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) 260772-U

NO. 4-26-0772

FILED
November 2, 2026
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re A.V., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Tazewell County
Petitioner-Appellee,	)	No. 23JA239
v.	)	
Edward B.,	)	Honorable
Respondent-Appellant).	)	Katherine G. P. Legge,
	)	Judge Presiding.

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

ORDER

¶ 1 *Held*: The appellate court affirmed, concluding the trial court's unfitness finding was not against the manifest weight of the evidence.

¶ 2 Respondent father, Edward B., appeals the trial court's judgment terminating his parental rights to his daughter, A.V. (born March 2020). On appeal, respondent argues the court's finding he was an unfit parent is against the manifest weight of the evidence. For the reasons that follow, we disagree and affirm.

¶ 3 I. BACKGROUND

¶ 4 The parental rights of the minors' mother, April V., were also terminated during the proceedings below. She is not, however, a party to this appeal. The following is gleaned from the record as it relates to respondent.

¶ 5 A. Petition to Terminate Parental Rights

¶ 6 In August 2025, the State filed a petition to terminate respondent's parental rights.

In the petition, the State alleged respondent was an unfit parent in that he failed to make reasonable progress toward the return of the minor to his care within a nine-month period following the minor's adjudication of neglected, namely, October 15, 2024, to July 15, 2025 (750 ILCS 50/1(D)(m)(ii) (West 2024)). The State further alleged it was in the minor's best interest to terminate respondent's parental rights and appoint the Illinois Department of Children and Family Services (DCFS) as guardian, with the power to consent to adoption.

¶ 7 B. Fitness Hearing

¶ 8 Over a two-day period in April and May 2026, the trial court conducted a fitness hearing. The court took judicial notice of the underlying adjudicatory and dispositional orders. The court heard testimony from a caseworker and a case supervisor, both of whom were assigned to the minor's case during the relevant nine-month period; a clinical psychologist, who was qualified as an expert in clinical psychology; a parenting coach, who observed approximately 15 visits between January and June 2025; and respondent. The court received several exhibits, including the psychologist's written report and counseling records for respondent. The following is gleaned from the evidence presented as it relates to the nine-month period at issue.

¶ 9 1. *Adjudication of Neglected and DCFS Involvement*

¶ 10 In October 2024, the minor was adjudicated neglected based upon the risk of harm to her created by the untreated mental health and substance abuse issues of her mother. DCFS was previously involved with the minor due to the minor being born substance-exposed and the mother's mental health issues. Around the time of the adjudication, respondent's girlfriend gave birth to a child of respondent. That child was then subject to separate DCFS proceedings.

¶ 11 2. *Service Recommendations*

¶ 12 As part of this case, it was recommended respondent complete a substance abuse

assessment and any recommended treatment, submit to drug screens, engage in a domestic violence program, participate in counseling, and complete a psychological evaluation and parenting capacity assessment. It was also recommended respondent cooperate with DCFS and its representatives, obtain and maintain appropriate housing, and attend visits with the minor. The caseworker reviewed the recommendations with respondent and met with him periodically to discuss his progress.

¶ 13 The caseworker testified respondent struggled to understand the recommended services. As an example, the caseworker indicated respondent expressed confusion about the recommended parenting services in December 2024. The caseworker explained to respondent the different objectives of a parenting class, a parenting coach, and a parenting capacity assessment. In April 2025, respondent again expressed confusion about the parenting services. The caseworker believed, while respondent engaged in the parenting services, he did not understand the purposes of them.

¶ 14 3. *Substance Abuse Treatment and Drug Screens*

¶ 15 Respondent completed a substance abuse assessment prior to the nine-month period. The assessment resulted in a recommendation for outpatient treatment. Respondent completed the recommended treatment.

¶ 16 Respondent was referred to four drug screens per month. During the nine-month period, he missed approximately nine screens. His last positive drug screen occurred in November 2024. The screen was positive for tetrahydrocannabinol (THC).

¶ 17 4. *Domestic Violence Program*

¶ 18 Respondent was referred to a domestic violence program in February 2025. He attended the program during the nine-month period.

¶ 19 5. *Counseling*

¶ 20 Prior to the nine-month period, respondent was referred to counseling. He attended counseling during the nine-month period. He addressed issues related to relationships, domestic violence, anger management, and childhood trauma. The counseling records indicate respondent demonstrated progress and was engaged in the therapeutic process. Respondent's counselor reported, despite respondent's attendance, his insight and judgment were poor as of May 2025.

¶ 21 6. *Psychological Evaluation and Parenting Capacity Assessment*

¶ 22 In June 2025, respondent participated in a psychological evaluation and parenting capacity assessment. As for the psychological evaluation, the psychologist found respondent to be in the "Low Average" range for intellectual ability. She noted he had not established an independent level of functioning. The psychologist found respondent presented with a "dual disorder," which was a combination of a chronic mental health disorder and a substance abuse disorder. She also found respondent presented with intermittent explosive disorder. She explained respondent demonstrated verbal and physical aggression, which included an early October 2024 incident where respondent was arrested for assaulting his pregnant girlfriend. The psychologist noted respondent denied having problems with domestic violence and described the prior incident with his girlfriend as one of " 'mutual combat.' " She also noted respondent reported feeling furious, irritated, and angry almost all the time. The psychologist believed respondent did not have adequate coping skills, nor did he understand the risk domestic violence, substance abuse, and untreated mental health issues posed to the minor. The psychologist further found, while respondent had shown recent sobriety, it was concerning he did not have a recovery program in place to assist him in maintaining that sobriety.

¶ 23 With respect to the parenting capacity assessment, the psychologist observed a visit.

She noted respondent had difficulties understanding how to appropriately interact with the minor and set guidelines. As an example, the psychologist explained respondent did not understand what books to select for the minor's age and how to assist her with engaging in the reading. As another example, the psychologist explained respondent would not guide the minor in picking up toys after the minor refused to do so. The caseworker, who was present for the visit, made similar observations.

¶ 24 The psychologist opined the minor would be at a high risk if she was returned to respondent's care as of June 2025. The caseworker and case supervisor agreed with the psychologist's concerns based upon their experience with respondent. The caseworker noted respondent's statement that the prior incident of domestic violence was one of mutual combat was particularly concerning, as respondent had been attending counseling, was nearing the completion of the domestic violence program, and had pleaded guilty to a criminal offense for his conduct.

¶ 25 7. *Visitations*

¶ 26 Respondent attended visits with the minor during the nine-month period. The visits were initially held at the DCFS office and later transitioned to out in the community. Respondent was assigned a parenting coach in January 2025.

¶ 27 Between January and June 2025, most visits occurred at a trampoline park. The visit locations were chosen by respondent. Respondent testified the locations were selected based upon "a mutual compromise and understanding" between him and the minor. He asserted the minor was not the "key factor" in where visits occurred. The parenting coach testified it appeared the minor was "used to doing it her way" and the visit locations were based upon the minor's preference.

¶ 28 The caseworker informed respondent visits should occur in a more controlled

setting, where respondent could demonstrate parenting, not locations where engagement is child-led. The parenting coach discussed the same with respondent. The parenting coach also encouraged the visits to be more educational. While most visits occurred at the trampoline park, respondent occasionally chose visits at a park or a library.

¶ 29 Respondent testified he would engage the minor about her hobbies, which included gymnastics, dancing, and singing. He reported bringing flash cards to use with the minor during the initial 15 to 20 minutes of a visit and would then ask her educational questions during play, such as how many trampolines or swings were in the trampoline park. He also reported he would help the minor with pronunciation. He explained, when she would get frustrated with a word, he would have her relax and try again.

¶ 30 The caseworker testified respondent did not always bring healthy snacks for the minor. Respondent testified he would bring snacks if the visit location did not have food available for purchase. The snacks he brought included peanut butter and jelly sandwiches, fruit cups, and orange juice.

¶ 31 Respondent occasionally brought his father and the minor's mother to visits. Respondent explained he did so because he believed it was important for the minor to know her grandfather and to observe her parents correspond and collaborate for special occasions, such as Mother's Day. With respect to the minor's mother, respondent would drive to northern Illinois to pick her up from a residential facility and then return to central Illinois for the visit. Respondent testified he notified the caseworker before bringing the minor's mother to visits. Respondent acknowledged he was aware the minor's mother had been diagnosed with schizophrenia and did not know her mental state prior to picking her up for a visit.

¶ 32 In April and May 2025, respondent participated in joint visits with the minor and

his other child in DCFS care. The caseworker testified respondent was unable to parent both children without assistance.

¶ 33 The parenting coach, who was present for approximately 30 to 45 minutes of the 2-hour visits, testified he did not have to give respondent many prompts during the visits but would occasionally give tips or pointers before or after. The parenting coach believed respondent could have been more consistent in applying the advice.

¶ 34 The parenting coach testified respondent kept the minor safe, seen, secured, soothed, fed, and entertained during visits. The parenting coach believed respondent could safely parent the minor but was uncertain if respondent could educate her, as that was not demonstrated.

¶ 35 8. *Housing and Income*

¶ 36 Prior to and during the nine-month period, respondent primarily lived in a home rented by his father, who was approximately 85 years old. Respondent's father rented the home via a "handshake agreement," not a written lease. Respondent's father paid all the bills. At an April 2025 family team meeting, the caseworker asked respondent about his bills. Respondent responded, "I don't know, ask my dad." Respondent testified he maintained the home, and his father paid the bills and the rent.

¶ 37 The condition of the home was an issue prior to and during the nine-month period. The floors in the home needed to be replaced, there were missing floor registers, and the home had a roach infestation. During the April 2025 family team meeting, respondent, who was present via video call, showed the caseworker and the case supervisor the home. One of the rooms still had a missing floor register, which left a hole in the ground that appeared large enough for the minor to fall through. The home needed a new door, the bathroom had issues, and the home was cluttered with construction materials. The caseworker and the case supervisor concluded the home remained

unsafe for the minor. They advised respondent of the various issues that needed to be corrected.

¶ 38 The caseworker visited the home in June 2025. The caseworker testified the home needed to be swept and mopped. The caseworker observed the fridge was locked with a chain and padlock. Respondent stated the fridge was locked because his former roommate was stealing food. The caseworker was provided limited information about the roommate. Respondent stated he would remove the chain and padlock. He also stated he was working on obtaining custom floor registers and had been using a pest control spray. The caseworker concluded the home remained unsafe for the minor.

¶ 39 Respondent acknowledged his home was "somewhat in disrepair" as of July 2025. He indicated he had to hire someone to address the floors and remodel the bathroom and laundry room. Respondent testified he had since hired the company he works for to remodel the bathroom and laundry room, and his father had hired a contractor to address the floors. The remodels cost approximately $12,000, but respondent provided labor to reduce the cost by "[a] couple grand." Respondent reported working for the company "under the table," earning $15 an hour.

¶ 40 The caseworker and the case supervisor were concerned with respondent's ability to manage his own affairs. They explained to respondent the need to be able to live independently.

¶ 41 9. *Service Plan Evaluations*

¶ 42 During the nine-month period, respondent's progress was evaluated on the service recommendations. Service plans were evaluated in December 2024, May 2025, and July 2025. Overall, respondent's progress was rated as unsatisfactory.

¶ 43 10. *The Minor's Mother*

¶ 44 The caseworker was concerned with the possibility of respondent leaving the minor in the unsupervised care of the minor's mother, with whom he frequently spoke. The caseworker

noted respondent was advised to distance himself from the minor's mother at a May 2025 hearing and then, despite that advice, was seen leaving the courthouse with her. Respondent testified he understood the minor could not be left in the unsupervised care of the minor's mother.

¶ 45 11. *Parenting Plan*

¶ 46 The caseworker was concerned with respondent's absence of a parenting plan. The caseworker explained respondent stated during the April 2025 family team meeting he would ask DCFS to continue to supervise if the minor's case was closed. The caseworker testified this suggested respondent did not have a parenting plan in place.

¶ 47 12. *Trial Court's Decision*

¶ 48 After considering the evidence and arguments presented, the trial court found respondent was an unfit parent as alleged in the State's petition to terminate parental rights. The court, in rendering the oral pronouncement of its decision, acknowledged the evidence showed respondent made diligent efforts to attend counseling and visits during the nine-month period. While the court also acknowledged the visits went well, it noted they occurred in a child-led setting. The court found respondent had shown he was unable to set appropriate boundaries with the minor and exposed her to potential harm by allowing the minor's mother to be present during visits. The court further found a major risk resulted from respondent's dual diagnosis and his failure to have a recovery program in place. Finally, the court found respondent had not shown he was able to live independently. Ultimately, the court concluded the minor was no closer to being returned to respondent's care as of the end of the nine-month period.

¶ 49 C. Best-Interest Hearing

¶ 50 In June 2026, the trial court conducted a best-interest hearing. At the conclusion of the hearing, the court, after considering the evidence and arguments presented, as well as the

statutory best-interest factors found in section 1-3(4.05) of the Juvenile Court Act of 1987 (705 ILCS 405/1-3(4.05) (West 2024)), found it would be in the minor's best interest to terminate respondent's parental rights—a finding which is not challenged on appeal. The court thereafter entered a written order terminating respondent's parental rights.

¶ 51 This appeal followed.

¶ 52 II. ANALYSIS

¶ 53 On appeal, respondent argues the trial court's finding he was an unfit parent is against the manifest weight of the evidence. In support, he highlights, with respect to the nine-month period identified in the State's petition to terminate parental rights, the evidence shows (1) he consistently provided negative drug screens, (2) he testified he understood the minor could not be left in the unsupervised care of the minor's mother, (3) the parenting coach had no concerns, (4) the visits went well, (5) he demonstrated engagement and progress in counseling, (6) he earned an income, and (7) he was correcting the issues with his home.

¶ 54 In a proceeding to terminate parental rights, the State must first prove parental unfitness by clear and convincing evidence. *In re N.G.*, 2018 IL 121939, ¶ 28. A trial court's finding of parental unfitness will not be disturbed on appeal unless it is against the manifest weight of the evidence. *Id.* ¶ 29. A finding is against the manifest weight of the evidence "only where the opposite conclusion is clearly apparent." *Id.*

¶ 55 The trial court found respondent was an unfit parent as defined in section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2024)). Section 1(D)(m)(ii) states, in part, a parent will be considered "unfit" if he or she fails "to make reasonable progress toward the return of the child to the parent during any [nine]-month period following the adjudication of neglected." *Id.*

¶ 56 "Reasonable progress" has been defined as "demonstrable movement toward the goal of reunification." (Internal quotation marks omitted.) *In re C.N.*, 196 Ill. 2d 181, 211 (2001). This is an objective standard. *In re F.P.*, 2014 IL App (4th) 140360, ¶ 88. The benchmark for measuring a parent's progress toward reunification

> "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." *C.N.*, 196 Ill. 2d at 216-17.

This court has stated a parent has made reasonable progress when "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 [trial] court, in the *near future*, will be able to order the child returned to parental custody." (Emphasis in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991). In considering an allegation of parental unfitness based on a lack of reasonable progress, only evidence from the relevant time period may be considered. *In re Reiny S.*, 374 Ill. App. 3d 1036, 1046 (2007).

¶ 57 In this case, the relevant nine-month period was October 15, 2024, to July 15, 2025. With respect to this period, the evidence showed, in addition to those facts highlighted by respondent as part of his argument, respondent (1) had not established an ability to live independently, (2) had not obtained safe and appropriate housing, (3) denied having problems with domestic violence and described the prior incident of domestic violence with his pregnant girlfriend as one of " 'mutual combat,' " (4) had a positive drug screen for THC and missed approximately nine drug screens, (5) lacked a recovery program to assist him in maintaining

sobriety, (6) was assessed as having poor insight and judgment, (7) was assessed as not understanding the risk domestic violence, substance abuse, and untreated mental health issues posed to the minor, and (8) did not appropriately interact with the minor and set guidelines. The psychologist who examined respondent in June 2025 ultimately opined the minor would be at a high risk if she was returned to respondent's care. Given these facts, we conclude the unfitness finding based on respondent's failure to make reasonable progress toward the return of the minor to his care is not against the manifest weight of the evidence.

¶ 58 III. CONCLUSION

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

¶ 60 Affirmed.