NOTICE
Decision filed 08/25/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App (5th) 260359-U

NO. 5-26-0359

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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

In re LORIN V., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	St. Clair County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 24-JA-94
	)	
Jami A.,	)	Honorable
	)	Elaine L. LeChien,
Respondent-Appellant).	)	Judge, presiding.

PRESIDING JUSTICE CATES delivered the judgment of the court.
Justices Barberis and Boie concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court erred in finding Mother unfit based solely on a proffer from the State. We do not have jurisdiction to consider the circuit court's finding of neglect as the notice of appeal was filed more than 30 days after the entry of the dispositional order.

¶ 2 This appeal involves the parental rights of the respondent, Jami A. (Mother), as to her minor son, Lorin V., who was born in late June 2024. Mother contends the circuit court of St. Clair County erred when the court (1) found the minor was abused or neglected on January 14, 2026, (2) found Mother was unfit on March 25, 2026, and (3) terminated Mother's parental rights on March 25, 2026. The State has filed a confession of error in which it concedes that the finding of unfitness must be reversed. For the reasons that follow, we reverse.

¶ 3 I. BACKGROUND

¶ 4 On July 1, 2024, the State filed an "Amended[1] Petition for Neglected Minor Pursuant to 705 ILCS 405/2-3 with Request for Termination of Parental Rights Pursuant to 705 ILCS 405/2-29." The State alleged that the minor was neglected because (1) following his birth[2] his "blood urine, or meconium contained any amount of a controlled substance," and (2) the minor is exposed to an environment which is injurious to his health and welfare as Mother's other children have come into care and Mother is on probation for possession of methamphetamine, with a petition to revoke probation pending. Ryan V., the father of the minor (Father), was involved in the circuit court proceedings, but is not a party to this appeal. We refer to him only when necessary for an understanding of Mother's appeal.

¶ 5 On July 2, 2024, the circuit court held a shelter care hearing,[3] after which the court entered an order noting that neither Mother nor Father were present, found probable cause to conclude that the minor was neglected, and granted temporary guardianship of the minor to the Illinois Department of Children and Family Services (DCFS), with the power to place the minor in appropriate settings. Subsequent orders entered the same day indicate that Mother and Father appeared in the circuit court late. Mother and Father were each appointed their own counsel to represent them in the proceedings. On July 17, 2024, Mother's appointed counsel from the St. Clair County Public Defender's office entered an appearance on behalf of Mother.

[1]The original petition was filed the same day; however, the original petition mistakenly contained a count regarding a different mother and child.

[2]The State's amended petition, paragraph 2, alleges the minor was born on June 23, 2024; however, paragraph 3(a) of the same document alleges Mother gave birth to the minor on January 1, 2024. Based on our review of the entire record, it appears the minor's correct date of birth is June 23, 2024.

[3]The only hearings that were transcribed and included in the record on appeal in this case were the January 14, 2026, adjudicatory hearing, and the March 25, 2026, fitness and best interests hearing.

¶ 6 Subsequent orders show that Mother was present for the next three of six hearings; her counsel was present at the hearings Mother did not attend. On June 25, 2025, Mother was not present, and the circuit court entered an order finding Mother in default. There is no transcript from this hearing; however, the order shows Mother's counsel was present. Mother was not present at the next hearing. She was present on November 19, 2025, and the default entered against her was set aside.

¶ 7 On January 14, 2026, the adjudicatory hearing was held. Mother was not present, but her counsel was. The State requested that Mother be defaulted. The circuit court entered a new default order against Mother and found that the minor was neglected due to an environment injurious to his welfare because "on Jan. 1 [*sic*], 2024 Respondent Mother gave birth and Respondent Mother tested positive for amphetamines, fentanyl, opiates, and methadone." A dispositional order was entered at the same time, making the minor a ward of the court, and placing guardianship with DCFS. The circuit court set the permanency goal as substitute care pending determination of termination of parental rights. A trial on the petition to terminate parental rights was scheduled for March 25, 2026.

¶ 8 On March 25, 2026, the circuit court held a hearing on the petition to terminate parental rights. After asking the parties to identify themselves, the following colloquy occurred:

> "MR. BONE [Mother's counsel]: I have the mom in this case.
>
> THE COURT: Okay.
>
> MR. BONE: I mean, are we going to default the mom right now? We gonna [*sic*] give her some time?
>
> MR. TOPLIFFE [Assistant State's Attorney]: Mom's already in default.
>
> * * *

THE COURT: It's five to nine and we were set at 8:30.

MR. BONE: Well, for the record, I object to moving forward on this until we give her some time to show because we've been very lenient in the past on people showing up late. So, just for the Court.

THE COURT: Well, and she's also had one default set aside, I believe, and she was—

MR. BONE: I'm just throwing it out there, Judge.

THE COURT: —and she was defaulted in January. Okay.

* * *

MR. BONE: Okay. I just want to note that, that we can't pick and choose cases that we want to move forward for the expediency of people that are in this courtroom."

¶ 9 The State then proceeded by way of proffer. The State offered the following proffer regarding Mother:

"[I]f this case were to proceed to hearing, the People would provide sufficient evidence to prove by a clear and convincing evidence that the respondents—that being respondent mother, respondent father, and any and all unknown fathers—are unfit to have this child for the following reasons as outlined by the Illinois Adoption Act, specifically that [Mother] has demonstrated habitual drunkenness or addiction to drugs other than those prescribed by a physician for at least one year immediately prior to the commencement of unfitness proceedings, and the respondent mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under Subsection C of Section 2-3 of the Juvenile Court Act of 1987. *** That would be the extent of the proffer."

Directly following the State's proffer, the circuit court found as follows:

> "The Court has considered the proffer and the State has proven by clear and convincing evidence that the mother is unfit ***.
>
> [Mother] is unfit in that she has demonstrated habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year prior to the commencement of the unfitness proceeding and that the respondent mother is the biological mother to at least one other child who was adjudicated neglected under Subsection C of Section 2-3 of the Juvenile Court Act of 1987."

The circuit court then immediately conducted the best interest hearing and heard testimony from Francisco Contrera, the foster care specialist who had been assigned to the minor's case. As this matter must be reversed based on the fitness determination, we will not recount the testimony from the best interest portion of the hearing.

¶ 10 A written order entitled "Termination of Parental Rights Order" was entered on March 25, 2026. The written order contained the same basis for the unfitness finding as announced at the hearing. Mother filed a timely *pro se* notice of appeal on April 24, 2026.

¶ 11 II. ANALYSIS

¶ 12 On appeal, Mother raises three issues: (1) whether the circuit court's finding of neglect was against the manifest weight of the evidence, (2) whether the circuit court's finding of unfitness was against the manifest weight of the evidence, and (3) whether the circuit court's finding that it was in the minor's best interest to terminate Mother's parental rights was against the manifest weight of the evidence. As noted above, the State has confessed that the unfitness finding must be reversed.

¶ 13 A. Neglect Finding

¶ 14 We lack jurisdiction to consider the circuit court's neglect finding. The circuit court entered the adjudicatory and dispositional order finding the minor was neglected and should be made a ward of the court on January 14, 2026, which was a final and appealable order. *In re Leona W.*, 228 Ill. 2d 439, 456 (2008). Pursuant to Illinois Supreme Court Rule 301 (eff. Feb. 1, 1994), a notice of appeal must be filed within 30 days after the entry of the final judgment from which the appeal is to be taken. *In re Leona W.*, 228 Ill. 2d at 456-57. Failure to file a notice of appeal within that time deprives this court of appellate jurisdiction. *In re Janira T.*, 368 Ill. App. 3d 883, 891 (2006). Mother filed her notice of appeal on April 24, 2026, beyond the 30 days in which to appeal. Accordingly, we lack jurisdiction to consider the circuit court's adjudicatory and dispositional order which found the minor was neglected.

¶ 15 B. Termination of Parental Rights

¶ 16 Parents have a fundamental liberty interest in the care, custody, and management of their children. *In re D.T.*, 212 Ill. 2d 347, 363 (2004). Because of this fundamental liberty interest, "a proceeding to involuntarily terminate a parent's rights is a 'drastic measure.' " *In re E.B.*, 231 Ill. 2d 459, 463 (2008) (quoting *In re D.C.*, 209 Ill. 2d 287, 295 (2004)). The authority to involuntarily terminate parental rights is purely statutory, and the scope of the circuit court's authority is defined by those statutes. *In re E.B.*, 231 Ill. 2d at 463.

¶ 17 The involuntary termination of parental rights under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2024)) is a two-step process. *In re M.I.*, 2016 IL 120232, ¶ 20. The State must first prove by clear and convincing evidence that the parent is unfit under any of the discrete and independent grounds listed in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *In re M.I.*, 2016 IL 120232, ¶ 20; *In re C.W.*, 199 Ill. 2d 198, 217 (2002) ("[T]he

grounds set forth in section 1(D) each provide a discrete basis for a finding of unfitness."). Clear and convincing evidence is "that quantum of proof that leaves no reasonable doubt in the mind of the fact finder about the truth of the proposition in question." *In re John R.*, 339 Ill. App. 3d 778, 781 (2003). We note that "[a]lthough stated in terms of reasonable doubt, courts consider clear and convincing evidence to be more than a preponderance, while not quite approaching the degree of proof necessary to convict a person of a criminal offense." *In re John R.*, 339 Ill. App. 3d at 781.

¶ 18 Although the State may rely on several grounds in its motion to terminate parental rights, a finding adverse to the parent on any single ground is sufficient to support a subsequent termination of parental rights. *In re C.W.*, 199 Ill. 2d at 217. In other words, "only one ground of [parental] unfitness need be proved to find a parent unfit." *In re J.P.*, 261 Ill. App. 3d 165, 174 (1994).

¶ 19 If the court finds that a parent is unfit, the matter proceeds to a second hearing, at which the State must prove by a preponderance of the evidence that it is in the best interests of the minor child to terminate parental rights. *In re D.T.*, 212 Ill. 2d at 352, 366. At this stage of the proceedings, the circuit court's focus necessarily shifts to the best interests of the child and away from the rights of the parent. *In re P.S.*, 2021 IL App (5th) 210027, ¶ 30. "[T]he parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life" (*In re D.T.*, 212 Ill. 2d at 364), because a prompt, just, and final resolution of a child's status, as opposed to having that status remain in limbo, is in the child's interests. *In re D.L.*, 191 Ill. 2d 1, 13 (2000).

¶ 20 On appeal, this court accords great deference to the circuit court's decisions in termination proceedings because the circuit court is in a better position to observe witnesses and to judge their demeanor and credibility. *In re Dal. D.*, 2017 IL App (4th) 160893, ¶ 53. This court does not

reweigh the evidence or reassess the credibility of witnesses. *In re M.A.*, 325 Ill. App. 3d 387, 391 (2001). Unless the circuit court's findings of parental unfitness or the child's best interest are against the manifest weight of the evidence, this court will not disturb the circuit court's findings. *In re A.W.*, 231 Ill. 2d 92, 104 (2008). A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or the determination is unreasonable, arbitrary, or not based on the evidence presented. *In re D.F.*, 201 Ill. 2d 476, 498 (2002).

¶ 21 Mother's counsel filed an appellant brief on her behalf on June 18, 2026. Subsequently, this court entered an opinion in the matter of *In re Maybell E.*, 2026 IL App (5th) 260136, on July 13, 2026. Following that decision, the State filed a confession of error in this matter.

¶ 22 In this case, as in *In re Maybell E.*, the circuit court entered an order finding Mother in default for failing to appear and finding Mother unfit without requiring the State to prove up its fitness allegations; this was error. In the present matter, no evidence was presented in support of the State's allegations of unfitness. Instead, the State proffered that it would be able to prove the allegations if the matter went to a hearing. The circuit court then ruled that the State met its burden on both counts of alleged unfitness.

¶ 23 As we recognized in *In re Maybell E.*, this court's earlier precedent of *In re C.J.*, 2013 IL App (5th) 120474, ¶ 7, examined the longstanding principles of civil practice, and we found clearly and unequivocally and held that when, in a termination of parental rights case, "a party files an appearance and places in issue the allegations of the complaint or petition, the circuit court cannot enter a default judgment simply because the party failed to appear for the trial or hearing." (Internal quotation marks omitted.) *In re Maybell E.*, 2026 IL App (5th) 260136, ¶ 49. "We further held that, '[i]nstead, the petitioner must prove the allegations of the petition as if the respondent had been present to try the case.' " *In re Maybell E.*, 2026 IL App (5th) 260136, ¶ 49 (quoting *In re*

C.J., 2013 IL App (5th) 120474, ¶ 7). As no evidence was presented to prove the allegations of unfitness alleged in the petition it was against the manifest weight of the evidence to find Mother unfit. We reverse the circuit court's March 25, 2026, order finding Mother to be unfit. As a finding of unfitness is a prerequisite to a hearing to determine whether termination of parental rights is in a child's best interests, we also reverse the portion of the March 25, 2026, order finding that it was in the minor's best interest for Mother's parental rights to be terminated. *In re M.H.*, 313 Ill. App. 3d 205, 213 (2000).

¶ 24 III. CONCLUSION

¶ 25 For the foregoing reasons, we conclude that the circuit court's fitness finding was against the manifest weight of the evidence. We therefore reverse the judgment of the circuit court that Mother is unfit and reverse the order that terminated Mother's parental rights.

¶ 26 Reversed.