

NOTICE
This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (4th) 260025-U
NOS. 4-26-0025, 4-26-0026 cons.

FILED
April 16, 2026
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT
OF ILLINOIS

FOURTH DISTRICT

<i>In re</i> Re. R. and Ra. R., Minors)	Appeal from the
)	Circuit Court of
)	Pike County
(The People of the State of Illinois,)	Nos. 24JA13
Petitioner-Appellee,)	24JA14
v.)	
Austin R.,)	Honorable
Respondent-Appellant).)	Zachary P. Boren,
)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Justices Doherty and Lannerd concurred in the judgment.

ORDER

¶ 1 *Held:* (1) The trial court did not abuse its discretion in denying respondent’s motion to stay the proceedings on the State’s petition to terminate his parental rights.
(2) The trial court’s best-interest determination was not against the manifest weight of the evidence.

¶ 2 Respondent, Austin R., appeals the trial court’s judgment terminating his parental rights to his minor children, Re. R. (born October 2019) and Ra. R. (born December 2020). On appeal, respondent argues the court erred in (1) denying his motion to stay the termination proceedings and (2) finding termination of his parental rights was in the minors’ best interest.

We affirm.

¶ 3 I. BACKGROUND

¶ 4 As an initial matter, we note that although each minor was assigned a separate case number in both the trial court and this court, the two cases have now been consolidated on

appeal. We therefore find it unnecessary to differentiate between the individual cases when setting forth the relevant factual background and addressing respondent’s appellate claims.

¶ 5 A. The State’s Petition for Adjudication of Wardship

¶ 6 On May 10, 2024, the State filed a petition for adjudication of wardship with respect to each minor, alleging the minors were neglected and abused pursuant to, respectively, sections 2-3(1)(a)-(b) and 2-3(2)(iii) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(a)-(b), (2)(iii) (West 2024)), in that their environment was injurious to their welfare and a “parent [had] committed or allowed to be committed sex offenses against” the minors.

¶ 7 1. *The Allegations in Support of the Petition*

¶ 8 In its petition, the State alleged that on May 7, 2024, the Illinois Department of Children and Family Services (DCFS) received a “hotline report *** regarding physical abuse” allegedly committed by respondent against the minors’ mother, Chloe C.—who is not a party to the instant appeal. DCFS received a second report the next day “alleging that [respondent] had forced Mother to engage in sexual acts with the minor children.” On May 8, 2024, law enforcement officers went to the hospital where Chloe C. was being treated for a ruptured spleen. The surgeon who operated on Chloe C. told the officers that respondent had indicated Chloe C. “received her injury by falling in the tub.” The officers removed respondent from Chloe C.’s hospital room and then interviewed her alone. After some initial hesitation, she explained how she sustained her injuries:

“Mother said on Saturday, May 4, 2024, she was cooking French toast for breakfast for [respondent] and [the minors]. [Respondent] would not allow her to eat any of the French toast. Instead, he forced her to eat dog food off of the floor

and out of a dog food bowl. While she was eating the dog food, [respondent] kicked her in the ribs/stomach area which ultimately led to the ruptured spleen.”

¶ 9 The State alleged that Chloe C. disclosed additional information during the interview on May 8, 2024. Specifically, she allegedly disclosed that respondent had “forced her to have vaginal sex with the two minors who are age three and four. He threatened to beat her if she did not place [the minors’] penises in her vagina.” She stated he had “video recorded [her] having sex with the minor children,” and “any time she would try to leave [him], he would threaten to expose the videos.” Chloe C. further stated to law enforcement that “[respondent] controlled every aspect of her life including who she could talk to, what she could eat, mandatory exercise, and what she did during the day. [He] had cameras throughout the house to observe her movements throughout the day when he would be gone.” Chloe C. also consented to a search of her cell phone. The cell phone allegedly had “thousands of pictures” on it, “many of which [we]re nudes she said she was told she had to take throughout the day and send to [respondent].” One picture allegedly depicted the hand of one of the minors “near Mother’s naked vaginal area. The look on Mother’s face in the picture is one of disgust and [it] appears she had been crying.” Based on the above allegations of physical and sexual abuse, “the children were taken into DCFS protective custody on May 9, 2024.”

¶ 10 *2. The Adjudicatory and Dispositional Orders*

¶ 11 In June 2024, respondent stipulated to the allegations in the State’s petition for adjudication of wardship, and the trial court entered an adjudicatory order finding the minors abused and neglected under sections 2-3(1)(b) and 2-3(2)(iii) of the Juvenile Court Act (*id.* §§ 2-3(1)(b), (2)(iii)). The next month, the court entered a dispositional order adjudicating the minors abused and neglected and making them wards of the court.

¶ 12 B. The State’s Petition to Terminate Respondent’s Parental Rights
and Respondent’s Motion to Stay the Termination Proceedings

¶ 13 On November 20, 2024, the State filed a petition to terminate respondent’s parental rights. In June 2025, respondent filed a motion to stay the proceedings on the State’s termination petition. In September 2025, the State, partly in response to respondent’s motion to stay, filed an amended petition to terminate respondent’s parental rights. Respondent did not raise any new arguments in support of his motion to stay after the State had filed its amended petition.

¶ 14 1. *The Petition to Terminate Respondent’s Parental Rights*

¶ 15 In its petition to terminate respondent’s parental rights, the State alleged respondent was an “unfit person” within the meaning of section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)) based on the ground of “Depravity” (*id.* § 1D(i)). The State alleged that respondent was depraved because he had been convicted of the following offenses in Pike County case No. 24-CF-58: (1) four counts of predatory criminal sexual assault of a child (*id.* § 1D(i)(5)); (2) two counts of aggravated battery of a child (*id.* § 1D(i)(7)); and (3) criminal sexual assault (*id.* § 1D(i)(8)). The State further alleged that it was in the minors’ best interest to terminate respondent’s parental rights.

¶ 16 2. *Respondent’s Motion to Stay the Termination Proceedings*

¶ 17 In June 2025, respondent filed a motion to stay the proceedings on the State’s petition to terminate his parental rights. Respondent, noting that the State’s petition was based solely on “three separate allegations of depravity stemming from” the specific convictions entered against him in case No. 24-CF-58, argued the termination proceedings should be stayed pending a final resolution of his direct appeal in the criminal case. According to respondent, “if the Court stays proceeding on the State’s petition, [he], through [h]is attorney, can monitor

developments in this case and be ready to act appropriately if [his] convictions are overturned.” He further argued that since the State was not seeking to terminate the mother’s parental rights, termination of his parental rights alone would not advance the minors’ interest in permanency.

¶ 18 In August 2025, the trial court conducted a hearing on respondent’s motion to stay the termination proceedings. The court denied respondent’s motion. The court provided the following in support of its ruling:

“Under the facts before me, and especially in consideration of the facts that were brought out at the criminal trial, the Court is generally aware of the conviction and the particulars of this situation, I find that it would advance the best interest of the children. Everybody is couchless in terms of permanency. I don’t know exactly when we are going to get to permanency. I understand there is a lot going on here. But I do find that it would advance the best interest of the children for the Court to proceed on the petition to terminate because undoubtedly for these children, given the specific facts that are before this Court, there is a lot riding on any interaction, even if it’s only a potential future interaction with [respondent]. And as long as that remains a potential future interaction, I find that there’s going to be at least some emotional strain on these children. And there’s nothing in the Adoption Act, and there is nothing before me that suggests I should exercise discretion to stay the finding on that point.”

After issuing its ruling, the court granted the State leave to file an amended termination petition.

¶ 19 *3. The Amended Petition to Terminate Respondent’s Parental Rights*

¶ 20 In September 2025, the State filed an amended petition to terminate respondent’s parental rights raising four additional grounds of parental unfitness. In addition to the initial

allegations of depravity, the State alleged that respondent was unfit because he (1) had at least three felony convictions, with at least one of the convictions being entered within five years of the filing of the petition (*id.* § 1D(i)); (2) failed to maintain a reasonable degree of interest, concern, or responsibility as to the minors’ welfare (*id.* § 1D(b)); (3) engaged in extreme and repeated acts of cruelty to the minors (*id.* § 1D(e)); and (4) failed to protect the minors from the conditions in their environment injurious to their welfare (*id.* § 1D(g)).

¶ 21 Respondent renewed his motion to stay the termination proceedings at each hearing held after the State’s filing of the amended petition. He stood on the arguments he had raised at the August 2025 hearing but did not address the amendments to the petition.

¶ 22 C. The Trial Court’s Fitness and Best-Interest Determinations

¶ 23 On December 18, 2025, the trial court conducted a hearing on the fitness portion of the State’s petition to terminate respondent’s parental rights. The court held a best-interest hearing immediately after announcing its unfitness findings.

¶ 24 1. *The Fitness Hearing*

¶ 25 The State called four witnesses to testify at the fitness hearing: (1) Stacy McGee—a “Child Protection Specialist” with DCFS who was assigned to the minors’ cases; (2) Jordan Gerard—a trooper with the Illinois State Police who interviewed Chloe C. at the hospital in May 2024; (3) Jared Sample—a “Criminal Intelligence Analyst Specialist” with the Illinois State Police who analyzed digital data from the parents’ electronic devices and presented it as evidence at respondent’s criminal trial; and (4) Chloe C. The State also presented numerous exhibits, including certified copies of respondent’s 19 criminal convictions and sentences in case No. 24-CF-58, including the convictions identified in the termination , which resulted in four natural-life sentences and an additional 187 years in prison; Chloe C.’s trial testimony in case

No. 24-CF-58 and several exhibits from the case; a DCFS investigation report prepared by McGee in the minors' cases; PowerPoint presentations of conversations between respondent and Chloe C. taken from their cell phones; and a stipulation providing that the State had video evidence of Chloe C. engaging in sex acts with one of the minors in a bathtub.

¶ 26 Given the horrific nature of respondent's acts of abuse, and in light of the narrow issues raised on appeal, we make only two observations about the evidence presented at the fitness hearing. First, the State clearly proved the allegations in its petition for adjudication of wardship. Second, it established that respondent had done the following: (1) used a cattle prod on the minors numerous times; (2) regularly abused Chloe C., both physically and sexually, in the presence of the minors; (3) abused animals in the minors' presence, including an instance in which he drowned a puppy in front of one of the minors; (4) kicked one of the minors in the "pee-pee," and (5) forced Chloe C. to engage in sex acts with the minors on numerous occasions.

¶ 27 After the State presented its evidence, counsel for respondent stated the following to the trial court with respect to the issue of his parental fitness: "In any regards to the subparagraphs a through d regarding depravity and convictions of the felonies and criminal offenses, I mean, Your Honor, I can't dispute those. The Court has the evidence of those convictions. And so I think that the State has met their burden." The court ultimately entered an order finding the State had proven respondent unfit by clear and convincing evidence.

¶ 28 *2. The Best-Interest Hearing*

¶ 29 At the best-interest hearing, the State first called Jessica Fuller to testify. Fuller was the caseworker assigned to the minors' cases from the beginning. She testified that the minors had been in their current foster placement—the home of their maternal grandparents—since July 2024. Fuller described the minors as being "very angry" and "sad" before moving in

with their foster parents. Fuller testified that despite some initial struggles following the move, “things are going very well” for the minors. Fuller last visited the minors at their foster home in November 2025. When asked how Re. R. seemed different during the most recent visit compared to when she first met him, Fuller answered, “[H]e is happy. He’s getting awards in school for being a leader, a good friend, very responsible. He was more regulated, happy. He seemed happy.” Fuller continued, “[He] seems very bonded with the caregivers, but also, mother was there, and [he] was getting on mom’s lap and accepting direction and redirection from all the caregivers.” Fuller described Ra. R. as “[h]appy, carefree,” and “a funny kid.” Fuller further testified that the foster home was appropriate for the minors and the foster parents were providing the minors with love and support. The foster parents were also meeting all of the minors’ additional needs, such as “all medical, dental, vision, hearing, psych, therapy. Everything has been handled.” Fuller opined that termination of respondent’s parental rights was in the minors’ best interest because “the things that have happened have been horrific” and it would help to “move things forward.”

¶ 30 The State also called Anthony C., the minors’ maternal grandfather and foster parent, to testify. He testified that the minors meant “[e]verything” to him and his wife and they were “flourishing” in the foster home. Re. R. had recently been selected “student of the month” at his school. He was “anxious to learn” and had “really come around a lot in the timeframe that he has been with [the foster parents].” Ra. R. also “has got a passion for learning” and “loves his school.” Anthony C. testified that he was “excited about the growth they have shown.” He indicated that he did not talk to the minors about respondent, nor did the minors ask about him. However, when they first moved in with the foster parents, “if a loud motorcycle or a loud truck would go down the street, they would run and hide. They were scared [it was respondent].” The

minors were “petrified” of respondent. Anthony C. testified that he and his wife were committed to providing permanency for the minors and they would adopt them if necessary. He also explained why he believed it was in the minors’ best interest to terminate respondent’s parental rights: “They are young. They have got their whole lives ahead of them. But we would very much so like the opportunity for those boys to focus on themselves and grow and mature into young adults and not be reminded of situations that they are uncomfortable with.”

¶ 31 Following the arguments of the parties, the trial court announced its finding that termination of respondent’s parental rights was in the minors’ best interest. In relevant part, the court provided the following reasoning for its finding:

“The Court has made a finding of unfitness and concerns about the evidence that was brought before this Court—I’m not going to go over all that again. Suffice it to say that the evidence—I heard [the State] argue [respondent] should never be around children. That may be. My issue is should he ever be around these children, and these children, who are alleged to be victims of and front row witnesses of what was going on to all these counts, and I believe the State has shown by a preponderance of the evidence it would be in the best interest of these children to have the parental rights of [respondent] terminated.

[Counsel for respondent] does a good job arguing, but he asks I think how can we articulate why it is in the best interest of these children to have [respondent’s] parental rights terminated. I think I can articulate it. I think I can articulate it in one word. That word is closure. Everyone knows that there is a value for people to move on from things that are horrible. That often happens in

criminal court and juvenile court cases that are related to criminal court cases. It happens that people who are effected [sic] by horrible things need closure so that they can move on and rebuild their lives, and I do believe that by a preponderance of the evidence the State has shown that the children, who are [the] subjects of these petitions, would be best served, or it is in their best interest, for the parental rights of [respondent] to be terminated.”

¶ 32 This consolidated appeal followed.

¶ 33 II. ANALYSIS

¶ 34 On appeal, respondent argues the trial court erred in (1) denying his motion to stay the termination proceedings and (2) finding termination of his parental rights was in the minors’ best interest.

¶ 35 A. The Motion to Stay the Termination Proceedings

¶ 36 First, respondent argues the trial court erred in denying his motion to stay the termination proceedings “because *** [he] was prejudiced by not being able to effectively argue against the finding of unfitness while his criminal convictions stand.”

¶ 37 “A trial court is afforded discretion in issuing stay orders.” *In re A.J.*, 269 Ill. App. 3d 824, 830 (1994). “The party seeking a stay bears the burden of proving [an] adequate justification for it.” *Id.* “The movant must present a substantial case on the merits and show that the balance of the equitable factors weighs in favor of granting the stay.” *Id.*

¶ 38 Initially, we note that respondent has forfeited the instant argument by failing to comply with the briefing requirements of Illinois Supreme Court Rule 341(h)(7) (eff. Oct. 1, 2020). Rule 341(h)(7) provides that the argument section of an appellant’s brief “shall contain the contentions of the appellant and the reasons therefor, *with citation of the authorities* ***

relied on.” (Emphasis added.) *Id.* Here, respondent failed to include a single citation to authority in the argument section of his brief. Indeed, the only citation to authority relevant to this argument in the entire brief relates to the applicable standard of review, and it is located in an introductory “Standard of Review” section of the brief. Thus, respondent has forfeited his argument that the trial court erred in denying his motion to stay the termination proceedings by failing to comply with Rule 341(h)(7).

¶ 39 Forfeiture aside, we find the trial court did not abuse its discretion in denying respondent’s request to stay the termination proceedings. See *People v. McDonald*, 2016 IL 118882, ¶ 32 (“[A]n abuse of discretion occurs where the trial court’s decision is arbitrary, fanciful, or unreasonable to the degree that no reasonable person would agree with it.”). The court’s decision was not arbitrary or unreasonable. The court based its decision on its belief that allowing for the possibility of a “future interaction” with respondent would place “at least some emotional strain on [the minors],” which was reasonable. Further, we highlight in closing the following statement from our supreme court: “[T]he Adoption Act does not call for courts to reserve ruling on findings of unfitness which are related to criminal matters until the appellate process in the underlying cause has been exhausted.” *In re Donald A.G.*, 221 Ill. 2d 234, 254 (2006) (citing *In re C.M.J.*, 278 Ill. App. 3d 885, 891 (1996)). Accordingly, forfeiture aside, we reject respondent’s argument that the trial court abused its discretion in denying his motion to stay the termination proceedings. See *A.J.*, 269 Ill. App. 3d at 830.

¶ 40 B. The Trial Court’s Best-Interest Determination

¶ 41 Next, respondent argues the trial court erred in finding termination of his parental rights was in the minors’ best interest where “the State failed to present any evidence to demonstrate that [their] best interests were served by terminating [his] parental rights.”

¶ 42 Once the State has proven the respondent unfit, the termination proceedings advance to the second stage—*i.e.*, the best-interest stage—where the State must prove by a preponderance of the evidence that termination of parental rights is in the minor’s best interest. 705 ILCS 405/2-29(2) (West 2024). At the best-interest stage, the focus shifts from the parent to the child. *In re D.T.*, 212 Ill. 2d 347, 364 (2004). “The issue is no longer whether parental rights *can* be terminated; the issue is whether, in light of the child’s needs, parental rights *should* be terminated. Accordingly, *** the parent’s interest in maintaining the parent-child relationship must yield to the child’s interest in a stable, loving home life.” (Emphases in original.) *Id.* Section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2024)) lists the best-interest factors for the court to consider, in the context of the minor’s age and developmental needs, when making its best-interest determination: (1) the child’s physical safety and welfare; (2) the development of the child’s identity; (3) the child’s background and ties; (4) the child’s sense of attachments; (5) the child’s wishes and long-term goals; (6) the child’s community ties; (7) the child’s need for permanence; (8) the uniqueness of every family and child; (9) the risks associated with substitute care; and (10) the preferences of the persons available to care for the child. We will not reverse a best-interest determination absent a finding it was against the manifest weight of the evidence, which occurs “only if the facts clearly demonstrate that the court should have reached the opposite result.” *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071 (2009).

¶ 43 Initially, we note that respondent has also forfeited his best-interest argument by failing to comply with Rule 341(h)(7). Beyond identifying the State’s burden of proof at a best-interest hearing, respondent has not cited any relevant authority in the argument section of his brief. He failed to cite the best-interest factors listed in the Juvenile Court Act (see 705 ILCS 405/1-3(4.05)(a)-(j) (West 2024)) or any case law reviewing a best-interest determination. Thus,

respondent has forfeited his best-interest argument by failing to comply with the briefing requirements of Rule 341(h)(7). See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020).

¶ 44 Forfeiture aside, we find the trial court’s best-interest determination was not against the manifest weight of the evidence. Respondent was sentenced in case No. 24-CF-58 to four natural-life sentences, plus an additional 187 years in prison, for the despicable acts he perpetrated against the minors and the minors’ mother—usually while the minors were present. Even after respondent’s imprisonment, the minors would still “run and hide” in fear when they heard a loud motorcycle or truck because they thought it was respondent. The minors were “petrified” of respondent. They were “very angry” and “sad” before being placed with their maternal grandparents. But, since moving in with their foster parents, the minors appear to be “flourishing” and showing “growth.” Fuller, the minors’ caseworker, testified that during her visit to the foster home in November 2025, Re. R. “was more regulated, happy,” and Ra. R. was “happy, carefree.” Both minors appeared “very bonded” with their foster parents. Moreover, the foster parents provided the minors with love and support, and they were meeting all of the minors’ additional needs, such as “all medical, dental, vision, hearing, psych, [and] therapy. Everything has been handled.” Anthony C., the minors’ maternal grandfather and foster parent, testified that the minors meant “[e]verything” to him and his wife. The foster parents were committed to providing permanency for the minors, including adopting them if necessary. Based on this evidence, we find the trial court’s best-interest determination was not against the manifest weight of the evidence.

¶ 45

III. CONCLUSION

¶ 46

For the reasons stated, we affirm the trial court’s judgment.

¶ 47

Affirmed.