2026 IL App (4th) 260811

NOS. 4-26-0811, 4-26-0813, 4-26-0814, 4-26-0817 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 16, 2026
Carla Bender
4th District Appellate
Court, IL

In re M.A., N.A., H.A., and B.A., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Tazewell County
Petitioner-Appellee,	)	Nos. 24JA63
v.	)	24JA64
Brandon A.,	)	24JA65
Respondent-Appellant).	)	24JA66
	)	
	)	Honorable
	)	Katherine G. P. Legge,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court, with opinion.
Justices Zenoff and Doherty concurred in the judgment and opinion.

OPINION

¶ 1 Respondent father, Brandon A., appeals the trial court's judgments terminating his parental rights to his children, M.A. (born August 2016), N.A. (born May 2023), H.A. (born July 2017), and B.A. (born July 2018). On appeal, respondent argues the court erred in finding it was in the best interests of the minors to terminate his parental rights. For the reasons that follow, we disagree and affirm the court's judgments.

¶ 2 I. BACKGROUND

¶ 3 The parental rights of the minors' mother, Kodi K., were also terminated during the proceedings below. She is not, however, a party to this appeal. The following is gleaned from the records in the cases consolidated herein as it relates to respondent.

¶ 4 A. Petitions to Terminate Parental Rights

¶ 5 In August 2025, the State filed petitions to terminate respondent's parental rights to the minors. In the petitions, the State alleged respondent was an unfit parent in that he failed to (1) maintain a reasonable degree of interest, concern, or responsibility as to the minors' welfare (750 ILCS 50/1(D)(b) (West 2024)) and (2) make reasonable progress toward the return of the minors to his care within a nine-month period following their September 25, 2024, adjudications of neglect, namely, November 13, 2024, to August 13, 2025 (*id.* § 1(D)(m)(ii)). The State further alleged it was in the minors' best interests 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.

¶ 6 B. Fitness Hearing

¶ 7 In February 2026, the trial court conducted a fitness hearing. Respondent did not appear at the hearing. Based upon the evidence and arguments presented, the court found respondent was an unfit parent for the reasons alleged in the State's petitions to terminate respondent's parental rights—a finding that respondent does not challenge on appeal.

¶ 8 C. Best-Interests Hearing

¶ 9 In July 2026, the trial court conducted a best-interests hearing. The court (1) received multiple best-interests reports; (2) heard testimony from a caseworker, a court appointed special advocate (CASA) supervisor, and respondent; (3) received a mental health assessment administered to respondent; (4) heard a report from a guardian *ad litem* (GAL); (5) heard arguments and recommendations; and (6) inquired of the maternal grandmother, who was present in the courtroom. The following was before the court.

¶ 10 In April 2024, the minors were taken into DCFS care due to their exposure to

domestic violence and substance abuse of their parents. Respondent was previously imprisoned for violent crimes committed against the minors' mother and H.A., the latter of which required him to register as a violent offender against children for 10 years. After the minors were taken into DCFS care, respondent refused to cooperate with the agency assigned to oversee the minors' care or attend court proceedings and had limited contact with the minors. Respondent admitted his plan at that time was to "sit back and have [the minors' mother] get the [minors] back." In September 2025, following the filing of petitions to terminate parental rights, respondent made his first court appearance. He did not appear again until May 2026, after the fitness hearing.

¶ 11 Since the fall of 2025, the minors had been placed in a relative foster home. The girls, M.A. and H.A., were placed in the home in October 2025, while the boys, B.A. and N.A., were placed in the home in November 2025. The minors were doing well in their placement, and the foster mother ensured their needs were met. The foster home was smaller; the minors shared a room containing two sets of bunk beds. The minors were bonded to each other and their foster mother. The foster mother had a positive support system of neighbors, friends, and family who were willing to assist her and the minors.

¶ 12 The boys presented with various health issues. B.A. was previously diagnosed with kidney cancer. While in remission, he required follow-up appointments. B.A. also struggled with behavioral issues. Since beginning weekly counseling in June 2026, behavioral concerns were no longer reported by the foster mother. N.A., in turn, exhibited speech and sensory issues. He required developmental screening and a speech evaluation.

¶ 13 With respect to permanency, the minors' foster mother was willing and able to adopt the girls. She was unwilling, however, to adopt or provide guardianship for the boys. The foster mother indicated her unwillingness was due to the services the children required and the

need for additional space in her home, as she was pregnant.

¶ 14 The minors' caseworker, an experienced caseworker who had recently joined the agency and been assigned to the minors' cases, testified the boys had alternative placement options that could provide permanency. She initially indicated the boys could "possibly end up in Chicago in an adoptive environment." She later indicated the maternal grandmother had "been vocal about providing permanency." The maternal grandmother had been caring for one of the minors' half-siblings, who also was in DCFS care. The reports indicated the half-sibling, who had been diagnosed with autism, was doing well and the placement was "stable," "safe," and "loving." The reports also indicated the maternal grandmother was willing to adopt the half-sibling and had inquired about visits with the minors. On the trial court's inquiry, the maternal grandmother expressed a willingness to care for the boys.

¶ 15 According to the GAL, B.A. and M.A. expressed a desire to live with either their foster mother or maternal grandmother, H.A. expressed a desire to live with her foster mother, and N.A. was too young to express his desires concerning where he would like to live.

¶ 16 Respondent acknowledged previously struggling with domestic violence and substance abuse. Respondent also acknowledged his lack of prior engagement had a negative impact on the minors. Respondent testified he had been working on bettering himself and believed he became "fully stabilized" around January 2026. In September 2025, he explained, he became sober, met his current girlfriend through Facebook, and moved to Iowa to live with his girlfriend and her two children. He had since obtained employment and his own vehicle. He, his girlfriend, and her two children lived in a four-bedroom, two-bathroom house.

¶ 17 Respondent testified he reached out to the minors' prior caseworker a few times in 2025 and then was in contact with the minors' current caseworker and the CASA supervisor in

2026. The minors' current caseworker and the CASA supervisor confirmed prior contact with respondent. Respondent also testified he had been in contact with the minors' foster parent. In March 2026, respondent began counseling and a domestic violence program on his own initiative. He also obtained a drug screen and visited the minors on Easter, at which he brought them gifts. Respondent testified he was willing to engage in any recommended services. He also agreed with guardianship if the minors could not presently be returned to his care.

¶ 18 Respondent acknowledged the existence of a recent DCFS investigation involving his girlfriend and her children in Iowa. Respondent testified he cooperated with the investigation. While he disclosed the minors' cases to the investigator, he acknowledged he did not disclose his finding of unfitness or that he could not have unsupervised contact with the minors. Respondent testified the investigation was determined to be unfounded.

¶ 19 While the minors have been in DCFS care, the assigned agency, Lutheran Social Services of Illinois, committed undisputed errors in its oversight of their cases. Of note, it was discovered the minors' foster mother did not take B.A. to a March 2026 follow-up appointment for his cancer diagnosis. Later investigation showed the foster mother was never informed of the cancer diagnosis, let alone the follow-up appointment, and had not been provided with the necessary documents that should have been given to her when the minors were placed in her care. After the investigation, the foster mother was provided with the necessary documents and scheduled a follow-up appointment for B.A. on November 4, 2026.

¶ 20 The minors' caseworker believed it was in the minors' best interests to terminate respondent's parental rights. In support, the caseworker emphasized the extended period the minors were in DCFS care and respondent's unfitness. The CASA supervisor disagreed with the caseworker's assessment. In support, the CASA supervisor emphasized the lack of permanency

available for the boys, the potential negative impact of separating the minors, and the failures of the assigned agency.

¶ 21 The State argued it was in the minors' best interests to terminate respondent's parental rights. In support, the State emphasized the extended period the minors had been in DCFS care and respondent's lack of engagement. While the State acknowledged the failures of the assigned agency, it maintained those failures did not excuse respondent's lack of engagement. Respondent disagreed with the State's argument. In support, respondent emphasized his accountability for his past actions, his recent engagement, the lack of permanency available for the boys, the potential negative impact of separating the minors, and the failures of the assigned agency. Finally, the GAL indicated he was unable to reach a position on the minors' best interests.

¶ 22 At the conclusion of the hearing, the trial court found it would be in the minors' best interests to terminate respondent's parental rights. The court, in its oral ruling, indicated it considered all the information before it, as well as the statutory best-interests factors. The court noted it had a unique understanding of the family from presiding over the cases since January 1, 2025. It acknowledged respondent's love for the minors, accountability for his past actions, apparent sobriety, and recent engagement. It found him to be "in a really good spot." However, the court also emphasized the reasons the minors came into DCFS care and respondent's criminal history, the extended period the minors had been in DCFS care, the extended period respondent had been absent from the minors' lives, and the recency of respondent's apparent sobriety and engagement. While the court cited several best-interests factors, it gave significant weight to the minors' needs for permanency. It noted, with respect to the boys, the maternal grandmother was interested in providing permanency. Accordingly, the court entered written orders terminating respondent's parental rights and setting the permanency goals for the minors to adoption.

¶ 23 This appeal followed.

¶ 24 II. ANALYSIS

¶ 25 On appeal, respondent argues the trial court erred in finding it was in the best interests of the minors to terminate his parental rights. The State disagrees.

¶ 26 Section 2-29(2) of the Juvenile Court Act of 1987 (705 ILCS 405/2-29(2) (West 2024)) provides a two-step process for the involuntary termination of parental rights. First, a trial court must find, by clear and convincing evidence, the parent is an unfit person as defined by section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). 705 ILCS 405/2-29(2) (West 2024). Second, a court must find, by a preponderance of the evidence, termination is in the child's best interests. *Id.*; *In re D.T.*, 212 Ill. 2d 347, 367 (2004) (determining the standard of proof).

¶ 27 When considering whether termination of parental rights is in a child's best interests, the trial court must consider several statutory factors within the context of the child's age and developmental needs:

> "(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
>
> (b) the development of the child's identity;
>
> (c) the child's background and ties, including familial, cultural, and religious;
>
> (d) the child's sense of attachments, including:
>
> (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
>
> (ii) the child's sense of security;

(iii) the child's sense of familiarity;

(iv) continuity of affection for the child;

(v) the least disruptive placement alternative for the child;

(e) the child's wishes and long-term goals, including the child's wishes regarding available permanency options and the child's wishes regarding maintaining connections with parents, siblings, and other relatives;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures, siblings, and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child, including willingness to provide permanency to the child, either through subsidized guardianship or through adoption." 705 ILCS 405/1-3(4.05) (West 2024).

The focus is on the child, and 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.

¶ 28 On review, a trial court's best-interests finding is accorded great deference, as it is in the best position to assess the credibility of witnesses and weigh the information before it in conjunction with the relevant statutory factors. *People v. Morgan*, 2025 IL 130626, ¶ 38; *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 74. The court's finding will ordinarily not be disturbed unless it is against the manifest weight of the evidence. *In re L.T.P.*, 2026 IL App (4th) 250856, ¶ 62. A finding is against the manifest weight of the evidence when the opposite conclusion is

clearly apparent. *In re C.P.*, 2019 IL App (4th) 190420, ¶ 68.

¶ 29 In this case, respondent, in support of his argument that the trial court erred in finding it was in the best interests of the minors to terminate his parental rights, initially asserts the court failed to render a sufficiently specific decision to allow for an adequate review. We disagree. The court gave a detailed oral ruling explaining its best-interests findings. In its ruling, the court indicated it considered all the information before it, as well as the statutory best-interests factors. It also highlighted facts favorable to and against the respective positions. Finally, it identified the best-interests factor to which it gave significant weight in reaching its best-interests findings—the children's need for permanency. Accordingly, we reject respondent's assertion.

¶ 30 Respondent also, in support of his argument on appeal, suggests the trial court improperly considered his past behavior, as opposed to "salient issues pertaining to the [minors'] best interest[s]." We disagree. In considering the best interests of the minors, it was entirely appropriate for the court to consider respondent's past behavior, especially where he was taking accountability for that behavior and claiming he had changed. Indeed, respondent was asking the court to consider the likelihood he could become a return-home option for the minors. Accordingly, we reject respondent's suggestion.

¶ 31 Finally, respondent, in support of his argument, asserts the information before the trial court showed neither the minors' needs for permanency nor the other best-interests factors favored terminating his parental rights. We disagree. Again, the court, in reaching its best-interests findings, gave significant weight to the minors' needs for permanency. The information before the court showed the minors had been in DCFS care for over two years. Respondent's apparent sobriety and engagement was of recent vintage, and they did not show he could care for the minors. Conversely, the foster mother was willing and able to provide permanency for the girls through

adoption. While the foster mother was unwilling to provide the same for the boys, they had other options to achieve permanency—this is not the situation where, as respondent suggests, there is no reasonable chance of adoption. In particular, the maternal grandmother, who had been caring for and was willing to adopt one of the minors' half-siblings, expressed a willingness to provide permanency—a fact that respondent does not address on appeal. Further, B.A., in addition to M.A., had expressed a desire to live with his maternal grandmother, and the maternal grandmother had inquired about visits with the minors, facts indicative of an ongoing, close relationship between the minors and their grandmother. Because we find these facts show the minors' needs for permanency favored terminating respondent's parental rights, we cannot say it is clear the trial court should have reached the opposite conclusion with respect to its best-interests findings. Accordingly, we reject respondent's assertion and hold the court did not err in finding it was in the best interests of the minors to terminate respondent's parental rights.

¶ 32 Before concluding, respondent, in reviewing the best-interests factors, emphasizes the assigned agency's inadequate oversight of the minors' cases. Specifically, he emphasizes the agency's previous failure to ensure the foster mother was aware of and able to tend to the minors' health needs. While the agency's undisputed failures in this regard do not negate the weight attributed to the minors' needs for permanency, its failures are unacceptable. Agency procedures need to be reviewed to ensure similar failures do not occur in future cases. Unfortunately, the full impact of the agency's failures, at least as it relates to B.A., remains unknown. We can only hope the results from his recent follow-up appointment for his cancer diagnosis were favorable. While the agency has fallen short in its oversight, we, like the trial court, are confident the minors' cases are now being given the proper attention. For that, we commend the minors' current caseworker for her efforts after joining the agency and being assigned to the minors' cases.

¶ 33 III. CONCLUSION

¶ 34 For the reasons stated, we affirm the trial court's judgments.

¶ 35 Affirmed.

Decision Under Review:	Appeal from the Circuit Court of Tazewell County, Nos. 24-JA-63 through 24-JA-66; the Hon. Katherine G.P. Legge, Judge, presiding.
Attorneys for Appellant:	Louis P. Milot, of Peoria, for appellant.
Attorneys for Appellee:	Kevin E. Johnson, State's Attorney, of Pekin (Patrick Delfino, David J. Robinson, and Connor Goetten, of State's Attorneys Appellate Prosecutor's Office, of counsel), for the People.