

**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) 260436-U

NO. 4-26-0436

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

**FILED**

August 27, 2026

Carla Bender

4<sup>th</sup> District Appellate  
Court, IL

|                                        |   |                     |
|----------------------------------------|---|---------------------|
| <i>In re</i> O.M., a/k/a O.S., a Minor | ) | Appeal from the     |
|                                        | ) | Circuit Court of    |
| (The People of the State of Illinois,  | ) | Henry County        |
| Petitioner-Appellee,                   | ) | No. 24JA9           |
| v.                                     | ) |                     |
| Thomas S.,                             | ) | Honorable           |
| Respondent-Appellant).                 | ) | James J. Cosby Jr., |
|                                        | ) | Judge Presiding.    |

---

JUSTICE DeARMOND delivered the judgment of the court.  
Justices Doherty and Harris concurred in the judgment.

**ORDER**

¶ 1 *Held:* The appellate court granted appellate counsel’s motion to withdraw and affirmed, finding the trial court’s termination of respondent’s parental rights was not against the manifest weight of the evidence.

¶ 2 In January 2026, the State petitioned to terminate the parental rights of respondent, Thomas S., the father of O.M., also known as O.S. (born in July 2024). In March 2026, the trial court granted the petition and terminated Thomas’s parental rights.

¶ 3 On appeal, appellate counsel filed a motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), *In re S.M.*, 314 Ill. App. 3d 682 (2000), and *In re Austin C.*, 353 Ill. App. 3d 942 (2004), arguing Thomas’s appeal presents no potentially meritorious issues for review. We grant the motion and affirm the trial court’s judgment.

¶ 4 I. BACKGROUND

¶ 5 On July 22, 2024, the State filed a petition for adjudication of wardship, alleging

O.M. was neglected because (1) her mother, Katelyn M., tested positive for methamphetamines when O.M. was born and (2) Thomas “has substance abuse issues.” See 705 ILCS 405/2-3(1)(b) (West 2024). According to the petition, Thomas and Katelyn had children removed from their care and their parental rights terminated in Henry County case Nos. 19-JA-14 and 19-JA-15. On the same day, the trial court entered an order placing the children’s temporary custody with the Illinois Department of Children and Family Services (DCFS). Katelyn is not part of this appeal.

¶ 6 On January 2, 2026, the State petitioned to terminate Thomas’s parental rights, alleging he was an unfit parent because he (1) abandoned O.M., (2) failed to maintain a reasonable degree of interest, concern, or responsibility for O.M.’s welfare, (3) failed to make reasonable efforts to correct the conditions that caused O.M.’s custody to be placed with DCFS during the nine-month period from November 1, 2024, to August 1, 2025, and (4) failed to make reasonable progress toward O.M.’s return during the same nine-month period. See 750 ILCS 50/1(D)(a), (b), (m)(i)-(ii) (West 2024).

¶ 7 A. Fitness Hearing

¶ 8 The trial court conducted a fitness hearing on March 27, 2026. Karen Moore, the DCFS caseworker assigned to O.M.’s case, testified O.M. came into care because her umbilical cord blood tested positive for methamphetamine, and Thomas and Katelyn had their parental rights terminated in prior cases due to their substance abuse issues. DCFS recommended that Thomas maintain stable housing and income, complete parenting classes, obtain a substance abuse evaluation, obtain a mental health evaluation, and complete any recommended treatment. Moore communicated with Thomas throughout the case and ensured he knew what was expected of him. At no point did Thomas maintain housing that would be appropriate for O.M.’s return to his custody. Thomas owned a home, but it suffered fire damage and still required repairs when

the fitness hearing occurred. Moore testified, “[T]he home was not in condition, cleanliness or repair-wise, for a child to have visits there.” During a visit to the home, Moore observed dog feces on the floor. She testified, “There are parts of engines, household appliances, tools, a lot of small garbage debris, and things from the porch all the way into the house.” Moore described the house as “very cluttered” and reiterated that “the animals are using the restroom on the floor.”

¶ 9 Early in the case, Thomas informed Moore that he completed a mental health evaluation with his primary care physician. Moore advised Thomas that he needed to be evaluated by a qualified mental health professional, and she gave him a list of providers. At the time of the fitness hearing, Thomas had not completed a mental health evaluation. Thomas also did not provide documentation verifying his employment status, though he reported that he worked at AutoZone Thomas completed parenting classes in March 2025.

¶ 10 Due to Thomas’s substance abuse history, Moore testified, “[E]ither during visits or at the house, I would usually test him, and every test that I have given \*\*\* Thomas has been positive for methamphetamine.” In October 2024, Thomas completed a substance abuse evaluation, and inpatient treatment was recommended. Thomas did not engage in the recommended treatment at that time. In December 2024, Thomas and Katelyn spent approximately 10 days in a treatment center in Tennessee. However, they did not complete the program. Moore testified Thomas and Katelyn “would only consider places that would allow them both to go.” They were “unsuccessfully discharged” from the program in Tennessee without completing their treatment due to an altercation between Katelyn and another resident. They did not attend any other treatment programs.

¶ 11 Thomas was required to attend drug drops four times per month. Thomas did not attend any of his scheduled drug drops, citing “ongoing transportation issues.” Because Thomas

would not come to the office for the scheduled drug drops, Moore would meet Thomas once per month to administer drug tests, all of which tested positive for methamphetamine. As recently as November 2025, Thomas admitted to Moore that he was still using methamphetamine.

¶ 12 Thomas was permitted to have supervised visits with O.M., and those visits occurred in Katelyn's grandmother's home. When he and Katelyn attended visits together, he was "very disengaged," and he would often "lay[ ] in the recliner" and "fall[ ] asleep." Thomas was "present" for visits but "also very inconsistent." Thomas would end visits early, and he refused to bring any supplies, despite being told repeatedly that his responsibilities included providing meals for O.M. Moore testified O.M.'s foster parents provided all the materials for each visit, including diapers, wipes, and food. Thomas did not bring O.M. any gifts or cards for special occasions, such as holidays or O.M.'s birthday.

¶ 13 On cross-examination, Moore testified that the only recommended service Thomas completed was parenting classes. Thomas did not complete any of the other services necessary to obtain custody of O.M. Thomas was not closer to O.M.'s return to his care at the end of the nine-month period than he was at its beginning. At no point was DCFS "reasonably close to returning [O.M.] to [Thomas's] care."

¶ 14 Thomas testified he was still using methamphetamine as recently as November 2025. Thomas had not engaged in substance abuse treatment since he left the program in Tennessee. He had not successfully completed a substance abuse treatment program since he was a teenager. Thomas did not know where O.M. went for medical care. Thomas confirmed that he left some visits with O.M. early, and other times he fell asleep without engaging with her.

¶ 15 The trial court found the State had proved by clear and convincing evidence that Thomas failed to maintain a reasonable degree of interest, concern, or responsibility for O.M.'s

welfare, and he failed to make reasonable efforts or reasonable progress toward obtaining custody of O.M. during the specified nine-month period. The court highlighted that Thomas did not satisfy any of his requirements other than completing parenting classes, and it emphasized Thomas was “battling a methamphetamine addiction, which remains to this day unaddressed.”

¶ 16

#### B. Best-Interests Hearing

¶ 17

The matter proceeded to a best-interests hearing, during which Moore testified O.M. had been placed in a traditional, licensed foster home. O.M.’s foster home was safe and appropriate, and her foster parents provided “an abundance” of clothes and toys. Moore observed O.M.’s interactions with her foster parents, and she testified they were bonded. Moore testified the foster parents “are mom and dad” to O.M. The home had a picture of O.M.’s foster parents that O.M. “goes up and kisses a lot.” Based on O.M.’s interactions with Thomas, Moore did not believe O.M. was bonded with Thomas “in the way that she [was] with [her foster parents].” If O.M. needs something during visits, she “doesn’t always go to Thomas. A lot of times, \*\*\* she’ll also go to the visit specialist.” Based on her observations, Moore had no concerns with O.M. remaining with her foster parents. O.M.’s foster parents “have an excellent support system,” and Moore believed they would “make every attempt to continue to care for [O.M.] to their best ability.”

¶ 18

On cross-examination, Moore testified O.M.’s foster parents not only provided for her basic needs, like food and shelter, but they also went “above and beyond” to contact specialized healthcare providers to ensure O.M. received necessary evaluations and physical therapy. O.M. was forming her identity with her foster parents. She appeared to feel a sense of attachment and security in relation to her foster parents. O.M. had lived with her foster parents “for the last 650 or so days,” which was the duration of the case, and they were essentially the

only parents she had ever known. O.M.’s foster parents were willing to provide O.M. with stability and permanence by adopting her.

¶ 19 The trial court found it was in the children’s best interests to terminate Thomas’s parental rights. The court asserted:

“[I]t’s clear to this Court that the child is currently placed in a loving home with foster parents that wish to provide permanency to the child. They provide security for the child, a sense of identity for the child. All the child’s needs, both physically and emotionally, are being met in this home. So this is an outstanding permanency option for the child, and I would find that that is in the best interest of the child.”

The court subsequently terminated Thomas’s parental rights.

¶ 20 This appeal followed.

¶ 21 II. ANALYSIS

¶ 22 In July 2026, Thomas’s appellate counsel filed a motion seeking leave to withdraw as counsel. Thomas did not file a response. Counsel asserts no issue of arguable merit can be raised on appeal. We agree.

¶ 23 A. Standard of Review

¶ 24 To terminate an individual’s parental rights, the State must first show the parent is unfit by clear and convincing evidence and then show that terminating their parental rights serves the child’s best interests by a preponderance of the evidence. *In re D.F.*, 201 Ill. 2d 476, 494-95 (2002); *In re D.T.*, 212 Ill. 2d 347, 366 (2004). We will not reverse an unfitness finding unless it is against the manifest weight of the evidence. *In re Ta. T.*, 2021 IL App (4th) 200658, ¶ 48. Likewise, we will not reverse a best-interests finding unless it is against the manifest weight of

the evidence. *In re Dal. D.*, 2017 IL App (4th) 160893, ¶ 53. “A decision is against the manifest weight of the evidence when the opposite conclusion is clearly apparent.” *Ta. T.*, 2021 IL App (4th) 200658, ¶ 48.

¶ 25

#### B. Unfitness Finding

¶ 26 The Adoption Act provides several grounds on which a trial court may find a parent unfit. See 750 ILCS 50/1(D) (West 2024). Those grounds include a parent’s failure to “make reasonable progress toward the return of the child \*\*\* during any 9-month period following the adjudication of neglected or abused minor.” 750 ILCS 50/1(D)(m)(ii) (West 2024). We have described “reasonable progress [a]s an objective standard,” measuring whether “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 and internal quotation marks omitted.) *In re F.P.*, 2014 IL App (4th) 140360, ¶ 88. “[A]ny *one* ground, properly proven, is sufficient to enter a finding of unfitness.” (Emphasis in original.) *In re C.W.*, 199 Ill. 2d 198, 210 (2002); see 750 ILCS 50/1(D) (West 2024).

¶ 27 No issue of arguable merit can be raised concerning the trial court’s unfitness finding. The evidence supports the court’s determination that Thomas failed to make reasonable progress toward O.M.’s placement with him during the specified nine-month period. See 750 ILCS 50/1(D)(m)(ii) (West 2024). To obtain custody of O.M., Thomas needed to maintain stable housing and income, complete parenting classes, obtain mental health and substance abuse evaluations, and comply with any recommendations based on those evaluations. The only required service Thomas completed was parenting classes. His house was filthy and unsuitable for O.M. He failed to provide Moore with proof of employment. In late 2024, he attended

inpatient substance abuse treatment in Tennessee for 10 days before he was unsuccessfully discharged. He did not reengage in any substance abuse treatment for the remainder of the case's pendency. He refused to appear for drug drops, so Moore had to schedule meetings with him to administer individualized drug tests. Each drug test that Moore administered came back positive for methamphetamine. Thomas testified he used methamphetamine as recently as November 2025.

¶ 28 Thomas was “very disengaged” and “very inconsistent” during his visits with O.M. He never brought food, diapers, or other supplies to visits, even after he was told he was responsible for doing so. Thomas never brought gifts or cards for O.M. to celebrate her birthday or holidays. Thomas was never close to obtaining custody of O.M. at any point during the case, and he made no progress toward reuniting with O.M. during the nine-month period in question. See *F.P.*, 2014 IL App (4th) 140360, ¶ 88. Accordingly, the trial court's unfitness finding was not against the manifest weight of the evidence. See *In re A.L.*, 409 Ill. App. 3d 492, 500 (2011).

¶ 29 C. Best-Interests Determination

¶ 30 Once a trial court finds a parent unfit, it must consider whether terminating their parental rights serves the child's best interests. “[A]t a best-interests hearing, the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life.” *D.T.*, 212 Ill. 2d at 364 (2004). When considering whether termination of parental rights serves a child's best interests, the trial court must consider several factors within “the context of the child's age and developmental needs.” 705 ILCS 405/1-3(4.05) (West 2024).

These factors include:

“(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's familial, cultural[,] and religious background and ties;

(4) the child’s sense of attachments, including love, security, familiarity, continuity of affection, and the least disruptive placement alternative; (5) the child’s wishes and long-term goals; (6) the child’s community ties; (7) the child’s need for permanence, including the need for stability and continuity of relationships with parent figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the person available to care for the child.” *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1072 (2006).

See 705 ILCS 405/1-3(4.05) (West 2024).

¶ 31 There is no issue of arguable merit regarding the trial court’s best-interests finding. O.M. was bonded with her foster parents, who provided her with a safe home and an abundance of clothes and toys. Moore believed O.M. saw her foster parents as her “mom and dad,” and they were essentially the only parents O.M. had ever known. To show her affection for her foster parents, O.M. would frequently kiss a picture of her foster parents. Moore did not believe O.M. was similarly bonded to Thomas, and O.M. would not always go to Thomas to meet her needs during visits. O.M.’s foster parents went “above and beyond” to meet O.M.’s medical needs, whereas Thomas did not know where O.M. went for medical care. O.M. was forming her identity with her foster parents, and she appeared to feel a sense of attachment and security in relation to them. The foster parents wanted to provide stability and permanence by adopting O.M. Based on this evidence, the court determined it was in O.M.’s best interests to terminate Thomas’s parental rights. We cannot say “the opposite conclusion is clearly apparent,” nor can we find the court’s decision to be “unreasonable, arbitrary, or not based on the evidence.” *In re Keyon R.*, 2017 IL App (2d) 160657, ¶ 16.

¶ 32

### III. CONCLUSION

¶ 33 We agree with appellate counsel that this appeal presents no issue of arguable merit. Accordingly, for the reasons stated, we grant counsel's motion to withdraw and affirm the trial court's judgment.

¶ 34 Affirmed.