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) 260574-U

NO. 4-26-0574

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
October 5, 2026
Carla Bender
4th District Appellate
Court, IL

In re S.S., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Winnebago County
Petitioner-Appellee,	)	No. 24JA41
v.	)	
Elizabeth S.,	)	Honorable
Respondent-Appellant).	)	Erin B. Buhl,
	)	Judge Presiding.

PRESIDING JUSTICE STEIGMANN delivered the judgment of the court.
Justices Zenoff and Grischow concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed the trial court's termination of respondent's parental rights because the court's finding of parental unfitness was not against the manifest weight of the evidence.

¶ 2 Respondent, Elizabeth S., is the mother of S.S. (born October 2023). In May 2026, the trial court found respondent was an unfit parent under the Adoption Act (Act) (see 750 ILCS 50/1(D)(b), (m)(i), (m)(ii) (West 2024)) and that termination of respondent's parental rights would be in the minor's best interest.

¶ 3 Respondent appeals, arguing that the trial court's finding of parental unfitness was against the manifest weight of the evidence. We disagree and affirm.

¶ 4 I. BACKGROUND

¶ 5 A. Procedural History

¶ 6 In February 2024, the State filed a petition for adjudication of wardship, alleging S.S. was a neglected minor in that his environment was injurious to his welfare due to his mother's mental health issues that "prevent[ed] her from properly parenting, thereby placing the minor at risk of harm." 705 ILCS 405/2-3(1)(b) (West 2024).

¶ 7 That same month, the trial court conducted a shelter care hearing and placed temporary custody and guardianship of S.S. with the guardianship administrator of the Illinois Department of Children and Family Services (DCFS).

¶ 8 In May 2024, the trial court conducted an adjudicatory hearing, at which respondent stipulated to the allegation of neglect. The court adjudicated S.S. a neglected minor as alleged in the petition.

¶ 9 That same day, the trial court conducted a dispositional hearing, at which it entered a written order finding respondent "unfit or unable" for reasons other than financial circumstances alone to care for, protect, train, or discipline S.S. The court also (1) adjudicated S.S. a ward of the court, (2) placed guardianship and custody of S.S. with the guardianship administrator of DCFS, and (3) admonished respondent that she "shall cooperate with all *** services as required by [DCFS] and its contracting agencies."

¶ 10 B. The Termination Hearing

¶ 11 In April 2025, the State filed a motion for termination of parental rights. In July 2025, the State filed an amended motion, alleging that respondent was an unfit parent because she (1) failed to maintain a reasonable degree of interest, concern, or responsibility as to S.S.'s welfare (750 ILCS 50/1(D)(b) (West 2024)), (2) failed to make reasonable efforts to correct the conditions that were the basis for the removal of S.S. from her care within the nine-month period from July 7, 2024, to April 7, 2025 (*id.* § 1(D)(m)(i)); and (3) failed to make reasonable progress

toward the return of S.S. to her care during the same nine-month period (*id.* § 1(D)(m)(ii)).

¶ 12 1. *The Fitness Proceedings*

¶ 13 On separate dates in September 2025, December 2025, January 2026, and February 2026, the trial court conducted the fitness portion of the termination proceedings. The State called Zachary Adams, the assigned DCFS caseworker. Respondent called her father, Michael S. and her mother, Cynthia S., and she testified on her own behalf. The court admitted People's exhibit Nos. 1 through 6 without objection—namely (1) the April 2024 integrated assessment, (2) the February 23, 2024, July 12, 2024, and January 7, 2025, service plans, and (3) two DCFS "indicated packet[s]." The court also admitted respondent's exhibit No. 1, which was respondent's counseling notes from Perryville Counseling Group.

¶ 14 a. Adams

¶ 15 Adams testified that he was employed by DCFS as a child welfare specialist and had been S.S.'s only caseworker since February 2024. He testified that S.S. came into care due to a "flurry of issues," including environmental neglect, medical neglect, respondent's mental health, and domestic violence in the home.

¶ 16 Adams testified that respondent's contact with the agency was "inconsistent and sporadic." At times, she would have frequent contact with Adams, but at other times, "several months" would pass with no contact from her.

¶ 17 Adams stated that respondent was required to complete a substance abuse assessment, a mental health assessment, domestic violence counseling, individual counseling, and parenting education; participate in drug testing; and address housing issues.

¶ 18 Regarding substance abuse, Adams stated that during their initial meeting in February 2024, respondent reported that she used marijuana and alcohol. He also stated that she

was “entirely noncompliant” with drug testing and made “continuous self-admission of marijuana and alcohol use throughout the case.” She was asked to complete “10 to 15” drug tests but completed only one, which was in April 2024. Respondent also never completed a substance abuse assessment. Adams continued to have concerns about her drug use because “just a month or two ago ***, [she] indicated she’s still using marijuana to help sleep at night.” Adams also referred respondent to Rosecrance for substance abuse treatment, but she never completed it.

¶ 19 Regarding mental health, Adams testified that respondent’s mental health was “the biggest concern that DCFS has at this point.” He described “a lot of instability, explosiveness, [and] irritability” that “ultimately puts the child in danger in her care.” The first time he met respondent in person, in February 2024, she became “highly agitated and explosive.” She broke a pen and stabbed herself in the thigh, pounded on the walls, and yelled and screamed. He also described telephone conversations in which she yelled and screamed, as well as occasions when she reported suicidal ideation.

¶ 20 Adams stated that respondent was referred for a mental health assessment with Cristina Gloria at Dimensions of Wellness and Transformations, but she attended only the initial session in the summer of 2024 and declined to return. Respondent told Adams that she “wasn’t willing to talk about her trauma *** [or] the case” and “was not a fan of Ms. Gloria,” who diagnosed respondent with “some form of explosive disorder.”

¶ 21 Respondent attended “some” virtual individual counseling sessions through Perryville Counseling Group. Adams stated that she attended “pretty consistent[ly] for the most part but then opted to no longer participate in counseling.” (We note that respondent’s exhibit No. 1 indicates that she attended weekly from July 29, 2024, through November 13, 2024.) Adams offered respondent other options for counseling, but she refused to engage with any of

them.

¶ 22 Regarding parenting education, Adams testified that respondent was referred to the Youth Services Bureau's parenting education program toward the end of 2024 but "was never able to start because she was in noncompliance with every other aspect of the case."

¶ 23 Adams observed visits and testified that respondent still struggled with parenting and child development. After visits, S.S. sometimes required a change of clothing or a bath because he smelled of cigarette smoke, sweat, and animal urine, and Adams noticed the same odors on respondent. She was never approved for unsupervised or overnight visits because she had not "made any significant changes or progress in the case," and nothing indicated that S.S. would be safe in her care.

¶ 24 Adams also testified that respondent had been in numerous relationships involving domestic violence before and during the case. She was referred for domestic violence counseling, but she never engaged.

¶ 25 Adams also testified that respondent's housing remained a problem. He referred her to several different agencies for housing advocacy, but she did not utilize the referrals and instead "always would opt to live with friends." Since the case opened, she had lived in five residences, four of them with friends or a boyfriend. In the fall of 2024, she relocated to the Joliet, Illinois, area with her boyfriend.

¶ 26 On cross-examination, Adams testified that he had never personally observed respondent under the influence and did not recall an odor of marijuana or alcohol at visits. He also testified that respondent participated in a psychological evaluation with Dr. Michelle Iyamah, but respondent did not complete the parenting-capacity portion. Adams encouraged respondent to meet with a psychiatrist to discuss medication, but she refused, stating that she had

previously overdosed on psychiatric medication and did not want to be medicated.

¶ 27 b. Michael S.

¶ 28 Michael S. testified that he was respondent's father. She and S.S. came to live with him and his wife, Cynthia S., when S.S. was about two days old. Respondent then lived in the home "[o]ff and on." He stated that, about a week before Thanksgiving 2023, respondent left with S.S. for Missouri. Michael testified that (1) the people who came to get her "had guns on them," (2) the destination was kept secret, and (3) he believed respondent and S.S. were being trafficked. He and his wife collected respondent and S.S. in Iowa in early January 2024 after threatening to arrive in Missouri with the police. S.S. was taken into care about three weeks later.

¶ 29 Michael further testified that, before respondent's Missouri trip and after her return, he observed her change S.S. and feed him. He described her mental health diagnoses, which included oppositional defiant disorder (ODD) and an eating disorder, and four or five hospitalizations when she was younger, the last one occurring when she was 14 years old. He testified those problems had "gone away" as she aged.

¶ 30 Michael stated that he attended about eight visits with S.S. He described respondent sitting on the floor, holding S.S., giving him snacks, and changing him. He said he would have no problem with respondent supervising his other grandchildren.

¶ 31 Michael testified that he has never seen respondent hurt or mistreat S.S. He also stated that she did not do drugs "at all that I know of."

¶ 32 c. Cynthia S.

¶ 33 Cynthia S. testified that she was respondent's mother. She stated that when respondent was younger, she would "bite herself, pull her hair out, make a bruise on her[self], pinch herself, things like that." Respondent was hospitalized four or five times for these

behaviors. Cynthia stated that most of the hospitalizations were through Rosecrance, and the doctors would give her "medical cocktails" to see "what would work, what wouldn't work." Respondent "went off her meds" when she was about 16 years old because she did not like how she felt on the medications. Cynthia believed respondent was "better off the medication than she [was] on [it]."

¶ 34 Cynthia stated that respondent lived with them after S.S.'s birth until some friends of respondent's came to collect her, and S.S. Cynthia stated that she "found out later they had guns on them." Respondent was on probation at the time. She found the address they went to in Missouri and took it to the police, who said it looked like they were at a "compound." Cynthia stated, "[T]hey told us, don't come because they will shoot you, they will kill you."

¶ 35 Cynthia and Michael retrieved respondent and S.S. in January 2024 in Iowa. At first, they were driving to Missouri, but respondent called and said officials from Missouri child protective services were there to do a welfare check. She asked her parents to pick her up in Iowa.

¶ 36 DCFS officials came to the home within hours of their return to Illinois, and they soon returned after a walk-in clinic visit due to S.S. having one eye swollen shut and a "barky cough." Cynthia estimated that DCFS came to the home seven or eight times before S.S. was ultimately taken into care.

¶ 37 Cynthia stated that she never saw respondent mistreat S.S. She stated that early on, respondent had frustration with caring for a newborn, but that improved once respondent "got her routine down."

¶ 38 After S.S. went into care, respondent did not obtain any counseling or treatment until DCFS "demanded that she go someplace for counseling." Cynthia testified that she drove

respondent to Perryville Counseling Group two or three times and that some counseling sessions were by telephone. She stated that respondent completed a substance abuse assessment at Rosecrance, which she "passed." Cynthia said she had never seen respondent use alcohol or drugs. She would trust respondent to babysit her other grandchildren.

¶ 39 On cross-examination, Cynthia stated that her relationship with her daughter was good "[f]or the most part," but she also admitted that she called the police on respondent when she was 14 or 15 years old. The police were also at their home at the end of January 2024, just before S.S. was taken into care. She denied that the police came due to a dispute between herself and respondent about sleeping all day and not caring for S.S.; instead, Cynthia claimed that the incident occurred because she did not want DCFS in the house.

¶ 40 Cynthia stated that she knew respondent used cannabis in the past, but she had never seen respondent use it in her house. Cynthia also stated that in November and December 2024, respondent left home for several weeks. Cynthia believed she was in "Crest Hills" and also went to see some friends in Michigan. She did not know if respondent missed visits with S.S. while she was gone.

¶ 41 d. Respondent

¶ 42 Respondent testified that she was not currently on medication. She had taken psychiatric medications as a teenager but stopped taking them in 2020 because they were not working. She stated that her stopping her medications was with the agreement of a doctor at Rosecrance, whose name she could not remember. As a teenager, respondent had "a lot of anger, a lot of [obsessive compulsive disorder (OCD)], a lot of ODD, [and] a lot of bipolar [disorder]." Those symptoms had subsided "[f]or the most part," but she was "still a little OCD."

¶ 43 Respondent stated that she stopped drinking alcohol in 2024, just before S.S. was

taken into care. She said she did not use any other type of recreational drugs and had not smoked cannabis since July 2024, although she had "been around it."

¶ 44 Respondent testified that she attended counseling through Perryville Counseling Group once or twice a week, and she found the sessions helpful. She addressed "the case, coping skills, [and] domestic violence awareness." She also attended five or six domestic violence counseling sessions through Perryville Counseling Group. She said she had been a victim of domestic violence "[f]rom 2020 to right after [S.S.] was born" at the hands of "multiple" offenders. Respondent said she stopped attending all counseling at Perryville Counseling Group in December 2025. She also stated that her insurance lapsed for about six months in the summer of 2024, during which she paid out of pocket and was given no alternative provider by DCFS.

¶ 45 Regarding parenting classes, respondent stated that she was asked to sign up for them, but she "could not complete the drops to qualify for the parenting class." When asked to elaborate, she stated, "I have a very shy bladder, so I wasn't able to physically complete them." She said she offered "blood and hair" as alternative ways to be drug-tested, but DCFS did not accept those as alternatives.

¶ 46 Respondent testified that she attended "almost all" of her weekly visits with S.S. prior to the petition for termination being filed. She brought diapers, wipes, formula, food, and toys. She frequently brought her parents to the visits because she did not drive and they gave her a ride. All of her visits were supervised.

¶ 47 On cross-examination, respondent testified that she had no visits with S.S. from August 2024 to November 2024 because she was in Joliet without reliable transportation. She agreed that Adams offered transportation but said she could not give DCFS the address of the home where she was staying until November. She admitted she did not have stable housing

between August and November 2024 and was "testing the waters" in a relationship that "started to turn somewhat toxic." She also admitted having a few "outbursts" toward Adams, including "raising [her] tone of voice, swearing, [and] yelling at him."

¶ 48 Respondent testified that she completed a substance abuse assessment at the beginning of the case and was told no further substance abuse services were recommended. She testified that she also completed a mental health assessment. She admitted she never saw a psychiatrist during the case. She testified that in 2023, her primary-care physician referred her to a psychiatric team that determined that she did not have bipolar disorder and did not test her for other conditions. She had not been retested for her teenage diagnoses. When asked why S.S. came into care, respondent testified that she could not remember fully and that it was "because of the household" and "possible neglect."

¶ 49 On redirect examination, respondent testified that before returning to Rockford, Illinois, she had been in Missouri from Thanksgiving 2023 to January 2024 with people who had "groomed [her] for a set of 7 years" and taken her "at gunpoint." She said she was not allowed to care for S.S. there and that he spent the day at "a random woman's house."

¶ 50 e. The Trial Court's Findings

¶ 51 The trial court found that the State had proved by clear and convincing evidence each of the allegations of parental unfitness.

¶ 52 The trial court began its ruling by reciting the history of the case found in the State's exhibits. In November 2023, DCFS became involved because of respondent's mental health and alcohol use. She refused a mental health assessment and drug testing. In January 2024, DCFS was called again due to reports of instability, substance abuse, and an inability to care for S.S. Her parents reported that she slept all day and did not bathe, change, or feed him.

Both investigations were indicated for untreated mental health concerns and substance abuse. The integrated assessment recommended weekly psychotherapy, a psychiatric assessment, a substance abuse assessment and regular drug screens, and parenting education with coaching. The court found that the required services were necessary and appropriate.

¶ 53 The trial court further found that, during the nine-month period of July 7, 2024, through April 7, 2025, respondent failed to (1) complete a substance abuse assessment and drug testing, (2) engage in parenting services or a psychiatric assessment, and (3) consistently attend and complete counseling and domestic violence services. The court found that, "[a]t best," she attended some weekly telehealth counseling sessions "for three months of this nine-month period and was ultimately unsuccessfully discharged." Respondent's exhibit No. 1 showed that she attended sixteen 60-minute sessions between July 2024 and November 2024. In July 2024, respondent's counselor diagnosed her with borderline personality disorder and major depressive disorder. The counselor planned to continue addressing domestic violence, but no sessions occurred after November 2024. The court found that respondent's lapse in insurance did not excuse the failure. She "refused to attend elsewhere and did not return to Perryville Counseling after the insurance issue was resolved."

¶ 54 The trial court also found respondent's explanation of a shy bladder to be "unconvincing." The court further found her testimony "lacked credibility" and was "inconsistent." The court specifically pointed to her testimony that she last used marijuana in July 2024, while Adams testified that in August 2025, she admitted ongoing use. She completed only one drug test, and because she would not participate in drug testing, she never started parenting education. She did not attend domestic violence services, and she never met with a psychiatrist during the case. The court also found that she attended visitation inconsistently. In

the fall of 2024, she moved to Joliet and attended no visits from August 2024 through December 2024. Adams tried to arrange transportation, but she would not provide her address. She never progressed to unsupervised or overnight visitation. Because of the foregoing, there was no measurable movement toward the return of S.S to respondent's care.

¶ 55 2. *The Best Interest Determination and Order Terminating Parental Rights*

¶ 56 In May 2026, following a best interest hearing, the trial court entered a written order (1) finding that it was in the best interest of S.S. that respondent's rights be terminated and (2) terminating respondent's parental rights.

¶ 57 This appeal followed.

¶ 58 II. ANALYSIS

¶ 59 Respondent appeals, arguing that the trial court's findings of parental unfitness were against the manifest weight of the evidence. We disagree.

¶ 60 Respondent argues the trial court's finding that she was unfit was against the manifest weight of the evidence. It is well settled that "[b]ecause each of the statutory grounds of unfitness is independent, the trial court's finding may be affirmed where the evidence supports a finding of unfitness as to any one of the alleged grounds." *In re Adoption of P.J.H.*, 2019 IL App (5th) 190089, ¶ 11. Based on our review of the record, we conclude that the court's finding that respondent failed to make reasonable progress toward the return of S.S. to her care was not against the manifest weight of the evidence. Accordingly, we discuss only that finding.

¶ 61 A. The Applicable Law and the Standard of Review

¶ 62 The State must prove unfitness as defined in section 1(D) of the Act (750 ILCS 50/1(D) (West 2024)) by clear and convincing evidence. *In re N.G.*, 2018 IL 121939, ¶ 28. Section 1(D)(m)(ii) of the Act defines an unfit parent as a parent who fails to make "reasonable

progress toward the return of the child" during any nine-month period following an adjudication of neglect or abuse. 750 ILCS 50/1(D)(m)(ii) (West 2024). Reasonable progress is an objective view of the steps the parent has taken toward the goal of reunification and examines the demonstrability and quality of those steps. *In re Ta. T.*, 2021 IL App (4th) 200658, ¶ 51. Additionally, the Illinois Supreme Court has held "the benchmark for measuring a parent's 'progress toward the return of the child' under section 1(D)(m) of the [Act] encompasses the parent's compliance with the service plans." *In re C.N.*, 196 Ill. 2d 181, 216 (2001). Reasonable progress exists when the trial court can conclude that, in the near future, it will be able to order the child returned to parental custody. *Ta. T.*, 2021 IL App (4th) 200658, ¶ 51.

¶ 63 A determination of parental unfitness involves factual findings and credibility determinations that the trial court is in the best position to make. *In re M.I.*, 2016 IL 120232, ¶ 21. Accordingly, a trial court's finding of parental unfitness will not be reversed unless it is against the manifest weight of the evidence. *N.G.*, 2018 IL 121939, ¶ 29. A decision is against the manifest weight of the evidence when the opposite conclusion is clearly apparent. *Id.*

¶ 64 B. This Case

¶ 65 The evidence in this case supports the trial court's finding that respondent failed to make reasonable progress toward the return of S.S. during the nine-month period alleged in the motion for termination of parental rights (July 7, 2024, through April 7, 2025).

¶ 66 During that period, respondent did not successfully complete any of the services that the service plan required of her, which the trial court found were reasonable and necessary. Respondent (1) did not successfully complete a mental health assessment or psychiatric assessment; (2) was unsuccessfully discharged from individual counseling; (3) failed to complete a substance abuse assessment; (4) continued using substances and attended only one drug test out

of the 10 to 15 that were requested; (5) never began parenting education because she was noncompliant with her other services; (6) failed to successfully complete domestic violence counseling; (7) lacked stable housing and rejected housing assistance; and (8) visited inconsistently with S.S., ceasing visitation entirely from August 2024 to November 2024 despite transportation being offered. In addition, respondent never advanced to unsupervised or overnight visits with S.S.

¶ 67 Reasonable progress exists when the trial court can conclude that, in the near future, it will be able to return the child to the parent. *Ta. T.*, 2021 IL App (4th) 200658, ¶ 51. The court found that there was no "measurable or demonstrable movement" toward the return of S.S. to respondent's care, and the evidence supports that finding.

¶ 68 To the extent respondent argues that the trial court could not consider the integrated assessment, the February 2024 service plan, or the indicated packets because those documents predate July 7, 2024, we disagree.

¶ 69 At the outset, we note that respondent did not object to the introduction of those items into evidence. And even if she had, her argument would fail on its merits. In *In re D.L.*, 191 Ill. 2d 1, 10, 13 (2000), the case upon which respondent relies, the trial court considered the mother's conduct *after* the statutory period for measuring progress—namely, her later sobriety—to find that she was not unfit under section 1(D)(m). The supreme court held that section 1(D)(m) limits the period in which the parent's efforts or progress is assessed and measured to the statutory window, which at that time was 12 months following adjudication. *Id.* at 10.

¶ 70 The supreme court's holding in *D.L.* does not bar the trial court from considering what conditions led to S.S.'s removal or what services the plans required. Those materials fix the starting point against which respondent's progress between July 7, 2024, through April 7, 2025,

is measured. See *C.N.*, 196 Ill. 2d at 216-17. The trial court cannot decide whether respondent made measurable movement toward S.S.'s return if the court is not allowed to know what she was supposed to move from and what she was directed to do.

¶ 71 III. CONCLUSION

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

¶ 73 Affirmed.