”); *In re J.G.*, 298 Ill. App. 3d 617, 629 (1998) (holding that the respondent was not prejudiced by an error in taking judicial notice of the entire court file, as “[t]here was more than sufficient evidence of [the] respondent’s unfitness properly admitted at the hearing to meet the State’s burden of clear and convincing evidence”).

¶ 65 Assuming without deciding that the trial court here should not have taken judicial notice of the five disputed service plans at the beginning of the unfitness hearing, respondent was not prejudiced by any error because the State subsequently presented a sufficient foundation to show that these service plans qualified as business records. See *Soren W.*, 2026 IL App (5th) 251004, ¶¶ 42, 72 (where the trial court took judicial notice of service plans without objection, the appellate court asserted that “consideration of the service plans was appropriate,” given that such plans “are admissible as substantive evidence” under section 2-18(4)(a) of the Juvenile Court Act of 1987); *In re Z.J.*, 2020 IL App (2d) 190824, ¶ 54 (noting that the Juvenile Court Act of 1987 “specifically provides for the admission of business records into evidence if the statutory foundational requirements are satisfied”). To qualify a document as a business record, the proponent must establish that the document was “(1) made as a memorandum or record of the event, (2) made in the ordinary course of business, and (3) made at the time of the event or within a reasonable time thereafter.” *In re A.B.*, 308 Ill. App. 3d 227, 235 (1999). The only purported

defect that respondent identifies in Williams’s testimony laying the foundation for the subject service plans was that she supposedly could not “supply the maker’s foundation for the plan” that was updated by the prior caseworker. That argument fails as a matter of law. See *A.B.*, 308 Ill. App. 3d at 235 (“The author of the writing need not testify or be shown to be unavailable; anyone familiar with the business and its procedures may testify about how the writing was prepared.”).

¶ 66 Moreover, the service plans were not the State’s only evidence supporting the findings of respondent’s parental unfitness. The State’s witnesses testified at length about what respondent did and did not do throughout the pendency of the case. For example, Queckboerner and Williams testified extensively about how they rated respondent’s efforts and progress toward completing the various services ordered. Those were matters within the witnesses’ personal knowledge.

¶ 67 In presenting his arguments about harmless error relating to the service plans, respondent combines his analysis with points he raises regarding an unrelated issue—that the trial court should not have taken judicial notice of State’s exhibit No. 9, which consisted of transcripts of medical testimony provided at the adjudicatory hearing. To be clear, the State relied on that judicially noticed medical testimony to prove its allegation that respondent was an unfit parent because he substantially neglected T.S., continuously or repeatedly, resulting in her death in March 2022. See 750 ILCS 50/1(D)(d-1) (West 2024). As explained in the next section, the testimony provided by the State’s other witnesses, which was not judicially noticed, overwhelmingly showed that respondent was unfit on completely different bases—that he failed to make either reasonable efforts or progress from May 17, 2023, through February 17, 2024. See 750 ILCS 50/1(D)(m)(i)-(ii) (West 2024). Thus, respondent’s arguments pertaining to the medical testimony from the

adjudicatory hearing have no bearing on whether he was prejudiced by the court taking judicial notice of the service plans.

¶ 68 In presenting his arguments about harmless error, respondent also takes issue with the following statement in the trial court’s explanation of its unfitness findings: “[Y]ou did not believe the child; you believed the perpetrator until you got DNA results.” In respondent’s view, this remark showed that the court “demonstrably drew on court-file material that was never in evidence in any form.” Contrary to what respondent argues, this statement had a basis in the testimony presented at the unfitness hearing. The evidence showed that one of Dana’s minor children, A.B., who is not at issue in this appeal, got pregnant around the end of April or beginning of May 2022. The evidence also showed that one of the men who resided with respondent’s family in March 2022, Brandon P., was later charged with, and convicted of, criminal sexual assault against A.B. Jennings, who was respondent’s parenting coach, testified that respondent called A.B. a “liar” when she leveled accusations against Brandon. Queckboerner similarly testified that when she spoke with respondent about the charges against Brandon, respondent “did not believe the charges” and “felt that Brandon had been *** illegally arrested.” According to Queckboerner, when she informed respondent that Brandon admitted being sexually involved with A.B., respondent “was waiting for the paternity testing to determine what to believe.” This was clearly the testimony that the court was referencing in its unfitness ruling when it mentioned “DNA results.” Accordingly, there is no merit to respondent’s suggestion that the court relied on matters not in evidence.

¶ 69 Finally, in presenting his arguments about harmless error, respondent takes issue with the trial court’s remark in its unfitness findings about respondent’s inappropriate discussions with the children. Specifically, the court said that it did “not believe [the] foster parents nor agency

workers would tell the children” about the goal being changed to termination of parental rights. Contrary to what respondent argues, this finding had a basis in the trial testimony. Indeed, one of the State’s witnesses testified that S.S. told her about things respondent had said relating to the case.

¶ 70 For all of these reasons, even if there was any error in the trial court taking judicial notice of the service plans at the beginning of the unfitness hearing, respondent was not prejudiced by that decision. Respondent is not entitled to a new unfitness hearing on this basis.

¶ 71 *2. Sufficiency of the Evidence Showing Respondent’s Lack of Efforts and Progress From May 17, 2023, Through February 17, 2024*

¶ 72 We next consider whether the trial court properly determined respondent was an unfit parent.

¶ 73 A reviewing court must affirm an unfitness finding if the evidence supports any ground of unfitness alleged. See *J.H.*, 2020 IL App (4th) 200150, ¶ 74. We choose to focus on two of the grounds—that respondent failed to make either reasonable efforts or reasonable progress from May 17, 2023, through February 17, 2024. See 750 ILCS 50/1(D)(m)(i)-(ii) (West 2024) (providing that a parent is unfit if, during any nine-month period after the adjudication of neglect, he or she fails to make (1) “reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent” or (2) “reasonable progress toward the return of the child to the parent”); see *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1066 (2006) (“Reasonable efforts and reasonable progress are two different grounds for finding a parent unfit in section (1)(D)(m).” (Emphases omitted.)).

¶ 74 “Reasonable efforts relate to the goal of correcting the conditions that caused the removal of the child from the parent [citation], and are judged by a subjective standard based upon

the amount of effort that is reasonable for a particular person.” *Daphnie E.*, 368 Ill. App. 3d at 1066-67. Thus, when evaluating efforts, a court “must determine whether the parent has made earnest and conscientious strides toward correcting the conditions that led to the removal of the minor from the home.” *In re P.S.*, 2021 IL App (5th) 210027, ¶ 34.

¶ 75 Reasonable progress, by contrast, “is assessed under an objective standard” and “exists when a parent’s compliance with the service plan and the trial court’s directives ‘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 Baby Boy*, 2025 IL App (4th) 241427, ¶ 65 (quoting *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991)). Failing to substantially comply with one’s obligations under a service plan is evidence of a lack of reasonable progress. *Baby Boy*, 2025 IL App (4th) 241427, ¶ 65. “Importantly, there is ‘a significant difference between going through the motions, checking off the boxes, and mechanically doing what is asked of the parent and actually changing the circumstances that brought the children into care.’ ” *Baby Boy*, 2025 IL App (4th) 241427, ¶ 65 (quoting *In re Ta. T.*, 2021 IL App (4th) 200658, ¶ 56). “A finding of unfitness is appropriate if ‘the court will not be able to return the child home in the near future, despite ample time and opportunity for compliance with the court’s directives.’ ” *Baby Boy*, 2025 IL App (4th) 241427, ¶ 65 (quoting *Ta. T.*, 2021 IL App (4th) 200658, ¶ 55).

¶ 76 Here, the five children came into care in March 2022 under tragic circumstances—their three-year-old sibling, T.S., died as a result of consuming so much hair over such a long period that it obstructed her digestive system. The State had serious concerns about why respondent and Dana did not recognize their daughter’s deteriorating physical condition or get her

medical help that might have saved her life. One of the reasons the trial court adjudicated the children neglected in these proceedings was that medical neglect led to T.S.'s death.

¶ 77 Rather than demonstrating a good-faith commitment toward fostering confidence in his willingness and ability to parent his children safely and appropriately, respondent directed his efforts toward blaming others, primarily DCFS personnel. Throughout the case, including from May 17, 2023, through February 17, 2024, respondent made it clear through both his words and actions that he saw no reason why either he or his family required services. There was no evidence presented that respondent demonstrated even a minimal commitment to addressing the underlying concerns that brought his children into care. Accordingly, the trial court's finding that respondent failed to make reasonable efforts from May 17, 2023, through February 17, 2024, to correct the conditions that were the basis for the removal of the children from their home was overwhelmingly supported by the evidence.

¶ 78 In addition to the immediate concerns arising from T.S.'s death that prompted DCFS to take protective custody of the children, the evidence showed that respondent needed to make progress toward addressing other problems before it would be possible to return the children to his care. One significant problem was that before the children came into care, they resided with respondent and Dana in a home that was owned by an unrelated adult who also lived there and could not pass a DCFS background check. Additionally, the family's home was deemed uninhabitable by March 2023 due to problems with the septic system. Obviously, the children could not return to their parents unless there was a safe place for them all to live.

¶ 79 The evidence showed that from May 17, 2023, through February 17, 2024, respondent made no progress, let alone reasonable progress, toward procuring housing that would be suitable for his children. During that time frame, respondent failed to provide his caseworker

with the specific addresses where he and Dana were staying, would not allow DCFS personnel to inspect wherever they were living, and refused offers for assistance procuring housing. The evidence gave rise to an inference that respondent may have resided in the uninhabitable home during a portion of the relevant time frame, given that he was arrested for trespassing inside the home in November 2023 and a sheriff's deputy testified that it looked like people were still living there.

¶ 80 Coinciding with respondent's unstable housing was a lack of income. Respondent was unemployed throughout most of this case, including from May 17, 2023, through February 17, 2024. The evidence showed that respondent resisted suggestions to help him procure employment and failed to demonstrate commitment toward completing a job diary.

¶ 81 To be sure, the evidence showed that from May 17, 2023, through February 17, 2024, respondent consistently attended supervised visitation with his children. During a portion of this period, he also engaged in parenting coaching, albeit reluctantly. Nevertheless, the record shows that respondent failed to implement the skills he was supposed to be learning through engaging in services. For example, respondent was so unreceptive to receiving help that the parenting coach could not even make it through a day's agenda with him. Various witnesses for the State also detailed occasions when respondent made inappropriate remarks to or around the children during visits. At no point in the entire time this case remained pending did respondent progress to unsupervised visitation.

¶ 82 For all of these reasons, the record overwhelmingly supports the trial court's finding that respondent failed to make either reasonable efforts or progress from May 17, 2023, through February 17, 2024.

¶ 83 Tellingly, in the portion of his brief addressing his efforts and progress, respondent focuses on what happened in this case in a *subsequent* nine-month period, which are arguments implicating other counts of the termination petitions. Respondent does not present an argument that he made either reasonable efforts or progress from May 17, 2023, through February 17, 2024. Rather, respondent criticizes the trial court for providing “a single global narrative” in its unfitness findings that did not distinguish “the first [nine-month] window from the second, efforts from progress, or one parent’s conduct from the other’s.” We discern no indication in the court’s ruling that it conflated the evidence that was relevant to each of the State’s allegations of unfitness. Notably, the court expressly identified the two nine-month periods the State alleged. At any rate, we “review the circuit court’s judgment, not its reasoning.” *In re A.M.*, 2025 IL App (1st) 250467, ¶ 61.

¶ 84 Having affirmed the trial court’s unfitness findings on the bases that respondent failed to make either reasonable efforts or progress from May 17, 2023, through February 17, 2024, we need not address respondent’s arguments directed toward other counts. This includes respondent’s point that the court should not have taken judicial notice of medical testimony that was provided at the adjudicatory hearing.

¶ 85 B. Best Interests Findings

¶ 86 After a trial court makes a finding of parental unfitness, “the focus shifts to the child.” *In re D.T.*, 212 Ill. 2d 347, 364 (2004). To that end, terminating parental rights is warranted only if the State proves by a preponderance of the evidence that doing so would serve the child’s best interests. *D.D.*, 2022 IL App (4th) 220257, ¶ 50. Section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2024)) sets forth a lengthy list of factors guiding a court’s

assessment of a child’s best interests. *D.D.*, 2022 IL App (4th) 220257, ¶ 49. Here, the trial court expressly confirmed on the record that it considered those factors.

¶ 87 Nevertheless, in challenging the best interests findings, respondent maintains that (1) as to He. S. and B.S., the termination order “traded an intact parental bond for no permanency at all” and (2) the trial court’s “undifferentiated ruling denied each child the individualized determination” that is required by section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2024)) (Emphases omitted.).

¶ 88 The State responds that the trial court’s findings as to the children’s best interests were not against the manifest weight of the evidence. Focusing on He. S., the State emphasizes that her current foster parent signed a permanency agreement and merely raised concerns about what would happen if the child needed ongoing care as an adult. Although the State acknowledges that DCFS intended to transfer B.S. to a new foster home, the State contends that this arrangement was in B.S.’s best interests. To that end, quoting this court’s decision in *In re Tashika F.*, 333 Ill. App. 3d 165, 170 (2002), the State notes that “ ‘a child’s slim chance of adoption does not *per se* require a finding that termination of parental rights is not in the child’s best interest,’ ” but is merely one factor to consider. Finally, the State argues that the record does not support respondent’s claim that the court failed to differentiate among the children’s circumstances.

¶ 89 As an initial matter, we hold that the record refutes respondent’s claim that the trial court failed to consider the children’s circumstances and best interests on an individualized basis. The court noted that it “heard two days [of testimony] in the best interest portion” about the children’s needs and how they have benefitted during foster care. This confirms that the court considered the evidence presented, wherein the State’s witnesses detailed each of the children’s circumstances separately. Although the court recognized that permanency was “not where [the

court] would like it to be” for He. S. and B.S., the court determined that concern was outweighed by other factors, such as that it was “highly unlikely” either respondent or Dana would be able to parent the children. The court then noted the length of time that each of the five children had been in their respective foster homes. The court mentioned that Ha. S. had been in her foster home “almost her entire life” and considered her foster parents to be her family. Ultimately, the court found that it was in the “best interest of the minor children and the public” to terminate respondent’s and Dana’s parental rights. Given the court’s explanation of its ruling, there is no merit to respondent’s contention that the court failed to consider the children’s best interests on an individualized basis.

¶ 90 Notably, respondent does not challenge whether the evidence supported the trial court’s findings that it was in the best interests of S.S., M.S., and Ha. S. to terminate his parental rights. Rather, respondent focuses on He. S. and B.S., in light of their prospects for achieving permanency in foster homes.

¶ 91 The evidence showed that He. S. was 13 years old, had educational and mental health needs, and required support with “daily functioning.” This required placing her in a specialized foster home. He. S. had resided for almost three years with a nonrelative foster mother, whom Williams described as a “tremendous advocate” for the child. The foster mother signed a permanency agreement and was willing to adopt He. S. However, the foster mother was “older” and raised concerns about whether she would be able to support He. S. as an adult, should He. S. require long-term care or guardianship. Davis, who was He. S.’s therapist, testified that He. S. had expressed a desire to know what permanency will look like for her, leading to “anxiety and fears.”

¶ 92 We hold that the trial court justifiably found that it was in He. S.’s best interests to terminate respondent’s parental rights. There was a fairly strong prospect of He. S. achieving

permanency through adoption with her existing caregiver, with whom she had resided for several years. The foster mother's only concern was whether she would be able to provide He. S. with long-term care into adulthood, should that become necessary. The court recognized this potential issue but determined it was outweighed by the fact that it was unlikely either respondent or Dana could serve in a parental role. The court's assessment of He. S.'s best interests was reasonable. Indeed, the record inspires no confidence that respondent would be willing or able to ensure that He. S. gets the educational and psychological support she needs to thrive.

¶ 93 B.S.'s circumstances were a little different. Unlike the theoretical possibility that He. S. faced of having a disruption in permanency, DCFS was already in the process of moving B.S. to a new home due to the foster mother's health issues. The new intended foster mother was described as being an "adoptive resource" who was willing to provide permanency to B.S. B.S. was diagnosed with complex posttraumatic stress disorder and struggled with forming attachments, so there was undoubtedly reason to believe that any change in homes would be difficult for her. On the other hand, B.S. already knew the intended replacement foster mother and purportedly had a "positive relationship" with her. It was also expected that the current foster mother would remain part of B.S.'s life.

¶ 94 Although B.S. was unaware she would be transitioning to a new foster home, DCFS had started incorporating the new intended foster mother into B.S.'s life, including by facilitating daytime and overnight visits and having her participate in meetings regarding B.S. B.S.'s therapist, Wentling, opined that remaining in a stable and committed home while a permanency option was located would be better for B.S. than remaining in limbo and attending monthly visits with respondent and Dana.

¶ 95 Although it remains to be seen whether B.S. will find permanency in her intended replacement foster home, the trial court was tasked with evaluating the significance of that issue in light of the totality of the circumstances. See *Tashika F.*, 333 Ill. App. 3d at 170 (explaining that although a court may consider a child’s likelihood of adoption at a best interests hearing, “it is merely one factor to consider, and a child’s slim chance of adoption does not *per se* require a finding that termination of parental rights is not in the child’s best interest”). To that end, the court knew that B.S. had been in substitute care for four years. The court was also quite familiar with respondent’s pervasive negative attitude toward these proceedings and the concerns raised that Dana could not care for the children independently. The evidence further showed that respondent was unlikely to be in a position anytime soon where he would be willing and able to ensure that B.S. gets the care and support she needs. Under the circumstances, the court’s finding that it was in B.S.’s best interests to terminate respondent’s parental rights was not against the manifest weight of the evidence.

96 III. CONCLUSION

¶ 97 For the reasons stated, we affirm the trial court’s judgments.

¶ 98 Affirmed.