2025 IL App (4th) 250668

NO. 4-25-0668

FILED
December 17, 2025
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re A.R., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Tazewell County
Petitioner-Appellee,	)	No. 24JA231
v.	)	
Ashley R.,	)	Honorable
Respondent-Appellant).	)	Katherine G. P. Legge,
	)	Judge Presiding.

JUSTICE LANNERD delivered the judgment of the court, with opinion.
Justices Steigmann and Grischow concurred in the judgment and opinion.

OPINION

¶ 1 In December 2024, the State filed a petition 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 2024)), alleging A.R. (born November 2023), the child of respondent Ashley R. and Keagen B., was a neglected minor. Following the adjudicatory and dispositional hearings, the trial court entered orders adjudicating A.R. neglected and finding respondent and Keagen unfit. Respondent timely filed a notice of appeal, and counsel was appointed to represent her. (Keagen is not a party to this appeal.) Respondent's counsel now moves to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), contending "an appeal in this case would be meritless." See *In re S.M.*, 314 Ill. App. 3d 682, 685-86 (2000) (holding *Anders* "applies to findings of parental unfitness and termination of parental rights"). We agree and grant counsel's motion to withdraw, and we affirm the court's judgment.

¶ 2 I. BACKGROUND

¶ 3 On December 6, 2024, the State filed a petition alleging A.R. was a neglected minor pursuant to section 2-3(1)(b) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b) (West 2024)). The petition alleged A.R. was a neglected minor in that her environment was injurious to her welfare because (1) A.R. "sustained numerous injuries during the past five to six months" and neither respondent nor Keagen could provide a reasonable explanation for the injuries; (2) Keagen had convictions for burglary and aggravated assault, as well as a pending charge for driving under the influence (DUI); and (3) respondent had convictions for retail theft and DUI, as well as a pending charge for DUI.

¶ 4 The trial court entered a temporary custody order on December 9, 2024. The order found there was probable cause for the State's petition, there was an immediate and urgent necessity to remove A.R. from the home, and reasonable efforts were made to keep A.R. in the home but did not eliminate the need for A.R.'s removal. The court granted temporary custody and guardianship of A.R. to the Illinois Department of Children and Family Services (DCFS). The court also appointed counsel for respondent. We note the record on appeal does not contain a report of proceedings from the shelter care hearing. However, according to the court's written order, respondent received notice and was present at the hearing.

¶ 5 A. Adjudicatory Hearing

¶ 6 On February 21, 2025, the State moved to continue the adjudicatory hearing. Respondent's counsel objected and indicated respondent wished to proceed. Following this objection, the State informed the trial court it would withdraw its request for a continuance and proceed with a hearing. However, the guardian *ad litem* (GAL) interjected and stated she told the caseworker she was free to leave because there would not be a hearing that day. Respondent's

counsel then took a moment to confer with respondent. Following this discussion, respondent's counsel informed the court that respondent withdrew her objection to the continuance. The following discussion then occurred:

> "THE COURT: Okay. Well, I asked my clerk if that was going to be the case about possible time frames. I believe, [state's attorney], you had said March 6th was our 90-day deadline, is that correct?
>
> [STATE'S ATTORNEY]: Yes, Judge.
>
> THE COURT: Which is, you know, like two weeks away, less than two weeks, 13 days. We don't have—don't think we have any time next Friday due to our really busy court calendar, but we did have time on March 14th in the mid-afternoon but that would be outside the time frame. So we would have to be creative if we need to get it before March 6th. Otherwise, if we're wanting to have chunk of time in our calendar, it would need to be the March 14th afternoon. What do the parties feel is best?
>
> [STATE'S ATTORNEY]: At this juncture, I'm ready to proceed right now.
>
> THE COURT: Okay.
>
> [GAL]: I'm willing to waive time limits until the 14th. I think it's in this minor's best interest to have this issue resolved versus making any hasty decisions. I want to give it the time it needs.
>
> THE COURT: All right. Well, [respondent's counsel], you're fine with a continuance, but what's your position on the time frames?
>
> [RESPONDENT'S COUNSEL]: Judge, we'd be fine with a waiver that pushes this out essentially eight days past that date. We wouldn't be real happy

going any further than that. I would want to revisit it at that point.

* * *

THE COURT: Okay. Well, let me ask this because is there any indication that there is a resolution because this is the State's petition and if they want to go forward, then it's their ability to go forward if they want to present here today unless there's some compelling reason to continue, you know what I mean? It's different if it's the State's motion to continue because it's their motion to prove or petition. So in the way that you phrase it, [GAL], you thought that not proceeding in haste would be in the best interest of the child, but that would be up to [the state's attorney], right? So, you know what I mean? I don't know what's being proceeded to in haste, like, because there's no agreement, right? I guess I'm kind of confused.

[GAL]: If, if by chance the petition could not be proven by the State today, I do not feel comfortable with the information I have and was hoping we could reach a resolution because there's new information in regards to housing and such for the parents that—

THE COURT: But it's not your petition.

[GAL]: I know.

THE COURT: Okay.

[GAL]: I'm just saying, like, that's why would I like to resolve it as a resolution that we just don't have the information today to have.

THE COURT: Okay. But you're able to participate as the child's attorney if the State wants to at least provide some evidence, correct?

[GAL]: Yes.

THE COURT: Is there anything about your concerns as far as updated housing that would affect your ability to be a participant in the evidentiary portion of an adjudication if it was started today?

[GAL]: No. I can proceed.

THE COURT: Okay. Does that make sense? All right. So are all parties ready to proceed?

[STATE'S ATTORNEY]: Yes.

[RESPONDENT'S COUNSEL]: Yes.

[KEAGEN'S COUNSEL]: Yes.

THE COURT: Because it's my understanding we can at least do partial evidentiary and if more evidence is presented later, that's fine. The time frames are at least to starting the adjudication if I understand it correctly. That's really the time frames that are most significant under the Juvenile Court Act and is that—am I reading that correctly? Would everybody agree with that?

[STATE'S ATTORNEY]: Yes.

[RESPONDENT'S COUNSEL]: Yes.

[GAL]: Yes.

THE COURT: Okay. Okay. Because, I mean, the State won't be forced to finish their case-in-chief today. It's just the time frames mandate starting it, correct? So, I mean, it's up to the State if they want to complete it and whether they think their case is strong enough, and [the state's attorney] indicated multiple times she's ready."

The State then called respondent as its first witness.

¶ 7 1. *Respondent's Testimony*

¶ 8 Respondent filed for an emergency order of protection against Tasha B., Keagen's mother, because Tasha "cussed [her] out and then slammed [her] arm in the door while [she] was holding [A.R.]" During the order of protection hearing, respondent claimed A.R. was hurt while in Keagen's care. Keagen and respondent are no longer together, and Keagen lived with Tasha. According to respondent, there were multiple occasions when she picked A.R. up from Tasha's home after Keagen's parenting time and A.R. had "concerning marks."

¶ 9 Respondent first noticed marks after she picked up A.R. from Keagen on July 3, 2024. A.R. "had a bump on his head and bruises all over his back." A.R. had been with Keagen for three and a half days before that day. Respondent informed Keagen about the marks, and Keagen responded that he did not know what happened. Respondent took A.R. to the doctor, and the doctor took photographs of the marks. Then in November 2024, respondent saw bruising on A.R.'s buttocks after he was in Keagen's care. Keagen informed respondent A.R. fell. Respondent stated she did not take A.R. to the doctor after she noticed this bruise on his buttocks.

¶ 10 Respondent acknowledged there was one occasion in September 2024 where A.R. got an abrasion on his lip while in her care. According to respondent, A.R. scratched himself with a board book. Respondent also admitted that Tasha found a piece of plastic from a wipe container in A.R.'s mouth after Tasha picked A.R. up from respondent's home. Respondent stated A.R. must have put the plastic in his mouth while she changed his diaper and she did not notice.

¶ 11 Respondent admitted she had convictions for retail theft and DUI and also had a pending charge for DUI.

¶ 12 On cross-examination by her attorney, respondent testified she immediately messaged Keagen on July 3 when she had concerns about the marks on A.R. Respondent also took

A.R. to the doctor that same day. The doctor told respondent to pay attention to A.R. and call if she continued to have concerns. After that day, respondent began keeping notes of any injuries A.R. had after A.R. was at Keagen and Tasha's home. Respondent's notes were admitted into evidence without objection. When asked about the abrasion to A.R.'s face in September 2024, respondent stated she was reading A.R. a board book and A.R. grabbed the book, which scratched his face. Respondent did not think the abrasion needed medical attention. When asked about the incident where Tasha found plastic in A.R.'s mouth, respondent testified she had just changed A.R.'s diaper before Tasha picked him up and A.R. must have put the plastic in his mouth then. After this, respondent was more careful to make sure A.R. did not put any choking hazards in his mouth. When asked about the bruising on A.R.'s buttocks in November 2024, respondent asserted she did not believe the bruises came from a fall but acknowledged she did not believe the bruises required medical attention.

¶ 13 On cross-examination by Keagen's attorney, respondent testified she did not believe the bruising on A.R.'s buttocks came from a fall because the bruise appeared to be from a "pinch" and because A.R. "does not fall in that spot." Respondent acknowledged she was not present when the injury occurred and that toddlers fall all the time.

¶ 14 On cross-examination by the GAL, respondent stated she received supervision for her first DUI but acknowledged there was a pending petition to revoke her supervision because she failed to complete her treatment. Respondent testified she began her treatment for both DUIs "yesterday."

¶ 15 Following respondent's testimony, the remainder of the adjudicatory hearing was continued because the State's next witness was not present. The trial court set the case for a continued adjudicatory hearing on March 14, 2025. The hearing was then continued on the court's

motion to May 9, 2025, due to a scheduling conflict. The court's written order does not indicate whether there were any objections to the continuance.

¶ 16 The trial court conducted the remainder of the adjudicatory hearing on May 9, 2025. At the outset, the court noted respondent filed multiple *pro se* pleadings and inquired whether respondent's counsel intended to adopt those pleadings. Respondent then agreed to strike all her pleadings except the one requesting a void judgment. The court then admonished respondent that she could not be represented by counsel and file *pro se* pleadings. Following continued discussions between the court, respondent, and respondent's counsel, respondent agreed to withdraw all her *pro se* pleadings and proceed with the remainder of the adjudicatory hearing represented by counsel.

¶ 17 The State then called Deborah Harper as a witness.

¶ 18 2. *Harper's Testimony*

¶ 19 Harper, an attorney, worked as a GAL for Tazewell County. On December 5, 2024, Harper was asked to attend an order of protection hearing. Respondent sought an emergency order of protection against Tasha, A.R.'s paternal grandmother.

¶ 20 During the hearing, respondent testified A.R. was injured while in Tasha's care, and conversely, Tasha testified A.R. was injured while in respondent's care. The judge presiding over the hearing "became very concerned" about respondent's behavior during the hearing and asked Harper to contact DCFS to take protective custody of A.R. According to Harper, respondent "did not seem to comprehend what was going on" and "did not seem well."

¶ 21 DCFS was unable to come take protective custody of A.R., so Keagen took A.R. home with him after the hearing. Harper acknowledged she had some concerns about Tasha because Tasha was disruptive while Keagen and respondent were communicating about A.R. after

the hearing. After Keagen left with A.R., Harper contacted DCFS and provided them with Keagen's contact information. Harper later filed a shelter care petition after discovering the parents' criminal histories.

¶ 22 Respondent also exhibited behavioral issues at the shelter care hearing. When the trial court ordered A.R. be placed in protective custody, respondent refused to accept A.R. would not be going home with her. Respondent's behavior required security to be called to the courtroom.

¶ 23 On cross-examination by respondent's counsel, Harper stated respondent appeared very agitated during the order of protection hearing. Then, after the hearing, when Harper attempted to explain to respondent that A.R. would not be going home with her, respondent told Harper, "He's going home with me." Harper acknowledged respondent eventually agreed Keagen could take A.R. because it was Keagen's parenting time. After the order of protection hearing, it was Harper's understanding respondent would not have any parenting time with A.R., and Harper told Keagen not to allow respondent to take A.R. for parenting time.

¶ 24 On cross-examination by Keagen's counsel, Harper acknowledged she did not know who caused the injuries to A.R. Additionally, she stated some of the injuries appeared to be accidental. According to Harper, A.R.'s injuries appeared to be more likely the result of neglectful parenting, rather than someone battering him. The most concerning incident for Harper was when A.R. had a piece of plastic in his mouth because he could have choked.

¶ 25 On cross-examination by the GAL, Harper testified she learned after the shelter care hearing that this was the second or third time respondent had a child removed from her care. After learning this, Harper was even more concerned about respondent's behavior at the shelter care hearing.

¶ 26 Following Harper's testimony, the State rested. Respondent's counsel then called

Katie Hall as a witness.

¶ 27 3. *Hall's Testimony*

¶ 28 Hall, a caseworker for Lutheran Social Services of Illinois, had been the caseworker for A.R. since the case opened. Hall was aware of a prior juvenile abuse and neglect case involving respondent in Woodford County. However, Hall had very few details and did not know whether respondent was ultimately found fit in that case.

¶ 29 On cross-examination by the GAL, Hall testified she was aware of a prior juvenile abuse and neglect case in Peoria County in which respondent's parental rights were terminated.

¶ 30 Following Hall's testimony, respondent rested. Keagen then testified on his own behalf.

¶ 31 4. *Keagen's Testimony*

¶ 32 On July 5, 2024, respondent contacted Keagen multiple times about a knot on A.R.'s head. A.R. was with Keagen on July 4, and respondent picked A.R. up on July 5. Respondent contacted him about the mark two hours after she picked A.R. up.

¶ 33 In October 2024, Keagen picked up A.R. from respondent's home, and respondent told Keagen that A.R. fell off the couch and got a bump on his head. The bump was very small, and A.R. did not appear to be in distress. It was clear to Keagen, even though he did not see what happened, the bump was accidental.

¶ 34 5. *Trial Court's Ruling*

¶ 35 Following all the evidence and argument, the trial court found the State had proven its petition by a preponderance of the evidence. In its oral ruling, the court noted,

> "And I will find that it was more so a product of [respondent]'s what I would take is mental health or substance abuse or a combination of both.

> It's kind of unclear to me at this point, but there's some sort of level of instability that I believe is present and really an inattentiveness to the child that has led to what thankfully are very minor instances, but there's a undercurrent of—of something going on here that I do believe has occurred to the child, and when you look at everything together, the State has carried their burden."

The court then set the case for a dispositional hearing.

¶ 36 B. Motion to Withdraw as Counsel

¶ 37 On May 21, 2025, respondent's counsel filed a motion to withdraw as counsel. The trial court held a hearing on the motion on May 30, 2025. At the hearing, counsel advised the court respondent wished to have counsel withdraw so respondent could proceed *pro se*. The court advised respondent of her right to appointed counsel. It then explained the risks of proceeding without appointed counsel. Finally, the court inquired about respondent's age and educational background and confirmed she was not under the influence of any alcohol or drugs. After these admonishments, respondent persisted in her desire to represent herself. The court found respondent made a knowing and voluntary waiver of her right to counsel and granted counsel's motion to withdraw.

¶ 38 C. Dispositional Hearing

¶ 39 A dispositional hearing report was filed on June 18, 2025. The report noted respondent had engaged in inappropriate behaviors during visitations with A.R. on multiple occasions. Because of this, respondent's supervised visitation was moved to the DCFS field office for "increased security." Subsequently, an addendum was filed on June 27, 2025. The addendum discussed respondent's erratic behavior during a supervised visit on June 17, 2025. According to the report,

> "[Respondent] was asked to turn her music down during the parent child visit by the case aid and *** [respondent] refused to comply. It was reported that a security guard from the DCFS field office intervened and asked [respondent] to turn the music down. [Respondent] became argumentative and verbally combative towards agency and DCFS staff. There were comments reported to this worker that was stated by [respondent] such as comments regarding she was so cold 'among the dead/with the dead' and that her child 'lives with the anti-Christ'. It was also reported that [respondent] stated that 'the security guard's body was cold because he is filled with demons.['] [Respondent] stated that her body is warm because she's 'Godly'. [Respondent] prompted staff to feel her skin so that they could feel the difference in the temperature.
>
> As [respondent] would not follow directives, the visit was ended by *** agency staff. [Respondent] continued to be argumentative. The case aide and child were removed from the room, as [respondent] continued attempting to move towards [A.R.]"

¶ 40 The trial court held a dispositional hearing on June 27, 2025. Prior to the start of the hearing, respondent made multiple statements about the court having no authority to take her child, about the agency violating her constitutional rights, and that her child was taken illegally. The court explained the juvenile court process to respondent and proceeded with the dispositional hearing.

¶ 41 The State called Hall as a witness. We note a majority of Hall's testimony was about Keagen and, as Keagen is not a party to this appeal, we discuss only those facts necessary to our decision.

¶ 42 1. *Hall's Testimony*

¶ 43 According to Hall, there was an incident on June 17, 2025, where the case aide and A.R. were pulled out of a supervised visit with respondent for their safety. During this incident, A.R. appeared fearful. No safety check was completed at respondent's home due to the incident on June 17.

¶ 44 On cross-examination by respondent, Hall acknowledged, if A.R. had bruising, it should be reported. Hall then insisted A.R. did not have any bruises for her to report. When asked about injuries to A.R. that respondent observed on May 5, 2025, Hall stated the injuries were "superficial scratches from him playing at the playground." Hall took A.R. to the doctor, and the doctor said, "[T]ell mom that he is 18 months old *** and that these are normal things that can happen to a child." When asked about A.R. having a black eye, Hall insisted she never observed a black eye on A.R. Hall later clarified "it was like, like faded almost coloring to his face when he fell" and she did not believe it was a black eye. The foster parents told her A.R. got excited about a movie and fell. Two supervisors examined A.R. and determined it was not a black eye.

¶ 45 2. *Respondent's Testimony*

¶ 46 Following Hall's testimony, respondent provided the following testimony in narrative form:

> "From the beginning of this, I have been trying to get help for my child, [A.R.] Okay. I have been worried for his safety from the beginning. Since you guys I feel have illegally stole him from me because I have not done anything wrong to harm or neglect my child, he has continued to have bruises on him. He has, his mental health is diminishing since he's not been in my care. He bangs his head on a wall now while I'm trying to have a visit with him. He's ice cold. When I last saw

him, he was ice cold when it was 90 degrees outside. Okay. I have done everything above and beyond that [Hall] and Lutheran Social Services has asked of me, so if anything has happened where I didn't agree to the mistreatment of violating my rights, it is because as a human being in the United States, I have the right to say that don't give this consent because it's wrong."

¶ 47 The State then had the following exchange with respondent during cross-examination:

"Q. And what does it mean for [A.R.] to be ice cold? What does that indicate?

A. That he's getting his life force stolen.

* * *

Q. And can you explain what that means?

A. Um, it means rather than filling a child with love and abundant care of safety and protective love would make him warm, anything other than that would make him cold.

Q. Does it mean that he is filled with demons?

A. I have feared that from the beginning. I came to pick up [A.R.] one day and the grandmother was watching a show called Evil Lives Here.

Q. So you believe [A.R.] is filled with demons?

A. Yes, and have been trying to get help from the beginning.

Q. And who do you believe can help [A.R.] being filled with demons?

A. Giving him back to me and doing the proper procedure of the truth of the matter and internally investigating.

Q. And that would expel the demons from [A.R.]?

A. That would provide the right information on where to place him.

Q. What do you mean 'where to place him'?

A. Because where he's at now is not a safe place and he needs to be home with his mother. I am, I am a mother that is trying to protect my child because I am worried about him and where he is placed."

Respondent then alleged either Keagen or his mother had poisoned A.R. However, respondent ultimately acknowledged that, when she took A.R. to the doctor and shared this concern, the doctor did not tell her A.R. had been poisoned.

¶ 48 On cross-examination by the GAL, respondent was asked about whether she would cooperate with mental health treatment, and the following exchange occurred:

"[RESPONDENT]: And, also, if they're worried about my mental health, it's because wrong things are happening to [A.R.] and I'm considerably concerned. And when you hold a baby in your belly, you are connected to that child forever, and I feel something is strongly wrong happening to my child; so it's normal for a mother to be worried and want to take back authority over her child before he dies.

[GAL]: Okay. And I have no reason to believe that he's going to die, so is there something you know that I don't know?

[RESPONDENT]: The only way this is going to work is by understanding the evidence and reading internally as to the matters and truth of the issue."

¶ 49 After her testimony, respondent moved to admit four photographs into evidence, which showed purported injuries to A.R. However, the photographs were on her cell phone, and she did not have hard copies. The trial court admitted the photographs into evidence, described

them in detail for the record, and allowed each party to view the photographs. Respondent was ordered to submit the photographs within seven days; however, no photographs are included in the record on appeal.

¶ 50 3. *Trial Court's Ruling*

¶ 51 Following evidence and argument from the parties, the trial court found respondent was unfit "to care for, protect, train, educate, supervise or discipline the minor and placement with her is contrary to the health, safety and best interests of the minor." In its oral ruling, the court stated, "I believe mother has, she has historical trauma and a history of mental health issues including depression, psychiatric hospitalization from 2020 approximately as well as her beliefs that have played out here today in open court which demonstrate an absolute clear *** sense of distorted reality."

¶ 52 During the trial court's ruling, security was called due to respondent's disruptive behavior. Respondent repeatedly stated the court did not have authority to "steal" her child.

¶ 53 This appeal followed.

¶ 54 II. ANALYSIS

¶ 55 Initially, we must address the delay in the issuance of this opinion. As a matter involving the custody of minors, this case is subject to expedited disposition under Illinois Supreme Court Rule 311(a)(5) (eff. July 1, 2018), which requires the appellate court to issue its decision within 150 days after the filing of a notice of appeal, except for good cause shown. Here, the notice of appeal was filed on June 27, 2025, making our decision due by November 24, 2025. Although every effort was made to comply with the deadline under Rule 311(a)(5), we find good cause exists for filing this decision beyond the deadline.

¶ 56 On appeal, respondent's counsel moves to withdraw, contending he cannot raise

any "meritorious or non-frivolous" arguments on appeal. In support of his motion to withdraw, counsel submitted a memorandum of law, which included a statement of facts and argument as to why respondent's potential claims lack merit. In the memorandum of law, counsel evaluated the following claims: (1) whether the trial court violated respondent's right to an adjudicatory hearing within the statutory period, (2) whether the court erred in finding A.R. was a neglected minor, (3) whether the court erred in finding respondent was an unfit parent, (4) whether respondent received ineffective assistance of counsel at the adjudicatory hearing, and (5) whether respondent's waiver of her right to counsel was knowing, intelligent, and voluntary. Counsel provided proof of service of his motion and memorandum on respondent, and this court granted respondent the opportunity to file a response. Respondent failed to do so. After examining the record and counsel's motion to withdraw, we agree with counsel's conclusion there are no issues of arguable merit to be raised on appeal.

¶ 57 A. Adjudication of Wardship

¶ 58 "A proceeding for adjudication of wardship 'represents a significant intrusion into the sanctity of the family which should not be undertaken lightly.' " *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004) (quoting *In re Harpman*, 134 Ill. App. 3d 393, 396-97 (1985)). The Juvenile Court Act sets forth the procedure the trial court must follow in determining "whether a minor should be removed from his or her parents' custody and made a ward of the court." *In re A.P.*, 2012 IL 113875, ¶ 18.

¶ 59 After the State files a petition for adjudication of wardship, the trial court must hold an adjudicatory hearing, where the State presents evidence in support of its petition. *In re Jay. H.*, 395 Ill. App. 3d 1063, 1068 (2009). The burden is on the State to prove the allegations in its petition by a preponderance of the evidence. *In re S.R.*, 349 Ill. App. 3d 1017, 1020 (2004). If the trial court

determines the State has proven by a preponderance of the evidence the minor is abused or neglected, the case proceeds to a dispositional hearing. *Jay. H.*, 395 Ill. App. 3d at 1068.

¶ 60 At the dispositional hearing, the trial court must answer two questions. First, "[is it] in the best interests of the minor and the public that [the minor] be made a ward of the court?" 705 ILCS 405/2-22(1) (West 2024). Second, if the minor is made a ward of the court, what is the proper disposition for the minor, considering "the health, safety and interests of the minor and the public?" *Id.* When answering the second question, the court must determine whether "the parents are unfit or unable *** 'to care for, protect, train[,] or discipline the minor or are unwilling to do so, and that the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of *** her parents.' " *In re J.W.*, 386 Ill. App. 3d 847, 856 (2008) (quoting 705 ILCS 405/2-27(1) (West 2006)). If the court determines the parents are unfit, unwilling, or unable and the best interest of the minor would be jeopardized if the minor remains in the parents' custody, it may grant custody and guardianship of the minor to DCFS. *Id.*

¶ 61 1. *Timing of Adjudicatory Hearing*

¶ 62 The Juvenile Court Act sets forth the timeliness requirement for an adjudicatory hearing:

> "When a petition is filed alleging that the minor is abused, neglected or dependent, an adjudicatory hearing *shall be commenced within 90 days of the date of service of process upon the minor, parents, any guardian and any legal custodian*, unless an earlier date is required pursuant to Section 2-13.1 [(705 ILCS 405/2-13.1 (West 2024))]. Once commenced, subsequent delay in the proceedings may be allowed by the court when necessary to ensure a fair hearing." (Emphasis added.) 705 ILCS 405/2-14(b) (West 2024).

Our supreme court held this 90-day requirement was mandatory, not discretionary. *In re S.G.*, 175 Ill. 2d 471, 482 (1997).

¶ 63 In *S.G.*, our supreme court held an adjudicatory hearing must be completed within 90 days of the date of service of process. *Id.* at 483. However, at the time *S.G.* was filed, section 2-14(b) of the Juvenile Court Act stated, "When a petition is filed alleging that the minor is abused, neglected or dependent, an adjudicatory hearing *shall be held within 90 days* of the date of service of process ***." (Emphasis added.) 705 ILCS 405/2-14(b) (West 1996). Since the supreme court's decision in *S.G.*, section 2-14(b) of the Juvenile Court Act has been amended to state the adjudicatory hearing "shall be commenced" within 90 days. 705 ILCS 405/2-14(b) (West 2024). This amendment is important because our supreme court, in support of its holding in *S.G.*, discussed the specific language utilized by the legislature when discussing the 90-day timeline: "The legislature used the phrase 'shall be held within 90 days' rather than 'shall begin' or 'shall commence' within 90 days. *** This perfective language supports the view that the legislature intended for adjudicatory hearings to be completed prior to the statutory deadline." *S.G.*, 175 Ill. 2d at 482. Moreover, the amendment to section 2-14(b) now utilizes the very words our supreme court found distinguishable when determining the prior version of the statute required the hearing to be "held within 90 days." Accordingly, we find this case distinguishable from *S.G.*

¶ 64 Here, the adjudicatory hearing commenced within the 90-day period required by section 2-14(b) of the Juvenile Court Act. See 705 ILCS 405/2-14(b) (West 2024). The shelter care petition was served on the minor and parents on December 9, 2024. Consequently, the adjudicatory hearing needed to be commenced by March 9, 2025. According to Merriam-Webster, the word "commence" means to "begin" or "start." Merriam-Webster Online Dictionary, https://www.merriam-webster.com/dictionary/commenced (last visited Dec. 10, 2025)

[https://perma.cc/XCX9-BCZL]. The trial court commenced the adjudicatory hearing on February 21, 2025, when the State presented testimony from respondent. The hearing was then completed on May 9, 2025. Although the hearing was not completed within the 90-day period, the statute does not require the hearing be completed within the 90-day statutory period. See *In re D.R.*, 2024 IL App (4th) 231464-U ("[S]ection 2-14 was amended since the supreme court's holding in *S.G.* ***[;] the amendment changed the requirement the hearing be *completed* within the 90-day period to having *commenced* within the 90-day period." (Emphases in original.)). Consequently, we find any argument the adjudicatory hearing was untimely is without merit.

¶ 65 2. *Trial Court's Finding A.R. Was Neglected*

¶ 66 "On review, a trial court's finding of [abuse or] neglect will not be reversed unless it is against the manifest weight of the evidence." *A.P.*, 2012 IL 113875, ¶ 17. "A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident." *Id.*

¶ 67 In this case, the evidence demonstrated A.R. had multiple unexplained injuries. While these injuries were minor, such as bumps and bruises, the unexplained nature of the injuries, coupled with the concerns about respondent's mental health, including her unusual behavior at the shelter care and dispositional hearings, statements about A.R. being "ice cold" and "filled with demons," and combative behavior at visitation, were sufficient for the trial court to find A.R. was a neglected minor pursuant to the Juvenile Court Act. Moreover, respondent admitted there was an incident in which A.R. put a piece of plastic in his mouth while in her care and the plastic was not found until Tasha picked A.R. up from respondent's home. As the court aptly noted in its ruling, the injuries did not appear to be purposeful but rather the result of neglectful parenting and lack of awareness during supervision of A.R. For those reasons, any argument the court erred in finding A.R. was a neglected minor is meritless.

¶ 68 3. *Trial Court's Finding Respondent Was Unfit*

¶ 69 A trial court's decision at a dispositional hearing "will be reversed only if the findings of fact are against the manifest weight of the evidence." *J.W.*, 386 Ill. App. 3d at 856. "In contrast to the adjudicatory hearing, where the court determines only whether the child is abused or neglected, the wardship determination at the dispositional hearing 'is based on the best interest to the child when considering the totality of the circumstances surrounding the child's life.' " (Emphasis omitted.) *In re M.D.*, 2022 IL App (4th) 210288, ¶ 64 (quoting *In re D.S.*, 2018 IL App (3d) 170319, ¶ 15, citing 705 ILCS 405/2-22(1) (West 2016)). Because of this, "[t]he court may consider evidence of parental deficiencies in the child's environment beyond those alleged in the petition." *Id.* ¶ 65.

¶ 70 In this case, respondent displayed behavior on multiple occasions that demonstrated she had a distorted perception of reality. Security was called to the courtroom during both the shelter care hearing and the dispositional hearing due to respondent's disruptive behavior. During these two outbursts, respondent accused the trial court and agency of stealing her child. Additionally, respondent's supervised visitation with A.R. was moved to the DCFS field office due to concerns about her inappropriate behavior during visitation. Specifically, respondent attempted to prevent agency workers from observing visitation, was defiant and refused to follow staff directives, and made unusual statements, including that she was going to take both A.R. and the visit aide "home for good." Even after visitation was moved to the field office, respondent's behavior at the June 17, 2025, visit with A.R. was erratic. That behavior was so concerning to the staff that A.R. and the case aide supervising the visit were removed from the visit for their safety. Based on respondent's continued erratic behavior, the court did not err in finding she was an unfit parent due to her mental health concerns, and any argument to the contrary would be without merit.

¶ 71 B. Ineffective Assistance of Counsel

¶ 72 This court evaluates claims of ineffective assistance of counsel in proceedings under the Juvenile Court Act using the two-pronged test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). See *In re Br. M.*, 2021 IL 125969, ¶ 43 ("We recognize that there are differences between criminal law proceedings and proceedings under the Juvenile Court Act, but the *Strickland* standard, because of its familiarity and simplicity, offers a helpful structure to guide our analysis."). To prevail on a claim of ineffective assistance of counsel, a respondent must establish "(1) representation that fell below an objective standard of reasonableness [citation] and (2) a reasonable probability that the result of the proceeding would have been different but for the objectively unreasonable representation." *In re I.W.*, 2018 IL App (4th) 170656, ¶ 46. "Failure to satisfy either prong precludes a finding of ineffective assistance of counsel." *In re A.P.-M.*, 2018 IL App (4th) 180208, ¶ 41.

¶ 73 A review of the record belies any contention respondent received ineffective assistance of counsel at the adjudicatory hearing. At the hearing, respondent's counsel cross-examined the witnesses presented by the State and presented testimony from the caseworker. Respondent's counsel then provided a detailed argument as to why the trial court should not find A.R. was a neglected minor. There is nothing in the record to demonstrate respondent's counsel's performance fell below an objective standard of reasonableness, and as such, any claim of ineffective assistance of counsel would be without merit.

¶ 74 C. Waiver of Counsel

¶ 75 Section 1-5 of the Juvenile Court Act provides respondent parents with the statutory right to be represented by counsel during juvenile abuse and neglect proceedings. 705 ILCS 405/1-5 (West 2024). According to section 1-5,

> "[The minor's] parents, guardian, legal custodian or responsible relative who are parties respondent have the right to be *** represented by counsel. At the request of any party financially unable to employ counsel, *** the court shall appoint the Public Defender or such other counsel as the case may require. Counsel appointed for the minor and any indigent party shall appear at all stages of the trial court proceeding, and such appointment shall continue through the permanency hearings and termination of parental rights proceedings subject to withdrawal, vacating of appointment, or substitution pursuant to Supreme Court Rules or the Code of Civil Procedure." *Id.*

Although respondent parents have the statutory right to be represented by counsel, they can also choose to waive their right to counsel. See *In re Abel C.*, 2013 IL App (2d) 130263, ¶ 18; *In re Davion R.*, 2019 IL App (1st) 170426, ¶ 69; *In re J.R.*, 2011 IL App (3d) 100094, ¶ 18.

¶ 76 The Second District has held the trial court is not required to provide any specific admonishments to a respondent before accepting the respondent's waiver of counsel in a juvenile abuse and neglect case, unlike the requirements placed on the trial court in a criminal case pursuant to Illinois Supreme Court Rule 401 (eff. July 1, 1984). *Abel C.*, 2013 IL App (2d) 130263, ¶ 14. In that case, the Second District found the trial court did not abuse its discretion in allowing the respondent to represent herself. *Id.* ¶ 18. Further, in *Abel C.*, the court admonished the respondent on her right to counsel, the burden of proof, and courtroom procedures. *Id.* ¶¶ 7-8. Following these admonishments, the respondent indicated she wished to waive her right to counsel and represent herself. *Id.*

¶ 77 Here, the trial court's admonishments to respondent were lengthy and detailed. Prior to accepting her waiver of counsel, the court explained her right to counsel and the risks of

proceeding without appointed counsel. The court then inquired about respondent's age, educational background, and whether she was under the influence of any alcohol or drugs. Only after these admonishments and this inquiry did the court allow respondent to proceed *pro se*. We find these admonishments were sufficient and that respondent made a knowing and voluntary waiver of her right to counsel. Consequently, any argument the court abused its discretion in allowing respondent to waive her right to counsel would be without merit.

¶ 78 III. CONCLUSION

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

¶ 80 Affirmed.

Decision Under Review:	Appeal from the Circuit Court of Tazewell County, No. 24-JA-231; the Hon. Katherine G.P. Legge, Judge, presiding.
Attorneys for Appellant:	Samuel L. Snyder, of Snyder Defense, LLC, of Pekin, for appellant.
Attorneys for Appellee:	No brief filed for appellee.