

2026 IL App (4th) 260379
NO. 4-26-0379
IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
October 13, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> B.C., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Tazewell County
Petitioner-Appellee,	)	No. 23JA185
v.	)	
Casey D.,	)	Honorable
Respondent-Appellant.)	)	Katherine G. P. Legge,
	)	Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court, with opinion.
Presiding Justice Steigmann and Justice Harris concurred in the judgment and
opinion

OPINION

¶ 1 The circuit court of Tazewell County granted a petition by the State to terminate the parental rights of respondent, Casey D., to her daughter, B.C., who was born in September 2022. Respondent appeals, challenging two factual findings by the court: (1) that she was an “unfit person” under section 1(D)(b) of the Adoption Act (750 ILCS 50/1(D)(b) (West 2024)) and (2) that she was an “unfit person” under section 1(D)(m)(ii) of the Adoption Act (*id.* § 1(D)(m)(ii)). We have chosen to review the latter finding. Because that finding is not against the manifest weight of the evidence, we affirm the court’s judgment.

¶ 2 I. BACKGROUND

¶ 3 On October 12, 2023, in a “Shelter Care Petition,” Kathrine Glover, an investigator with the Illinois Department of Children and Family Services (DCFS), petitioned that the circuit court make B.C. a ward of the court and put her in shelter care because she was a

neglected minor under section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2022)). That section provides, “Those who are neglected include *** any minor under 18 years of age *** whose environment is injurious to [the minor’s] welfare ***.” *Id.* Glover alleged the following facts in support of her claim that B.C. was in an environment injurious to her welfare.

¶ 4 On October 2, 2023, DCFS received a report that B.C.’s older sister, L.C., who was in seventh grade, had been sexually assaulted during the weekend by James C., the biological father of L.C. and B.C. (Although respondent was B.C.’s biological mother, L.C. had a different biological mother.)

¶ 5 On October 5, 2023, Larry Milstead followed up on this report by interviewing L.C.’s friend, H.E., at the Tazwell County Children’s Advocacy Center. H.E. told Milstead that on Monday, during lunchtime at school, L.C. appeared to be downcast, leading him, H.E., to ask her what was wrong. She revealed to H.E. that she “ ‘got her virginity taken by her father and she doesn’t know what to do.’ ” H.E. sought further details, but she declined to discuss the matter further.

¶ 6 Glover interviewed L.C., who told her “that she was alone with her dad and something bad happened” “this past weekend.” This bad event took place in a residence in Washington, Illinois, where L.C. lived with her father; her sisters, D.W. and B.C.; and respondent, who was her father’s “girlfriend.” D.W. was not home at the time it happened, and respondent was not home, either—she was at work—and B.C. was asleep. Glover asked L.C. what had happened, and L.C. answered that she did not know. Glover then asked L.C. if she had told a friend what had happened, and L.C. answered that she had told H.E. Glover asked her if

what she had told H.E. was the truth, and L.C. answered yes. L.C. “also stated that she told Ms. Amy at school what happened.”

¶ 7 Glover met with James C. at the residence after interviewing L.C. and informed him of the allegation. James C. agreed to “leave his residence so that [respondent] and the minors, [B.C.] and [D.W.], could remain in the residence,” and he further agreed to a safety plan. “James and [respondent] both stated that [L.C.] does not lie to them and they had no explanation for [L.C.’s] allegations of sexual molestation or abuse.” James C. was arrested for criminal sexual assault, but he “denied anything sexual [had] happen[ed].” According to him, he and L.C. merely watched television while B.C. was napping and respondent was away at work.

¶ 8 When, on October 4, 2023, L.C. was interviewed at the Tazewell County Children’s Advocacy Center, she told Detective Palmer “that something happened with her dad the previous weekend.” Because what had happened “made her feel uncomfortable,” she “did not want to” tell Palmer what it was, but she “stated she told her friend [H.E.] and the school counselor what happened.”

¶ 9 On October 10, 2023, Glover met with respondent in the parking lot of Hardee’s to speak with her regarding the investigation and to inform her that James C. had been “arrested for Criminal Sexual Abuse.” Glover continued in her petition:

“[Respondent] stated the arrest was ‘bullshit’ and that there is no proof that anything happened. [Respondent] stated numerous times that James is innocent and ‘he did not do it.’ [Respondent] stated James did nothing wrong and she would not keep the children from him. [Respondent] refused to get an order of protection.”

Respondent's mother and James C.'s mother then "pulled into the parking lot and began arguing, yelling, and cursing at" Glover. Glover informed respondent that she, Glover, "would be taking protective custody of [D.W.] and [B.C.]"

¶ 10 Later that day, respondent texted Glover, " 'I will sign an order of protection and will no longer be with James. I will do anything [you] believe [would be] in the best interest of my kids, please do not take my babies.' "

¶ 11 On October 11, 2023, B.C. was taken into protective custody.

¶ 12 Those were the allegations in the "Shelter Care Petition."

¶ 13 At a hearing on February 14, 2025, the circuit court orally granted the petition, making B.C. a ward of the court and appointing DCFS as her guardian. The court concluded that "both parents" were "unfit for the reasons stated in the petition." Also, the court entered an "Adjudication Order," in which the court found, by a preponderance of the evidence, that (1) B.C. was neglected in that she was "in an environment that [was] injurious to [her] welfare" and (2) the "abuse or neglect" had been "inflicted by" James C. and respondent. The basis of those findings, the court explained in its order, was State's exhibit No. 1, which was attached to the order and was a verbatim repetition of the allegations in the "Shelter Care Petition" (summarized above).

¶ 14 On August 5, 2025, the State petitioned that the circuit court terminate the parental rights of respondent and James C. to B.C. Counts I and III of the petition were directed against respondent, and the remaining two counts were directed against James C. Count I alleged that respondent was an "unfit person" within the meaning of section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2024)) in that, from October 23, 2024, through July 23, 2025, she failed to make reasonable progress toward the return of B.C. to her care. Count III

alleged that respondent was an “unfit person” within the meaning of section 1(D)(b) of the Adoption Act (*id.* § 1(D)(m)(b)) in that she had failed to maintain a reasonable degree of interest, concern, or responsibility as to B.C.’s welfare.

¶ 15 On February 4, 2026, the circuit court held an evidentiary hearing on the issue of whether the parents were “unfit persons” as the State had alleged in its petition for termination of parental rights.

¶ 16 At the hearing, a caseworker from DCFS, Carman Hughes, testified. She agreed, on cross-examination, that respondent had “completed” a psychological evaluation, a parenting capacity assessment, and a parenting class. Hughes further agreed that respondent had undergone a substance abuse assessment, submitted to drug screening, and faithfully attended the supervised visitations.

¶ 17 The State presented evidence, however, that even though the circuit court had twice cautioned respondent, in permanency review orders, that she had to cooperate with DCFS or risk the termination of her parental rights, she had been dishonest with Hughes and some of the service providers and that such dishonesty had, to some extent, frustrated the services and, in the opinion of some mental health professionals, thrown into doubt respondent’s ability to safely take care of B.C.

¶ 18 For instance, in June 2025, at the request of DCFS, respondent met with a licensed clinical professional counselor, Jonna Tyler, so that Tyler could perform a parenting capacity assessment. Respondent told Tyler that although, initially, she, respondent, was incredulous that such an apparently kind, paternal, and nurturing man as James C. would have sexually assaulted his own 13-year-old daughter, L.C., respondent had now come to the realization, after reading DCFS’s documentation, that James C. had in fact committed that

offense and that he was a “monster,” a “child sexual predator.” Upon coming to that realization, respondent had “cut all contact with” James C., or so she told Tyler. “The caseworker,” however (presumably Hughes), had “reported that she/DCFS ha[d] evidence that ha[d] informed them that for certain that [respondent] *** had contact with [James C.] and ha[d] continued in a relationship with him.” Given this “recent information,” Tyler offered the following mixed opinion:

“Through this parenting capacity assessment, this examiner observed [respondent] as demonstrating adequacy in each of the categories assessed through the [Marschak Intervention Method], which included structure, challenge, nurturance, and engagement, and as this examiner observed [respondent] as able to meet her child’s basic caregiving needs, this examiner observed [respondent] as holding a parent-child bond with [B.C.], which was observed as reciprocal in nature. However, if it is determined that [respondent] has continued in a relationship with [James C.], it is this examiner’s opinion that she would not be able to provide safe care for her child, at this time.”

In other words, although respondent had “adequate parenting skills,” Tyler opined that “if [respondent] has continued in a relationship with [James C.] and she has not disclosed this relationship, this suggests that she may not be capable of providing safe care for [B.C.]”

¶ 19 In her testimony at the parental fitness hearing, Hughes recounted that, throughout the nine-month period of October 23, 2024, to July 23, 2025, respondent represented to her that she was not in a relationship with James C. On April 16, 2025, for instance, at a child and family team meeting, Hughes asked respondent if she was in contact with James C., and she answered no.

¶ 20 At the parental fitness hearing, the State presented photographic evidence that called into question the veracity of that denial. The photographs were screenshots of surveillance videos from security cameras. This was how the security cameras came to be installed. When L.C. accused James C. of sexually assaulting her, he moved in with his grandparents in Washington. After James C. moved into their house, the grandparents allowed James C.’s brother, Devon C.—the fiancé of the foster parent, Paige L.—to install exterior security cameras at their house. Whenever the cameras sensed movement, they transmitted videos to apps that had been downloaded onto the grandparents’ phones and Devon C.’s phone. Screenshots of the surveillance videos were admitted into evidence as exhibits, and these screenshots, these still photos, showed respondent or her car outside the grandparents’ house (where James C. lived) on January 25, 2025, at 2:30 p.m.; February 2, 2025, at 4:49 p.m.; March 24, 2025, at 2:43 a.m.; and April 12, 2025, at 3:40 p.m. and at 4:07 p.m.—and in the photograph from the early morning hours of March 24, 2025, respondent and James C. appeared to be leaning toward one another and kissing.

¶ 21 In addition to these photographs, the State presented the transcript of a permanency review hearing held on July 23, 2025. At the beginning of the permanency review hearing, according to the transcript, the circuit court noted that it had “received a second addendum or update *** today on behalf of Ms. Hughes,” an addendum that was made up of the photos. After acknowledging having received the photos, respondent’s attorney asked Hughes if she had “had any conversation with [respondent] regarding some relationship or a relationship between her and [James C.]” Hughes answered in the affirmative. Respondent’s attorney asked Hughes how often she had asked respondent whether she was still in a relationship with James C. Hughes answered that she was not sure, but “at least three times,” and that each time

respondent's answer had been no. Hughes doubted the truthfulness of respondent's denials, given the photos and other information she had received from Paige.

¶ 22 After questioning Hughes, respondent's attorney called respondent (at the permanency review hearing of July 23, 2025) and asked her, "So are you in a relationship with [James C.]?" She answered, "No." The photographs, she explained, were of her "bring[ing] him some of his stuff."

¶ 23 The State then called Paige at the permanency review hearing (the transcript of which the State presented at the parental unfitness hearing). Paige testified that she lived in Washington, about a three- or five-minute drive away from the grandparents' house where the security cameras had been installed. About a few weeks before the permanency review hearing, a video showed respondent and James C. having a dispute outside his residence (the grandparents' residence), and the dispute was about respondent's "having Snapchat." Some of the videos, according to Paige's testimony, showed respondent being at James C.'s residence "longer than 10 minutes." The "longest time" was "probably before Easter," and it was for 1½ days or 2 days.

¶ 24 That is the gist of the transcript from the permanency review hearing of July 23, 2025.

¶ 25 In addition to presenting that transcript at the parental fitness hearing, the State presented reports by psychological experts. One such report was by a licensed clinical psychologist, Dr. Dynesha Grissom, with whom respondent had met to fulfill her service plan's obligation to undergo a psychological examination. When Dr. Grissom interviewed respondent in October and November 2024, she represented to Dr. Grissom that she, respondent, "was previously [i]nvolved in a romantic relationship with [James C.], the father of her daughter, [B.C.]," but that "she ended the relationship in October 2023 to allow her to reunify with her

children.” Respondent described “the man that she was speaking of as her fiancé,” and she “indicated she ended the engagement in October 2023 because he sexually abused his daughter.”

¶ 26 Dr. Grissom, though, had been given a heads-up by Hughes, and she took note of it in her report. It was Hughes’s impression that respondent “did not believe the child,” and as far as Hughes was concerned, there were “reasons to suspect that” respondent was “still involved with” James C.—the most notable reason being that his own family members insisted that respondent was “still involved with him” (although, like respondent, James C. “ ‘indicated that they [had] ended it’ ”). The problem, as Hughes saw it, was that respondent had “ ‘no concern or care for the child that was sexually abused’ ” (to quote Dr. Grissom quoting Hughes), and “ ‘[e]ven with her own children, she does not seem to be concerned about James raping her daughter.’ ” “ ‘She may still not believe it,’ ” Hughes had suggested to Dr. Grissom. “ ‘She may not feel that it is an issue or threat to her children.’ ”

¶ 27 Dr. Grissom did not find that respondent had an intellectual deficit that incapacitated her from recognizing threats to her children. Her general intellectual ability, Dr. Grissom found by testing, was “within the low average range of intellectual functioning.” Psychologically, the problem was elsewhere: in an extreme guardedness that found expression in a lack of candor—and the lack of candor made the psychological testing, for the most part, invalid and useless.

¶ 28 In administering to respondent the Trauma Symptom Inventory-2, for instance, Dr. Grissom came up with implausibly low scores. Considering respondent’s involvement with DCFS, the removal of her children, her recent history of reported suicidal ideation or threats, and her separation from James C., Dr. Grissom would have expected her to “have some elevated scores along several of the subscales,” but “she did not.” Dr. Grissom observed, “She has been

noted as presenting herself in a good light by either faking-good or minimizing her challenges. This behavior has been consistent throughout her involvement with DCFS (and mandated activities) as well as on assessments.”

¶ 29 Respondent also contrived to receive a “faking good score” on the “Child Abuse Potential Inventory,” and consequently that “protocol [was] invalid and [could not] be interpreted.”

¶ 30 Likewise, in the Parenting Stress Index, 4th Edition, the “Defensive Responding score” was “clinically significant.” (Emphasis omitted.) Dr. Grissom explained, “Results suggest that [respondent] appears to be responding in a defensive manner, attempting to look good, and denying any sources of stress. Occasionally, exceptionally competent parents who are rearing normal children in non-stressful family contexts will earn a score in this range. This is not [respondent’s] current circumstance.”

¶ 31 By contrast, the score on the Parent-Child Relationship Inventory was valid, suggesting that respondent had “attitudes congruent with good parenting.”

¶ 32 Her score, however, on the Minnesota Multiphasic Personality Inventory-3 “raise[d] concerns about the possible impact of under-reporting on the validity of this protocol.” So, in this test as well, respondent “presented herself as very well-adjusted,” although “[t]his reported level of psychological adjustment [was] relatively rare in the general population.” There was even more reason to suspect this glowing picture if there was “evidence that this individual [was] not especially well-adjusted.”

¶ 33 In sum, Dr. Grissom described respondent as “guarded,” “defensive,” and “very avoidant of conflict,” and in fact, Dr. Grissom noted, “DCFS staff have remarked that this presentation tends to be her primary means of engaging/addressing problems.” Respondent

tended to “under-report problems and present herself in an extremely positive light by denying many minor faults and shortcomings that most individuals would acknowledge” and portraying herself as “virtuous and remarkably well-adjusted during the psychological testing process.”

“She tended to minimize her current struggles and experiences—emotionally, ***
interpersonally, or otherwise—or ‘faking-good.’ ”

¶ 34 Dr. Grissom diagnosed respondent as suffering from “Adjustment disorder with mixed disturbance of emotions and conduct.” In Dr. Grissom’s opinion, respondent had “limited coping strategies, emotional resilience, and problem-solving abilities,” and she “[would] continue to require assistance with these issues so as to provide a safe environment for her children—in the even[t] that she is reunified.” Respondent’s “refusal to secure an [order of protection] for her children to protect them from her ex-paramour who was accused of sexually abusing his biological daughter” and her continued refusal to recognize the importance of this process in order to ensure her children’s safety” suggested that she “still continue[d] to struggle with poor judgment and poor insight.”

¶ 35 Hughes testified (at the parental fitness hearing) that, as far as she knew, respondent never attempted to get an order of protection against James C. Respondent testified, on the other hand, that she had tried to obtain an order of protection but that, as she had explained to her “therapist,” “they wouldn’t allow [her] to get one” According to respondent’s testimony, she twice went to the courthouse and filled out the forms for an order of protection, but “[t]hey” (she could not remember who) told her she could not obtain an order of protection because James C. did not harm her children and was not threatening her at that time. (According to Dr. Grissom, respondent had told her that, “during the investigation, she attempted to obtain an Order of Protection against [James C.] due to the DCFS advising her to do so” but she was

told she lacked “ ‘probable cause’ ” because she was biologically unrelated to L.C. Dr. Grissom noted, however, that respondent “did not discuss clarifying details but implied that she was only applying for the [order of protection] to include [L.C.], but not [B.C.] or [D.W.]” (her own children).

¶ 36 In her testimony at the parental fitness hearing, respondent admitted having contact with James C., as the photographs showed, but she took the position that “[c]ontact is not a relationship.” By way of further explanation or excuse, she testified that she had been “scared of [James C.] a lot of the time” because he had been “trying to blackmail [her]” by threatening to tell the caseworker that she, respondent, “was doing bad things that [she] wasn’t doing”. “A few times,” according to respondent’s testimony, the contacts in the photographs were explainable in that she was “bringing him his stuff.” A few of the other times, James C. “had threatened [her] *** that if [she] didn’t come over he would—he was kind of blackmailing [her].”

¶ 37 Respondent claimed that, on two occasions, “things got physical.” She elaborated, “He pushed me down one time, and I hit my head on the ground, and the other time he shoved me into a wall. The first time was probably, like, 2024, probably, like, January[,] and the second time was probably around eight months ago.” She never made a report to the police, though.

¶ 38 On February 2, 2025, according to respondent’s testimony, she was at the grandparents’ house because she was “picking up toys for [B.C.]” She claimed that she “[s]pent a lot of time mostly asking [James C.] to leave [her] alone” and discussing “the kids and why it was all happening.”

¶ 39 As for the photograph from March 24, 2025, at 2:30 a.m., respondent refused to acknowledge she was kissing James C. in that photograph. She claimed the photograph was too dark, too murky, to tell. “It’s too hard to see,” she testified, “but I don’t remember kissing him.”

¶ 40 Finally, there was the following dialogue between the State and respondent:

“Q. But you have lied; correct?

A. I have lied. Yes.

Q. You have lied to this Court?

A. Yes.

Q. Under oath?

A. Yes.

Q. Multiple times?

A. Yes.”

¶ 41 Thus, the evidence at the parental fitness hearing was a mixture of testimony and documentation. One of the documents, which was admitted without objection and without limitation, was State’s exhibit D, the report of a psychosexual evaluation of James C., dated April 26, 2024. The examiners of James C. and the authors of the resulting report were a licensed associate sex offender provider, Natalie Lebert, and a licensed clinical psychologist, Tetyana Kostyshyna. They diagnosed James C. as having “Pedophilic disorder, sexually interested in females, non-exclusive, provisional.” The background of this diagnosis was as follows:

“Per the [DCFS], Resource Referral Form, dated January 4, 2024, [James C.] received criminal charges of sexual abuse and was indicated by DCFS for sexual penetration of his daughter LC (age 13) in 2023. In 2013, it was suspected that [James C.] was sexually abusing then 2-year-old LC because LC stated that her ‘pee pee hurts.’ When questioned, she would respond ‘daddy.’ In 2015, there were additional concerns of [James C.] touching the 4-year-old LC

inappropriately. It was reported that LC was overheard saying ‘don’t touch my pee pee’ to [James C.]

Per the clinical interview on April 16, 2024, [James C.] reportedly stated that his daughter LC (age 13) claimed that she ‘lost her virginity to [him].’ He noted that the allegations [(which he denied)] were made in October of 2023. She reported only one incident of sexual abuse.”

¶ 42 At the conclusion of the evidence at the fitness hearing, the circuit court found that counts I and III of the petition for termination of parental rights, the counts against respondent, had been proven by clear and convincing evidence (and also that the counts against James C. had been proven). The court remarked, “I find a quite astonishing level of deceit that [respondent] has put forward throughout the *** life of the case, but also, during the specific nine-month period, she lied throughout.” During those nine months, “she did not tell the truth to really her caseworker *** or any of the providers,” and she “lied to the Court under oath at the July hearing as it relate[d] to the relationship between her and [James C.]” Also, she “was clearly not truthful during [her] psychological or parenting capacity assessment,” showing that she was “not earnestly engaged in the process.”

¶ 43 The circuit court remarked to respondent, “I don’t know why you voluntarily went over to his house at 2:43 in the morning and are up on your tippy-toes, you know, with your faces together.” The court did not believe respondent’s story that she had been blackmailed or threatened—and even if she had been blackmailed or threatened, there were plenty of people whom she could have told, and that she had told no one would only prove “she can’t even keep herself safe, let alone keeping a child safe.” For that matter, she “couldn’t keep anyone safe because [she was] just making things up to suit [her] own self-serving needs even when they

[were] preposterous.”

¶ 44 The circuit court commented in summary:

“You didn’t do anything, you know, to address the conditions that brought the child—children into care, lied about it throughout, got caught, and then when you got caught about lying about it, makes up this story to muddy up [James C.] who has got his own mud to deal with.

It’s really a selfish, myopic, and unfit move, and I do not believe that during that nine-month period or throughout she would be able to and she has not demonstrated an ability to protect [the] children from poor judgment, poor relationships, or further harm.”

Therefore, the court found, by clear and convincing evidence, that respondent was an “unfit person” within the meaning of sections 1(D)(b) and (D)(m)(ii).

¶ 45 The circuit court then held a separate hearing on the question of what disposition would be in the best interests of B.C. Because respondent does not challenge the finding the court made in that hearing (that termination of parental rights would be in the best interests of B.C.), we need not summarize that hearing.

¶ 46 II. ANALYSIS

¶ 47 A. Reasonable Progress

¶ 48 In adjudicating a motion or petition for termination of parental rights, the circuit court should hold two separate hearings, as the circuit court did in the present case. See *In re D.M.*, 336 Ill. App. 3d 766, 772 (2002). The first hearing should be governed by the Illinois Rules of Evidence and should be limited to the issue of the respondent’s alleged unfitness to be a parent—whether he or she is an “unfit person,” as section 1(D) of the Adoption Act puts it. See

In re M.D., 2022 IL App (4th) 210288, ¶ 75. At the second hearing, relevancy should be the criterion for the admissibility of evidence, and the rules of evidence should otherwise be relaxed. The second hearing should be limited to the issue of whether it would be in the child’s best interests to terminate the respondent’s parental rights. See *id.* ¶ 76.

¶ 49 To terminate parental rights, the circuit court must make two separate and distinct findings: (1) the biological parents of the child validly executed a voluntary surrender of their parental rights and a consent to adoption, or, alternatively, if the biological parents have not done so, it has been proven, by clear and convincing evidence, that they are “unfit persons” within the meaning of section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)) and (2) it has been proven, by a preponderance of the evidence, that it would be in the best interests of the child to terminate their parental rights, appoint a guardian, and authorize the guardian to consent to an adoption of the child. 705 ILCS 405/2-29(2) (West 2024); *In re D.T.*, 212 Ill. 2d 347, 366 (2004); *In re M.M.*, 226 Ill. App. 3d 202, 208 (1992).

¶ 50 In the present case, respondent did not surrender her parental rights to B.C. Therefore, the first prerequisite to the termination of her parental rights to B.C. was a judicial finding, by clear and convincing evidence, that she was an “unfit person” within the meaning of either of the statutory definitions that the State cited in its petition for termination of parental rights (see 750 ILCS 50/1(D)(b), (m)(ii) (West 2024)).

¶ 51 Counts I and III of the petition were directed at respondent, and the remaining two counts, counts II and IV, were directed at B.C.’s father, James C. Because this appeal is respondent’s appeal, counts I and III are the relevant counts of the petition. Count I alleged that, in the nine-month period of October 23, 2024, through July 23, 2025, respondent failed to make reasonable progress toward the return of B.C. to her care. See *id.* § 1(D)(m)(ii). Count III alleged

that respondent failed to maintain a reasonable degree of interest, concern, or responsibility as to B.C.'s welfare. *Id.* § 1(D)(b).

¶ 52 The circuit court found that the State had proved, by clear and convincing evidence, both counts directed against respondent, counts I and III. In other words, the court found that she met the definitions of an “unfit person” in subsections (D)(b) and (D)(m)(ii) of section 1 of the Adoption Act.

¶ 53 If respondent met only one of those statutory definitions, she was an “unfit person.” See *In re F.P.*, 2014 IL App (4th) 140360, ¶ 83. Thus, if she failed to make reasonable progress (see 750 ILCS 50/1(D)(m)(ii) (West 2024)), as the State alleged in count I, it would not be critical to the State’s case that she additionally failed to maintain a reasonable degree of interest, concern, or responsibility (see *id.* § 1(D)(b)), as the State alleged in count III. By the same token, if she failed to maintain a reasonable degree of interest, concern, or responsibility, it would not be critical to the State’s case that she additionally failed to make reasonable progress.

¶ 54 It is not our place to decide whether respondent met either of those statutory definitions of an “unfit person.” Instead of deciding this case anew, we apply a deferential standard of review to such issues of fact. The question on appeal is not whether we would have made the same findings of parental unfitness if we were the trier of fact. See *In re Y.F.*, 2023 IL App (1st) 221216, ¶ 44. Instead, we are limited to deciding whether the circuit court made a finding that was against the manifest weight of the evidence when finding that respondent was an “unfit person” within the meaning of sections 1(D)(b) or (m)(ii). See *In re C.N.*, 196 Ill. 2d 181, 208 (2001). A finding of parental unfitness under section 1(D) is against the manifest weight of the evidence only if it is “clearly evident,” from the record, that it was unproven, by clear and convincing evidence, that respondent met the statutory definition in question. *Id.* If reasonable

minds could disagree whether a given statutory definition was proven, we are obliged to uphold the court’s finding. See *Kaloo v. Zoning Board of Appeals*, 274 Ill. App. 3d 927, 934 (1995).

¶ 55 Keeping that deferential standard of review in mind, we take up one of the definitions of an “unfit person” that the State cited in its petition for termination of parental rights, the definition in section 1(D)(m)(ii) (750 ILCS 50/1(D)(m)(ii) (West 2024)), which describes a failure to make reasonable progress. Before going further, though, we should clarify that our standard of review is not deferential across the board. Although we review deferentially the circuit court’s factual finding that respondent met the definition of an “unfit person” in section 1(D)(m)(ii) (see *C.N.*, 196 Ill. 2d at 208), we interpret the section *de novo* (see *In re Application of the County Treasurer & ex officio County Collector*, 2017 IL App (4th) 170003, ¶ 28 (“We interpret statutes *de novo*, giving the statutory language its plain and ordinary meaning.”)). The meaning of a statute is a question of law, which we resolve independently.

¶ 56 Section 1(D)(m)(ii) of the Adoption Act provides as follows:

“D. ‘Unfit person’ means any person whom the court shall find to be unfit to have a child ***. The grounds of unfitness are any one or more of the following ***:

* * *

(m) Failure by a parent *** (ii) to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected *** minor under Section 2-3 of the Juvenile Court Act of 1987 [(705 ILCS 405/2-3 (West 2024))] ***. If a service plan has been established *** to correct the conditions that were the basis for the removal of the child from the parent and if those services

were available, then, for purposes of this Act, ‘failure to make reasonable progress toward the return of the child to the parent’ includes the parent’s failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care during any 9-month period following the adjudication under Section 2-3 *** of the Juvenile Court Act of 1987. Notwithstanding any other provision, when a petition or motion seeks to terminate parental rights on the basis of subparagraph (ii) of this paragraph (m), the petitioner shall file with the court and serve on the parties a pleading that specifies the 9-month period or periods relied on. The pleading shall be filed and served on the parties no later than 3 weeks before the date set by the court for closure of discovery, and the allegations in the pleading shall be treated as incorporated into the petition or motion. Failure of a respondent to file a written denial of the allegations in the pleading shall not be treated as an admission that the allegations are true.” 750 ILCS 50/1(D)(m)(ii) (West 2024).

Count I of the petition for termination of parental rights specified the nine-month period as October 23, 2024, through July 23, 2025. Therefore, it is only respondent’s progress during that period that matters for purposes of count I. The progress that is being assessed is progress toward the return of B.C. to respondent’s custody—that is, respondent’s progress in correcting deficiencies that would make her unfit to raise B.C. and, hence, would inhibit a conscientious court from ordering the return of B.C. to respondent.

¶ 57 Section 1(D)(m)(ii) defines the phrase “ ‘failure to make reasonable progress toward the return of the child to the parent’ ” as “includ[ing]” (but not limited to) “the parent’s failure to substantially fulfill his or her obligations under the service plan *and* correct the conditions that brought the child into care.” (Emphasis added.) *Id.* Thus, compliance with the service plan during the nine-month period is not enough to make the parent’s progress reasonable. If, despite the parent’s full compliance with the service plan, the conditions that brought the child into care remain uncorrected at the end of the nine-month period, the parent’s progress is less than reasonable. See *id.*

¶ 58 Incomplete compliance with the service plan during the nine-month period would not necessarily make the parent’s progress less than reasonable. The parent has made reasonable progress if the court can conclude that the child could be returned to the parent soon (*In re Dar. H.*, 2023 IL App (4th) 230509, ¶ 53), and maybe the unfulfilled obligation in the service plan would not be so important or inherently so concerning as to interfere with the imminent return of the child. Under section 1(D)(m)(ii), though, the parent’s “failure to *substantially* fulfill his or her obligations under the service plan” would be problematic. (Emphasis added.) 750 ILCS 50/1(D)(m)(ii) (West 2024).

¶ 59 We ought to consider, then, what substantial fulfillment of the obligations in the service plan means. One of the definitions of “substantial” is “being largely but not wholly that which is specified.” Merriam-Webster’s New Collegiate Dictionary 1245 (11th ed. 2020). Under that definition, therefore, if someone were given a list of, say, 10 obligations and fulfilled 9 of them, the fulfillment would be “substantial,” it might seem, because the fulfillment would be “largely but not wholly that which is specified.” *Id.*

¶ 60 It is unlikely, though, that the meaning of “substantially,” as section 1(D)(m)(ii)

uses that word, would be fully captured by that definition, for the tenth unfulfilled obligation might be of the essence. Suppose, for example, that the child had been removed from the parent because the parent had been beating the child and the tenth unfulfilled obligation was attending classes on domestic violence. That obligation would be indispensable; it would be of the essence. For our interpretation of “substantially” to be reasonable and rationally convincing, it must encompass this idea of being of the essence. Even if the fulfilled obligations greatly outnumber the unfulfilled ones, the fulfillment cannot be characterized as substantial if the unfulfilled obligations are of the utmost importance. And, indeed, some synonyms of “substantial” are “IMPORTANT” and “ESSENTIAL.” *Id.* It does not matter if the parent mostly complied with the service plan if, for the sake of parental fitness, the unfulfilled obligation cannot be dispensed with.

¶ 61 To develop this idea of essentiality further, the parent’s fulfillment of the obligations cannot be fairly characterized as substantial if the parent went through the motions of fulfilling the obligations but did not truly and in good faith engage with the services. To borrow some language the circuit court used at a permanency hearing of January 22, 2025, “you can walk through the motions and you can check the boxes, but until it’s truly internalized,” there is no reasonable progress and no real cooperation. The court warned respondent, repeatedly, that she had to cooperate with DCFS or risk the termination of her parental rights to B.C. DCFS referred respondent for a psychological evaluation, but by her lack of candor to Dr. Grissom, respondent failed to cooperate with DCFS in the psychological evaluation—an evaluation that was important. Likewise, by her lack of candor to Hughes in answering the question of whether she, respondent, was still in a relationship with James C., respondent failed to cooperate with DCFS.

¶ 62 It was not that a continuing relationship with James C. was *per se* forbidden. Nevertheless, falsely denying the existence of the continuing relationship was a lack of cooperation. Some reasons might be suggested as to why DCFS needed to know about the continuing relationship—so that DCFS, for example, might explore with respondent her reason for wanting to continue the relationship: whether because she still dismissed L.C.’s allegation, whether because she did not perceive any danger to her own children even if she regarded L.C.’s allegation as true, or whether because she optimistically hoped or believed that James C. could be reformed and that the family could be reunited. Also, DCFS might have protocols and procedures, and might want to put measures in place, to enable respondent to continue the relationship if she chose to do so. Her false denials would have short-circuited such protocols and procedures.

¶ 63 Arguably, respondent’s pervasive dishonesty was a failure to cooperate with DCFS, which was a failure to substantially fulfill her obligations under the service plan, which was, in turn, a failure to make reasonable progress. See 750 ILCS 50/1(D)(m)(ii) (West 2024). The defensibility of that reasoning prevents the finding that respondent was an “unfit person” under section 1(D)(m)(ii) from being against the manifest weight of the evidence. See *C.N.*, 196 Ill. 2d at 208.

¶ 64 B. Fair Warning

¶ 65 Respondent complains of having never received a warning that, by continuing to have contact with James C. or associate with him, she would risk the termination of her parental rights. On the authority of *In re R.B.*, 297 Ill. App. 3d 97 (1998), she argues that, without such a warning, the termination of her parental rights was against the manifest weight of the evidence.

¶ 66 A careful comparison of the facts in *R.B.* with those in this case would reveal that

R.B. is distinguishable. In *R.B.*, the circuit court adjudicated the children to be neglected and removed custody of them from the parents because the parents were substance abusers. *Id.* at 98. Afterward, the State petitioned for the termination of parental rights. *Id.* At a hearing on that petition, the court found that both parents were unfit. *Id.* at 99. The court found that the mother was unfit in that she had failed to make reasonable efforts to correct the conditions that were the basis for the removal of the children or to make reasonable progress toward the return of the children within 12 months after the adjudication of neglect. *Id.* Specifically, the court found:

“[W]hile [the mother] no longer abused drugs, [the father] still had a substance abuse problem. Therefore, the condition that led to the removal of the children, *i.e.*, substance abuser in the children’s home, had not been corrected ‘and there has been no progress made’ by [the mother] to correct it.” *Id.*

In short, the mother chose her husband over her children, the court reasoned, in that she chose to continue sharing a “ ‘one bedroom home with a substance abuser.’ ” *Id.* The problem was the circuit court had never specifically warned the mother that if she and the children continued residing with the father, she might lose her parental rights. For that reason, the appellate court reversed the termination of her parental rights. *Id.* at 102. The appellate court wrote:

“We conclude that [the mother] should not have been found to be an unfit parent based upon her failure to perform an act that she was never told she was required to do. Otherwise, termination is based upon a failure to foresee the needs that professionals are supposed to know about and relate. Furthermore, the court should not allow such an order to be given to a parent by one of a myriad of therapists and social workers working with the parent. The requirement of such a momentous decision should come from the court, not a social worker.” *Id.* at 101.

Thus, in *R.B.*, the rationale for reversal was twofold: (1) the circuit court never specifically warned the mother that she had to leave her husband or suffer the termination of her parental rights and (2) it should be the court, rather than a social worker or therapist, that should (a) decide whether the mother should be given such an ultimatum and (b) communicate it to her. (A therapist had “testified that she told [the mother] that, if [the father] continued his substance abuse, she could not ‘predict a time at which DCFS is likely to allow’ the children to live with them again”—which was not the same as a warning to the mother that her continued residence with the father could result in the termination of her parental rights, and, in any event, the warning came from a therapist instead of from the court. *Id.*)

¶ 67 Respondent compares the mother’s continuing to live with the husband in *R.B.* to her having a continuing relationship with James C. in the present case. The fallacy of that comparison is that respondent’s continuing relationship with James C. was not, precisely speaking, the substantial noncompliance in this case. Rather, the substantial noncompliance, the noncooperation, was respondent’s misrepresentations to DCFS and its designees that her relationship with James C. was over and her numerous other misrepresentations to Dr. Grissom in the course of psychological testing. Tyler opined that “if [respondent] has continued in a relationship with [James C.], *and she has not disclosed this relationship*, this suggests that she may not be capable of providing safe care for [B.C.]” (Emphasis added.) Respondent was warned, at least twice, of the potential consequences for noncooperation with DCFS, and it could not be seriously disputed that lying to DCFS is noncooperation.

¶ 68 C. An Irrebuttable Presumption

¶ 69 According to respondent, the circuit court “created an irrebuttable presumption that James C. would victimize B.C. if she were to ever be in his presence.” This irrebuttable

presumption, respondent argues, was “implicit” in the court’s “expression of concern with Respondent having contact with the minor’s father,” and it effectively imposed upon respondent a “heightened duty *** to protect B.C. by avoiding any and all contact or association with the father.” On the authority of *In re Amanda D.*, 349 Ill. App. 3d 941 (2004), respondent claims that this irrebuttable presumption violated her right to due process.

¶ 70 One weakness of this argument is that it subjects the circuit court’s position to caricature. The court cannot be reasonably understood as asserting that, regardless of the setting in which, hypothetically, B.C. was in James C.’s presence—for instance, in a crowded supermarket or on a sidewalk during rush hour—James C. would, at that place, “victimize,” or sexually assault, her. Nor can the court be reasonably understood as asserting that respondent’s continued association with James C. outside of B.C.’s vicinity immediately and directly endangered B.C. What concerned the court, instead, was respondent’s dishonesty to Hughes, her false denial to Hughes of having a continuing relationship with James C., and the resulting loss of opportunity for Hughes or a therapist to have a candid conversation with respondent to explore the reasons for her continuing relationship with James C., despite L.C.’s allegations—which, necessarily, by finding an injurious environment, the court had found to be more likely than not true. If respondent had been up front with Hughes about continuing the relationship, Hughes no doubt would have wanted to discuss with respondent some of the concerns that Hughes had raised in her prebriefing of Dr. Grissom (whether respondent had any “ ‘concern or care for the child that was sexually abused’ ”; whether, “ ‘[e]ven with her own children, she does not seem to be concerned about James raping her daughter’ ”; or whether she “ ‘still [does] not believe it’ ” and “ ‘may not feel that it is an issue or threat to her children’ ”). By lying to Hughes, respondent threw away the opportunity to dispel these legitimate concerns of Hughes

that respondent possibly had divided loyalties.

¶ 71 Another problem with respondent’s argument is that the record is devoid of any indication that the circuit court, implicitly or otherwise, created an irrebuttable presumption. As the appellate court explained in *Amanda D.*, the term “irrebuttable presumption” is a misnomer, and instead of signifying a “presumption” in the true sense of the word, the term signifies a “rule of law that dictates an outcome from a certain set of facts.” *Id.* at 945. As far as we can see in the record, the circuit court never stated or intimated that it was legally bound to act in any particular way because of a certain set of facts, and it is difficult to imagine how an irrebuttable presumption would be *implied*. No one can read another’s mind, and for one to know that the court created an irrebuttable presumption, surely the court would have had to say, in so many words, “Because of these facts, the law shuts down my fact-finding function and leaves me no choice but to award this outcome.” We are unaware the circuit court said that or anything similar. Respondent’s argument that the court impliedly created an irrebuttable presumption is baseless, nothing but speculation.

¶ 72 D. What the State Had to Prove by Clear and Convincing Evidence

¶ 73 Respondent argues that “at no time prior to the relevant nine-month period had the State proven by clear and convincing evidence that B.C. would be endangered if returned home to James C.” But the State did not have to prove that proposition by clear and convincing evidence. Nor did the State have to prove, by clear and convincing evidence, that James C. had sexually assaulted B.C.’s sister, L.C. (although, by finding that the State had proved the “Shelter Care Petition,” the circuit court necessarily found that the State had proved that proposition by a preponderance of the evidence—otherwise, B.C.’s environment would not have been injurious). Instead, the State had to prove, by clear and convincing evidence, that respondent met one of the

statutory definitions of an “unfit person” that the State cited in its petition for termination of parental rights. See *In re S.C.-G.*, 2025 IL App (1st) 241168, ¶ 45; *In re M.H.*, 2015 IL App (4th) 150397, ¶ 21. Arguably, for the reasons we have discussed, the State carried that burden.

¶ 74 E. Interference With Respondent’s Reasonable Progress

¶ 75 Respondent complains that her “dishonesty regarding her ongoing relationship with James C. came to light as a result of what appears to have been a coordinated sting operation spearheaded by the foster parent who wanted to adopt B.C. and thought of B.C. as her daughter.” In respondent’s view, this “sting operation,” this “ambush[]” by “screenshot[],” impeded her reasonable progress and was inconsistent with the nonadversarial character of proceedings under the Juvenile Court Act of 1987. Respondent continues:

“It is apparent that Respondent was never confronted with the screenshots (or videos) of her presen[ce] at James C.’s residence prior to the July 23, 2025[,] Permanency Review hearing. Rather, Respondent was effectively ambushed with the existence of these screenshots at the July 23, 2025[,] Permanency Review hearing which assault continued into the February 4, 2026[,] unfitness hearing. There appears to be no evidence that the foster parent or the caseworker presented the screenshots to Respondent prior to the July 23, 2025[,] Permanency Review hearing. By the time Respondent was confronted with these photographs at the July 23, 2025[,] Permanency Review hearing, the die had been cast for the termination of Respondent’s parental rights and there would be nothing more than Respondent could do to make a course correction. This outcome is apparent by the Petitioner electing July 23, 2025[,] as the ending date of the nine (9) month period for Respondent to make reasonable progress.”

¶ 76 The record does not appear to reveal exactly when respondent's attorney received the screenshots. He must have received them, however, sometime before the permanency hearing on July 23, 2025, for at the beginning of the hearing, he acknowledged having received the screenshots, and the hearing began with his questioning Hughes about them. He did not complain of having been ambushed by the photographs, nor did he request a continuance of the permanency hearing.

¶ 77 Essentially, respondent complains that the foster parent provided photographs rebutting the falsehoods that respondent had told Hughes and the circuit court. Even in a nonadversarial judicial proceeding, however, there should be no expectation that falsehoods will be un rebutted. By making misrepresentations, one opens oneself up to rebuttal and criticism.

¶ 78 III. CONCLUSION

¶ 79 For the reasons stated, we affirm the circuit court's judgment.

¶ 80 Affirmed.

In re B.C., 2026 IL App (4th) 260379

Decision Under Review: Appeal from the Circuit Court of Tazewell County, No. 23-JA-185; the Hon. Katherine G.P. Legge, Judge, presiding.

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