

NOTICE
Decision filed 10/28/26. 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) 260494-U
NO. 5-26-0494
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).

<i>In re</i> ZAHIR N., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Marion County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 24-JA-89
	)	
Emanuel N.,	)	Honorable
	)	Mark W. Stedelin,
Respondent-Appellant).	)	Judge, presiding.

JUSTICE McHANEY delivered the judgment of the court.
Justices Vaughan and Clarke concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court’s judgment terminating Father’s parental rights was against the manifest weight of the evidence where the trial court failed to include the required information and factual basis for the best interests of the minor.

¶ 2 The respondent, Emanuel N. (Father), appeals from the May 11, 2026, order of the Marion County trial court terminating his parental rights over Zahir N., the minor. On appeal, Father only challenges the best-interest determination in favor of terminating his parental rights. For the following reasons, we reverse and remand for further proceedings.

¶ 3 I. BACKGROUND

¶ 4 The State filed a petition for adjudication of wardship on October 21, 2024. The petition listed Father and Nikkita C. (Mother) as the parents. Mother is not a party on appeal. The petition

alleged that the minor was neglected in that his environment was injurious to his welfare (705 ILCS 405/2-3(1)(b) (West 2024)) because (1) Mother's other children were previously wards of the court, her parental rights were terminated, and she did not engage in or complete services ordered; (2) his sibling was currently a ward of the court and the conditions leading to the child's removal had not been fully corrected; and (3) Mother tested positive for amphetamines and methamphetamine upon admission to the hospital to give birth to him. The petition further alleged that the minor was neglected in that he was a newborn baby whose blood, urine, or meconium contained any amount of a controlled substance (*id.* § 2-3(1)(c)). Along with the petition, the State filed a motion for temporary custody, which was granted after a shelter care hearing that day, and the trial court appointed the Illinois Department of Children and Family Services (DCFS) as guardian.

¶ 5 The trial court held an adjudicatory hearing on January 15, 2025. The court entered an adjudicatory order finding the minor to be neglected on January 27, 2025. The court entered a dispositional order on May 7, 2025, finding Father to be unfit and making the minor a ward of the court. Father appealed this order and challenged the minor's placement with a foster family. We affirmed in a consolidated order, finding that because Father was unfit and did not argue otherwise, he lacked "standing to challenge this aspect of the dispositional order." *In re Emanuel N.*, 2025 IL App (5th) 250559-U, ¶ 55.

¶ 6 On July 28, 2025, the State filed a petition for expedited termination of parental rights and for appointment of guardian with power to consent to adoption. The petition alleged that Father was presumed unfit due to depravity based on his five felony convictions, all within five years of filing the petition. The State amended the petition on October 7, 2025, asserting the same allegation of presumed unfitness due to depravity.

¶ 7 On January 21, 2026, the trial court held a fitness hearing. Father’s counsel did not rebut the presumption of depravity, as it had been upheld in a sibling’s case on appeal,¹ and asked for the matter to be set for the best-interest hearing. The trial court found Father to be unfit.²

¶ 8 Hoyleton Youth and Family Services (Hoyleton) filed a best-interest report on March 25, 2026. The report noted that Father was unsuccessfully discharged from mental health services due to violating the rules of the program. Father did not have any visitation with the minor since April 2025 because he brought Mother with him to a visit, despite being informed she was not permitted. Father completed his parenting course, but the agency was not able to observe any learned skills due to visitation being suspended. Father did not complete his substance abuse service due to failure to appear for screens. Father also had not completed his domestic violence services, as he was discharged from the service for violating the rules and arrested for violation of pretrial release in a criminal case for making contact with Mother despite an order preventing him from doing so. The report noted that the minor was “thriving” in his foster placement, was bonded with his foster parents and his biological siblings and recommended that Father’s parental rights be terminated.

¶ 9 On May 6, 2026, the matter proceeded to a best-interest hearing. The State first called Lanette Heselton, the minor’s foster parent, to testify. She stated that the minor had resided with her, her husband, and their three other children since the minor was two days old. The minor’s brother and half-siblings also resided with Heselton, and all four were “extremely close.” Heselton was employed by DCFS as an investigator, and her husband was a retired Illinois State Trooper. They were able to take care of all four children, including the minor, and met all his needs. Heselton testified that they had a relationship with the minor’s Mother’s family and viewed him as one of

¹Father challenged the presumption of unfitness based on depravity in *In re Emanuel N.*, 2025 IL App (5th) 250559-U. We affirmed the trial court’s findings. *Id.* ¶¶ 49-50.

²Mother was not part of any unfitness hearings, as she signed a final and irrevocable consent to adoption to the foster parents on October 1, 2025.

their children. She and her husband wished to adopt the minor if Father's parental rights were terminated.

¶ 10 Next, the State called Sarah Oliver-Ludwig, who was the caseworker for the minor through Hoyleton. She testified that she had worked with the Heselton family since October 2024 and described their home as "very clean, [and] loving." She testified that it was in the minor's best interest to terminate Father's parental rights. The State called no further witnesses.

¶ 11 Father called his mother and younger sister to testify. His mother testified as to their family in the area and that she was willing and able to agree to adoption or guardianship of the minor if possible. His sister testified that she was prepared to care for the minor when he was born and was still willing to care for him.

¶ 12 Father testified on his own behalf, stating that he did not have a "chance" to know the minor as his son because he did not have visitation. The court noted that this was due to DCFS terminating visits when Father brought Mother, who was unapproved for visitation, and Father did not file a motion to resume visitation. Father testified that he could provide for the minor and had "grown up a lot" in the past year, engaging in counseling, taking medication, and obtaining employment. On cross-examination, Father testified that four months prior to the hearing, he pled guilty to a recent case involving Mother coming to his home.³

¶ 13 The State argued that it was in the minor's best interest to terminate Father's parental rights, noting the following factors favoring termination: the minor's need for permanency, the least disruptive placement alternative for the minor, continued affection for the minor, and the minor's sense of security. The minor had been in his foster placement since he was two days old. The

³Hoyleton's best interest hearing report indicated that Father was charged with and pled guilty to violation of pretrial release against a family member in Marion County case no. 2025-CM-553.

guardian *ad litem* agreed that Father's rights should be terminated, arguing that DCFS was correct in its placement of the minor as sibling placements are prioritized over any other family member. The minor would have permanency and stability with his foster family and biological siblings as well.

¶ 14 Father's counsel argued that placing the minor with Father's family was in the minor's best interest. It was important to preserve the minor's "biological family ties" with his entire family, not just his siblings. Father's counsel argued that placement with the Heselton family would only seem appropriate because DCFS did not place the minor with Father's family. Counsel argued that it was not in the best interest to terminate Father's parental rights.

¶ 15 The trial court stated,

"THE COURT: *** We're terminating [Father's] rights. That's what the issue is.

Not the rights of his family. Not the fact that his family may be involved in this child's life.

Now what gets me about your—the whole thing, is there's been no claim that it's in the child's best interest to stay with [Father]. No claim. So the issue is, I think, a little bit removed from his rights versus everything else.

If you understand what I'm saying?

[FATHER'S COUNSEL]: I do, Your Honor.

THE COURT: And I just wanted to make that clear. It is a difficult call. I don't fault your emotion, and I have no doubt that [Father] loves his kids. And I have no doubt that his family stands ready[,] willing[,] and able to care for this child. I imagine they always have. I have not been involved in most of the decisions in this case.

[FATHER'S COUNSEL]: Yes, Your Honor.

THE COURT: But, the one thing it lacks is [Father's] involvement. The one thing here is [Father's] willingness to make himself available. His willingness to come—to make a home for this child. He is relying on family.

[FATHER]: I am not.

[FATHER'S COUNSEL]: Yes, Your Honor. That's stuff we would have proved up or argued that at the fitness hearing, but to save the Court time, we just—

THE COURT: Well, I'm sorry.

[FATHER'S COUNSEL]: Yes.

THE COURT: But based upon everything I've heard, I think it is in the best interest of this child—

[FATHER]: No.

THE COURT:—that his parental rights be terminated.

[FATHER]: F**k. What am I here for? What am I here for? You just take my kids. I can't know my kids? That's hard. I can take any d**n sentence but that right there. You can't do that. I'm not supposed to know my kids for what reason? For what reason, I can't know my kids.

[FATHER'S COUNSEL]: Come on [Father] we got to go.

THE COURT: Well, I have—

[FATHER]: That's bulls**t, Your Honor. I can't know my son at all.

THE COURT: [Father's counsel], your client understand he has the right to appeal?

[FATHER'S COUNSEL]: He does.

[FATHER]: The right to appeal when I'm not seeing my kids. They only with her because she came to kidnap my kids.

No. This is bull. A young black man trying to be there for his son and change his life. I always wanted to be with my kids. They will opened [sic] up old wounds and take my kids from me. You premeditated this s**t.

THE COURT: Let's just—Lets—

Sir, I ask—

[FATHER]: I'm just saying. I tried my best with everything—everything I've done. I've tried my best. But you sit here and hold me accountable because something in my past that was before my kids, and none of you all know how I am.

THE COURT: Off the record.”

¶ 16 The trial court entered an order terminating Father's parental rights on May 11, 2026. The order stated that,

“The Court having considered all of the evidence adduced at this and all prior hearings, the recommendations of the parties and arguments of counsel, being fully advised in the premises, hereby finds: *** A best[-]interests hearing was held on May 6, 2025, and this Court finds that it is in the best interests of the Respondent Minor and of the public that all residual, natural, parental rights and responsibilities of [Father] and Any and All Unknown Fathers be terminated.”

Father appealed on June 3, 2026.

¶ 17

II. ANALYSIS

¶ 18 On appeal, Father challenges the best-interest finding, arguing that the trial court erred by failing to make written or oral findings on the applicable statutory factors. Thus, it was against the

manifest weight of the evidence because it is unclear from the record which evidence the trial court considered in issuing its decision.

¶ 19 Once a parent has been found unfit, “[t]he 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.) *In re D.T.*, 212 Ill. 2d 347, 364 (2004). The parent’s interest in maintaining the parent-child relationship “must yield to the child’s interest in a stable, loving home life.” *Id.* At this stage of the termination hearing, the State bears the burden of proving by a preponderance of the evidence that termination of parental rights is in the child’s best interest. *In re J.B.*, 2019 IL App (4th) 190537, ¶ 31.

¶ 20 In making a best-interest determination, the 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). The factors are as follows:

“ ‘(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 J.B.*, 2019 IL App (4th) 190537, ¶ 32 (quoting *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1072 (2006)).

¶ 21 We afford the trial court great deference, as it is in a superior position to view the witnesses, assess their credibility, and weigh conflicting evidence. *Id.* ¶ 33. We will not reverse the trial court’s best-interest determination unless it is against the manifest weight of the evidence. *Id.*

¶ 22 No single best-interest factor is dispositive. *In re S.K.B.*, 2015 IL App (1st) 151249, ¶ 48. When considering the best interest of the minor, the trial court is not required to explicitly state each statutory factor it considered in rendering its decision. *In re Jaron Z.*, 348 Ill. App. 3d 239,

262-63 (2004). The court must consider the best-interest factors based on evidence presented during the hearing either in its oral pronouncement or written order. See 725 ILCS 405/1-3(4.05) (West 2024); *In re B.B.*, 386 Ill. App. 3d 686, 698-99 (2008) (finding that the trial court erred in failing to consider all the applicable factors by not including specific findings of fact in the written order or in the hearing transcript as to the statutory factors).

¶ 23 In the present case, the written order for termination of Father’s parental rights does not contain any specific factual findings in support of termination. The trial court’s oral pronouncements during the hearing addressed Father’s involvement in the case and his reliance upon family members, then the trial court stated, “But based upon everything I’ve heard, I think it is in the best interest of this child *** that [Father’s] parental rights be terminated.” The State argues that the trial court’s oral pronouncement was “explicit and advised [Father] of its basis” to terminate his parental rights. We disagree.

¶ 24 In stating its findings, the trial court only said that it based its decision on “everything I’ve heard.” The written order also did not contain any factual detail to support its findings. The record is unclear as to the trial court’s basis for determining it was in the minor’s best interest to terminate Father’s parental rights, such as an evaluation of which factors would be supportive of termination. Not only did the trial court fail to evaluate which of the statutory factors it relied upon, it also failed to state in its oral pronouncement or written order that it relied upon *any* of the statutory factors. Accordingly, we find that the trial court’s order to terminate Father’s parental rights was against the manifest weight of the evidence.

¶ 25 III. CONCLUSION

¶ 26 For the above reasons, we reverse the trial court’s decision to terminate Father’s parental rights and remand the matter for further proceedings consistent with this Order.

¶ 27 Reversed and remanded.