

NOTICE

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2026 IL App (5th) 260345-U

NO. 5-26-0345

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

<i>In re</i> MANNY J.-P., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Vermilion County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 21-JA-40
	)	
Stormi J.,	)	Honorable
	)	Thomas O'Shaughnessy,
Respondent-Appellant).	)	Judge, presiding.

JUSTICE HACKETT delivered the judgment of the court.
Justices Boie and Sholar concurred in the judgment.

ORDER

¶ 1 *Held:* The order terminating the respondent mother's parental rights is affirmed where the evidence supports both the circuit court's findings of unfitness and its determination of the child's best interest.

¶ 2 The respondent, Stormi J. (Mother), appeals an order of the circuit court of Vermilion County terminating her parental rights. She argues that the circuit court erred in finding her to be an unfit parent and in determining that termination of her rights was in the child's best interest. We affirm.

¶ 3 I. BACKGROUND

¶ 4 This appeal involves a child born to two parents with cognitive impairments. The child at issue, Manny J.-P., was born early in May 2021. On May 7, 2021, the State filed a petition for

adjudication of wardship alleging that Manny was a neglected minor pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2020)) in that his environment was injurious to his welfare due to Mother's failure to complete services and correct the conditions that brought her older children into care in two previous cases. The petition named both Mother and her paramour, Alton P. (Father), as respondents.¹ After a shelter care hearing held the same day, the circuit court placed temporary custody of Manny with the Department of Children and Family Services (DCFS) and ordered Father to submit to DNA testing to establish paternity.

¶ 5 After various delays, the matter proceeded to an adjudicatory hearing on January 19, 2022. The circuit court entered an adjudicatory order on January 24, 2022, finding that Manny was neglected and the neglect was inflicted by Mother. On March 25, 2022, the circuit court entered a dispositional order making Manny a ward of the court.

¶ 6 The first permanency hearing in the case took place on June 15, 2022. The circuit court made a judicial finding of paternity that day based upon DNA test results. The following day, the circuit court entered a permanency order establishing a goal of return home within 12 months. The court found that both parents had made reasonable efforts and reasonable and substantial progress toward that goal, but the goal had not yet been achieved.

¶ 7 On September 26, 2022, the circuit court entered another permanency order. This time, the court found that both parents made reasonable efforts and some progress, but they did not make reasonable and substantial progress toward the goal of returning Manny to their care. The goal remained return home within 12 months.

¹Father separately appealed the termination of his parental rights and is not a party to this appeal. We discuss matters related to Father only as they pertain to the issues before us.

¶ 8 The next permanency order was entered on December 14, 2022. The circuit court found that both parents failed to make either reasonable efforts or reasonable and substantial progress. The court maintained the goal as return home within 12 months.

¶ 9 On April 24, 2023, the circuit court entered a permanency order finding that Mother made neither reasonable efforts nor reasonable and substantial progress toward the return of the child to her custody. The court found that Father made reasonable efforts toward that goal but did not make reasonable and substantial progress. The goal remained return home within 12 months. In its next two permanency orders, entered September 25, 2023, and December 14, 2023, the circuit court made these same findings and maintained a goal of return home within 12 months.

¶ 10 The next two permanency orders were entered on April 22, 2024, and on July 17, 2024, respectively. In each order, the circuit court found that both parents made reasonable efforts but failed to make reasonable and substantial progress. In both orders, the circuit court maintained a goal of return home within 12 months.

¶ 11 On October 9, 2024, the circuit court entered a permanency order finding that both parents failed to make either reasonable efforts or reasonable and substantial progress. This time, the court changed the goal to substitute care pending determination of termination of parental rights.

¶ 12 On November 14, 2024, the State filed a petition to terminate parental rights alleging that both Mother and Father were unfit parents on the following three grounds: (1) failure to maintain a reasonable degree of interest, concern, or responsibility for the child's welfare (750 ILCS 50/1(D)(b) (West 2022)); (2) failure to make reasonable efforts to correct the conditions that led to the child's removal during any nine-month period following adjudication of neglect (*id.* § 1(D)(m)(i)); and (3) failure to make reasonable progress toward the return of the child during any nine-month period following adjudication of neglect (*id.* § 1(D)(m)(ii)). The nine-month

period identified by the State for both failure to make reasonable efforts and failure to make reasonable progress was January 9, 2024, through October 9, 2024.

¶ 13 After two continuances, the matter came for a hearing on the question of parental unfitness on June 13, 2025. The State’s first witness was Jonna Tyler, a licensed clinical professional counselor who conducted a parenting capacity assessment of Mother. Tyler was qualified as an expert witness without objection.²

¶ 14 Tyler explained that the parenting capacity assessment she performed consisted of an interview with Mother; use of the Marschak Intervention Method, which she described as “an assessment tool that assesses parent-child interactions” in the categories of structure, challenge, nurturance, and engagement; and a “caregiving section,” which included use of the Child Abuse Potential Inventory (CAPI), an assessment tool that measures the risk of physical abuse toward a child in the parent’s care. Before conducting the parenting capacity assessment, Tyler reviewed the report from a psychological evaluation of Mother. Based on her review of that report, Tyler was aware of Mother’s “personality profile” and “intellectual functioning.”

¶ 15 On the Marschak Intervention Method, Mother demonstrated adequacy in engagement, but she demonstrated weakness in the other three categories. Tyler noted that Mother was unable to determine an age-appropriate activity for Manny. However, the “most concerning features” Tyler observed had to do with caregiving functions and Mother’s “inability to attend to basic caregiving needs.” For example, when she gave a bottle to Manny, who was then 14 months old, Mother allowed Manny to hold the bottle for himself and did not notice that he was unable to hold the bottle high enough to avoid getting air bubbles. When Tyler pointed out the problem, Mother held the bottle up for the child, but eventually she “got off track” and stopped helping him. According

²The parenting capacity assessment took place over two days in July 2022.

to Tyler, Mother's deficits appeared to result from a cognitive or intellectual disability. Tyler testified, "[I]t was my impression that she was very willing to follow instructions *** but needed a coach."

¶ 16 Tyler concluded that while Mother might be able to parent a child "with supervision, guidance, and support present," she was unable to parent independently without the presence of a supervisor. Tyler did not believe a parenting class could prepare Mother to effectively parent on her own, explaining that intellectual disabilities do not improve over time.

¶ 17 In response to questioning by the child's guardian *ad litem* (GAL), Tyler provided additional examples of Mother's parenting deficits. She noted that after Manny finished his bottle, Mother did not recognize that he was still hungry; instead, she had to be prompted to offer him a snack. In addition, while Manny was playing in the sandbox, he began putting sand in his mouth, which Mother did not appear to notice.

¶ 18 On cross-examination, Tyler acknowledged that her "last and only contact" with Mother was in 2022. She further acknowledged that she did not recommend any services for Mother as a result of her assessment because she did not believe any services she could recommend would benefit Mother due to the limitations resulting from her intellectual disability.

¶ 19 Tyler testified that there was a request for a joint parenting capacity assessment of Mother and Father together. This did not occur. Asked why, Tyler explained that the Marschak Intervention Method is designed to assess parent-to-child interactions. She stated, "I couldn't just make that assessment tool work any way I want."

¶ 20 Tyler was asked if an assessment of Mother's capacity to parent a 14-month-old child would necessarily reflect her ability to care for an older child. In response, Tyler noted that the child's developmental needs would be different. She stated, however, that "in some ways, the

needs are maybe just as great or greater.” Asked whether it would make a difference if Mother had a partner to assist her in parenting, Tyler testified that she would need a supervisor in the room with her at all times in order to safely parent a child.

¶ 21 The State next presented testimony from the family’s caseworkers. Sherri Cummins of the Center for Youth and Family Solutions (CYFS) was the caseworker from June 2021 until August 2022. She also served as the caseworker for Mother’s two older children. She noted that the older children had since been adopted. Cummins testified that the services required of both parents while she was their caseworker included an integrated assessment, psychological therapy, parenting classes, and housing. Referrals were made for each of these services. During Cummins’s tenure as caseworker, both parents completed the integrated assessments with her and consistently cooperated with the requirements of their service plans. Although their involvement in services was satisfactory, they did not complete any of their requirements while she had the case.

¶ 22 Cummins testified that Mother and Father were referred to Gail Mills for both psychotherapy and one-on-one parenting coaching. She explained that the referral for one-on-one parenting coaching was made due to their cognitive deficits.

¶ 23 Cummins supervised many of the parents’ visits with Manny. During her time as caseworker, they were offered two-hour visits once a week,³ which they attended together. She testified that both parents consistently attended visits, but noted that on “very seldom” occasions, they arrived “maybe 20, 25 minutes late.”

¶ 24 During visits, Cummins had to provide coaching to both parents on things such as how to feed the baby properly. Although both parents required coaching, it was especially necessary for

³Visits were subsequently increased to twice a week but were later reduced to one visit per week again.

Mother. Asked her “overall impression” of Mother’s parenting based on her observations during visits, Cummins noted that Mother often relied on Father to make sure she was doing things correctly. She further noted that Mother sometimes over-fed Manny because she assumed he was hungry any time he cried. She testified that Father “did the majority of taking the positive role in doing the visits.” Cummins did not observe any improvement in Mother’s parenting skills during her time as caseworker.

¶ 25 Cummins did not believe that either parent was ready for unsupervised visitation while she was their caseworker. She explained that unsupervised visits would not have been safe. Cummins likewise did not believe, at any time during her tenure, that returning Manny home within a short period of time would be possible.

¶ 26 The next witness was Jennifer Hess, a former CYFS foster care caseworker who served as Manny’s caseworker from August 2022 to June 2023. Hess testified that the services required of both parents during this period included individual counseling, couples counseling, and parenting classes with Gail Mills. Although both engaged in these services, there were “attendance issues.” She stated that between May 2022 and February 2023, each parent attended only 14 of the 33 appointments they were offered for individual counseling, explaining that 13 appointments were canceled and 6 were “no-shows.” She clarified that, because Mills was providing individual counseling, couples counseling, and parenting classes, this meant that they attended 14 of 33 appointments for a combination of those services. Hess testified that the agency offered assistance with transportation and bus passes, but Mother and Father declined the offer.

¶ 27 Hess testified that after her parenting capacity assessment was completed, Mother was also scheduled for 10 one-on-one “family sessions” in November and December of 2022. However, this service was terminated because Mother failed to attend any of the appointments. Hess noted

that CYFS offered her transportation, but she declined, stating that a family member could take her.

¶ 28 According to Hess, attendance at visits with Manny was likewise inconsistent. Between June 2022 and March 2023, Mother and Father were both offered 65 visits. Mother attended 22 visits, while Father attended 34. Although each parent missed seven visits due to illness, the remaining missed visits were “no-shows.” Hess observed many, but not all, of the visits the parents attended. During visits, both parents engaged with Manny. They also brought snacks for him. However, they needed guidance and prompting on things like diaper changes. Although both parents played with Manny during visits, they were on their phones at times instead of engaging. Hess observed that Father had more of an attachment to the child than Mother did. Hess reviewed Mother’s parenting capacity assessment. Based on her observations, Mother’s parenting skills were consistent with Tyler’s conclusions in the parenting capacity assessment.

¶ 29 Hess testified that when she became the family’s caseworker, there was an existing referral to Norman Funds for housing services.⁴ The goal of this service was to help Mother and Father find a larger apartment. Hess stated, however, that the service was terminated due to their lack of participation. She explained that they did not answer the door when a representative showed up at their apartment for scheduled appointments.

¶ 30 Hess conducted a home safety check on Mother and Father’s residence in February of 2023 and found that it was not suitable for a child. She observed “copious amounts of clutter,” breakable objects within reach of a toddler, and electrical outlets in the middle of the floor. Mother and Father were given a checklist of things to correct. She did not believe they corrected the conditions, but she noted that she “only completed that one safety check.”

⁴In the service plan, Norman Funds is referred to as the Norman Housing Advocacy Program.

¶ 31 Hess indicated that neither parent made any progress toward the goal of returning Manny home during her time as caseworker. She explained that they had “a hard time grasping basic life skills.” There was never a time that she felt comfortable allowing unsupervised visits.

¶ 32 On cross-examination, Hess testified that Mother never expressed an unwillingness to complete services or do what the agency asked of her, “but her actions were different.” She further testified that none of the services offered by Mills were terminated or altered due to non-attendance on the part of the parents.

¶ 33 The State’s next witness was Brenda Larsen, who served as the family’s caseworker from July 3, 2023, until she left the agency late in April 2024. When Larsen became the caseworker, the following services were already in place for both Mother and Father: counseling, parenting classes, visitation, and housing. Both parents attended counseling, but Mother showed up only for “roughly about 50 percent” of her sessions.” Similarly, although both parents engaged in parenting education, Mother did not show up for all scheduled classes.

¶ 34 Regarding visitation, Larsen testified that Mother attended 16 of the 35 visits offered between August 2023 and March 2024. When she missed visits, Mother usually said either that she was sick or that she had overslept. During visits, Mother “would want to speak to staff more than she would visit with her son.” Larsen was familiar with Tyler’s parenting capacity assessment of Mother. Based on her observations, Larsen found Mother’s parenting skills consistent with Tyler’s conclusions.

¶ 35 Larsen conducted a home safety check in March 2024. The residence did not pass. She explained that there was wiring “everywhere,” clutter in the home, and prescription medications and lighters accessible to a child. Larsen discussed these issues with Mother and Father. No one answered the door when she returned for a scheduled recheck.

¶ 36 There was never a time during Larsen’s tenure as caseworker that she felt unsupervised visits would be safe. Likewise, there was never a time she believed Manny could be returned home soon. Based on her observations, Larsen did not believe that either Mother or Father could independently parent Manny, nor did she believe they could parent him together.

¶ 37 On cross-examination, Larsen was asked about Mother’s progress during the time she served as caseworker. Larsen replied, “I want to say she did make some progress, but it was—it was very minimal.” At one point, Larsen requested a second parenting capacity assessment for Mother, but DCFS denied her request. The reason she was given for the denial was that Mother’s low I.Q. would not change. Larsen testified that she made the request due to some improvement in Mother’s parenting skills. She stated, however, “Her progress was not enough.”

¶ 38 In response to questioning by the GAL, Larsen indicated that Mills set specific goals and benchmarks for Mother and Father to achieve in parenting classes and counseling services. In Mills’s reports to Larsen, she listed these goals and noted any improvements. Asked if there were any improvements, Larsen replied, “They were slight, but I think the slight improvements were more toward them showing up and engaging.” She clarified that neither parent completed a set of goals established for them by Mills.

¶ 39 The State’s final witness was CYFS caseworker Briana Verhoeven, who became the family’s caseworker when Larsen left the agency and remained in that position throughout the remainder of the case. Verhoeven added parenting coaching to the services already in place for Mother and Father. She explained that in parenting coaching, a counselor provides instructions on appropriate parenting during visits with the child. Mother and Father engaged with this service and were successfully discharged in July 2024. However, Verhoeven referred them for additional

parenting coaching in August or September of 2024 because she believed they still “needed extra help.” They were discharged unsuccessfully in October 2024 due to inconsistent attendance.

¶ 40 Verhoeven next testified about visitation. She was present for some of the parents’ visits with Manny. Mother attended approximately 40% of the visits she was offered, and she often arrived late when she did attend. At some point, visitation was reduced from two times per week to one time per week, but Mother’s attendance pattern did not change. Verhoeven was familiar with the parenting capacity assessment Tyler conducted. Mother’s parenting during the visits Verhoeven observed was consistent with the conclusions in Tyler’s report. Verhoeven testified that both parents completed a 12-week parenting class while she was their caseworker, and she acknowledged that this satisfied their obligation to complete that service. However, she did not see any improvement in Mother’s parenting ability. Verhoeven did not believe either Mother or Father could independently parent Manny without support.

¶ 41 Verhoeven believed both parents consistently attended counseling sessions with Mills. This service ended in May 2025 when Mills closed her office. Verhoeven noted that Mother and Father continued to engage until that time, even after the goal was changed. She testified that Mills periodically reported to her on their progress. According to Verhoeven, Mills noted some progress in July 2024, but she reported some regression by October 2024.

¶ 42 Verhoeven testified that Mother and Father moved to a new residence in October 2024. She stated that no home safety check had been performed, explaining that two had been scheduled, but no one answered the door.

¶ 43 Mother testified on her own behalf. She began by admitting, “I am not the best mom. I will admit that, but I do try my best. There are times that’s very hard.” She testified, however, that she loved her son very much and noted that her mother and stepfather were available to help her. On

cross-examination, Mother admitted that she was not home for a scheduled home safety check. She stated that she was at a doctor's appointment at the time. Asked about her living arrangements, Mother stated that she lived with her sister and her sister's boyfriend in a three-bedroom house rented by her sister. She testified that although she and Father broke up in April, they still lived in the same residence in different parts of the home. She acknowledged that the home was not appropriate for Manny due to the presence of her sister's four dogs.

¶ 44 Two service plans were admitted into evidence. The first plan, dated February 9, 2023, was prepared by Hess. In it, Hess noted that Mother and Father were referred to the Norman Housing Advocacy Program on August 26, 2021. Hess further noted that she had attempted to find homemaker services as a resource for developmentally disabled adults such as Mother and Father; however, she had not been successful, as two such services in the community had been discontinued.

¶ 45 The plan included the following services for Mother: counseling and one-on-one parenting with Gail Mills, maintaining clean and stable housing, and cooperating with homemaker services when such services were located. Mother's progress was rated as unsatisfactory on counseling and one-on-one parenting sessions. This rating was due to her sporadic attendance and her limited progress in understanding why Manny was in DCFS care. Mother was likewise rated as unsatisfactory on housing. The plan noted that a previous caseworker found the residence unsafe and that the current caseworker had not been able to inspect it.

¶ 46 The service plan also included a list of services for Father. Two of those services—attending visits with Manny and bringing necessary items to child visits—included progress evaluations for both parents. With respect to attending visits, their progress was unsatisfactory due to the fact that both missed visits because they overslept. Hess noted that they missed all visits

during December of 2022. As to bringing necessary items to visits (such as diapers, baby wipes, and formula), Hess noted that both parents brought these items when they attended visits.

¶ 47 The other service plan admitted into evidence was prepared by Brenda Larsen and dated April 30, 2024. In a narrative of the family's progress, Larsen noted that her request for a second parenting capacity assessment was denied on the basis that Mother's I.Q. of 66 would not change. Larsen also noted that she asked Mother's counselor, Mills, to provide "therapeutic visits with [Mother] during her visits with Manny to assess her hands on parenting ability," but Mills declined to offer this service. The narrative included a description of a March 3, 2024, safety check of the parents' residence. In it, Larsen noted that lighters and medication bottles were "lying around in the living room," and there were "bags stacked upon bags" in the bedroom. She further noted that a recheck of the home had been scheduled for April 15, 2024, but no one answered the door when the scheduled recheck was attempted.

¶ 48 Mother's progress on counseling and one-on-one parenting with Mills was once again rated as unsatisfactory. Larsen noted that Mother attended only 8 of 12 sessions with Mills during the evaluation period and that she had made little to no progress in counseling. With regard to maintaining safe and stable housing, Mother's progress was rated as satisfactory. However, Larsen noted that she had been unable to assess the condition of the home. The service plan included a new service for Mother, parenting coaching. Although visitation and bringing necessary items to visits were again only included in the list of services for Father, the evaluations again included both parents. Larsen noted that Mother attended only 15 of 32 visits with Manny offered during the evaluation period. Both parents were rated as satisfactory for bringing necessary items to visits.

¶ 49 The parties presented closing arguments. The circuit court then took the matter under advisement.

¶ 50 The circuit court issued a written “Decision with Respect to Parental Unfitness” on January 26, 2026. After reviewing the procedural history of the case and the evidence presented, the court addressed each ground of unfitness asserted by the State, beginning with the allegation that both parents failed to maintain a reasonable degree of interest, concern, or responsibility for the child’s welfare. The court noted that during the first 14 months the case was open, both parents consistently attended visits with Manny, which were then two hours once per week. However, when visitation was increased to twice a week, their attendance “became more inconsistent,” particularly Mother’s, and they sometimes arrived late to the visits they did attend. The circuit court found that Mother’s inconsistent attendance at both visits with Manny and appointments for services demonstrated a lack of reasonable interest in Manny’s welfare. The court recognized that Father was more consistent but found that neither parent made progress despite receiving parenting instruction geared toward people with cognitive impairment.

¶ 51 The court further found that the parents’ failure to maintain a home that was safe for their child to return to likewise demonstrated a lack of reasonable responsibility for the child’s welfare. The court expressly found that their cognitive impairment did not prevent Mother and Father from attending visits and services more regularly or from obtaining and maintaining safe and suitable housing. The court thus found that both parents were unfit for failure to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the child.

¶ 52 The circuit court turned its attention to the allegation that Mother and Father failed to make reasonable efforts to correct the conditions that brought Manny into care between January 9, 2024, and October 9, 2024. The court found that the State did not present clear and convincing evidence to prove them unfit on this ground.

¶ 53 With respect to failure to make reasonable progress toward the return of the child during the same nine-month period, the circuit court made the following findings: During the designated period, both parents' attendance at visits was inconsistent, especially Mother's. Neither parent progressed to even unsupervised visits. They failed to maintain a safe home; instead, their home presented safety hazards such as clutter, breakable objects within reach, and electrical panels in the middle of the floor. Mother made "very minimal" progress in counseling, and neither parent achieved any of the substantive goals set for them by their counselor. Finally, with respect to parenting classes and parenting coaching, the court found that both parents completed the 12-week parenting class, but their skills did not improve.

¶ 54 In conclusion, the court found that Mother and Father failed to make measurable progress toward Manny's return to their care during the designated period. The court emphasized that they did not develop the skills needed to parent him safely. The court thus concluded that the State proved them unfit for failure to make reasonable progress by clear and convincing evidence.

¶ 55 On March 10, 2026, CYFS filed a best interest report prepared by Verhoeven. The report contained the following information: Manny was placed in a traditional foster home, where he had lived with his foster parents since June 2021. He had a strong bond with his foster parents and siblings. He had his own room in their home, was well cared-for, and had adequate space, food, shelter, and toys. Addressing the development of Manny's identity, the report noted that the foster parents encouraged his interests and pointed him toward other things he might enjoy. Addressing Manny's community ties, the report noted that he had made friends with children in his daycare and formed attachments to some of his teachers there as well. The report indicated that Manny considered his foster parents' house to be his home and that, in light of his strong bond with them, leaving that placement "would likely be a difficult adjustment."

¶ 56 The report indicated that Mother and Father continued to reside together. When Verhoeven attempted to complete a scheduled home safety check of their residence, no one answered the door. The report further indicated that both parents attended six of the seven visits they were offered between December 2, 2025, and February 26, 2026.

¶ 57 In conclusion, the report stated that it was in Manny’s best interest to obtain permanency through adoption, which his foster parents were willing to provide. It contained a recommendation to change the goal to adoption.

¶ 58 On April 17, 2026, the matter proceeded to a best interest hearing. All parties stipulated to the best interest report. In addition, Verhoeven testified for the State that Manny was “doing very well” in his foster home and was “very bonded to the family.” She noted that the foster parents had three adopted children. Verhoeven further testified that the foster parents were able to meet Manny’s needs and were willing to provide him with permanence through adoption. She stated that Manny felt loved and safe in his foster home. Verhoeven opined that Manny’s current foster home was the best placement for him. On cross-examination, Verhoeven testified that Mother and Father generally interacted well with Manny during visits. She stated, however, that “Manny tended to have more of a bond with [Father].”

¶ 59 Announcing its ruling from the bench, the circuit court first acknowledged that both Mother and Father clearly loved their son. The court emphasized, however, that the case began in May 2021 and that, despite nearly five years “of efforts directed towards assisting the parents to develop those skills and knowledge necessary to provide Manny with basic parenting needs,” they did not develop those skills. The court listed the statutory factors, noting that it considered all of those factors. The court found it particularly relevant that Manny had remained in the care of his foster parents from the time he was two months old through the life of the case. The court stated, “That

is not to say that he doesn't have a relationship, that he doesn't recognize his biological parents. But the evidence is that his home and his family is his current placement." The court concluded that terminating parental rights was in Manny's best interest.

¶ 60 On April 22, 2026, the circuit court entered a written order terminating the parental rights of both Mother and Father. Mother filed a timely notice of appeal on April 23, 2026.

¶ 61 II. ANALYSIS

¶ 62 Mother argues on appeal that the circuit court erred in finding her to be an unfit parent and in determining that termination of her parental rights was in the best interest of the child. We reject both contentions.

¶ 63 A. Findings of Unfitness

¶ 64 Involuntary termination of parental rights involves a two-step process. First, the State must prove the respondent parent unfit by clear and convincing evidence. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 62. If the circuit court finds the parent unfit, the proceedings progress to the second step, during which the State must prove by a preponderance of the evidence that termination of parental rights is in the child's best interest. *Id.* ¶ 73.

¶ 65 We give great deference to the circuit court's unfitness findings because that court had the opportunity to observe and evaluate the parties and their testimony. *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064 (2006). As such, we will reverse a finding of unfitness only if it is against the manifest weight of the evidence. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 63. A decision is against the manifest weight of the evidence "if the opposite conclusion is apparent or when findings appear to be unreasonable, arbitrary, or not based on the evidence presented." *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 31.

¶ 66 Here, the circuit court found that Mother was unfit on two grounds: (1) failure to maintain a reasonable degree of interest, concern, or responsibility for the child’s welfare (750 ILCS 50/1(D)(b) (West 2024)); and (2) failure to make reasonable progress towards the return of the child during the nine-month period between January 9, 2024, and October 9, 2024 (*id.* § 1(D)(m)(ii)). Because a parent may be found unfit if the State proves any one of the statutory grounds for unfitness by clear and convincing evidence, we will affirm the trial court’s decision if the evidence supports its finding as to either of these grounds. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶¶ 63-64.

¶ 67 In considering whether a parent failed to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the child, our “focus is on the parent’s reasonable efforts more so than the parent’s success.” *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 36. Thus, we must take into account any circumstances that made it difficult for the parent to demonstrate the requisite reasonable degree of interest, concern, or responsibility. *Id.*; *In re M.J.*, 314 Ill. App. 3d 649, 656 (2000). Although the circuit court must consider whether circumstances, such as a parent’s intellectual or cognitive disability, impede the parent’s ability to demonstrate interest, concern, or responsibility for the child’s welfare, such circumstances “do not necessarily or automatically redeem a parent’s failure to demonstrate reasonable interest, concern or responsibility” or require “a different standard of reasonableness.” *In re M.I.*, 2016 IL 120232, ¶ 29.

¶ 68 Moreover, a parent cannot avoid a finding of unfitness by showing *some* interest, concern, or responsibility; rather, the question is whether the parent’s interest, concern, and/or responsibility is *reasonable*. *Id.* ¶ 30. In addition, because the statutory language is disjunctive, any one of the three elements may provide a basis for a finding of unfitness. *In re Za. G.*, 2023 IL App (5th)

220793, ¶ 36. That is, a parent may be found unfit for failing to maintain a reasonable degree of interest or concern or responsibility. *Id.*

¶ 69 A parent's inconsistent visitation and/or failure to comply with service plan requirements is sufficient to support a finding of unfitness for failure to maintain a reasonable degree of interest, concern, or responsibility for the child's welfare. *In re D.P.*, 2024 IL App (1st) 231530, ¶ 33 (quoting *In re Nicholas C.*, 2017 IL App (1st) 162101, ¶ 24). The circuit court's consideration is not limited to a specific time period. *In re M.J.*, 314 Ill. App. 3d at 656.

¶ 70 Here, the evidence established that although Mother consistently attended visits with Manny during the early part of the case, her visits became much less consistent as the case progressed. During one period, she attended fewer than half of all scheduled visits. Although it is unclear to what extent transportation was an issue for Mother, there was testimony that she declined the agency's offers of assistance with transportation. In addition, there was evidence that Father attended visits without Mother. Because they resided together, there is no reason to find that Mother could not have attended those visits with Father. Moreover, the reason Mother gave for missing many visits was that she overslept.

¶ 71 Mother's engagement with services followed a similar pattern. Although she remained engaged in all services to some degree and attempted to cooperate, her inconsistent attendance was a significant impediment to making the progress she needed to make. The circuit court expressly found that Mother's cognitive impairment did not prevent her from more regularly attending either visits with Manny or appointments for services with Mills. The evidence supports this finding. Mother was able to attend both visits and appointments with Mills consistently early in the case and she declined assistance with transportation that was offered to her.

¶ 72 The circuit court likewise found that Mother failed to remedy the conditions that made her home unsafe even though it found that her cognitive impairment did not preclude her from doing so. Although not highlighted by the circuit court, we emphasize that the safety hazards observed in the home were related to issues the parents could easily fix without assistance—removing clutter and placing hazardous items such as lighters, breakable objects, and medication bottles out of reach of a toddler. Mother and Father were referred for housing assistance, but were dropped from this service due to their lack of participation. We thus conclude that the evidence supports the circuit court’s finding of unfitness for failure to maintain a reasonable degree of interest, concern, or responsibility for the child’s welfare.

¶ 73 We likewise find that the evidence supported the circuit court’s finding of unfitness for failure to make reasonable progress between January 9, 2024, and October 9, 2024. Failure to make reasonable efforts to correct the conditions that brought the children into care and failure to make reasonable progress toward their return are two distinct grounds for parental unfitness. *In re Daphnie E.*, 368 Ill. App. 3d at 1066. We assess a parent’s reasonable progress by an objective standard. *Id.* at 1067. The benchmark for measuring reasonable progress is “compliance with the service plans and the court’s directives, in light of the condition which gave rise to the removal of the child, and in light of other conditions which later become known and which would prevent the court from returning custody of the child to the parent.” *In re C.N.*, 196 Ill. 2d 181, 216-17 (2001). “At a minimum, reasonable progress requires measurable or demonstrable movement toward the goal of reunification.” *In re Daphnie E.*, 368 Ill. App. 3d at 1067. A parent has made reasonable progress when the trial court, “in the *near future*, will be able to order the child returned to parental custody.” (Emphasis in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991).

¶ 74 Here, both Larsen and Verhoeven, the caseworkers assigned to the case during the pertinent nine-month period, testified that there was no point at which they believed returning Manny to Mother’s custody would be possible in the near future. Further, both caseworkers testified that there was never a point at which they believed that even unsupervised visitation would be safe for Manny. See *In re Ka. F.*, 2023 IL App (4th) 230496-U, ¶ 39 (upholding a finding that a father failed to make reasonable progress where he “never progressed to unsupervised visits and his ability to have the children in his custody in the near future was highly questionable”).⁵ In addition, Verhoeven testified that although Mother made some progress in counseling with Mills, Mills reported regression by October 2024, the end of the relevant period. This evidence was sufficient to support the circuit court’s finding of unfitness for failure to make reasonable progress toward the return of the child.

¶ 75 In support of her contention to the contrary, Mother first asserts that because the agency had difficulty finding services for Mother such as homemaker services, therapeutic visits, and dual parenting coaching, she was not given the help she needed to be able to parent a child despite her cognitive limitations. We are not persuaded.

¶ 76 With respect to “dual parenting coaching,” Mother points to a proffer made by the State at an April 2024 permanency review hearing indicating that “if called to testify, the caseworker would testify that [a] referral has gone out for the dual parenting coaching.” This service was added to Mother’s service plan in April 2024, and the evidence establishes that parenting coaching was subsequently provided to the parents during their visits with Manny. Thus, the record belies Mother’s claim that the service was never provided.

⁵*In re Ka. F.* is cited as persuasive authority in accordance with Illinois Supreme Court Rule 23(e)(1) (eff. Jan. 1, 2021).

¶ 77 We recognize, however, that the record does support Mother’s assertion that the agency was unable to provide some of the other services her caseworkers believed might be helpful. As discussed above, Mother’s caseworkers attempted to locate homemaker services for her without success. In addition, Mills declined to provide “therapeutic visits” for Mother and Manny, although the record does not reveal what this service would entail or how it could help Mother as a cognitively impaired parent. Nevertheless, the record also reflects that the agency did attempt to provide Mother with other services she needed, such as parenting coaching, and that she did not engage in all services consistently. Moreover, there was evidence that while Mother made some progress in therapy, her counselor subsequently observed some regression.

¶ 78 It is important to emphasize that “ ‘a parent need not be at fault to be found unfit.’ ” *In re M.I.*, 2016 IL 120232, ¶ 30 (quoting *In re E.O.*, 311 Ill. App. 3d 720, 727 (2000)). A finding of unfitness for failure to maintain a reasonable degree of interest, concern, or responsibility for the child’s welfare is appropriate whether the parent’s failure stems “from unwillingness or an inability to comply.” *Id.* ¶ 26. Further, as we have discussed, failure to make reasonable progress towards the return of the child is measured by an objective standard. Here, the circuit court considered Mother’s cognitive impairment, but it expressly found that Mother’s failure to consistently visit with her son and her failure to maintain a home free of hazards were not the result of her impairment, findings we have already concluded were supported by the evidence. See *In re M.I.*, 2016 IL 120232, ¶ 31 (upholding a circuit court’s decision where the circuit court expressly considered the obstacles posed by a parent’s intellectual disability and found that the parent still had the ability to do things he failed to do, such as consistently attend visits with his child). There is no basis for us to overturn the circuit court’s decision because additional services that might

have been helpful to Mother were not available in her community where Mother did not fully comply or consistently engage in the services that were available.

¶ 79 Mother further challenges the circuit court's findings of unfitness on the basis that DCFS denied the request for a second parenting assessment. She argues that such an assessment was necessary because the needs of a child change as the child grows. We reject this contention. As discussed above, Tyler testified that although the needs of a child do change over time, the child's needs do not necessarily decrease over time and, in some ways, may increase. Moreover, all caseworkers who observed Mother's visits with Manny subsequent to the parenting capacity assessment testified that their observations of her parenting skills throughout the life of the case were consistent with Tyler's conclusions.

¶ 80 Finally, Mother contends that the circuit court's decision was in error because Father was capable of parenting independently and providing Mother with the support she needed to parent Manny and because Mother engaged in services throughout the case, completed services, and was found to have made both reasonable efforts and reasonable and substantial progress in some of the circuit court's permanency orders. The evidence does not support these contentions.

¶ 81 Although there was evidence that Father was less cognitively impaired than Mother and his parenting skills were somewhat better than hers, no witness opined that he was able to parent independently or provide adequate support to allow Mother to parent Manny. In addition, there was testimony that even with a partner, Mother could not safely parent Manny unless a supervisor was present in the room with her at all times.

¶ 82 We recognize that Mother engaged in services throughout the life of the case to at least some degree and that she completed a 12-week parenting class. However, the evidence we have discussed established that she did not successfully complete any of her other services, was

inconsistent in her visits with Manny and engagement in services, and was unable to parent independently after the case had been pending for nearly five years. Similarly, while Mother correctly notes that she was found to have made reasonable efforts in several permanency orders and was found to have made both reasonable and substantial progress in the first permanency order, there were multiple other permanency orders in which the circuit court found that she failed to make both reasonable efforts and reasonable and substantial progress. We cannot find that the circuit court's decision is against the manifest weight of the evidence.

¶ 83 B. Best Interests of the Child

¶ 84 Once the circuit court finds a parent unfit, the focus shifts to the child. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 73. During the best interest phase, the parent's interest in maintaining a relationship with the child "must yield to the child's interest in a stable, loving home life." *In re D.T.*, 212 Ill. 2d 347, 364 (2004).

¶ 85 In deciding whether termination of parental rights is in a child's best interest, the circuit court must 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 attachment; (5) the child's wishes and long-term goals; (6) the child's community ties; (7) the need for permanence and stability and the continuity of the child's relationships with parental figures, siblings, and other family members; (8) the uniqueness of each child and family; (9) the risks inherent in substitute care; and (10) the preferences of the individuals available to provide care. 705 ILCS 405/1-3(4.05) (West 2024). Although the court must consider all applicable statutory factors, it is not required to refer to each individual factor in rendering its decision. *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19.

¶ 86 As with the circuit court’s unfitness finding, we review its best interest finding to determine whether it is against the manifest weight of the evidence. *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 74. As stated previously, this occurs “if the opposite conclusion is apparent or when findings appear to be unreasonable, arbitrary, or not based on the evidence presented.” *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 31.

¶ 87 Here, the circuit court indicated that it considered the relevant factors. Evidence showed that Manny was strongly bonded to his foster parents and their three children, that he was doing well in their care, and that removing him from that placement would be a difficult adjustment for him. This evidence supports the circuit court’s determination.

¶ 88 In support of her argument to the contrary, Mother asserts that it was not in Manny’s best interest to terminate her parental rights where she “maintained interest and concern for her child,” attended visits, and engaged in services, and where she had a bond with Manny, and he recognized her. We disagree. The circuit court acknowledged Mother’s love for her child and the fact that he recognized her and had some degree of relationship with her. The circuit court was not required to find that this was enough to outweigh Manny’s strong bond with the foster parents who had cared for him nearly his entire life or his interest in permanence and continuity. We do not believe the circuit court’s best interest determination was unreasonable or arbitrary, nor do we believe the opposite conclusion was clearly evident. See *In re Za. G.*, 2023 IL App (5th) 220793, ¶ 31. Therefore, we reject Mother’s claim that the court’s decision was against the manifest weight of the evidence.

¶ 89 III. CONCLUSION

¶ 90 For the foregoing reasons, we affirm the order of the circuit court terminating Mother’s parental rights.

¶ 91 Affirmed.