2025 IL App (4th) 250753-U

NO. 4-25-0753

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
December 15, 2025
Carla Bender
4th District Appellate
Court, IL

In re L.E., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Peoria County
Petitioner-Appellee,	)	No. 18JA411
v.	)	
Demetrius E.,	)	Honorable
Respondent-Appellant).	)	David A. Brown,
	)	Judge Presiding.

JUSTICE GRISCHOW delivered the judgment of the court.
Justices Zenoff and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court granted appellate counsel's motion to withdraw and affirmed, concluding no issue of arguable merit could be raised on appeal.

¶ 2 On July 24, 2025, the trial court entered an order terminating the parental rights of respondent, Demetrius E., to his minor child, L.E. (born December 2011). Respondent appealed, and counsel was appointed to represent him. Appellate counsel now moves to withdraw, citing *Anders v. California*, 386 U.S. 738 (1967), on the basis she cannot raise any potentially meritorious argument on appeal. The record indicates a copy of counsel's motion and accompanying memorandum of law were sent to respondent by mail. Respondent has not filed a response. After reviewing the record and counsel's memorandum, we grant the motion to withdraw and affirm the court's judgment.

¶ 3 I. BACKGROUND

¶ 4 A. Case Opening

¶ 5 On November 19, 2018, the State filed a petition for adjudication of wardship. The petition alleged L.E. was a neglected minor pursuant to section 2-3 (1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2018)) because she was in an environment injurious to her welfare in that respondent was previously found unfit in Peoria County case No. 13-JA-186. Additionally, L.E. was present during various incidents of domestic violence between respondent and Danyeal P., L.E.'s mother. After a shelter care hearing, the trial court placed temporary custody and guardianship with the Illinois Department of Children and Family Services (DCFS).

¶ 6 On February 27, 2019, the trial court adjudicated L.E. neglected pursuant to respondent's stipulation. Following the April 10, 2019, dispositional hearing, the court made L.E. a ward of the court and continued her custody and guardianship with DCFS.

¶ 7 B. Termination Petition

¶ 8 On January 24, 2025, the State filed a petition to terminate respondent's and Danyeal's parental rights (we note Danyeal is not a party to this appeal). Regarding respondent, the petition alleged he was an unfit parent in that he (1) failed to make reasonable progress toward the return of the minor to his care during a nine-month period after the minor was adjudicated neglected (750 ILCS 50/1(D)(m)(ii) (West 2024)) (count III) and (2) failed to maintain a reasonable degree of interest, concern, or responsibility for the minor's welfare (750 ILCS 50/1(D)(b) (West 2024)) (count IV). The relevant nine-month time period alleged by the State was March 15, 2024, to December 15, 2024.

¶ 9 C. Fitness Hearing

¶ 10 The trial court commenced the fitness hearing on June 12, 2025. At the outset, the State moved to dismiss count IV and proceed only on count III. The court took judicial notice of various documents in the court file without objection.

¶ 11 Taylor Riegler testified she had been L.E.'s caseworker since March 2024. During the relevant time period, respondent was required to cooperate with the agency and participate in family counseling. According to Riegler, respondent and L.E. did not have a good relationship. Because of the previous incidents of domestic violence, L.E. did not want to be alone with respondent and "always wanted someone with her." Riegler agreed the tense nature of L.E.'s relationship with respondent was a barrier for returning L.E. to respondent's care. While respondent initially agreed to participate in family counseling, he only attended 1 out of 11 sessions. According to Riegler, respondent did not attend the counseling sessions because he had to work, even though he was provided "at least three-weeks notice" between scheduled sessions. During the one session respondent attended, he continually blamed other people, including Danyeal, and refused to take accountability for why L.E. was in foster care. Eventually, L.E. became extremely upset and "asked again if she could leave [the session] and [Riegler] told her she could." Regarding visitation, respondent initially had weekly supervised visits with L.E., but eventually, those visits decreased to one hour monthly. Riegler recalled an incident during a supervised visit in October 2024 in which respondent was approximately 20 minutes late and was on his phone "with the other child" during the visit. When Riegler tried to redirect him, respondent became upset and

> "turned and sat extremely close to [her] and told [her] that [she] wasn't allowed to tell him what to do because [she was] much younger than him and he's grown and

that it's not [her] business. And that if he wants to speak to his son, he'll speak to his son."

L.E. observed the interaction between respondent and Riegler and "appeared uncomfortable" as a result. After the October incident, the agency moved respondent's visits to its office, citing safety concerns. Riegler acknowledged while respondent had completed individual counseling, he did not appear to apply any skills he had learned. During the relevant time period, the agency never recommended unsupervised visitation. Further, respondent was not considered for a return-home option because of "[h]is lack of engagement in family counseling and the fact that [L.E.] continually stated she did not feel safe around her father."

¶ 12 On cross-examination, Riegler acknowledged respondent completed most of his substantive services except family counseling and his home passed a safety check. When asked whether respondent would notify her if he was unable to attend family counseling, Riegler indicated respondent would simply not show up. On redirect examination, Riegler confirmed that the agency still had concerns about domestic violence, despite respondent completing classes.

¶ 13 Following arguments, the trial court found the State proved by clear and convincing evidence respondent failed to make reasonable progress toward the return of the minor to his care within the relevant time period. Specifically, the court observed respondent "was given the resources to address his shortcomings in dealing with his child, and he didn't take full advantage of those. The barrier for return home to him wasn't just [L.E.], it was also his conduct, or his lack of progress, *** in the service plan of overall functioning. *** [W]hich *** directly relates to his ability to parent his child."

¶ 14 D. Best Interest Hearing

¶ 15 On July 9, 2025, the trial court conducted a best interest hearing. A best interest

report and accompanying addendum were filed without objection. The authors of the best interest report indicated L.E. had been in her current foster placement since September 2024 and L.E.'s "basic needs for food, shelter, health, and clothing are being met by her [foster parents]." L.E.'s medical needs were also being met by her foster parents. The report described L.E. as "not quick to make decisions but rather takes her time and thinks through all of her options."

¶ 16 Karen Dunne testified she had been L.E.'s counselor since approximately July 2024. According to Dunne, L.E. was mature for her age and L.E.'s current foster placement provided the stability she needed. L.E. felt happy and secure in the placement.

¶ 17 Grant M. testified he had been L.E.'s foster father since September 2024. He indicated L.E. and his wife, Tomasina, had formed a close relationship. Grant described his own relationship with L.E. as "a work in progress *** on [his] part as [he tries] to get closer to her and make her more comfortable with [him]." He noted he attended a joint counseling session with L.E. and had attempted "to do little things where [they] spend more time together." To provide consistency for L.E., Grant and Tomasina were "open and honest with her with [their] decisions, [and] include her *** in anything that [they] do." Grant indicated he and Tomasina were willing to provide permanency through adoption and, if L.E. wished, to facilitate visits between L.E. and her biological family.

¶ 18 Sally Stevenson, a court-appointed special advocate supervisor, testified she had been assigned to L.E.'s case since July 2021. According to Stevenson, L.E. felt more secure in her current placement because "[s]he's allowing herself to feel or get involved" by getting to know her foster parents' extended families. Regarding L.E.'s relationship with respondent, Stevenson stated, "At our last conversation, which was a month ago, she told me she never wanted to see her father again." It was Stevenson's opinion that L.E. seemed to be very

comfortable around her foster parents.

¶ 19 Riegler testified that initially, L.E. wished to be placed in a guardianship rather than be adopted. However, according to Riegler, those wishes changed, in part, because L.E. had been "very upset with how *** the guardianship case is going with her brother. She's brought it up for quite a while. That [her brother] doesn't want to see [respondent]. And that [respondent] is taking him back to court and she doesn't want that same thing. She just wants to be done."

¶ 20 L.E. wanted to be "done with foster care and she wants to be in a placement and know where she's going to be forever." Riegler further described L.E. and respondent's relationship as "nonexistent," and she stated L.E. had no desire to maintain a relationship with respondent in the future. It was the agency's recommendation that respondent's parental rights be terminated.

¶ 21 Following argument, the trial court found termination of respondent's parental rights was in L.E.'s best interest. The court began by noting it did not foresee respondent "being able to provide not only the physical but the emotional safety and welfare for [L.E.] anytime soon." Conversely, the court indicated the foster parents have provided for L.E.'s physical safety and welfare, and they have additionally provided food, shelter, and clothing for the minor. Specifically, the court stated,

> "[T]ypically we think of shelter as a physical thing, *** but for a child it's more than that. It's protection. It's safety. *** And clearly [L.E.] doesn't feel *** [respondent] can provide shelter, or she doesn't feel sheltered in his home or care. *** [T]hat's not really disputed I don't think. And *** she appears *** she's evolving with her ability to let a male figure into her life in the present foster home, it appears."

Regarding L.E.'s identity, the court determined that factor "weighs both ways." The court further observed that L.E. felt loved by her foster parents and acknowledged L.E.'s preference for adoption. Moreover, the court determined L.E. felt valued in the foster home, and her senses of security and familiarity weighed in favor of termination. Accordingly, the court observed, "The need for stability, continuity of relationships, *** [L.E.'s] crying out for it in a lot of different ways. And *** it appears to me that the only way she can get that on a permanent basis would be through termination." The court concluded, after considering the statutory factors, it was in L.E.'s best interest that respondent's parental rights be terminated.

¶ 22 This appeal followed.

¶ 23 II. ANALYSIS

¶ 24 On appeal, appellate counsel seeks to withdraw on the basis that she cannot raise any arguments of potential merit.

¶ 25 The procedure for appellate counsel to withdraw set forth in *Anders* applies to findings of parental unfitness and termination of parental rights. *In re S.M.*, 314 Ill. App. 3d 682, 685 (2000). According to this procedure, counsel's request to withdraw must "be accompanied by a brief referring to anything in the record that might arguably support the appeal." *Anders*, 386 U.S. at 744. "[C]ounsel must *** sketch the argument in support of the issues that could conceivably be raised on appeal, and then *** explain why he believes the arguments are frivolous." *S.M.*, 314 Ill. App. 3d at 685. Counsel must then conclude the case presents no viable grounds for appeal. *S.M.*, 314 Ill. App. 3d at 685. In doing so, counsel should review both the unfitness finding and the best interest determination and indicate in the brief he has done so. *S.M.*, 314 Ill. App. 3d at 685-86.

¶ 26 In the instant case, counsel asserts she has reviewed the record on appeal,

including the report of proceedings of the termination hearings, and has concluded there are no appealable issues of merit. Counsel states she has considered raising an argument the trial court erred in finding respondent unfit. She also indicates she has considered raising an argument challenging the court's best interest finding. We address each argument in turn.

¶ 27 A. Unfitness Finding

¶ 28 We first address appellate counsel's assertion no meritorious argument can be made that the trial court erred in finding respondent failed to make reasonable progress during the relevant time period.

¶ 29 Termination of parental rights under the Juvenile Court Act is a two-step process. *In re Julian K.*, 2012 IL App (1st) 112841, ¶ 1. Parental rights may not be terminated without the parent's consent unless the trial court first determines, by clear and convincing evidence, the parent is unfit as defined in section 1(D) of the Adoption Act (750 ILCS 50/1(D) (West 2024)). *In re Gwynne P.*, 215 Ill. 2d 340, 354 (2005). Pursuant to section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2024)), a parent may be found unfit if he fails to "make reasonable progress toward the return of the child to the parent during any 9-month period following the adjudication of neglected *** minor." A "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" constitutes a failure to make reasonable progress for purposes of section 1(D)(m)(ii). 750 ILCS 50/1(D)(m)(ii) (West 2024). This court has explained reasonable progress exists when a trial court "can conclude that *** the court, in the *near future*, will be able to order the child returned to parental custody." (Emphasis in original.) *In re L.L.S.*, 218 Ill. App. 3d 444, 461 (1991). " 'Reasonable progress' is measured by an objective standard." *In re A.R.*, 2023 IL App (1st) 220700, ¶ 70.

¶ 30 We will not disturb a finding of unfitness unless it is against the manifest weight of the evidence. *In re J.H.*, 2020 IL App (4th) 200150, ¶ 68. "A finding is against the manifest weight of the evidence only if the evidence clearly calls for the opposite finding [citation], such that no reasonable person could arrive at the circuit court's finding on the basis of the evidence in the record." (Internal quotation marks omitted.) *J.H.*, 2020 IL App (4th) 200150, ¶ 68. "This court pays great deference to a trial court's fitness finding because of [that court's] superior opportunity to observe the witnesses and evaluate their credibility." (Internal quotation marks omitted.) *In re O.B.*, 2022 IL App (4th) 220419, ¶ 29.

¶ 31 Here, the State proved by clear and convincing evidence respondent failed to make reasonable progress during the relevant nine-month period as alleged in the State's petition. Although respondent completed several services, including individual counseling, and his home passed a safety check, he failed to complete family counseling. Indeed, respondent only attended 1 out of 11 scheduled sessions during the relevant nine-month period. Additionally, while respondent did complete individual counseling, he failed to implement the skills he learned in counseling. According to Riegler, respondent never took accountability for L.E. being in foster care and continued to blame other people, including Danyeal. Respondent's visits with L.E. were moved to the agency's office after safety concerns arose stemming from an incident in October 2024. Riegler testified that L.E. and respondent's tense relationship was a barrier to returning L.E. to respondent's care. L.E. never wanted to be alone with respondent and "always wanted someone with her" The agency had additional concerns about domestic violence. As such, during the relevant nine-month period, the agency did not consider respondent as a return-home option for L.E.

¶ 32 Based on this evidence, respondent did not "substantially fulfill his ***

obligations under the service plan" and therefore did not make reasonable progress toward the return of L.E. to his care. 750 ILCS 50/1(D)(m)(ii) (West 2024). Accordingly, we agree with counsel, any argument contesting the trial court's unfitness findings would be entirely frivolous.

¶ 33 B. Best Interest Determination

¶ 34 Appellate counsel next asserts she can make no meritorious argument that the trial court's best interest finding was against the manifest weight of the evidence.

¶ 35 When a trial court finds a parent to be unfit, "the court then determines whether it is in the best interests of the minor that parental rights be terminated." *In re D.T.*, 212 Ill. 2d 347, 352 (2004). "[A]t a best-interests hearing, 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. The State must prove by a preponderance of the evidence that termination of parental rights is in the minor's best interest. *D.T.*, 212 Ill. 2d at 366. In making the best interest determination, the court must consider the factors set forth in section 1-3(4.05) of the Juvenile Court Act (705 ILCS 405/1-3(4.05) (West 2024)). These factors include:

> "(1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's background and ties, including familial, cultural, and religious; (4) the child's sense of attachments, including love, security, familiarity, and continuity of affection, and the least-disruptive placement alternative; (5) the child's wishes; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parental figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the persons available to care for the child." *In re Jay. H.*, 395 Ill. App. 3d 1063, 1071 (2009) (citing 705 ILCS

405/1-3(4.05) (West 2008)).

"The court's best interest determination [need not] contain an explicit reference to each of these factors, and a reviewing court need not rely on any basis used by the trial court below in affirming its decision." *In re Tajannah O.*, 2014 IL App (1st) 133119, ¶ 19. "A reviewing court affords great deference to a trial court's best-interest finding because the trial court is in a superior position to view the witnesses and judge their credibility." *In re J.B.*, 2019 IL App (4th) 190537, ¶ 33. On review, "[w]e will not disturb a court's finding that termination is in the child[ ]'s best interest unless it was against the manifest weight of the evidence." *In re T.A.*, 359 Ill. App. 3d 953, 961 (2005).

¶ 36 All told, the evidence in the record on appeal shows L.E. is in a good home and her needs are being met. The foster parents provided a safe home, medical services, and care for L.E. and desired to make the relationship permanent. Further, L.E. desired permanency, as evidenced by her desire for adoption rather than guardianship. L.E.'s relationship with respondent was described as "nonexistent," and L.E. "never wanted to see her father again." The trial court concluded, "The need for stability, continuity of relationships, *** [L.E.'s] crying out for it in a lot of different ways. And *** it appears to me that the only way she can get that on a permanent basis would be through termination." Such evidence supports the court's decision that terminating respondent's parental rights served L.E.'s best interest. The court's decision is therefore neither unreasonable nor arbitrary. See *In re Keyon R.*, 2017 IL App (2d) 160657, ¶ 16 (stating a trial court's decision is against the manifest weight of the evidence only when the opposite conclusion is clearly apparent or when the decision is unreasonable, arbitrary, or not based on evidence). Thus, we conclude the trial court's best interest finding was not against the manifest weight of the evidence because we cannot say that the evidence adduced clearly calls

for the opposite conclusion. We agree with counsel, any argument contesting the court's best interest finding would be meritless.

¶ 37 III. CONCLUSION

¶ 38 For the reasons stated, we grant appellate counsel's motion to withdraw and affirm the trial court's judgment.

¶ 39 Affirmed.