

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) 251220-U

NO. 4-25-1220

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 9, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> K.R., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Winnebago County
Petitioner-Appellee,	)	No. 21JA389
v.	)	
Kayla S.,	)	Honorable
Respondent-Appellant).	)	Erin B. Buhl,
	)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Justices Vancil and Grischow concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, holding that (1) the trial court's finding that respondent was unfit in that she failed to make reasonable progress toward the minor's return during the relevant nine-month period was not against the manifest weight of the evidence; (2) respondent forfeited her argument that the court's reasonable-progress finding could not stand due to the agency's failure to provide certain services by failing to properly develop it; and (3) the court's finding that termination of parental rights was in the minor's best interest was not against the manifest weight of the evidence.

¶ 2 Respondent, Kayla S., appeals the trial court's order terminating her parental rights to her daughter, K.R. (born in June 2019). Respondent argues that (1) the State failed to prove by clear and convincing evidence that she was unfit in that she failed to make reasonable progress toward K.R.'s return during the nine-month period from July 9, 2023, through April 9, 2024; (2) the State failed to prove that respondent was unfit in that she failed to maintain a reasonable degree of interest, concern, or responsibility for K.R.'s welfare; (3) the court's

finding that respondent failed to make reasonable progress could not stand because the agency withheld the services needed to address the condition it identified as the barrier to reunification; and (4) the court erred by finding termination of respondent's parental rights was in K.R.'s best interest. We affirm.

¶ 3

I. BACKGROUND

¶ 4

On October 25, 2021, the State filed a neglect petition alleging that K.R. was in an environment injurious to her welfare (705 ILCS 405/2-3(l)(b) (West 2020)) in that her siblings were removed from respondent's care and respondent failed to cure the conditions that caused their removal. The petition indicated that Shaun R. was K.R.'s father. On February 11, 2022, the trial court entered an order adjudicating K.R. neglected. On May 11, 2022, the court entered an emergency temporary custody order placing K.R. in the temporary custody and guardianship of the Illinois Department of Children and Family Services (DCFS). On November 1, 2022, the court entered a dispositional order finding that respondent was unfit or unable to care for, protect, train, or discipline K.R. The court granted custody and guardianship of K.R. to DCFS.

¶ 5

On April 9, 2024, the trial court entered a permanency review order finding that respondent had made reasonable efforts but not reasonable progress and changing the permanency goal to substitute care pending determination on termination of parental rights.

¶ 6

On April 12, 2024, the State filed a motion for termination of parental rights, alleging that respondent was unfit in that she failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to K.R.'s welfare (750 ILCS 50/1(D)(b) (West 2024)) and (2) make reasonable progress toward K.R.'s return during the nine-month period between July 9, 2023, and April 9, 2024 (*id.* § 1(D)(m)(ii)). The petition also alleged that it was in K.R.'s best

interest that respondent's parental rights be terminated.

¶ 7 A. Fitness Hearing

¶ 8 On October 9, 2024, a hearing commenced on the fitness portion of State's motion for termination of parental rights regarding K.R., as well as motions for termination of parental rights that had been filed concerning K.R.'s four older siblings. The fitness hearing was held on eight separate court dates over the course of nine months. At the outset of the fitness hearing, the trial court took judicial notice of several documents at the State's request, including, relevant to K.R.'s case, the neglect petition, adjudicatory order, emergency temporary custody order, dispositional order, an agreed order regarding visitation entered in November 2022, and the motion for termination of parental rights. The court also took judicial notice of several permanency review orders.

¶ 9 Rebecca Cummings testified that she was a foster care worker at Brightpoint and had been assigned to K.R.'s case from July 2022 until April 2024. (Other parts of the record indicate that Brightpoint is an agency that contracted with DCFS to provide case management services.) Cummings stated that the case originally came into care in 2017, and it came back into care in July 2022 due to domestic violence. When the case came back into care, the only barrier preventing the parents from achieving their return-home goal was the concern of domestic violence. In July 2022, the only recommended services were domestic violence services and counseling, though other services were recommended as the case went on. Cummings testified that respondent had been communicative with the agency throughout the life of the case. Cummings indicated that, to the best of her knowledge, respondent was informed at the beginning of the case about the need to complete services and the importance of doing so.

¶ 10 Cummings testified that, during a family visit in July 2023, respondent and Shaun

had an argument regarding a vehicle that Shaun paid for but that respondent used as her sole means of transportation. There were “concerns regarding Shaun hiding that vehicle from her so she didn’t have access to it.” The family visit had to be ended early “[d]ue to the escalated behaviors with the minors being present.” There was no physical violence on that occasion. After that incident, respondent and Shaun had separate visits with the children.

¶ 11 Cummings stated the agency had concerns about respondent’s relationship with Shaun “regarding power and control, hiding vehicles, and *** the recommitting/ending of their relationship throughout the case.” She also stated the agency had concerns regarding “the emotional regulation of the relationship, and things escalating with them not being able to regulate their own emotions.” Cummings acknowledged that Shaun had undergone assessments for domestic violence services in 2022 and 2023, and he did not meet the criteria for services either time. She stated that respondent had undergone a domestic violence assessment in December 2023.

¶ 12 Cummings testified that between July 2023 and April 2024, respondent and Shaun had “some breakups” and stated that it was a “roller coaster relationship.” She stated the parents’ recommitting to and ending their relationship possibly confused the children and affected “the progress to continue in services and visitation.” It affected the agency’s referral progress because the agency would have “conversations regarding what services would look like” when they were separated. They would subsequently “end up back together,” and the agency would have to reevaluate what services were appropriate.

¶ 13 Cummings testified that, to the best of her knowledge, respondent and Shaun were not in a relationship from January 2024 through April 2024, and there were no domestic violence incidents during that time. She stated that respondent moved in with her sister a few months after

the July 2023 incident, and she was eventually able to purchase her own vehicle. Respondent told Cummings that this was an effort to remove something that Shaun could use to control her. Respondent also obtained her own residence prior to April 2024.

¶ 14 Cummings stated that respondent attended weekly counseling sessions from March 2022 until the permanency goal was changed and participated in them appropriately. Cummings testified that, starting in May 2022, respondent and Shaun requested several times to be referred to couples counseling. However, the agency wanted them to progress in individual counseling first. Respondent and Shaun eventually had two couples counseling sessions in December 2023 and one in January 2024. Around that time, a domestic violence assessor who assessed both of them stated that couples counseling should not occur, in part, because respondent was not committed to the relationship but just wanted to coparent with Shaun. Cummings also stated that couples counseling was ended “due to the recommitting/ending of the relationship and the different parenting styles.”

¶ 15 Cummings stated that respondent worked with a parenting coach from January 2023 until July or September 2023, and she received good reports from the coach. However, the agency ended that service “due to the parent coach not assisting with behaviors to help the family.” Cummings indicated that a parental capacity assessment of respondent was completed in February 2024, and it recommended that respondent engage in videotaped parenting coaching and made suggestions for issues to work on in counseling. The agency was unable to implement these recommendations because the goal changed shortly after the assessment was completed.

¶ 16 During Cummings’s testimony, the trial court admitted into evidence three integrated assessments (which were all prepared before K.R.’s birth) and 18 service plans. The oldest service plan was dated March 3, 2017, and the most recent was dated November 7, 2023.

¶ 17 The service plan dated November 7, 2023, listed the following “Desired Outcomes” for respondent: (1) cooperation with the trial court, DCFS, and contracting agencies; (2) stable housing and employment; (3) demonstrating things learned in parenting classes while interacting with her children; and (4) demonstrating an understanding of why the case came into care, developing and strengthening coping mechanisms, and understanding how past experiences affect her and her children. The service plan stated that respondent’s progress toward all of these desired outcomes except for stable housing and employment was satisfactory. The service plan stated that respondent moved out of the home she shared with Shaun in September 2023 due to issues with their landlord. After that, respondent stayed with her sister and sometimes Shaun.

¶ 18 The service plan stated that respondent and Shaun were completing weekly family time visits together with the children until July 5, 2023, when an “escalated argument” occurred during family time, which led to the parents having separate visits with the children. Since that time, respondent completed weekly three-hour supervised visits with the children. Respondent had been generally cooperative and compliant with the case aides supervising the visits, but she sometimes became overwhelmed, resisted their redirections, and became defensive when they tried to redirect the children. The caseworker also observed respondent interacting appropriately with the minors during visits.

¶ 19 Cammarie Mayzes testified that she was employed at Brightpoint as a caseworker supervisor, and she had been assigned to K.R.’s family’s case from March 2022 until May 2024. Mayzes testified that the case was opened due to substance abuse and domestic violence. When the case was assigned to her in March 2022, it had been in aftercare since June 2020.

¶ 20 Mayzes testified that on May 13, 2022, the case came back into care after the police were called due to an “escalated argument incident” between respondent and Shaun.

Mayzes stated that, according to the police report, “there were allegations of physical contact from father to mother.” The agency subsequently updated the integrated assessment and service plan to “reflect additional services or continuation of services that [were] needed.” The agency recommended that Shaun complete a domestic violence assessment and that both parents reengage in counseling. Shaun completed the assessment, and no domestic violence services were recommended. However, it was recommended that he address emotional regulation, intimate relationships, and communication in counseling. No domestic violence services were ever offered to respondent.

¶ 21 Mayzes testified that, when the case came back into care, respondent was already engaged in individual counseling, but the agency added new counseling goals, including emotional regulation, coping skills, anxiety management, and discussing DCFS involvement and past trauma. Mayzes stated that respondent had made progress on her counseling goals, and her emotional regulation had improved, though it still “wasn’t where it should be.”

¶ 22 Mayzes stated that, in July 2023, respondent and Shaun had an argument during a visit with the children relating to Shaun potentially planning on hiding respondent’s car. (The car was in Shaun’s name, but respondent drove it.) The argument eventually led to the parents going outside and yelling while the children were present in the home. One of the children was peeking out the window. The agency decided to end the visit at that point. After that, respondent’s and Shaun’s visits were officially separate, though “there were periodic times where they were together just because of *** the case aides’ schedule.” Respondent had supervised visits with the children since May 2022, and the agency never moved to unsupervised visits.

¶ 23 Mayzes testified that many of the visits between the children and both parents at the same time were “inappropriate.” Mayzes stated that, based on the visitation notes she read,

the parents' interactions with the children were appropriate "for the most part," but their interactions with each other were inappropriate. She stated that respondent was "unable to maintain or hold her emotions together enough to parent the children" when she was arguing with Shaun. Mayzes testified that the parents were referred for parenting coaching in the fall or winter of 2022. The parenting coach reported that coaching was successful, but the agency had concerns because the coach was "reporting very different things" than the case aides and caseworkers.

¶ 24 The State asked Mayzes if there were "any issues that [respondent] had exhibited trying to redirect the minors if the minors were being rambunctious" during the period between November 2023 and May 2024. Mayzes replied: "[T]here were times where she would have difficulty with redirecting the minors or she would not full on yell, but just the phrasing or how she worded things towards the minors weren't the best way to word or say things." During that time period, respondent also told the minors at times that that she would "end the visitation."

¶ 25 Mayzes testified that respondent's relationship with Shaun was inconsistent throughout the case. She stated that things were good at times, but "a lot of the time it's almost like they didn't have a handle on the relationship so they didn't know—there was a big portion of the case when either they were together or they were trying to work it out." Mayzes stated the agency "never truly understood the basis of their relationship," which made it difficult to recommend services. Mayzes stated that she asked respondent and Shaun whether they were in a romantic relationship almost every time she interacted with them (which she stated was less than monthly), and they never gave her a categorical response of "yes" or "no."

¶ 26 Mayzes testified that the agency still had domestic violence concerns, even though an evaluator had determined that Shaun did not qualify for domestic violence services.

Mayzes stated that “power-and-control tactics” were still occurring, even though the parents were engaged in counseling to address those issues. She stated that Shaun would hide the car from respondent when she was trying to go to work or other places. In the fall of 2023, he stated in a family and team meeting that the car was “the control piece he had over [respondent].”

¶ 27 Mayzes testified that the agency referred respondent and Shaun to couples counseling in the late fall or early winter of 2023, but couples counseling was not productive for them because they were not able to “see eye to eye on things.” Mayzes stated that they blamed the couples counselor at one point and stated the counselor was purposely trying to make them look bad on paper for the trial court.

¶ 28 Mayzes testified that, between October 2023 and April 2024, respondent maintained employment, obtained her own car, purchased her own house, and went back to school in order to obtain a high school diploma. Mayzes stated that, in April 2024, she believed that return home was the appropriate permanency goal for the children because the parents were still engaged and working toward the goal. She also believed there were more things the agency could implement to mitigate the safety issues that were present.

¶ 29 The trial court admitted into evidence five prior indicated findings of child neglect concerning respondent. The indicated findings concerned incidents that occurred in 2016, 2017, 2018, and 2020. A psychological evaluation of respondent conducted in January 2023 was also admitted into evidence.

¶ 30 A parenting capacity assessment for respondent dated February 10, 2024, was admitted into evidence. The assessment stated: “Although [respondent] has demonstrated the desire and ability to be nurturing and sensitive to her children’s needs this focus is short term and easily distractible, and sometimes derailed entirely, when presented with feelings of rejection,

frustration or anxiety.” The assessment stated that respondent did not have “the capacity to safely and securely protect her children, all at the same time without assistance.” The assessment recommended that, if the children were returned to respondent’s care, it should be “in segments” rather than all at once. It also recommended that she participate in videotaped parenting coaching, as the psychological assessment indicated that respondent learned through observation.

¶ 31 Shaun testified that he had never hit respondent. His attorney asked him if he had ever been violent toward her, and he said he had not. He later acknowledged that “intimate partner violence” could be emotional as well as physical, and he agreed that “some of the things [he was] doing at one point in time [fell] within that.” He stated that the police were called to his home in May 2022 when he was arguing with respondent, but he did not “lay hands” on her during that incident. He asserted that his romantic relationship with respondent ended in May or June of 2023. He later stated they were still “work[ing] on it from a distance” until early 2024, when they decided to “cut it all the way off.”

¶ 32 Respondent testified that K.R., who was born in 2019, was her youngest child. She stated she gave birth to a child in 2017 who subsequently died, and her three oldest children were taken into care at that time because “they said there was cocaine in [the baby’s] system.” Her children were returned to her custody in June 2020. In May 2022, the children were taken back into care after she and Shaun got into an argument and her oldest child called the police. Respondent stated that they yelled at each other during the argument, but there was no physical fighting. After the children were removed, respondent completed a substance abuse and domestic violence assessments, and she began participating in parenting coaching.

¶ 33 Respondent testified that she drove a car that Shaun had purchased for her to use. Shaun had his own vehicle that he drove. Shaun threatening to take the car had been an ongoing

issue in their relationship, and she began discussing it with her counselor in 2022. She stated that the car remained an issue until she purchased her own car in March 2024. She described an occasion in October or November 2023 when she was in the car in a bowling alley parking lot waiting for a visit with her children to begin. She had an argument with Shaun over the phone, and he told her that if she went to the visit, she would not have a car when she walked out of the bowling alley. She was upset and crying, and she canceled the visit while the children were already on their way.

¶ 34 Respondent stated that she and Shaun first requested couples counseling in 2018, but they were told that they needed to progress in their individual counseling first. She requested it on several subsequent occasions as well. She stated that she understood that the agency was not recommending couples counseling because she and Shaun “never could even have a normal conversation.” She stated that the agency finally offered couples counseling at the end of 2023. However, she and Shaun were no longer in a relationship at that point. They had three couples counseling sessions, and, at the third session, the counselor told them she believed they were not compatible and there was not enough time to “fix [them] per the courts.” The counselor stated it was best if they “just called it quits.” Shaun hung up, and respondent stayed on the Zoom call with the counselor and cried. She stated she was sad because she hoped they could one day be reunited as a family.

¶ 35 Respondent testified that her relationship with Shaun ended in September 2023, but they discussed the possibility of getting back together in the future. Initially, she asserted that she told the agency in October or November 2023 that the relationship had ended, but she later stated she did not remember exactly when she told the agency, and it could have been later. She stated she waited to tell them because she “didn’t feel like it was a big topic.”

¶ 36 Respondent stated she got her high school diploma in November 2024, and she had been employed at a factory for approximately two years. She obtained her own house in January 2024 and purchased her own vehicle in March 2024. She stated it took a long time to purchase her own car because she had previously been a stay-at-home mother and relied on Shaun financially.

¶ 37 Respondent testified that she had two parenting coaches during the case, and parenting coaching ended approximately at the end of 2023. She stated that from November or December 2023 until May 2024, her visits with the children were supervised by case aides. During that time, the case aides never discussed her emotional regulation as being a concern and never gave her any specific directions for what to do when she became overly frustrated.

¶ 38 On July 31, 2025, over nine months after the fitness hearing commenced, the trial court issued its ruling, finding respondent to be unfit as to both grounds of unfitness alleged in the State’s motion for termination of parental rights. With regard to the ground of failure to make reasonable progress, the court found that respondent and Shaun were “in an on-and-off again relationship” during the relevant time period. The court found their efforts to participate in services was never lacking, but “[t]he deficit was in applying and demonstrating changes in each of their mindsets, decision-making, and behavior.”

¶ 39 The trial court found that respondent and Shaun lived together until September 2023. After that, respondent lived with her sister but also stayed with Shaun at times, which was “consistent with [their] ongoing relationship.” The court found that respondent’s use of Shaun’s vehicle remained an issue even after she no longer lived with him and noted that his threats to take the vehicle from her led her to cancel a visit with the children when they were already on their way. The court stated: “It appears the issue of power and control regarding her use of the

vehicle continued, by her own admission, until she bought her own vehicle in March of 2024.”

¶ 40 The trial court found respondent and Shaun “went back and forth with their relationship” during the relevant time period, including a failed attempt at couples counseling. The court noted that they had not engaged in visits together as of July 9, 2023, due to the state of their relationship, and neither parent progressed to unsupervised visits. The court noted respondent’s admission during her testimony that she was not open or forthcoming with the agency and delayed sharing information about her relationship with Shaun. The court also noted Mayzes’s testimony that she asked respondent and Shaun about the status of their relationship every time she spoke with them, and she never got a straight answer. The court noted that respondent had testified that she and Shaun could not have a normal conversation. The court stated: “It’s clear this relationship was volatile and unhealthy despite their engagement in services, including counseling and additional efforts made by [respondent] to obtain independent housing, transportation, employment, and education.” The court further found: “There was no [demonstrable] movement towards reunification, given the ongoing failure to acknowledge and address the power and control issues rampant in this relationship, or the effect that this had on their children.”

¶ 41 The trial court also found that respondent struggled with parenting during the relevant time period. The court acknowledged that some visits went very well but found that respondent failed to consistently provide for the children’s emotional needs. The court stated: “This failure demonstrates a lack of understanding, a lack of stability; and, thus, a failure to make progress towards reunification.”

¶ 42 B. Best Interest Hearing

¶ 43 On August 15, 2025, a best interest hearing commenced. Several 2024 and 2025

reports from Brightpoint were admitted into evidence. Also, three service plans, dated May 9, 2025, November 12, 2024, and May 7, 2024, were admitted into evidence.

¶ 44 A best interest report, originally filed in June 2024, was also admitted into evidence. The best interest report stated that K.R.'s foster parents provided for all her physical needs, and they provided her with a stable home and consistent routine. The report asserted that K.R. "refer[red] to [her foster parents] as mom and dad and [felt] that they [were] her parents." K.R. had relationships with her foster parents' children and extended family as well. The report stated that K.R.'s foster parents would ensure that K.R. continued to see her biological siblings and have supervised contact with her parents after adoption. The report stated that respondent had not made significant progress toward K.R.'s return. The report recommended that the trial court terminate respondent's parental rights and change the permanency goal to adoption.

¶ 45 Tiffany Stuart, an adoption specialist at Brightpoint, testified she was assigned to K.R.'s case in June 2025. She testified that K.R. was six years old and had been placed with her foster parents since December 2022. Her foster parents provided her with food, clothing, and shelter, and also provided for her educational needs. K.R.'s foster parents coordinated with her siblings' foster parents to organize sibling visitation. Stuart stated that K.R. viewed her foster parents as her parents and viewed their biological children as her siblings. She was also aware of respondent and Shaun, though she "struggle[d] to view [them] as her parents." Stuart stated that, while K.R. enjoyed visits with respondent, "it doesn't register that that is her mom." K.R.'s foster parents had a strong bond with her and wished to adopt her. K.R.'s foster parents were willing to provide her a relationship with respondent if it was safe and appropriate.

¶ 46 K.R.'s foster mother testified that she had six biological children living at home, and K.R. had good relationships with all of them. She stated she would also continue to facilitate

a relationship between K.R. and her biological siblings. She stated that she and K.R. were very close, and K.R. wanted to be near her all the time. K.R. had some behavioral issues when she moved in with her foster family, but they had improved. She also had behavioral issues at school, and she did not like to be away from her foster mother.

¶ 47 Respondent's counsel argued that the trial court should not terminate respondent's parental rights even though it had found her unfit but should instead reset the permanency goal as permanent guardianship.

¶ 48 On October 25, 2025, the trial court issued its best interest decision, stating it had applied each of the best interest factors to each child individually. The court found that termination of respondent's parental rights was not in the best interest of three of K.R.'s older siblings, and it set permanency goals of guardianship for them.

¶ 49 However, the trial court found that termination of respondent's parental rights was in K.R.'s best interest. The court noted that K.R. was six years old and considered her foster parents to be her parents. The court also noted that Stuart testified that K.R. was very bonded with her foster family and had flourished in their home. The court found that K.R.'s foster parents were supportive of her relationships with her siblings and had facilitated visits with respondent. The court stated that while K.R. had a relationship with respondent, she did not seem to understand that respondent was her mother. The court stated: "It appears, given her age and connection, that she does have a much stronger emotional connection and bond with [her foster parents]. I believe she feels safe and secure and very loved in their care, and that she, too, would experience tremendous trauma if removed." The court found that stability was very important for K.R. given her age and behavioral challenges, and her foster parents provided stability.

¶ 50 Respondent appealed, and her appointed counsel filed a motion to withdraw

pursuant to *Anders v. California*, 386 U.S. 738 (1967), on the basis that no issue of arguable merit could be raised on appeal. We denied the *Anders* motion and directed counsel to brief the issue of whether the trial court erred in finding respondent unfit, as well as any other issue he considered potentially meritorious after further examination. Counsel subsequently filed a brief raising four issues.

¶ 51

II. ANALYSIS

¶ 52 On appeal, respondent argues that (1) the State failed to prove by clear and convincing evidence that she failed to make reasonable progress toward K.R.’s return during the nine-month period from July 9, 2023, through April 9, 2024; (2) the State failed to prove that respondent failed to maintain a reasonable degree of interest, concern, or responsibility for K.R.’s welfare; (3) the trial court’s finding that respondent failed to make reasonable progress could not stand because the agency withheld the services needed to address the condition it identified as the barrier to reunification; and (4) the court erred by finding termination of respondent’s parental rights was in K.R.’s best interest.

¶ 53

A. Unfitness

¶ 54 Respondent argues that the trial court’s findings that she was unfit as to both grounds alleged in the motion for termination of parental rights were against the manifest weight of the evidence. With regard to the ground that she failed to make reasonable progress during the nine-month period between July 9, 2023, and April 9, 2024, she argues that (1) the State failed to prove this ground by clear and convincing evidence and (2) the court applied the wrong legal standard in finding she failed to make reasonable progress.

¶ 55

We first address respondent’s argument that the trial court erred by determining the State had proven by clear and convincing evidence that she failed to make reasonable

progress toward K.R.’s return during the relevant nine-month period. Respondent argues the court and the agency repeatedly found, in writing, that she was complying and progressing. She notes the court found in a permanency review order entered on June 16, 2023, that she made reasonable progress, her progress toward the return-home goal was rated satisfactory on the November 2023 service plan, the February 2024 parental capacity assessment recommended reunification through a phased return of the children, and the agency recommended maintaining a return home goal in April 2024. Respondent also notes that she “achieved *** concrete, objective indicia of stability,” including separating from Shaun, maintaining employment, purchasing her own home, and purchasing her own vehicle.

¶ 56 “A natural parent’s right to raise his or her child is a basic fundamental liberty interest and, thus, a proceeding to involuntarily terminate a parent’s rights is a drastic measure.” *In re D.C.*, 209 Ill. 2d 287, 295 (2004). A trial court’s statutory authority to involuntarily terminate parental rights is found in 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)). *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005). Under this statutory procedure, parental rights cannot be terminated involuntarily unless the court determines the State has proven by clear and convincing evidence that the parent is unfit as defined by section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *Gwynne P.*, 215 Ill. 2d at 354.

“If the court finds that at least one of the several discrete grounds for finding a person ‘unfit,’ as set forth in section 1(D) of the Adoption Act, has been proven by clear and convincing evidence, the court may then consider whether termination of parental rights is in the best interests of the child.” *D.C.*, 209 Ill. 2d at 296.

¶ 57 “A trial court’s determination that a parent’s unfitness has been established by clear and convincing evidence will not be disturbed on review unless it is contrary to the manifest weight of the evidence.” *Gwynne P.*, 215 Ill. 2d at 354. A decision is contrary to the manifest weight of the evidence “only where the opposite conclusion is clearly apparent.” *Id.* “We give deference to the trial court as the finder of fact, and will not substitute our judgment for that of the trial court on the credibility of witnesses, the weight given the evidence, or inferences drawn from the evidence.” *In re A.W.*, 231 Ill. 2d 92, 104 (2008).

¶ 58 Pursuant to section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(1)(m)(ii) (West 2024)), one statutory ground for finding a parent unfit is the parent’s failure “to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected or abused minor.” That section further provides:

“If a service plan has been established *** to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Act, ‘failure to make reasonable progress toward the return of the child to the parent’ includes the parent’s failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period following the adjudication ***.” *Id.*

¶ 59 “ ‘Reasonable progress’ is an objective standard that is not concerned with a parent’s individual efforts and abilities.” *In re Nevaeh R.*, 2017 IL App (2d) 170229, ¶ 21.

“[T]he benchmark for measuring a parent’s ‘progress toward the return of the child’ under section 1(D)(m) of the Adoption Act encompasses the 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 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).

Reasonable progress exists

“when the court, based on the evidence before it, can conclude that the progress being made by a parent to comply with directives given for the return of the child is sufficiently demonstrable and of such a quality that the court, in the *near future*, will be able to order the child returned to parental custody.” (Emphasis in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991).

¶ 60 While this was a close case, we find the trial court’s determination that respondent was unfit in that she failed to make reasonable progress toward K.R.’s return during the nine-month period between July 9, 2023, and April 9, 2024, was not against the manifest weight of the evidence. The court acknowledged that respondent participated in services during this period and found that her efforts were “never lacking.” The court found, however, that for both parents, “[t]he deficit was in applying and demonstrating changes in each of their mindsets, decision-making, and behavior.” The court also found that respondent and Shaun were in an “on-and-off again relationship” during the relevant time period which was “volatile and unhealthy despite their engagement in services, including counseling and additional efforts made by [respondent] to obtain independent housing, transportation, employment, and education.” The court’s conclusions were supported by the evidence.

¶ 61 The caseworkers testified that the case came back into care in 2022 due to domestic violence. Mayzes testified that a police report regarding a May 2022 incident between

respondent and Shaun stated that “there were allegations of physical contact from father to mother,” though both respondent and Shaun testified that no physical violence occurred during this incident. Both respondent and Shaun were found not to qualify for domestic violence services, despite undergoing assessments. However, Mayzes testified that domestic violence remained a concern due to “power and control” issues in respondent’s relationship with Shaun, particularly Shaun’s attempts to control respondent by removing or threatening to remove her access to a car he owned that he had purchased for her to use. Despite the parents’ participation in individual counseling to address the issues in their relationship, the power and control issues within the relationship were never remedied, and the car remained an issue until respondent purchased her own vehicle in March 2024.

¶ 62 The evidence showed that the parents engaged in an “escalated argument” during a visit with the children a few days before the beginning of the nine-month period, and, as a result, the parents had separate visits with the children throughout the nine-month period, despite remaining in a relationship and even living together for part of the period. Despite the separate visits, their tumultuous relationship continued to affect their children. Respondent testified that in the fall of 2023, she had scheduled a visit with her children at a bowling alley. She canceled this visit when the children were already on her way because Shaun threatened to take the car if she attended the visit.

¶ 63 The evidence showed that respondent’s relationship with Shaun was “on-and-off” during the relevant nine-month period, and there was conflicting evidence as to when the relationship ended. While respondent testified that she ended her relationship with Shaun in September 2023, Shaun testified that it ended in May or June 2023 but they were still “work[ing] on it from a distance” until early 2024. The evidence showed that respondent continued to stay

with Shaun at times after she moved in with her sister in September 2023, which the trial court found to be “consistent with [their] ongoing relationship.” Cummings testified that respondent and Shaun broke up and got back together several times during the relevant time period, and Mayzes testified that they never gave her a clear answer when she asked about the status of their relationship.

¶ 64 Respondent acknowledged she delayed in telling the agency that the relationship had ended because she “didn’t feel like it was a big topic.” However, as discussed, the problems between respondent and Shaun were a major issue in the case, and both Cummings and Mayzes testified that the on-and-off nature of the relationship made it hard to recommend services. Under these circumstances, respondent’s failure to recognize the significance of ending her relationship with Shaun and to clearly and decisively communicate it to the agency supported the trial court’s finding of lack of reasonable progress.

¶ 65 Respondent’s steps of obtaining her own residence in January 2024 and purchasing her vehicle in March 2024 certainly showed some progress. However, giving deference to the trial court’s determinations as to the credibility of witnesses, weight given to the evidence, and inferences to be drawn from the evidence (see *A.W.*, 231 Ill. 2d at 104), the court’s finding that this was not sufficient to show a reasonable amount of progress toward K.R.’s return was not against the manifest weight of the evidence under the circumstances presented in this case, particularly the on-and-off nature of the parents’ relationship and their history of failing to be forthcoming with the agency about the relationship.

¶ 66 In addition to the issues relating to respondent’s relationship with Shaun, the evidence showed that respondent struggled with parenting the children on her own throughout the nine-month period, never progressing to unsupervised visits during that time. The trial court

found that respondent “failed to consistently provide for the children’s emotional needs or [was] unable to do so,” which “demonstrate[d] a lack of understanding, a lack of stability; and, thus, a failure to make progress towards reunification.” The court’s finding was supported by the evidence. Although the evidence showed that some of respondent’s visits with the children went well, Mayzes testified that respondent had difficulty redirecting the minors and would sometimes threaten to end the visits. A parenting capacity assessment completed during the nine-month period found that respondent “[did] not have the capacity to safely and securely protect her children, all at the same time without assistance.” While respondent emphasizes that this assessment recommended a phased reunification, this recommendation was contingent on the children actually being returned to her; it did not make a recommendation as to *whether* they should be returned.

¶ 67 We note that, in her brief, respondent points to a reasonable progress finding at a permanency review hearing prior to the commencement of the nine-month period as evidence of reasonable progress. However, we may not consider evidence from outside the nine-month period in evaluating respondent’s reasonable progress. See *In re J.L.*, 236 Ill. 2d 329, 341 (2010) (“[I]n determining whether a parent has made reasonable progress toward the return of the child, courts are to consider evidence occurring only during the relevant nine-month period.”).

¶ 68 Also, at several points in her argument regarding fitness, respondent refers to the transcript of the permanency review hearing on April 9, 2024. This transcript was not evidence at the unfitness hearing, and we do not consider it in reviewing this issue. See *In re Dar. H.*, 2023 IL App (4th) 230509, ¶ 46 (“[A] trial court’s fitness findings made after it conducted a hearing on a petition to terminate parental rights are to be based solely on the evidence the court heard at the fitness hearing, *not* on any evidence that may have been presented at other hearings that

preceded the fitness hearing.” (Emphasis in original)).

¶ 69 We reject respondent’s argument that the trial court applied the wrong legal standard in conducting its reasonable progress analysis by “ground[ing] its no-progress finding on the volatility of the parents’ relationship and on its finding that [respondent] was not ‘open or forthcoming’ with the agency about that relationship” rather than on focusing on her compliance with the service plan and correction of the conditions that brought the child into care. Respondent also argues the court could not find that she failed to make reasonable progress by relying on the dynamics of a relationship that she had taken concrete steps to escape.

¶ 70 We find that the trial court’s consideration of respondent’s volatile relationship with Shaun and her lack of candor about the status of the relationship was appropriate and did not show that the court applied an erroneous legal standard. While respondent argues that the court was only to consider her compliance with the service plan and the extent to which she had corrected the conditions that brought K.R. into care, our supreme court has held that a reasonable progress inquiry is broader and requires consideration of the parent’s compliance with the service plan and court directives both in light of the conditions giving rise to the child’s removal and “other conditions which later become known and which would prevent the court from returning custody of the child to the parent.” *C.N.*, 196 Ill. 2d at 216-17.

¶ 71 Here, Cummings and Mayzes testified that the volatility of the parents’ relationship and the issue of power and control dynamics in the relationship were major issues in the case. Accordingly, as previously discussed, issues concerning when and if respondent had ended the relationship and whether she communicated this to the agency were relevant to the court’s reasonable progress analysis. See *supra* ¶¶ 60-65. Moreover, while respondent testified that she had ended the relationship with Shaun and taken steps to become independent, it was

proper for the trial court to assess this evidence in light of their history of repeatedly breaking up and reconciling and failing to clearly communicate with the agency about it. See *supra* ¶¶ 60-65; *Gwynne P.*, 215 Ill. 2d at 354 (“[E]very matter concerning parental fitness is *sui generis*. [Citation.] Each case must therefore be decided on the particular facts and circumstances presented.”).

¶ 72 Because we have found that the trial court’s finding that respondent was unfit due to her failure to make reasonable progress toward K.R.’s return during the relevant nine-month period was not against the manifest weight of the evidence, we need not also review the court’s finding that she was also unfit on the ground that she failed to maintain a reasonable degree of interest, concern, or responsibility for K.R. See *D.C.*, 209 Ill. 2d at 296 (“A parent’s rights may be terminated if a single alleged ground for unfitness is supported by clear and convincing evidence.”).

¶ 73 B. Failure to Provide Services

¶ 74 Respondent argues that the trial court’s no-progress finding “cannot stand where the agency withheld the services needed to address the condition it identified as the barrier to reunification.” Specifically, respondent argues that the agency treated her relationship with Shaun and its “domestic-violence dynamic” as the “central barrier to reunification” but failed to provide domestic violence services. Respondent also argues that the agency failed to provide services recommended in the parental capacity assessment, like parenting coaching through videotaped sessions. Respondent contends that, because the agency failed to provide these services, “the asserted absence of ‘progress’ on the relationship is not a fair measure of [her] fitness and cannot satisfy the clear-and-convincing standard.”

¶ 75 The State frames respondent’s argument as a due process claim and asserts that

she forfeited it by failing to raise it in the trial court. In her reply brief, respondent asserts that her argument is not a due process claim, but is rather a challenge to the sufficiency of the State's evidence that she failed to make reasonable progress. (Notably, though, respondent framed this argument in her brief as a separate issue from her argument that the State failed to prove that she failed to make reasonable progress.) Respondent also argues that the claim is preserved because her counsel argued at the unfitness hearing that she made progress despite not being offered services to address the agency's domestic violence concerns.

¶ 76 Even if we were to find this argument was adequately raised in the trial court, respondent has forfeited this argument by failing to properly develop it on appeal. Illinois Supreme Court Rule 341(h)(7) (eff. Oct. 1, 2020) states that the argument in an appellant's brief "shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on." An appellant's "failure to properly develop an argument and support it with citation to relevant authority results in forfeiture of that argument." *Ramos v. Kewanee Hospital*, 2013 IL App (3d) 120001, ¶ 37; see *Canteen Corp. v. Department of Revenue*, 123 Ill. 2d 95, 111 (1988) ("A court of review is entitled to have the issues clearly defined and to be cited pertinent authority.").

¶ 77 Respondent cites no authority in support of her argument that the agency's failure to offer domestic violence services or videotaped parenting coaching precluded the trial court from finding that she failed to make reasonable progress, other than citing *C.N.*, 196 Ill. 2d at 216-17, and *In re J.A.*, 316 Ill. App. 3d 553, 564 (2000), for the general proposition that reasonable progress is "benchmarked" against compliance with the service plan and correction of the conditions that brought the child into care. Accordingly, we find she has forfeited this argument by failing to properly develop it. We also note that, while respondent was not offered

domestic violence services or videotaped parenting classes, the record does not indicate that the court found that her failure to complete these unoffered services demonstrated a failure to make reasonable progress.

¶ 78

C. Best Interest

¶ 79 Respondent argues that the trial court erred by finding that termination of her parental rights was in K.R.'s best interest, given her ongoing relationship with respondent and her attachment to one of her older siblings. Respondent argues that guardianship, rather than termination of parental rights, should have been ordered for K.R. Respondent also argues that the court's finding that K.R. did not appear to understand that respondent was her mother was inconsistent with its finding that she had a relationship with respondent that her foster parents actively facilitated.

¶ 80

If the trial court makes a finding of unfitness, the State must then prove by a preponderance of the evidence that termination of parental rights is in the child's best interest. *In re A.H.*, 2025 IL App (4th) 250026, ¶ 34. 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." (Emphases in original.) *Id.*

¶ 81

Section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2024)) provides that the trial court is to consider the following factors when making a best interest determination: (1) the physical safety and welfare of the child; (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 attendant to being in

substitute care; and (10) the preferences of the persons available to care for the child, including willingness to provide permanency. “We will not reverse the trial court's best-interest determination unless it was against the manifest weight of the evidence.” *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071 (2009).

¶ 82 Here, the trial court’s finding that termination of respondent’s parental rights was in K.R.’s best interest was not against the manifest weight of the evidence. The record shows that the court properly considered and applied the best interest factors. The evidence showed that K.R.’s foster parents provided for her physical needs, she considered them her parents, she was very bonded to them, and they were supportive of relationships with her biological siblings and parents. K.R. had lived with her foster parents for almost three years, they provided her with stability, and they were willing to adopt her.

¶ 83 The evidence showed that while K.R. enjoyed visits with respondent, she did not seem to understand that respondent was her mother and instead viewed her foster parents as her parents. Contrary to respondent’s argument on appeal, the trial court’s finding that K.R. did not seem to understand that respondent was her mother was consistent with its finding that her foster parents fostered an ongoing relationship with respondent. That is, the evidence showed that K.R. had a relationship with respondent but did not view her as her mother. While the court reached a different determination as to whether termination of respondent’s parental rights was in the best interests of three of her older siblings, the court best interest determination as to K.R. was tailored to her specific circumstances, including her young age and her not viewing respondent as her mother.

¶ 84 We reject respondent’s argument that the trial court relied on improper considerations in finding that termination of her parental rights was in K.R.’s best interest—

namely, that it questioned respondent's honesty regarding her relationship with Shaun and found that respondent continued to blame others for what had transpired. The court made these comments in explaining why it believed guardianship rather than return home was the appropriate permanency goal for three of K.R.'s older siblings, for whom the court had found termination of parental rights was not in their best interests. The record does not indicate that the court considered these allegedly improper factors when making its best interest determination with regard to K.R.

¶ 85 D. Accelerated Appeal Deadline

¶ 86 Finally, we note that this is an accelerated appeal under Illinois Supreme Court Rule 311(a) (eff. July 1, 2018). Rule 311(a)(5) provides: "Except for good cause shown, the appellate court shall issue its decision within 150 days after the filing of the notice of appeal or granting of leave to appeal pursuant to Rule 306(a)(5)."

¶ 87 Here, the notice of appeal was filed in the trial court on November 13, 2025. Accordingly, our order was due to be filed on April 13, 2026. However, we granted appellate counsel an extension of time to file his brief on January 5, 2026. Appellate counsel filed an *Anders* motion on February 2, 2026, and we granted respondent's request for an extension of time to respond to the *Anders* motion. Respondent filed her response on April 27, 2026. On May 15, 2026, we entered an order denying the *Anders* motion. On June 2, 2026, we granted counsel's motion for an extension of time to file his brief, and briefing was completed on July 9, 2026. Given the multiple motions for extensions of time, we find there is good cause for issuing our disposition beyond the 150-day deadline.

¶ 88 III. CONCLUSION

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

¶ 90

Affirmed.