NOTICE
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2026 IL App (5th) 260641-U

NOS. 5-26-0641, 5-26-0642 cons.

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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

In re JAYDEN K. and NICKLAUS P., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	De Witt County.
	)	
Petitioner-Appellee,	)	
	)	
v.	)	Nos. 24-JA-11, 24-JA-12
	)	
Carolyn P.,	)	Honorable
	)	Karle E. Koritz,
Respondent-Appellant).	)	Judge, presiding.

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

ORDER

¶ 1 *Held*: The circuit court of De Witt County did not err when it accepted Mother's stipulation or admission of unfitness, because the stipulation was supported by an adequate factual basis. The circuit court's decision to terminate Mother's parental rights was not against the manifest weight of the evidence presented to the court.

¶ 2 This consolidated appeal involves the parental rights of the respondent, Carolyn P. (Mother), as to her minor children, Jayden K. and Nicklaus P. (the Minors), who were born, respectively, in March of 2015 and April of 2016. Mother contends the circuit court of De Witt County erred when the court (1) accepted Mother's stipulation or admission of unfitness, because the State did not provide a factual basis for the ground Mother admitted; and (2) terminated

Mother's parental rights following a best interests hearing, because the court's decision was against the manifest weight of the evidence. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 On October 23, 2024, the State filed, in De Witt County circuit court case Nos. 24-JA-11 and 24-JA-12, petitions for adjudication of wardship, in which the State alleged that the Minors were neglected, in that their environment was injurious to their welfare because Mother, knowing that Jayden had alleged that she had been sexually abused by her grandfather, Ronald Pruett, and knowing that Pruett had watched pornographic videos with Jayden, "continued to allow [Pruett] to reside with" Jayden and her younger brother, Nicklaus. Because the cases for the most part mirror one another, we will refer to them together, but in singular form, whenever possible. The father of the Minors (Father) was named in the petitions as a person responsible for the welfare of the Minors, but it was noted that he was "believed to reside in Oklahoma City, Oklahoma," and that he did not reside with the Minors. Father did not participate in the proceedings in the circuit court and is not a party to this appeal. Accordingly, we will not discuss the termination of his parental rights in this appeal.

¶ 5 A record sheet entry dated January 23, 2025, indicates that on that date, an adjudicatory hearing was held, at which Mother "wishe[d] to admit" the allegations in the petitions. The circuit court found the Minors to be neglected as alleged in the petitions "based upon the stipulation of" Mother. The court found a factual basis for the stipulation, and found that the stipulation was knowing and voluntary. The cause was set for a dispositional hearing on February 19, 2025. The record on appeal does not contain a transcript of the January 23, 2025, adjudicatory hearing.

¶ 6 A record sheet entry dated February 19, 2025, indicates that on that date, the dispositional hearing was held. Following the hearing, the circuit court found Mother to be unfit, the appropriate

permanency goal to be "return home within 12 months," and that it was in the best interests of the Minors for them to be made wards of the court. The court further found that "the agency has made reasonable efforts, but those efforts have not eliminated the necessity of removal at this time," the service plans were appropriate, and the Minors were neglected. The circuit court placed custody and guardianship of the Minors with the Illinois Department of Children and Family Services (DCFS), admonished Mother to comply with her service plans, and admonished Mother with regard to her right to appeal. A permanency review hearing was set for June 26, 2025. The record on appeal does not contain a transcript of the February 19, 2025, dispositional hearing. In its written dispositional order, filed on February 19, 2025, the circuit court stated that its finding of Mother's unfitness was based upon the fact that "Mother was aware of sexual allegations by [Jayden] against maternal grandfather and failed to remove [Jayden] from the grandfather's access."

¶ 7 A record sheet entry dated July 3, 2025, indicates that on that date, the first permanency review hearing was held. Following the hearing, the circuit court found Mother had "made reasonable efforts but not reasonable progress." The next permanency review hearing was set for December 11, 2025. In its written permanency order, filed on July 3, 2025, the circuit court stated that Mother needed "to obtain appropriate housing, demonstrate appropriate parenting skills, engage in family therapy, complete [a] psychological evaluation and complete any recommended counseling, and address her personal trauma issues." The record on appeal does not contain a transcript of the July 3, 2025, permanency review hearing.

¶ 8 A record sheet entry dated December 11, 2025, indicates that on that date, the next permanency review hearing was held. Following the hearing, the circuit court again found that Mother had "made reasonable efforts but not reasonable progress." The next permanency review

hearing was set for April 9, 2026. In its written permanency order, filed on December 11, 2025, the circuit court stated that Mother needed "to address her trauma and comply with services." The court further stated that Mother had "not made reasonable and substantial progress toward correcting the conditions that led to the [Minors'] removal from the home." The record on appeal does not contain a transcript of the December 11, 2025, permanency review hearing.

¶ 9 On April 6, 2026, a permanency report was filed. The report stated that Mother "still places sole blame on her father" for the current situation. A summary at the conclusion of the report stated that although Mother had made "great strides" in obtaining adequate housing, there remained "immense concerns in reference to [Mother's] employment stability." The summary also expressed concerns about Mother's ability to manage her finances, and to budget "for essential needs, items, and bills." After again noting that Mother still placed "all responsibility onto her father" for the sexual abuse suffered by Jayden, the summary stated that Mother "continued to have inconsistency within her personal counseling attendance," which was "where she would be able to discuss self-accountability the most." The summary noted that Mother often stated that she canceled counseling sessions because she did "not have money to pay for gas."

¶ 10 Also on April 6, 2026, the State filed petitions to terminate Mother's parental rights to Jayden and Nicklaus. Therein, the State alleged that Mother was unfit on the following grounds: (1) failure to make reasonable efforts to correct the conditions that were the basis for the removal of the Minors during any nine-month period following adjudication of neglect (750 ILCS 50/1(D)(m)(i) (West 2024)), and (2) failure to make reasonable progress toward the return of the Minors during any nine-month period following adjudication of neglect (750 ILCS 50/1(D)(m)(ii) (West 2024)). Two nine-month periods were set forth in the petitions for each allegation: January 24, 2025, through October 23, 2025, and July 3, 2025, through April 2, 2026.

¶ 11 A record sheet entry dated April 9, 2026, indicates that on that date, the next permanency review hearing was held. Following the hearing, the circuit court found that Mother had "made reasonable efforts but not reasonable and substantial progress." The permanency goal was changed to "substitute care pending determination of petition to terminate parental rights." The court indicated that because Mother was present, she was "arraigned on" the petition to terminate her parental rights. The record on appeal does not contain a transcript of the April 9, 2026, permanency review hearing.

¶ 12 A fitness hearing was held on June 2, 2026, the transcript of which is included in the record on appeal. At the outset of the hearing, the State indicated that it had spoken with Mother's counsel, who was present as well, and that the State believed an agreement had been reached whereby Mother would admit to the allegation in paragraph eight of the petition that Mother "failed to make reasonable efforts to correct the conditions that were the basis for the removal of the [Minors] between the nine-month period of January 24, 2025, through October 23, 2025," with the case to be set for a best interests hearing at a later date. Mother's counsel stated that she agreed with the statement presented by the State.

¶ 13 The circuit court admonished Mother as to her right to have a full hearing on the issue of her fitness, as well as with regard to the rights she was giving up by entering a stipulation "to paragraph eight of the petition to terminate." Mother stated that she understood the rights she was giving up, and that no one had forced or threatened her in any way, or made any promises to her, to induce her to enter into the stipulation. When asked to provide a factual basis for Mother's stipulation and admission, the State's response, in its entirety, was the following:

> "Judge, if the matter proceeded to hearing, the People could call Leigha Malecha who would testify and go over the Client Service Plan that's previously been filed with this

court which covers the dates in the petition. And for each of the requirements of the service plan, Ms. Malecha would testify that [Mother] had unsatisfactory progress, and would testify consistently with the service plan report that's previously been filed with the court." Mother's counsel agreed that the State "could produce witnesses who would testify substantially as indicated."

¶ 14 The circuit court then found "a factual basis for the admission and stipulation, and that the admission [was] knowingly and voluntarily made." The court stated that it also found, "by clear and convincing evidence, that" Mother was "unfit for failure to make reasonable efforts as alleged in paragraph eight." The circuit court asked the State to prepare a written order. The court then set the cause for a best interests hearing on July 30, 2026.

¶ 15 A record sheet entry dated June 2, 2026, mirrors the language of the circuit court's oral pronouncements, including that the court found by clear and convincing evidence that Mother was "unfit for failure to make reasonable efforts as alleged in Paragraph 8." The record sheet entry also states, "See Order entered this date." The written orders entered by the circuit court on June 2, 2026, in both 24-JA-11 and 24-JA-12—which in each case consisted of a modified fill-in-the-blank, check-the-box form—provided two potential grounds for a finding of unfitness as to Mother. The first potential ground was "[f]ailure by a parent to make reasonable efforts to correct the conditions that were the basis for removal of the child from the parent during any 9-month period following the adjudication of neglect or abuse [pursuant to] 750 ILCS 50/1(D)(m)(i)." The box to the left of this potential ground was checked on the court's order for each child. The second potential ground was "[f]ailure by a parent to make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglect or abuse

[pursuant to] 750 ILCS 50/1(D)(m)(ii).” The box to the left of this potential ground was not checked on the court’s order for either child.

¶ 16 On July 30, 2026, the best interests hearing was held. At the outset of the hearing, the circuit court, at the request of the State, stated that it would take judicial notice of best interests reports dated May 26, 2026, and July 24, 2026, subject to cross-examination. The State chose not to call live witnesses. Mother’s counsel called Leigha Malecha, a caseworker for Jayden and Nicklaus for the previous approximately two years, as Mother’s first witness.

¶ 17 Malecha testified that she had regular contact with the Minors, seeing them at least once a month. She testified that the Minors were placed with a family in Bloomington, and had been with that family “for a long portion” of the case. She testified that the foster family was not a potential adoptive family, and that the search for an adoptive family for the Minors was continuing. She testified that her agency could not “place them on the adoption service listing until they are—their permanency goal is listed as adoption.”

¶ 18 Malecha testified that, based upon her personal observations of Mother visiting with the Minors, as well as reports she had received from other agency staff members who had observed visits between Mother and the Minors, Malecha believed Mother had “a well-developed relationship with both children.” She added that Mother did not “always respect their boundaries and may potentially just overstep on affection that may not be desired from the children at the time.” She added, “But otherwise I would say that she has a well-built relationship with both children.” She testified that the Minors had not expressed any concerns to her about how Mother behaved during the visits.

¶ 19 Malecha testified that when she visited Mother’s current housing, which was “a two-bedroom, one-bathroom apartment,” Mother was receptive to Malecha’s suggestions about how to

set up the apartment to best accommodate the Minors if they were to be present there. She testified that she did not have any safety concerns about the apartment. Malecha testified that, as far as she was aware, Mother was employed, but noted that Mother had not always been consistent in providing proof of employment. With regard to Mother's counseling services, Malecha testified that although Mother told Malecha that the counselor canceled the most recent four sessions, Malecha contacted the counselor, who stated that it was Mother who canceled the sessions.

¶ 20 Malecha denied that during the pendency of the case, Mother had told her that Mother had transportation issues. She agreed that "[w]ithin the last month," Mother had raised concerns about the reliability of Mother's transportation, testifying that when Malecha "addressed concerns of her not attending her drug screens, she had stated that she had attempted to notify [Malecha] via text message that she was either going out of town or that her car was in the shop for repair." Malecha testified that she told Mother that she "never received a text message stating that, and that" Mother told Malecha that Mother texted the message to the wrong person. Malecha testified that each time she visited Mother's home, she observed Mother's vehicle there.

¶ 21 On cross-examination by the guardian *ad litem* (GAL), Malecha agreed that Mother had told her that she missed drug screens because she was going out of town, but testified that Mother never provided details about those trips, such as where she was going and when. On cross-examination by the State, Malecha testified that Mother only reported the trips "[a]fter the fact" of missing a drug screen, and never did so prior to the trips. She agreed that pursuant to the agency's policy, Mother was required to contact Malecha "immediately" if Mother had a conflict with a drug screen, which did not happen in this case.

¶ 22 On examination by the circuit court, Malecha testified that she believed Mother lived alone in the apartment, but that Malecha had "received notice that she's consistently at her former

paramour's house." She agreed with the court that Mother's former paramour's house was "across the street or near" Pruett's house, where Pruett's alleged abuse of Jayden occurred.

¶ 23 Mother testified about activities she had taken the Minors to during her supervised visits with them, and stated that she loved the Minors very much. She testified that she was affectionate toward the Minors, and that they were affectionate toward her. She described her apartment, which she testified she had lived in since February of 2026. She testified that she was presently employed full-time as a certified nursing assistant (CNA), and that she could afford all of the expenses of the apartment. She testified that she earned $28 per hour, and worked 3 12-hour shifts per week, for a total of 36 hours per week. Mother testified that her shifts were from 6 p.m. to 6 a.m., and that if the Minors lived with her, she would try to work day shifts and pay for childcare before and after school, as needed. She testified that she had been a CNA since 2018, and that her licensing requirements were currently met.

¶ 24 Mother testified that she had been seeing the same counselor for approximately two years, beginning about "a month or so after the" Minors were removed from her home. She testified that the counselor canceled the most recent four sessions because the counselor "was out for the day." She testified that after she learned that missing counseling appointments could hurt her attempts to regain custody of the Minors, she began trying "to be more consistent so [she] could make progress *** and get the kids." Mother testified that she missed appointments due to illness, work, or car issues. She testified that with her current employment, she could afford to take care of issues with her car.

¶ 25 Mother agreed that she had missed drug screens, stating that she tried to tell Malecha she was out of town, but texted the wrong person. She attributed other missed drug screens to car problems, and other trips out of the area to visit her grandmother. She testified that she believed

she had made progress "to eliminate the reasons that the [Minors] were taken," but conceded that there had been canceled counseling sessions. Mother testified that she believed counseling was helping her become a better parent. She testified that she did not have any concerns about the Minors' safety if they were returned to her care.

¶ 26 On cross-examination by the GAL, Mother conceded that she had tested positive for cocaine during the pendency of the case, in December of 2025, and testified that she had not used cocaine or any other illegal drug since then. On cross-examination by the State, Mother testified that she did not visit her father—Pruett—or talk to him. On redirect examination, Mother testified that if the Minors were returned to her, they would not have contact with her father.

¶ 27 In argument, the State contended that the best interests reports showed that the Minors were "thriving" in their foster placement, and that Mother "continued to be inconsistent with her services." The State acknowledged that the present placement was not permanent, but argued that "if the goal is changed to adoption that will allow [DCFS] to place the children on the adoption registry and, therefore, potentially locate a home that will establish permanency." The State noted that the Minors had been in foster care for 21 months, and argued that the Minors were not any closer to returning home to Mother, who had tested positive for cocaine during that time, and "continue[d] to fail to appear for drug screens." The State argued that there was "ample evidence" that it was in the best interests of the Minors for Mother's parental rights to be terminated.

¶ 28 The GAL stated that Mother's case presented "a very peculiar posture," because unlike in many termination cases, Mother had a full-time job and a place to live. The GAL expressed concerns about Mother's counseling attendance, but stated, "it appears that she is trying." He stated that although Mother's explanations about her drug history "seemed honest," he still had "some suspicions." Ultimately, the GAL stated that he believed "maybe it would be prudent for the court

to wait a little longer and just see if [Mother] can continue doing these things because I think she has made progress."

¶ 29 The GAL based this recommendation upon several factors related to the best interests of the Minors. He noted that the previous December, Jayden wrote a letter to him that was "very mature, written from a ten- or eleven-year-old," in which she stated that she wished Mother would "get her stuff together" because Jayden and Nicklaus wanted to return home to her. Jayden also stated in the letter that she did not think Mother really did anything wrong, other than failing to believe her "at first" when she made the allegations of sexual abuse by Pruett. The GAL stated that he believed "the facts show that the mother has done a lot given the circumstances of this very delicate case."

¶ 30 The GAL stated that "[t]he odd thing about this case" was that there was no "available option" for Jayden and Nicklaus to be adopted, and that even if they were currently "thriving," they would not remain in their present placement permanently. He stated that, accordingly, "this is an unusual situation where stability for the children probably isn't the first issue that we're going to look at because it doesn't look like anything's gonna be resolved in the near future." He continued as follows:

> "Given that, Judge, I mean, the mother, in my opinion, is doing fairly well. She has some issues, but she has—I think she has made some progress in very important areas. And if there's no exigent situation where we have to either move to adoption or try to find somebody, you know, maybe the mother can take care of these remaining issues that are questionable and of concern to the court and counsel as we sit here today. I mean, I think I would default, Judge, to the parent always being the best place for the kids absent anything else. We have a lot of elses in this case, but right now we don't have a lot of options."

The GAL described himself as being "on the borderline here."

¶ 31 Mother's counsel argued that Mother was "substantially closer to returning the children home than *** when we were dealing with a nine-month period in the petition which was January 24th of 2025 to October 23rd of 2025." She argued that Mother had some issues soon after the Minors were removed, but then began to take her service plans seriously and to comply with them. She pointed out that Malecha testified about the bond Mother continued to have with the Minors, who were "older" than in many cases, and had "been raised by her exclusively" prior to their removal from the home. She pointed out that Jayden had told the GAL that the Minors wanted to live with Mother again, and argued that Mother had "been making those steps and progressing in those services to provide a safe home for the children."

¶ 32 Mother's counsel further argued that Malecha's testimony was that Mother had safe housing, that there were no concerns about the Minors' visits with Mother, and that Mother and the Minors had a strong bond. She argued that "based on the progress that she has made, even outside of the reporting period on the petition to terminate," she did not believe "the State has met its burden that her rights should be terminated and that it would be in the best interest of the children to be adopted by, at this point, an unknown family." Mother's counsel asked the circuit court "to deny the petition and deny the goal change."

¶ 33 In rebuttal, the State argued that it disagreed with Mother's counsel, and the GAL, and that the State believed Mother had "shown throughout this case a complete lack of insight into the problems, starting with not believing her children who were coming to her and telling her of the neglect and the things that the grandfather was doing." The State added that although Mother's drug use was not the reason for the removal of the Minors, "[i]f your children have been taken away from you it should be common sense that using illicit drugs is not gonna help you in that

endeavor," and that "not coming to drug screens is also gonna be problematic." The State argued "[w]e're approaching two years now," and that the General Assembly had expressly "set nine months for the parents to correct the conditions that led to the removal of the children." With regard to the GAL's points, the State argued that options for adoption would not be present unless parental rights were terminated, stating that until that happened, "[w]e can never go to the next step of seeking out an adoptive placement or putting the minor on the adoption registry." The State added that "by terminating parental rights that actually creates more options for the Minors, not fewer."

¶ 34 The circuit court began its ruling by stating that it had considered the best interests reports of May 26, 2026, and July 24, 2026, as well as the sworn testimony at the hearing, and the arguments of counsel. The court stated that it found Mother "credible when she describes her affection for her children and her desire to be reconciled with her children, for them to be returned to her care." The court added that in Mother's favor, she was "gainfully employed" although she had had multiple employers during the pendency of the case. The court noted that Mother also had housing.

¶ 35 The circuit court stated that it believed Mother was "making better decisions now" with regard to employment and related matters. The court stated, however, that where it found Mother "to lack credibility is the explanation for missing drugs screens, and the explanation for missing counseling sessions and the identification of who canceled those sessions." The court stated that although Mother was making "better decisions in some areas," she needed improvement in other areas. Noting the arguments made by Mother's counsel, and by the GAL, the court stated, "I think what it comes down to for this court is the purpose of this hearing." The court noted that it had "already held an unfitness hearing," and that although the court understood that hearing involved

a stipulation, "that stipulation was certainly supported by the evidence that would have been presented and the factual basis that was presented at the stipulation."

¶ 36 The circuit court stated that in contrast, the present hearing was focused on the best interests of the Minors, not on Mother and her progress, although the latter was of some relevance to the former. The court stated that it would therefore turn to the statutory best interests factors, which the court opined were well laid out in the best interests reports. After noting that the Minors were "thriving" in their present placement—and that they felt security, familiarity, and a sense of "continuity of affection" at that placement—the court stated that "the elephant in the room, of course, is the fact that [the foster parents] are not permanent placements." The court added, "[b]ut the other half of that observation or argument is that the child can't be placed, or won't be placed, on an adoption list until such time as the permanency goal is changed to adoption," which created a situation where "we're unable to move forward until there's that permanency goal change."

¶ 37 The circuit court stated that after considering the statutory best interests factors, the court believed "the permanency goal should change to adoption." With regard to the question of whether Mother could at some point "demonstrate significant progress and efforts such that the [Minors] should be returned," the court stated that the key questions were "whether that's actually going to happen, and, if so, how long that will take." The court added that it would not "gamble on those two questions when the children have demonstrated they've done well in a structured environment and that adoption might be—would be—a proper permanency goal." The court stated that it found, by a preponderance of the evidence, that the State had met its burden to prove that it was in the Minors' best interests for Mother's parental rights to be terminated. This timely appeal followed.

¶ 38 II. ANALYSIS

¶ 39 Parents have a fundamental liberty interest in the care, custody, and management of their children. *In re D.T.*, 212 Ill. 2d 347, 363 (2004). Because of this fundamental liberty interest, "a proceeding to involuntarily terminate a parent's rights is a 'drastic measure.' " *In re E.B.*, 231 Ill. 2d 459, 463 (2008) (quoting *In re D.C.*, 209 Ill. 2d 287, 295 (2004)). The authority to involuntarily terminate parental rights is purely statutory, and the scope of the circuit court's authority is defined by those statutes. *E.B.*, 231 Ill. 2d at 463. The involuntary termination of parental rights under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 *et seq.* (West 2024)) is a two-step process. *In re M.I.*, 2016 IL 120232, ¶ 20. The State must first prove by clear and convincing evidence that the parent is unfit under any of the discrete and independent grounds listed in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *M.I.*, 2016 IL 120232, ¶ 20; *In re C.W.*, 199 Ill. 2d 198, 217 (2002) ("the grounds set forth in section 1(D) each provide a discrete basis for a finding of unfitness"). Clear and convincing evidence is "that quantum of proof that leaves no reasonable doubt in the mind of the fact finder about the truth of the proposition in question." *In re John R.*, 339 Ill. App. 3d 778, 781 (2003). We note that "[a]lthough stated in terms of reasonable doubt, courts consider clear and convincing evidence to be more than a preponderance, while not quite approaching the degree of proof necessary to convict a person of a criminal offense." *John R.*, 339 Ill. App. 3d at 781.

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

¶ 41 If the court finds that a parent is unfit, the matter proceeds to a second hearing, at which the State must prove by a preponderance of the evidence that it is in the best interests of the minor children to terminate parental rights. *D.T.*, 212 Ill. 2d at 352, 366. At this stage of the proceedings, the circuit court's focus necessarily shifts to the best interests of the children and away from the rights of the parent. *In re P.S.*, 2021 IL App (5th) 210027, ¶ 30. "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), because a prompt, just, and final resolution of a child's status, as opposed to having that status remain in limbo, is in the child's interests. *In re D.L.*, 191 Ill. 2d 1, 13 (2000). "At the best interest[s] hearing, the formal rules of evidence do not apply." *In re Al. P.*, 2017 IL App (4th) 170435, ¶ 41. Accordingly, any evidence that the circuit court believes will be helpful may be admitted, and may be relied upon to the extent of its probative value. *Al. P.*, 2017 IL App (4th) 170435, ¶ 41.

¶ 42 On appeal, this court accords great deference to the circuit court's decisions in termination proceedings because the circuit court is in a better position to observe witnesses and to judge their demeanor and credibility. *In re Dal. D.*, 2017 IL App (4th) 160893, ¶ 53. This court does not reweigh the evidence or reassess the credibility of witnesses. *In re M.A.*, 325 Ill. App. 3d 387, 391 (2001). Unless the circuit court's findings of parental unfitness or the child's best interest are against the manifest weight of the evidence, this court will not disturb the circuit court's findings. *In re A.W.*, 231 Ill. 2d 92, 104 (2008). A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or the determination is unreasonable, arbitrary, or not based on the evidence presented. *In re D.F.*, 201 Ill. 2d 476, 498 (2002).

¶ 43 With regard to the stipulated fitness finding in this case, Mother's counsel on appeal argues that the circuit court erred when it accepted Mother's stipulation or admission of unfitness, because

according to Mother, the State did not provide a factual basis for the ground Mother admitted. The crux of Mother's argument on appeal is that although all other indicia—the statements of the parties at the fitness hearing, the oral pronouncements of the circuit court at that hearing, the record sheet entry of the circuit court on the date of the hearing, and the written orders of the circuit court in each child's case on the date of the hearing—demonstrate an intent by the parties and the court to enter a stipulated finding of unfitness on the basis of a failure to make reasonable efforts to correct the conditions that were the basis for the removal of the Minors during the nine-month period from January 24, 2025, through October 23, 2025, in its factual basis the State claimed that the evidence it could produce would show "that [Mother] had unsatisfactory progress." According to Mother, the State's use of the word "progress," instead of the word "efforts," in its factual basis renders that factual basis insufficient to support the circuit court's stipulated finding of unfitness.

¶ 44 The State counters that because Mother did not object to the use of the word "progress" at the time the word was used—or at any subsequent point in the proceedings in the circuit court, including in a postjudgment motion—this potential issue is forfeited, and may be reviewed as plain error only if this court first determines that an error occurred. The State further contends that no error occurred, and that accordingly a plain-error analysis is not appropriate, because "the factual record" available to the circuit court *vis-à-vis* the prior proceedings in this case, as well as the State's specific reference, in its factual basis, to "the service plan reports[,] provided ample means for the court to conclude there was a factual basis for lack of reasonable efforts." The State further posits that the evidence shows that during the nine-month period in question, despite being provided services, Mother refused to make reasonable efforts to correct the conditions that were the basis for the removal of the Minors, in that "she refuse[d] to accept her culpability in allowing the abuse which was committed against her daughter, and *** refused any measure of

accountability, which consequently *** hindered her opportunity to advance toward reunification" with the Minors.

¶ 45 Having reviewed the arguments of the parties, we do not agree that the factual basis presented by the State was not sufficient to support the circuit court's stipulated finding of unfitness. Although the State's mistaken one-time use of the word "progress" instead of "efforts" was unfortunate, it is clear from the context in which it was used that it was a slip of the tongue—or *lapsus linguae*—not an attempt by the State to support a finding of a failure to make reasonable progress. The following facts are relevant to an understanding of the context in which the word "progress" was mistakenly used one time instead of the word "efforts."

¶ 46 First, it is clear from the statements of the parties at the fitness hearing, described in detail above, that Mother wished to stipulate and admit to a finding of unfitness on the basis of a lack of reasonable efforts, and that she knowingly and voluntarily waived the requirement that the State adduce live testimony or other evidence in addition to the factual basis it presented. It is also clear that the State intended to, and did, present a factual basis related to a finding of unfitness based upon a lack of reasonable efforts, its one-time mistaken use of the word "progress" rather than the word "efforts" notwithstanding. The remainder of the factual basis presented by the State—quoted in full above—shows that the State indicated that it "could call Leigha Malecha who would testify and go over the Client Service Plan that's previously been filed with this court which covers the dates in the petition," and that "for each of the requirements of the service plan, Ms. Malecha would testify" as to Mother's compliance or noncompliance therewith, "consistently with the service plan report that's previously been filed with the court."

¶ 47 Importantly, the evidence the State indicated that it could produce was not limited to the service plan; to the contrary, the State indicated that it could produce the live testimony of Malecha

with regard to Mother and each requirement of the service plan. Mother's counsel expressly agreed that the State could produce such evidence. Of equal importance, this is not a case in which the State repeatedly used the word "progress" instead of the word "efforts," and it is not a case in which the State referenced, in its factual basis, any evidence that would be relevant only to a finding of a lack of reasonable progress, or used any other language that would indicate that its factual basis would support a finding of reasonable progress, but not reasonable efforts.

¶ 48 The circuit court's oral pronouncements—made immediately after the State's presentation of its factual basis and Mother's counsel's agreement thereto—also support our conclusion that everyone involved understood that a stipulation or admission was being entered with regard to a lack of reasonable efforts, the State's one-time verbal miscue notwithstanding. The circuit court specifically stated that it found "a factual basis for the admission and stipulation, and that the admission [was] knowingly and voluntarily made," and that it found, "by clear and convincing evidence, that" Mother was "unfit for failure to make reasonable efforts as alleged in paragraph eight." Also supporting our conclusion are the circuit court's record sheet entry dated June 2, 2026, which mirrors the language of the circuit court's oral pronouncements, including that the court found by clear and convincing evidence that Mother was "unfit for failure to make reasonable efforts as alleged in Paragraph 8," and the circuit court's written orders of June 2, 2026, which likewise indicated findings of unfitness based upon a lack of reasonable efforts.

¶ 49 When the State's one-time mistaken use of the word "progress" instead of the word "efforts" is viewed in its proper context, it is clear that the factual basis to which Mother stipulated was sufficient to support the finding of unfitness—based upon a lack of reasonable efforts—to which she stipulated as well. Although not raised by either party on appeal, it is true that in the order it entered after the July 3, 2025, permanency review hearing—the only permanency review

hearing that occurred during the nine-month time period relevant to Mother's stipulation and admission—the circuit court found that Mother made reasonable efforts, but not reasonable progress. However, we are aware of no legal authority that stands for the proposition that the court's July 3, 2025, permanency order had the effect of legally precluding Mother from later entering into a stipulation or admission of unfitness on the basis of a failure to make reasonable efforts during the entirety of the nine-month time period from January 24, 2025, to October 23, 2025. Clearly, Mother was aware of the testimony the State could adduce from Malecha, and Mother made the knowing and voluntary decision to stipulate to a finding of unfitness, rather than requiring the State to call Malecha to testify. For all of these reasons, we do not agree that Mother's stipulation or admission of unfitness was not supported by an adequate factual basis.

¶ 50 With regard to the best interests finding in this case, Mother's counsel on appeal argues that the circuit court's decision to terminate Mother's parental rights following the best interests hearing was against the manifest weight of the evidence. Mother contends the evidence adduced at the hearing, described in detail above, demonstrates that "[s]everal significant factors weighed against termination." However, we conclude that Mother's arguments on appeal amount to an invitation to this court to reweigh the evidence, something that, as described above, this court will not do. See, *e.g.*, *M.A.*, 325 Ill. App. 3d at 391.

¶ 51 Ultimately, the circuit court's best interests finding, made against the backdrop of the appropriate statutory factors, was based in large part upon the circuit court's credibility determination that although Mother was "credible when she describe[d] her affection for her children and her desire to be reconciled with her children, for them to be returned to her care," Mother "lack[ed] credibility [with regard to her] explanation for missing drugs screens, and the explanation for missing counseling sessions and the identification of who canceled those sessions."

The circuit court stated that it believed Mother had shown some improvement, and was making better decisions in some areas of her life. However, the court noted that, with respect to the statutory factors, the Minors were "thriving" in their present placement, and that they felt security, familiarity, and a sense of "continuity of affection" at that placement.

¶ 52 The court acknowledged that "the elephant in the room, of course, is the fact that [the foster parents] are not permanent placements," but added that "the other half of that observation or argument is that the child can't be placed, or won't be placed, on an adoption list until such time as the permanency goal is changed to adoption," which created a situation where "we're unable to move forward until there's that permanency goal change." The court stated that after considering the statutory factors, it believed "the permanency goal should change to adoption." The court added that with regard to the question of whether Mother could at some point "demonstrate significant progress and efforts such that the [Minors] should be returned," the key questions were "whether that's actually going to happen, and, if so, how long that will take." The court added that it would not "gamble on those two questions when the children have demonstrated they've done well in a structured environment and that adoption might be—would be—a proper permanency goal." Thus, in again assessing the credibility of Mother's assertions that she would do what was necessary to comply with her service plans, the court again expressed doubt and a lack of confidence in Mother.

¶ 53 As explained above, this court does not reassess the credibility of witnesses. *M.A.*, 325 Ill. App. 3d at 391. Instead, we accord great deference to the circuit court's decisions in termination proceedings because the circuit court is in a better position to observe witnesses and to judge their demeanor and credibility. *Dal. D.*, 2017 IL App (4th) 160893, ¶ 53. As also explained above, a finding is against the manifest weight of the evidence only if the opposite conclusion is clearly apparent or the determination is unreasonable, arbitrary, or not based on the evidence presented.

D.F., 201 Ill. 2d at 498. The circuit court's best interests finding was clearly based upon the evidence presented to it, and it was not unreasonable or arbitrary. Likewise, the opposite conclusion to that reached by the circuit court is not clearly apparent.

¶ 54 III. CONCLUSION

¶ 55 For the foregoing reasons, we affirm the judgment of the circuit court of De Witt County that found Mother unfit, and the judgment that terminated Mother's parental rights.

¶ 56 Affirmed.