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).

2026 IL App (4th) 260168-U

NOS. 4-26-0168, 4-26-0169 cons.

FILED
July 2, 2026
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re A.P and R.P., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Tazewell County
Petitioner-Appellee,	)	Nos. 25JA200
v.	)	25JA201
Blaykdon P.,	)	
Respondent-Appellant).	)	Honorable
	)	Katherine G. P. Legge,
	)	Judge Presiding.

JUSTICE VANCIL delivered the judgment of the court.
Justices Doherty and Lannerd concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court granted appellate counsel's motion to withdraw and affirmed the trial court's judgment, concluding no meritorious issues could be raised on appeal.

¶ 2 In February 2026, minors A.P. (born in 2019) and R.P. (born in 2021) were adjudicated neglected due to an injurious environment (705 ILCS 405/2-3(1)(b) (West 2024)), and R.P. was adjudicated abused (*id.* § 2-3(2)(v)). The trial court then entered a dispositional order making A.P. and R.P. wards of the court and finding the minors' legal father, respondent Blaykdon P., unfit to care for them.

¶ 3 Respondent appealed, and counsel was appointed to represent him. Respondent's counsel now moves to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), contending there are no issues of arguable merit. For the following reasons, we grant counsel's

motion to withdraw and affirm the trial court's judgment.

¶ 4 I. BACKGROUND

¶ 5 In November 2025, the State filed petitions for the adjudication of wardship alleging the minors were neglected due to an injurious environment and that R.P. was abused due to respondent's excessive corporal punishment. See 705 ILCS 405/2-3(1)(b), (2)(v) (West 2024). The petitions further alleged that respondent had been criminally charged with aggravated battery to a minor, R.P. More specifically, the State alleged this case came to the attention of the Illinois Department of Children and Family Services (DCFS) and law enforcement in October 2025, after the minors' mother, Cora S., contacted the Tazewell County Sheriff's Office when she found bruising on R.P. following visitation with his father. Respondent reportedly pushed down R.P., then age four, and spanked him repeatedly with a belt over his clothes due to an incident with R.P. and a pet cat. The spanking caused an abrasion/redness on R.P.'s back left side and patterned bruising on R.P.'s buttocks, hamstring area, and hips.

¶ 6 Authorities documented the injuries with photographs and interviewed R.P. and his sister, A.P., then age six, both of whom recounted the incident. A.P. stated that respondent folded the belt, the spanking sounded "hard" and made R.P. cry out in pain, and she was scared. A.P. reported these spankings had occurred often before and A.P. had been hit with the belt, as well. A doctor at a pediatric center observed the images of R.P. and determined the injuries inflicted constituted abuse. Respondent, for his own part, admitted to spanking R.P. once over the incident with the pet cat, but he denied it was excessive punishment that caused an injury.

¶ 7 Respondent was charged with the aggravated battery of R.P. in Tazewell County case No. 25-CF-815, and, given these facts, the State requested that respondent have no contact with the children. Before the trial court, Cora also moved to consolidate the abuse/neglect cases

with Tazewell County case No. 25-OP-834, in which Cora had obtained an emergency order of protection against respondent. The minors subsequently were placed in the custody of Cora (who is not party to this appeal).

¶ 8 In December 2025, through counsel, respondent declined to respond to the State's petitions, referencing his pending criminal litigation and exercising his right against self-incrimination. The trial court entered an arraignment order, noting respondent's consent to default judgment. The court also consolidated case No. 25-OP-834.

¶ 9 On February 3, 2026, an adjudicatory hearing for A.P. and R.P. was held with the State, guardian *ad litem* (GAL), parents, and DCFS caseworker present. Given the parties' answers and admissions, the hearing was limited to the State's proffered evidence. The State noted law enforcement and DCFS authorities would offer testimony consistent with the facts as stated in the petitions. The State added that Dr. Channing Petrak, a child abuse specialist from the pediatric center, would testify to R.P.'s injuries and that in her medical opinion, they constituted child abuse and excessive corporal punishment by respondent. The State asked the trial court to take judicial notice of respondent's pending criminal charge for the aggravated battery to R.P. and the mother's protective order. Respondent agreed this proffer was "consistent with [his] review of discovery." The court found a factual basis for the neglect and abuse findings.

¶ 10 The same day, the cause proceeded to a dispositional hearing. The State recommended various DCFS services for respondent and relied on two dispositional reports, including an integrated assessment. Cora also entered into evidence without objection a copy of the information in respondent's aggravated battery case and a copy of the December 4, 2025, conditional release order, prohibiting any contact between respondent and R.P. and A.P. while he

awaited trial in his criminal case.

¶ 11 The GAL testified he interviewed the minors. According to the GAL, A.P. reported feeling unsafe in respondent's house, where respondent spanked R.P. with a belt and then spanked A.P. "because she was looking at what was going on." She had scary dreams and relayed that respondent had once pranked the children, giving them "ketchup" that was really hot sauce for fries, so they burned their mouths. Although respondent did mean things to the minors and spanked them "a lot," A.P. missed respondent and wished to have contact with him. R.P. also reported feeling unsafe in respondent's home due to the frequent spankings, which respondent imposed on four-year-old R.P. sometimes for his "forgetting to wipe." R.P. "expressed strongly that he did not wish to see his father." Per the State's reports, due to the abuse, R.P. exhibited problematic behaviors in school, including violent outbursts. Moreover, the GAL stated that respondent's girlfriend would drive by the mother's home, where she "flips *** off" the minors. The GAL recommended an additional no-contact order for respondent under section 2-25(1) of the Juvenile Court Act of 1987 (Act) (*id.* § 2-25(1)).

¶ 12 Respondent agreed with the State's recommended services and conditions but objected to the no-contact order. He requested supervised visitation under DCFS, while at the same time conceding there was a "no contact order in his felony case."

¶ 13 Consistent with its oral pronouncements, the trial court entered an adjudicatory order finding, by a preponderance of the evidence, that the minors were neglected due to an injurious environment and R.P. was abused based on excessive corporal punishment by respondent. See *id.* §§ 2-3(1)(b), 2-3(2)(v). The court also found respondent's prior default was knowing, voluntary, and intelligent. The court then entered a dispositional order adjudicating A.P. and R.P. wards of the court but finding Cora fit to care for the children, who remained

safely in her custody and under her guardianship. The court ruled respondent was unfit based on the abuse/neglect findings. The court ordered DCFS to develop a permanency goal reflecting the judgment and found the recommended services for respondent appropriate (a psychological exam; parenting, anger management, and domestic violence classes; counseling; and drug drops twice a month). Based on the GAL report, the court prohibited respondent's contact with the minors until further court order and required the minors to attend counseling.

¶ 14 This appeal followed.

¶ 15 II. ANALYSIS

¶ 16 On appeal, respondent's appellate counsel now moves to withdraw on the ground that no issue of arguable merit can be raised. See *In re S.M.*, 314 Ill. App. 3d 682, 685 (2000) (holding *Anders* applies to parental rights cases). Appellate counsel supports his motion with a brief identifying two issues of potential merit—one challenging the adjudicatory findings and the other challenging the no-contact order of protection—but ultimately explains these would be frivolous. Respondent has not responded, despite having the opportunity to do so. For the reasons that follow, we agree with appellate counsel's assessment in this case that no meritorious issue can be raised on appeal.

¶ 17 A. The Adjudicatory Order

¶ 18 The Act establishes a two-step process for removing minors from their parents and making them wards of the court. *In re K.C.*, 2024 IL App (1st) 240430, ¶ 52. An adjudicatory hearing is first held to determine whether the minors are abused, neglected, or dependent. 705 ILCS 405/1-3(1), 2-21(1) (West 2024). Section 2-3(1)(b) of the Act (*id.* § 2-3(1)(b)) defines a neglected minor as any minor "whose environment is injurious to [his] welfare." While the term "injurious environment" is often characterized as an amorphous

concept that cannot be defined with particularity, it has generally been recognized as including "the breach of a parent's duty to ensure a safe and nurturing shelter for his or her children." (Internal quotation marks omitted.) *In re J.C.*, 2012 IL App (4th) 110861, ¶ 30. Section 2-3(2)(v) of the Act (705 ILCS 405/2-3(2)(v) (West 2024)) defines an abused minor to include a minor whose parent "inflicts excessive corporal punishment." A parent's use of " 'boards, belts, cords, or ropes as weapons to inflict corporal punishment,' " may be unreasonable and constitute abuse by excessive corporal punishment. *K.C.*, 2024 IL App (1st) 240430, ¶ 72 (quoting *In re F.W.*, 261 Ill. App. 3d 894, 903 (1994)). The State must prove the allegations of abuse and neglect by a preponderance of the evidence, meaning the allegations must be probably more true than not. *In re V.S.*, 2025 IL 129755, ¶ 51. We will not reverse the trial court's adjudicatory ruling unless the factual findings are against the manifest weight of the evidence, *i.e.*, where the opposite conclusion is clearly evident. *Id.* ¶ 52.

¶ 19 Counsel first points out that any argument of error in the adjudication would be considered invited. Invited error prohibits a party from requesting to proceed in one manner and then contending on appeal that the requested action was error. *Gaffney v. Board of Trustees of the Orland Fire Protection District*, 2012 IL 110012, ¶ 33; *In re Stephen K.*, 373 Ill. App. 3d 7, 25 (2007). The reason is, it would be manifestly unfair to grant a party relief based on error introduced into the proceedings by that party. *Gaffney*, 2012 IL 110012, ¶ 33.

¶ 20 Here, respondent filed an appearance in this case but essentially declined to plead a response to the State's petitions based on pending criminal litigation. See 735 ILCS 5/2-1301(d) (West 2024). Thus, he did not challenge the assertions of abuse and neglect. Accordingly, the trial court entered a default judgment against respondent, which is permissible under the Act, after finding the consent to judgment was knowing, intelligent, and voluntary. See

735 ILCS 5/2-1301(d) (West 2024); 705 ILCS 405/2-21(1) (West 2024); *In re C.J.*, 2013 IL App (5th) 120474, ¶ 7. We agree the invited error doctrine precludes relief here in challenging the adjudicatory order, and respondent is otherwise without any meritorious recourse. See *In re M.B.*, 2026 IL App (4th) 250948-U, ¶ 37 (where the respondent stipulated to the State's neglect petition, the invited error doctrine barred challenging the trial court's judgment). We further note the record offers no basis to find respondent's counsel was ineffective in proceeding with the default judgment. See *id.* ¶ 33 (finding counsel was not ineffective for declining to challenge the default judgment); see also *In re Br. M.*, 2021 IL 125969, ¶¶ 41-43 (identifying standards for evaluating ineffective assistance of counsel under the Act).

¶ 21 Even if respondent could challenge the default judgment, the trial court also held an adjudicatory hearing, where the State presented evidence by proffer. See 705 ILCS 405/2-21(1) (West 2024) (stating a trial court's determination of abuse/neglect must have a factual basis identifying the acts/omissions of a parent underlying the findings); *In re C.B.*, 2026 IL App (4th) 251291-U, ¶¶ 27-29. The State's evidence established it was more probable than not that respondent used excessive corporal punishment on R.P., and consequently, R.P. sustained injuries that would not have been there but for respondent's actions. See 705 ILCS 405/2-18(2)(e) (West 2024). Further, respondent did this in A.P.'s presence, and he had used corporal punishment on both children before. See *id.* § 2-18(3); *K.C.*, 2024 IL App (1st) 240430, ¶ 91 ("[E]vidence that a child witnessed the abuse of a sibling may be sufficient to support a finding of neglect based on an injurious environment."). Thus, apart from the default, there was an adequate basis to support the court's findings and judgment. Given these circumstances, we agree with counsel's assessment that there is no nonfrivolous basis to challenge the adjudicatory finding or the entry of default.

¶ 22 B. The Dispositional Order

¶ 23 After a minor has been found abused, neglected, or dependent, the trial court must conduct a dispositional hearing. *In re A.P.*, 2012 IL 113875, ¶ 21.

> "At the dispositional hearing, the court shall determine whether it is in the best interests of the minor and the public that the minor be made a ward of the court, and, if the minor is to be made a ward of the court, the court shall determine the proper disposition best serving the health, safety[,] and interests of the minor and the public." 705 ILCS 405/2-22(1) (West 2024).

"The trial court's determination will be reversed only if the factual findings are against the manifest weight of the evidence or if the court abused its discretion by selecting an inappropriate dispositional order." *In re Kamesha J.*, 364 Ill. App. 3d 785, 795 (2006).

¶ 24 Counsel observes that the only discernable objection to the dispositional judgment would be to challenge the no-contact order incorporated therein. However, the Act permits a dispositional order to include, as a condition, a no-contact order of protection based on the minor's health, safety, and best interests. 705 ILCS 405/2-23(2), 25(1) (West 2024); see *id.* § 1-3(8)(b), (13) (stating parental visitation may be limited by court order in the child's best interests); *id.* § 2-23(3)(ii), (iii) (stating any orders necessary to fulfill the service plan may be issued, including restraining orders and visiting orders). As stated, the evidence in this case established respondent's actions resulted in the neglect and/or abuse findings. These actions also resulted in ongoing criminal proceedings against respondent. According to the GAL's report, both children felt unsafe with respondent and R.P. did not wish to see him.

¶ 25 On this record, we cannot say the trial court erred in finding a no-contact order necessary for the children's health, safety, and best interests. The order was provisional; the

court stated it could be lifted if the parties obtained DCFS services, including counseling for the children. See *id.* § 2-25(4) (stating a protective order may be modified or extended). Because Cora's order of protection case was consolidated with the juvenile cases, it appears the Illinois Domestic Violence Act of 1986 (750 ILCS 60/101 *et seq.* (West 2024)) also provided a basis for issuing the protective order. Moreover, the record establishes that the conditional release order in respondent's criminal case prohibited him from contacting the children. There is no evidence showing that order has been lifted. Therefore, a challenge to the dispositional protective order here would not provide respondent with any effective relief. See *V.S.*, 2025 IL 129755, ¶ 55 (noting an appeal is moot when it is impossible to grant effectual relief). We therefore agree with counsel's assessment that there is no nonfrivolous basis to challenge the dispositional order.

¶ 26 III. CONCLUSION

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

¶ 28 Affirmed.