NOTICE
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2026 IL App (5th) 260523-U

NOS. 5-26-0523, 5-26-0524 cons.

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).

In re AMARI H. and JAMIN H., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Macon County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	Nos. 24-JA-241, 24-JA-242
	)	
Jessica L.,	)	Honorable
	)	Erick F. Hubbard,
Respondent-Appellant).	)	Judge, presiding.

JUSTICE HACKETT delivered the judgment of the court.
Justices Vaughan and McHaney concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court's judgment terminating Mother's parental rights was against the manifest weight of the evidence where no service plans were filed with the court or admitted into evidence.

¶ 2 The respondent, Jessica L. (Mother), appeals from the June 11, 2026, order of the Macon County circuit court terminating her parental rights over Amari H. and Jamin H., the minors. On appeal, Mother challenges both the finding of parental unfitness and the determination that it was in the minors' best interests to terminate her parental rights. For the following reasons, we reverse.

¶ 3 I. BACKGROUND

¶ 4 A. Adjudication of Neglect and Initial Proceedings

¶ 5 On November 6, 2024, the State filed a petition that alleged the minors were neglected in that their environment was injurious to their welfare in that their father, Jamary H. (Father),[1] hit Jamin with a belt as discipline. 705 ILCS 405/2-3(1)(b) (West 2022). Further, the minors were abused in that a parent, immediate family member, or any person responsible for the minor's welfare, or any person who was in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent created a substantial risk of physical injury to the minor by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function, in that Father hit Jamin with a belt as discipline. *Id.* § 2-3(2)(ii).

¶ 6 The Illinois Department of Children and Family Services (DCFS) filed a shelter care report the same day. The report noted that the minors, Amari, aged three years old, and Jamin, aged one year old, were taken into protective custody on November 4, 2024, due to a report of Father hitting Jamin with a belt and leaving bruises. DCFS investigators located the minors and confirmed that Jamin had a bruise on the back of his thigh, near his buttocks. Mother confirmed that Father spanked Jamin with a belt, and Mother "did not do anything to try to stop it." Father was later arrested for aggravated domestic battery. The report included the history for Mother and Father, such as prior reports of alleged abuse or neglect of the minors. After a shelter care hearing, the circuit court found probable cause for the filing of the petition and ordered DCFS to have temporary custody of the minors.

[1]Father is not a party to this appeal, and thus facts regarding his involvement in this case will be limited to those necessary for an understanding of the disposition.

¶ 7 On January 8, 2025, the circuit court held an adjudicatory hearing[2] and entered an order finding the minors to be in an environment that is injurious to their welfare in that Father used corporal punishment. *Id.* § 2-3(1)(b).

¶ 8 Webster-Cantrell Youth Advocacy (WCYA), the agency contracted with DCFS in this case, filed a dispositional report on January 16, 2025. The report included information about the call that led to protective custody, as well as an incident involving Amari shocking himself in an outlet and instances of domestic violence by Father against Mother. During a prior case, Mother completed services for parenting, housing, mental health, and substance abuse. In the present case, Mother was scheduled to complete assessments in parenting, substance abuse, and mental health. She had already completed her domestic violence assessment and was awaiting recommendations. Mother attended all the visits and interacted well with the minors. The minors were in a relative placement and their needs were met. Jamin was scheduled for an early intervention assessment, and Amari was going to see a local provider due to his aggressive behaviors. WCYA noted concerns about returning the minors home, as they had previously been released into the care of their parents and returned to protective custody less than six months later. WCYA recommended that the minors be placed under the guardianship of DCFS and that Mother comply with all services.

¶ 9 The circuit court held a dispositional hearing on January 22, 2025.[3] The court entered a dispositional order the same day, finding it was consistent with the health, welfare, and safety of the minors and in their best interest to be made wards of the court. Further, Mother was unfit to

[2]The record does not contain a transcript for the adjudicatory hearing.
[3]The record does not contain a transcript for the dispositional hearing.

care for, protect, train, educate, supervise, or discipline the minors. The court based its findings on the dispositional report.

¶ 10 WCYA filed a permanency review report on July 9, 2025. The report included that Mother completed a mental health assessment on January 30, 2025, and was recommended counseling. Mother did not engage in the recommendation, and the service was dropped. She completed another assessment on June 17, 2025, and was placed on a waitlist. All of Mother's drug screens were negative. Mother completed 12 of 23 topics in her domestic violence services as of June 15, 2025. Mother attended parenting classes as well, but the visitation supervisor noted that Mother was not "consistent" in her visits with the minors, noting that Mother was "more hostile and stand offish [*sic*] when visiting with" Father. Mother was not always prepared for her parenting classes either. Mother's visitation was decreased from twice a week to once a week due to lack of documentation and engagement in her services. Mother obtained housing, and Father lived with Mother, despite being prohibited from being on the lease due to his felony charges. Mother had another baby, Zeonnie, on July 3, 2025, and protective custody was taken the following day due to concerns from the hospital of bug bites on Mother and a potential insect infestation. The report noted that the minors were doing well in their placement and adjusting to living with their newborn sister. A copy of Mother's service plan is not included in the record.

¶ 11 A court appointed special advocate (CASA) filed a permanency review report on July 17, 2025. The report noted that both minors were doing well in their relative placement and appeared attached to their foster parent as well. The CASA noted concerns with Mother, particularly that she was reported to be living with Father despite telling the CASA she lived alone, and that she was not participating in her service plan.

¶ 12 A permanency review hearing was held on August 6, 2025.[4] The circuit court found that the permanency goal was return home within 12 months in order to give the parents time to complete their services. Further, Mother made reasonable efforts toward returning the minors home, but did not make reasonable and substantial progress toward returning the minors home.

¶ 13 The CASA filed a permanency review report on January 20, 2026. The report included that the minors were improving due to an established routine, and Amari was doing well in school. The CASA noted concerns with Mother, indicating that Mother had "shown clearly and communicated that she does not have the power to say no to" Father, which was a concern for the safety and best interest of the minors. The CASA was concerned that Mother "cannot apply what she has learned when it comes to parenting" the minors, she did not attend all her drug drops, and she was unable to stand up to Father in regard to her own safety and that of the minors.

¶ 14 WCYA filed a permanency review report on the same day. WCYA stated that during a meeting on August 19, 2025, Father was present and was acting very hostile and controlling. When WCYA attempted to discuss with Mother "the continued need for domestic violence and parenting, and possibility of a parenting coach rather than parenting classes," Father spoke over the agency worker and Mother, raising his voice to state that Mother did not need any more services and WCYA was "harassing" them. Father refused to sign a new service plan, instructed Mother not to sign it either, and "verbally forc[ed] her to follow as he stormed out." The agency worker asked Mother for an opportunity to speak separately, which Mother declined and "rushed to follow" Father. Mother did not respond to any of the attempts from WCYA to speak with them privately. At a child and family team meeting on November 12, 2025, Mother stated that she had never told Father "no," and he had a key to her apartment. The agency offered her resources to change the

[4]The record does not contain a transcript for the permanency review hearing.

locks or to find new housing due to a safety concern. Mother did not act on this information. WCYA informed Mother that the agency would screen the case for a termination petition on November 20, 2025. Mother did not make any progress in parenting and domestic violence; she completed two sessions with a mental health counselor, but was discharged from the counseling program on December 2, 2025, due to lack of attendance and engagement.[5] As to visitation, Mother attended visits without Father since October 2025. Of the eight visits she attended, the supervisor noted parenting concerns for the minors' safety due to Mother failing to maintain control over them or discipline them. The minors were doing well in their placement as well, and they were "gentle and loving" toward their infant sister. WCYA recommended that the permanency goal be changed to substitute care pending determination on termination of parental rights.

¶ 15 The circuit court held a permanency review hearing on February 4, 2026.[6] The court subsequently found that the appropriate permanency goal was substitute care pending determination of termination of parental rights. Further, it found that Mother had not made reasonable and substantial progress toward returning the minors home and had not made reasonable efforts toward returning the minors home.

¶ 16 On February 6, 2026, the State filed a motion seeking a finding of unfitness and permanent termination of the parental rights of Mother. The motion alleged that Mother was unfit under the Adoption Act (750 ILCS 50/1 *et seq.* (West 2024)) due to (1) a failure to maintain a reasonable degree of interest, concern, or responsibility as to the welfare of the minors (*id.* § 1(D)(b)); (2) a failure to make reasonable efforts to correct the conditions that were the basis for the minors'

[5]WCYA filed an amended permanency report on January 27, 2026, which detailed Mother's discharge from the counseling program.

[6]The record does not contain a transcript for the permanency review hearing.

removal during any nine-month periods following the adjudication of neglect (*id.* § 1(D)(m)(i)); and (3) a failure to make reasonable progress toward the return of the minors during the nine-month period following the adjudication of neglect, being May 6, 2025, to February 6, 2026 (*id.* § 1(D)(m)(ii)).

¶ 17 B. Fitness Hearing

¶ 18 The matter proceeded to a fitness hearing on April 27, 2026. The State first called Emily Davis, a case manager with WCYA who was assigned to the minors' case. Davis testified that Mother was referred to parenting classes in December 2024 completed her assessment in February 2025 and completed the course in August 2025. However, Mother was "neutrally discharged" because the instructor stated that while Mother attended classes, she did not demonstrate her ability to use protective factors within visitation. After Mother had Zeonnie, a parenting coach was recommended, but Mother never engaged in coaching due to Father's outburst during the August 2025 meeting and following him out of the meeting. WCYA attempted additional contact with Mother to engage in the parenting coaching, but she never made contact with the agency and did not engage in coaching. WCYA spoke with Prime for Life, the parenting coaching provider, who agreed to work with Mother, but a formal referral for coaching was never provided after the August 2025 meeting.

¶ 19 Mother was not recommended any substance abuse services and completed 13 of 20 drug screens, all which were negative. Mother did an assessment for mental health services in January 2025 and was recommended she engage in counseling. She did not engage and completed another assessment in June 2025. She was again recommended to engage in counseling and was placed on a waitlist with Heritage, but in July 2025 she took herself off the waitlist because she did not feel like counseling was needed. After Zeonnie was born, Mother completed another integrated

assessment and was recommended for mental health counseling in August 2025. Mother was again placed on a waitlist and then began "peer support," which was a group for which Davis was unable to verify credentials for counseling. She engaged in that for a time, then when she was off the waitlist with Heritage, she did not engage in counseling.

¶ 20 Mother completed her domestic violence services in July 2025 but when she did the integrated assessment in August 2025 additional domestic violence services were recommended. This was because Mother did not apply the lessons to her daily life and Father still displayed controlling behaviors over Mother, which concerned Davis due to Father's history of violence and Mother's "lack of ability to show protective factors for her children or even herself." Mother still lived with Father and it would be unsafe for the minors to be in his presence. In November 2025 WCYA offered Mother services to prevent Father's access to her apartment through changing the locks or getting new housing, but Mother never took the steps to do so. Mother's visits with the minors were never moved to her apartment because of Father's access to it and because he was no longer permitted to visit with the minors. Mother engaged in and completed additional domestic violence services; however, her discharge forms noted that she still did not show that she was able to "use the techniques learned in domestic violence classes in her daily life."

¶ 21 In order for the minors to be returned to Mother, she would need to engage in mental health counseling and "demonstrate an ability to protect the children and herself" from Father. Despite completing two domestic violence courses, the "general consensus" was that Mother either could not or would not take protective steps.

¶ 22 On cross examination from Mother's counsel, Davis stated that to her knowledge, Mother and Father still lived together. Father confirmed that he lived with Mother during a February 2026 child and family team meeting, and an agency worker observed him at the apartment during a visit.

Davis discussed parenting coaching with Mother "several times" but she never started the service. Mother and Davis discussed Prime for Life providing the service with Mother during a November 2025 meeting, but Davis learned in January 2026 that neither Mother nor Prime for Life had communicated with one another to start those services. The State presented no further evidence or witnesses.

¶ 23 Mother testified on her own behalf. She stated that she began parenting coaching through Prime for Life in early April 2026 and that she did not start sooner because she tried to get in contact with them but never heard back. Mother had an appointment for counseling on April 30, 2026, after the fitness hearing. She stated that she had not previously completed counseling because when she got off the waitlist, none of the available appointments were compatible with her new job schedule. Mother stated that Father lived with her sometime before February 2026 because he had nowhere else to live, but he was not physically violent with her. On cross examination from the State, Mother said that she started her domestic violence services at the end of February and recently completed it.

¶ 24 The State argued that it had proved all three counts of unfitness for Mother, stating that she engaged with "some of services" and visitation, but failed to complete them. In particular, Mother was aware that mental health counseling was necessary, but did not engage in the service until over a year had passed from the referral. Mother did complete parenting and domestic violence services; however, she was "neutrally" discharged because her instructors "continued to have concerns about her displaying protective factors for the children when it comes to [Father]." Mother was again recommended parenting classes after another integrated assessment, specifically she needed parenting coaching. However, Mother never signed up for parenting coaching despite being told it was necessary. Mother did not begin her additional domestic violence services until

after the petition was filed in February. Mother also permitted Father to move back in with her, demonstrating again that Mother cannot tell Father "no." The State asserted that the minors could not be returned to Mother's home even if she completed all her services because Father was living with her and he was "not safe" for the minors to be around, which demonstrated Mother's lack of interest, concern, or responsibility.

¶ 25 The State argued that while Mother did complete some of her services, her actions showed a lack of reasonable efforts and progress due to engaging in an ongoing relationship with Father despite the risk he posed to the minors. The State said, "She's engaged in services, yes, but based on her own choices and actions, we're not seeing her put into practice the things that she is learning from [domestic violence] services or would have learned from parenting, and so we haven't made progress." The State asked that the court find it proved all the allegations in the petition. The GAL agreed with the State's argument.

¶ 26 Mother's counsel argued that Mother completed domestic violence services twice. She was neutrally discharged from parenting, but was engaged in services throughout the relevant time period and generally throughout the case. Mother's counsel stated that, as to mental health services, "the agency and the [S]tate occasionally will ignore some practicalities of a parent's situation," such as working to have stability and housing, but Mother's work schedule impeded her ability to engage in services and "balance those concerns." Mother re-engaged in services, such as parenting coaching, and her situation was "likely to improve." Mother's counsel argued that Mother showed a reasonable degree of interest, concern, or responsibility, made reasonable efforts, and made reasonable progress.

¶ 27 After a recess, the circuit court first considered Mother's services. For parenting, Mother completed the service but was neutrally discharged "because she was unable to demonstrate that

she could use the protective factors during visits." The court noted that Mother was in a "controlling" situation with Father, and did not use the skills from her services to demonstrate protective factors against Father. Mother did not engage in parenting coaching either despite these concerns. Mother did not engage in her mental health services, even though she was recommended for services twice. Mother completed domestic violence services in July 2025 but was recommended for additional services. The circuit court stated that for the relevant time period, Mother failed to make reasonable progress, which was demonstrated by her inability to protect the minors from Father, which was "the backdrop of the reasons why the minor children were removed in the first place." Based on the evidence presented, the minors could not be returned home within the near future due to Mother's lack of reasonable progress as well. Further, the court found that Mother failed to make reasonable efforts as well, stating that her efforts were not reasonable given the circumstances, particularly due to Father residing with Mother again and her failure to place into practice the education she received from services prepared for her. The court, however, did not find that the State proved Mother unfit for failure to maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare.

¶ 28 C. Best Interest Hearing

¶ 29 WCYA filed a best interest report on April 28, 2026, prior to the hearing. The report detailed, for both minors, the best interest factors. The minors' placement provided for their physical safety and welfare, including a shared room with each other that had a safe environment with nurturing caregivers. All their needs were met, and they were up to date on all medical, dental, and vision appointments. The minors were placed with a maternal cousin, her paramour, and teenage daughter. Both caregivers worked and took care of the minors. The minors developed their identity in their placement, and they formed relationships with their placements. The minors

maintained their familial ties since they were with a relative placement, and had religious development. The minors were attached to their foster mother, and she was willing to provide permanency through adoption. The minors were also involved in the community through school and their neighbors. Both minors have lived with their foster mother for the majority of their lives and are attached, well loved, and cared for. The report recommended that Mother's parental rights be terminated and the permanency goal be changed to adoption.

¶ 30 The matter proceeded to a hearing on June 11, 2026. The State first called Emily Davis, the WCYA caseworker assigned to the minors' case. Davis testified that Amari had been in his placement for almost all of his life, he was up to date on his medical needs, and he attended an early learning program. He was "thriving" in the program and loved socializing with the other kids. His foster family engaged him in several activities, including parks, children's museums, and the zoo. Davis visited with the family twice a month and observed a bond with them during her visits. Jamin was also doing very well, was up to date on his medical care, and was expected to start school in the fall. He was very bonded with the family, also calling them, "mom," "sister," and "dad." Davis stated that it was WCYA's position that it was in the minors' best interest that "permanency be achieved through adoption" and for Mother's parental rights be terminated. On cross examination, Davis stated that Mother had more of a friend relationship than a parent-child relationship with the minors because they did not listen to her, but there was a bond present.

¶ 31 Mother then testified on her own behalf. She stated that she was currently enrolled in parent coaching after some "difficulty" with the service. Mother stated that she lost contact with the provider for about two months, then started the coaching back up the day prior to the hearing. She went to each visit offered to her and the minors were excited to see her.

¶ 32 The State argued, based on the best interest report and Davis's testimony, that it was in the best interest of the minors for Mother's parental rights to be terminated. Amari was six years old and lived with his foster placement for a total of five of his six years of life due to a prior case and the present case. He was well taken care of and bonded with the foster family, as was Jamin. Jamin spent a "significant amount of time with his foster family." The minors also maintained their familial ties due to the placement being a with a relative. The minors' physical safety and welfare were also taken care of. The State asked for Mother's parental rights to be terminated. The GAL agreed with the State's argument.

¶ 33 Mother's counsel argued that there was a bond between Mother and the minors, as they were excited to see her during visits. Mother continued to engage in services as well, which could change her fitness. Counsel asked that her parental rights remain intact.

¶ 34 The circuit court stated that it reviewed the statutory best interest factors and the best interest report filed in the case. The court also took judicial notice of the best interest report without objection. The court stated that the physical safety and welfare of the minors were being met by the foster family, the minors were able to develop a sense of identity as well, while maintaining familial ties, and there was the potential for adoption of the minors. The minors were bonded with the foster family and felt very loved, which contributed to their sense of security and familiarity. Remaining with the foster family would also be the least disruptive placement for the minors. While Mother testified that she was engaged in services as of the day prior to the hearing and that there was a bond between Mother and the minors, those factors did not outweigh the evidence presented. The circuit court found that the evidence presented supported the termination of Mother's parental rights.

¶ 35 On the same date, the circuit court entered a written order finding that Mother failed to make reasonable efforts to correct the conditions that were the basis for the removal of the minors, and that Mother failed to make reasonable progress toward the return of the minors to her during the relevant nine-month period, being May 6, 2025, to February 6, 2026. Further, it was in the minors' best interest for Mother's parental rights to be terminated. A permanency order was also filed the same day, which changed the goal to adoption. Mother appealed.

¶ 36 II. ANALYSIS

¶ 37 On appeal, Mother argues that the circuit court's findings that she was an unfit parent and that termination of her parental rights was in the minors' best interest were against the manifest weight of the evidence. Because we reverse on the basis of Mother's unfitness, we need not address the best interest argument.

¶ 38 A. Unfitness Finding

¶ 39 A parent's right to raise his or her child is a fundamental right, which a court may not terminate without the parent's consent except as authorized by statute. *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005). A court's statutory authority to involuntarily terminate parental rights is governed by the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/1-1 *et seq.* (West 2024)) and the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 2024)). See *In re Gwynne P.*, 215 Ill. 2d at 354. Pursuant to the Juvenile Court Act, the involuntary termination of parental rights requires a two-step process. *In re Donald A.G.*, 221 Ill. 2d 234, 244 (2006). First, the State must prove, by clear and convincing evidence, that the parent is an "unfit person" as defined by section 1(D) of the Adoption Act. *Id.*; 705 ILCS 405/2-29(2) (West 2024); 750 ILCS 50/1(D) (West 2024).

¶ 40 On appeal, 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 at 1064. 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. In addition, the decision to find a parent unfit must be based solely on properly admitted evidence. *In re Soren W.*, 2026 IL App (5th) 251004, ¶ 71; *In re M.D.*, 2022 IL App (4th) 210288, ¶ 83. Permanency reports are inadmissible at a fitness hearing; however, service plans "are admissible as substantive evidence under the Juvenile Court Act's version of the business records exception. *Id.* ¶ 72.

¶ 41 Here, the circuit court based its unfit-person ruling on a failure to make reasonable efforts (750 ILCS 50/1(D)(m)(i) (West 2024)), and failure to make reasonable progress (*id.* § 1(D)(m)(ii)). Failure to make reasonable efforts to correct the conditions that brought the minors 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 1052, 1066 (2006). We assess a parent's reasonable efforts by a subjective standard based on the amount of effort that is reasonable for that particular parent. *Id.* at 1066-67. This requires us to consider "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.

¶ 42 By contrast, we measure reasonable progress by an objective standard. *In re Daphnie E.*, 368 Ill. App. 3d 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 circuit court, "in the *near future*, will be able to order the child returned to parental custody." (Emphasis in original.) *In Interest of L.L.S.*, 218 Ill. App. 3d 444, 461 (1991).

¶ 43 Mother asserts that there was "no testimony as to [Mother's] service plan(s), the services she was required to complete, or what she could/should have done to satisfy the reasonable efforts requirement." Mother also argues that there was no evidence of the initial service plan, and thus the circuit court did not have a manner in which to measure her reasonable progress. As stated above, reasonable progress is measured, in part, by a parent's compliance with the service plans and the court's directives, in light of the condition which gave rise to the removal of the minor, and in light of other conditions which later become known. *In re C.N.*, 196 Ill. 2d at 216.

¶ 44 An unfitness finding should be based only upon evidence properly admitted at the fitness hearing. *In re M.H.*, 2020 IL App (3d) 190731, ¶ 22. Although failure to make reasonable efforts and failure to make reasonable progress are different and distinct, both grounds require the circuit court to consider Mother's compliance with the court's directives and the requirements of her service plans. *In re M.I.*, 2016 IL 120232, ¶ 39; *In re C.N.*, 196 Ill. 2d at 216-17; *In re Mikayla M.*, 2023 IL App (5th) 220820-U, ¶ 63. A parent's " 'compliance with DCFS service plans is intimately tied to a parent's progress toward the return of the child, so much so, that where a service plan has been established to correct the conditions that were the basis for the removal of the child from the parent, the failure to make reasonable progress now includes the failure to "substantially" fulfill the terms of that service plan.' " *In re M.I.*, 2016 IL 120232, ¶ 39 (quoting *In re C.N.*, 196 Ill. 2d at 217).

¶ 45 We are unable to evaluate a parent's reasonable efforts or reasonable progress with the terms of the service plan when the record does not contain any filed service plans, and no service plans were entered into evidence during the unfitness hearing. The record does not contain any service plans or evidence that Mother received them. Additionally, the caseworker's testimony is devoid of any details about the creation of Mother's initial or subsequent service plans, such as who wrote the plan or reviewed it with Mother, and which services were ordered on which date. Based upon the record, there is no way to know what Mother's initial services were, when the agency informed her of those services, and when, or if, Mother received a copy of the service plan.

¶ 46 The caseworker did testify that Mother completed several services, such as parenting and domestic violence, but did not apply those skills to her life. Mother was later again referred for domestic violence services and was recommended to complete parenting coaching. The record is unclear when those services were initially or subsequently added to her service plans. While we do not dispute that the record shows Mother did not implement the education from her services into her life and parenting abilities, we cannot measure her reasonable efforts or reasonable progress in the case when the record is devoid of what those initial service requirements were.

¶ 47 Because of the lack of evidence concerning service plans and any testimony pertaining to the receipt of the initial or subsequent service plans, the circuit court's findings of unfitness for failure to make both reasonable efforts and reasonable progress are against the manifest weight of the evidence. We therefore reverse the circuit court's finding of unfitness. A finding of parental unfitness is a prerequisite to a determination that termination is in a minor's best interest. *In re A.H.*, 2025 IL App (4th) 250026, ¶ 49; *In re Lorin V.*, 2026 IL App (5th) 260359-U, ¶ 23. Therefore, we must also reverse the circuit court's best interest finding and the order terminating Mother's parental rights.

¶ 48 B. Potential Issues on Remand

¶ 49 We note that remand is unnecessary because our decision to reverse the order terminating Mother's parental rights "is sufficient to return the case to where it stood before [Mother's] parental rights were terminated." *In re A.H.*, 2025 IL App (4th) 250026, ¶ 50. The circuit court thus "retains the authority to entertain a renewed petition to terminate [Mother's] parental rights in the ongoing proceeding" should the State opt to file such a motion. *Id.* However, we find it necessary to address certain issues that occurred below and are likely to persist during the continuing proceedings.

¶ 50 As we have discussed, none of the service plans created for Mother have been filed with the circuit court. Under the Juvenile Court Act, DCFS or an agency providing services under its auspices must file a service plan within 45 days after a minor enters care. 705 ILCS 405/2-10.1 (West 2024). Because this requirement is considered "directory" rather than "mandatory," failure to file the service plan in a timely manner does not deprive the circuit court of authority to enter a dispositional order. *In re L.O.*, 2016 IL App (3d) 150083, ¶ 21. However, the circuit court has an obligation to review the services required of a parent to ensure such services are appropriate and that they are being provided. See 705 ILCS 405/2-22(1), 2-28(2)-(4) (West 2024). As such, it is incumbent on the court to insist that WCYA or DCFS file any additional service plans created for Mother going forward.

¶ 51 In addition, as discussed above, the circuit court must consider the service plans in determining whether a parent has made reasonable efforts to correct the conditions or reasonable progress toward the minor's return. See *In re M.I.*, 2016 IL 120232, ¶ 39; *In re C.N.*, 196 Ill. 2d at 216-17. Therefore, if the State files a new motion to terminate Mother's parental rights under a failure to make reasonable efforts or failure to make reasonable progress, the State must offer into

evidence the service plans applicable to any and all relevant nine-month periods in order for the court to adequately consider if Mother completed the services required of her.

¶ 52 III. CONCLUSION

¶ 53 For the foregoing reasons, we reverse the order of the circuit court terminating Mother's parental rights. We remand the cause for further proceedings consistent with this decision.

¶ 54 Order reversed; cause remanded for further proceedings consistent with this decision.