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) 260708-U

NOS. 4-26-0708, 4-26-0709 cons.

FILED
November 5, 2026
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re Cr. H. and Ch. H., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Peoria County
Petitioner-Appellee,	)	Nos. 25JA223
v.	)	25JA224
Kaitlyn H.,	)	
Respondent-Appellant).	)	Honorable
	)	Daniel M. Cordis
	)	Judge Presiding.

JUSTICE VANCIL delivered the judgment of the court.
Justices Grischow and Cavanagh concurred in the judgment.

ORDER

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

¶ 2 In November 2025, the State filed petitions alleging two minor children of Kaitlyn H., Cr. H. (born in 2018) and Ch. H. (born in 2024), were neglected. In May 2026, the trial court found the minors neglected, found respondent unfit, made the minors wards of the court, and assigned guardianship to the Illinois Department of Children and Family Services (DCFS). Respondent appealed the court's orders with respect to both children, and on our own motion, we consolidated the appeals. Appointed counsel filed a motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), arguing respondent's appeal presented no potentially meritorious issues for review. Respondent then filed a *pro se* response.

¶ 3 We grant the motion to withdraw and affirm the trial court's judgment.

¶ 4 I. BACKGROUND

¶ 5 On November 19, 2025, the State filed two juvenile petitions in Peoria County alleging Cr. H. and Ch. H. were neglected. The petitions included, *inter alia*, the following seven counts. Count 1(A) alleged that in August 2025, the minors witnessed a physical altercation between respondent and her sister through a window, as well as the aftermath, leaving them distraught. Count 1(B) alleged that respondent had admitted to DCFS she had a substance abuse problem with methamphetamine and believed it was best for the minors to live with her father while she addressed it. Count 1(D) alleged that, following the altercation between respondent and her sister, DCFS instituted a safety plan in which respondent agreed to have no unsupervised contact with the minors, complete random toxicology screens, and complete a substance abuse assessment. Count 1(E) alleged that respondent had three toxicology screens test positive for methamphetamine between October 29, 2025, and November 10, 2025. Count 1(F) alleged that respondent told DCFS she had an appointment with a therapist but could not make the appointment and would need to reschedule. Count 1(G) alleged that respondent told DCFS she had applied to Trillium Place to complete a substance abuse assessment and was on a waiting list, but that Trillium Place had no record of respondent as a client. Count 1(H) alleged that respondent had a criminal history, including a conviction for possession of drug paraphernalia.

¶ 6 On the same day the State filed its petitions, the trial court appointed counsel for respondent, ordered placement of the minors in the temporary custody of respondent's father, and ordered respondent to cooperate with DCFS. It also granted an order of protection without objection from respondent, ordering her to have no unsupervised contact with the minors.

¶ 7 On December 16, 2025, respondent filed mixed answers to the petitions. She denied the allegations in counts 1(B) and 1(G) and stipulated to counts 1(A), 1(D), 1(F), and

1(H), although she denied that Ch. H. saw the altercation alleged in count 1(A) through a window. She also claimed to lack sufficient knowledge to either admit or deny the allegations in count 1(E) and demanded strict proof thereof. She asked that the petitions be dismissed with prejudice.

¶ 8 A. Adjudicatory Hearing

¶ 9 On May 18, 2026, a hearing on the State's petitions was held. Also present at the hearing was the father of Ch. H. At the beginning of the hearing, respondent's counsel requested leave to orally amend respondent's answer. In addition to her original stipulations, respondent stipulated to counts 1(B) and 1(G). She also no longer demanded strict proof of the allegations of count 1(E). The State then struck one of its other allegations and struck the portion of count 1(A) alleging that the minors saw the altercation through a window, leaving the allegations that respondent engaged in a physical altercation with her sister and the minors witnessed the aftermath and were distraught. Respondent confirmed that she heard what her counsel had said and confirmed that she wished to change her response accordingly. No written amended petition was filed. In total, after the oral amendment, respondent had stipulated to the remaining allegations of count 1(A), as well as counts 1(B), 1(D), 1(F), 1(G), and 1(H).

¶ 10 The State proffered that to prove counts 1(A) and 1(D), it would call DCFS investigator Ayana Sumlin; for count 1(E), it would submit a certified copy of respondent's drug drop records; for count 1(G), it would submit certified copies of respondent's medical record from Trillium Place; and for count 1(H), it "would submit a certified copy of what occurred in" a McLean County criminal misdemeanor case. Respondent's counsel did not object. The trial court then found that both minors were neglected "as a result of an injurious environment and not as a result of abuse."

¶ 11 B. Dispositional Hearing

¶ 12 Following the adjudicatory hearing, the trial court immediately began the dispositional hearing. Respondent testified that she was in substance abuse treatment at Gateway Foundation (Gateway) in Springfield, Illinois, but would be discharged the next day. She stated that she would be receiving outpatient treatment at Gateway afterwards and would be able to complete parenting and domestic violence classes once referred. She stated she had transportation to get to her services and was willing to do drug drops if requested.

¶ 13 The State recommended that the trial court adopt the proposed plan in the dispositional report filed by the caseworker handling the minors' cases, Markwayla Barnes. The report recommended respondent cooperate with her service plan and complete various services. It also recommended a permanency goal for the minors of remaining home with respondent's father. The State argued DCFS and Children's Home, an agency involved in the case, had made reasonable efforts. It recommended respondent cooperate with the safety plan, complete substance abuse treatment, engage in individual counseling at Gateway, engage in outpatient counseling upon discharge from Gateway, continue to complete drug drops, complete a parenting class, and complete a domestic violence class. It also recommended DCFS be named guardian for both minors.

¶ 14 The guardian *ad litem* for the minors recommended wardship be taken of the minors and DCFS be named guardian and stated placement with respondent's father was appropriate. He stated that he believed respondent was unfit. He recommended she be given credit for inpatient treatment but asserted that she needed to follow the recommendations of her treatment provider. He stated that the rest of the services recommended by the report were appropriate. He recommended DCFS be given discretion regarding respondent's visitation with

the minors. He stated respondent had been engaging in services and making a good effort, but had "a ways to go," and he recommended DCFS as the most appropriate guardian for the minors.

¶ 15 Respondent's counsel stated respondent agreed with the recommendations in the report "with respect to individual counseling, substance abuse treatment, random drops, parenting classes[,] and a domestic violence class." He asked that she be credited for substance abuse treatment and a parenting class she had completed. He additionally asked that respondent's father be allowed to supervise visits between her and the children. He argued guardianship should remain with the parents because there was no reason to believe that they would not make the right decisions for their children. He argued they were "going down the right track" and that guardianship could remain with the parents, while custody could be granted to respondent's father.

¶ 16 The trial court found it was in the best interests of both children that they be made wards of the court. It named DCFS as the guardian of both children. It found respondent unfit based on the contents of the petition and her substance abuse. It ordered respondent to cooperate with DCFS and engage in supervised visitation. It further ordered respondent to complete a substance abuse assessment, counseling, drug drops, a parenting class, and a domestic violence class. It stated she would get credit for substance abuse assessments, parenting classes, and domestic violence classes if DCFS found them acceptable but had to complete additional services if DCFS decided it was appropriate.

¶ 17 This appeal followed.

¶ 18 II. ANALYSIS

¶ 19 Respondent's appointed counsel on appeal filed a motion to withdraw and attached a supporting memorandum of law, citing *Anders*. Counsel analyzed the record for

potentially meritorious issues, including the trial court's finding of neglect, the court's finding of unfitness, and ineffective assistance of counsel, concluding that there existed no meritorious issues on appeal.

¶ 20 Respondent filed a *pro se* response, arguing the trial court's finding of neglect was against the manifest weight of the evidence, the court abused its discretion by ordering wardship and naming DCFS as guardian, the State failed to demonstrate a lack of reasonable progress by respondent with regard to her fitness, and the court abused its discretion by approving a placement track of one of the minors to one of the fathers. We address the issues raised by respondent and counsel.

¶ 21 A. *Anders* Motion

¶ 22 Appellate counsel's request to withdraw must, first, be accompanied by a brief referring to anything in the record that might arguably support the appeal. *Anders*, 386 U.S. at 744; *In re S.M.*, 314 Ill. App. 3d 682, 685 (2000). "In other words, appellate counsel must set out any irregularities in the trial process or other potential errors, which, although in his judgment are not a basis for appellate relief, might arguably be meritorious in the judgment of the client, another attorney, or the court." (Emphasis omitted.) *S.M.*, 314 Ill. App. 3d at 685. Second, as to any such issue, counsel must (a) identify the issue, (b) sketch the argument in support of the issues that could conceivably be raised on appeal, and then (c) explain the argument's frivolity. *Id.*; *In re Austin C.*, 353 Ill. App. 3d 942, 946 (2004). Third, counsel must conclude the case presents no viable grounds for appeal. *S.M.*, 314 Ill. App. 3d at 685. If we agree with counsel's brief, we will grant the request to withdraw and dismiss the appeal as meritless. *Anders*, 386 U.S. at 744.

¶ 23 B. Adjudication of Wardship

¶ 24 "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 of 1987 (Act) (705 ILCS 405/1-1 *et seq.* (West 2024)) 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.

¶ 25 After the State files a petition for adjudication of wardship, the trial court must hold an adjudicatory hearing, in which the court considers only the question of whether the minor is abused, neglected, or dependent. 705 ILCS 405/2-18(1) (West 2024). The burden is on the State to prove that the minors are neglected by a preponderance of the evidence. *A.P.*, 2012 IL 113875 ¶ 17.

¶ 26 If the trial court finds that a minor is abused, neglected, or dependent, it moves to a dispositional hearing, where the court determines "whether it is consistent with the health, safety and best interests of the minor and the public that the minor be made a ward of the court." *Id.* ¶ 21; 705 ILCS 405/2-21(2) (West 2024).

¶ 27 If the trial court determines the minor is to be made a ward of the court, it "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). A proper disposition for a neglected or abused minor includes, *inter alia*, placement of the minor in the custody of a third party in accordance with section 2-27 of the Act (*id.* § 2-27). *Id.* § 2-23(1)(a)(2). If, at the dispositional hearing, the court determines (1) a parent is unfit, unwilling, or unable to care for, protect, train, or discipline a minor and (2) the best interests of the minor "will be jeopardized if the minor remains in the custody of the minor's parents," the court may place the minor in the custody of a suitable

relative or commit the minor to DCFS for care and service. *Id.* § 2-27(1).

¶ 28 1. *Finding of Neglect*

¶ 29 On review, a trial court's finding of neglect at an adjudicatory hearing 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.* The term "[n]eglected or abused minor" is defined by Section 2-3 of the Act. 705 ILCS 405/2-3 (West 2024). A neglected minor includes one whose environment is injurious to the minor's welfare. *Id.* § 2-3(1)(b). Counsel asserts that no meritorious argument could be made on appeal against the court's finding of neglect. We agree.

¶ 30 Here, the trial court found the minors were neglected based on the contents of the petition, the State's proffer, and stipulations by the parents. Respondent stipulated, and the State proffered, that she had a substance abuse problem with methamphetamine and failed a DCFS safety plan by testing positive for methamphetamine and failing to complete a substance abuse assessment. In addition, she stipulated to having a criminal history, including possession of drug paraphernalia.

¶ 31 While isolated incidents of drug use do not necessarily create an injurious environment, an ongoing pattern of substance abuse can create one. See, *e.g.*, *In re Z.Z.*, 312 Ill. App. 3d 800, 805 (2000). Additionally, the failure to engage in services to address a substance abuse problem supports a finding of an injurious environment. See *In re Sharena H.*, 366 Ill. App. 3d 405, 416-17 (2006).

¶ 32 In this case, the record demonstrates that respondent both had an ongoing pattern of substance abuse with methamphetamine and failed to engage in substance abuse services and other services required by DCFS following a physical altercation with her sister. Thus, we agree

with counsel that no meritorious argument can be made that the trial court's findings of neglect were against the manifest weight of the evidence.

¶ 33 In her responsive brief, respondent argues for the first time that the evidence of her failing a drug drop was fraudulent because a DCFS investigator told her that the drops were clean. However, at the adjudicatory hearing, respondent orally amended her answer to the State's petition to no longer require strict proof of count 1(E), which alleged she tested positive for methamphetamine on three toxicology screens in 2025. The State proffered that it would submit a certified copy of respondent's drug drop records in support of this allegation. Respondent's counsel did not object. Together with respondent's stipulation, this was sufficient to prove that respondent tested positive for methamphetamine, in violation of her service plan.

¶ 34 First, an argument challenging the State's proffer is forfeited because there was no objection in the trial court. See *In re J.C.*, 2024 IL App (4th) 240747, ¶ 29. Second, even taking her allegations as true, they would not alter the trial court's analysis. While DCFS telling her the drops were clean may have been incorrect, it does not affect whether the environment was injurious to the minors.

¶ 35 Respondent additionally argues that the State's allegations in count 1(A) were unfounded because the minors could not have witnessed the altercation from the window. Again, this argument is forfeited for failure to object in the trial court. *Id.* Additionally, this argument is irrelevant because the State amended the petition to allege only that the minors had witnessed the aftermath of the altercation and were distraught by it. It specifically removed the allegation that a minor saw the altercation. Respondent's argument, therefore, is irrelevant to the court's finding of neglect.

¶ 36 For the foregoing reasons, an argument that the trial court's finding of neglect was

against the manifest weight of the evidence would not be meritorious.

¶ 37 2. *Wardship Determination*

¶ 38 At the dispositional hearing, the trial court determined that it was in the best interests of the minors and the public that they be made wards of the court. A "ward of the court" is a minor who is subject to the dispositional powers of the court under the Act, including the assignment of guardianship. 705 ILCS 405/1-3(16), 2-27 (West 2024). A trial court's decision to make minors wards of the court will be reversed only if it is against the manifest weight of the evidence. *In re J.W.*, 386 Ill. App. 3d 847, 856 (2008). This means the trial court's order will only be reversed if the opposite conclusion is clearly evident. *A.P.*, 2012 IL 113875, ¶ 17. Whenever a best interests determination is required, the court must consider the factors set out in Section 1-3(4.05) of the Act (705 ILCS 405/1-3(4.05) (West 2024), including:

> "(a) the physical safety and welfare of the child, including food, shelter, health, and clothing;
>
> (b) the development of the child's identity;
>
> (c) the child's background and ties, including familial, cultural, and religious;
>
> (d) the child's sense of attachments, including:
>
> (i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);
>
> (ii) the child's sense of security;
>
> (iii) the child's sense of familiarity;
>
> (iv) continuity of affection for the child;

(v) the least disruptive placement alternative for the child;

(e) the child's wishes and long-term goals, including the child's wishes regarding available permanency options and the child's wishes regarding maintaining connections with parents, siblings, and other relatives;

(f) the child's community ties, including church, school, and friends;

(g) the child's need for permanence which includes the child's need for stability and continuity of relationships with parent figures, siblings, and other relatives;

(h) the uniqueness of every family and child;

(i) the risks attendant to entering and being in substitute care; and

(j) the preferences of the persons available to care for the child, including willingness to provide permanency to the child, either through subsidized guardianship or through adoption."

¶ 39 There is nothing in the record to demonstrate that the opposite conclusion of the trial court was clearly evident. The record demonstrates that respondent had substance abuse problems with methamphetamine, had a physical altercation at her home with another family member, and failed to address her substance abuse issues by complying with DCFS. The influence of methamphetamine could potentially cause respondent to make poor decisions with regard to the minors that could impact many of the best interests factors laid out by the Act. Therefore, there is no meritorious argument to be made on appeal regarding the court's wardship determination.

¶ 40 3. *Finding of Unfitness*

¶ 41 The State must prove a parent is unfit under section 2-27 of the Act by a

preponderance of the evidence. See *In re K.E.S.*, 2018 IL App (2d) 170907, ¶ 51. A trial court's finding of unfitness at a dispositional hearing will be reversed only if the finding is against the manifest weight of the evidence, meaning the opposite conclusion is clearly evident. *In re A.W.*, 231 Ill. 2d 92, 104 (2008).

¶ 42 Respondent implies in her *pro se* response that the State must demonstrate that she failed to make reasonable progress toward the return of the minors. This relates to the standard by which the trial court determines unfitness in the context of a termination of parental rights, which uses the definition in section 1(D)(m)(ii) of the Adoption Act (750 ILCS 50/1(D)(m)(ii) (West 2024)). In contrast, at the dispositional stage, the State must prove a parent is "unfit or [is] unable, for some reason other than financial circumstances alone, to care for, protect, train, or discipline the minor or [is] unwilling to do so" pursuant to section 2-27(1) of the Act (705 ILCS 405/2-27(1) (West 2024)). See *J.W.*, 386 Ill. App. 3d at 856. In order to succeed on appeal, respondent would need to demonstrate it was clearly evident from the record that she was fit. Counsel asserts that an argument against the court's finding of unfitness would be without merit. We agree.

¶ 43 The trial court found respondent unfit "based on the contents of the petition and substance abuse." Again, the record demonstrates that respondent had substance abuse problems with methamphetamine, had a physical altercation with a family member, and failed to address her substance abuse issues by complying with DCFS. Her substance abuse issues with methamphetamine could easily impact her decision-making regarding her children, and she stipulated to the fact that she felt it was best for the minors to live with her father while she addressed her substance abuse. While the record demonstrates that she could be capable of regaining fitness by addressing her substance abuse, it does not demonstrate that she was clearly

fit to care for, protect, train, or discipline the minors. Any argument to that end would be without merit.

¶ 44 4. *Assignment of Guardianship to DCFS*

¶ 45 After making the minors wards of the court, the trial court shall determine the proper disposition best serving the minors and public. 705 ILCS 405/2-22(1) (West 2024). After finding the parents unfit, the court may appoint DCFS as guardian, as it did in this case. A court's dispositional order will be reviewed for an abuse of discretion. *J.W.*, 386 Ill. App. 3d at 856. "[A]n abuse of discretion occurs where the trial court's decision is arbitrary, fanciful, or unreasonable to the degree that no reasonable person would agree with it." *People v. McDonald*, 2016 IL 118882, ¶ 32.

¶ 46 The record demonstrates that the trial court's dispositional order was not an abuse of discretion. While the court considered making respondent's father guardian, the decision to keep guardianship with DCFS was reasonable. It ensures that an independent party will make guardianship decisions regarding the minors without emotional bias. It also provides decision-making authority to an agency that is already involved with the case and is familiar with the minors and other parties involved. While respondent's father may also have been a reasonable guardian, the court's decision to assign guardianship to DCFS was not an abuse of discretion. Any argument to this end would be without merit.

¶ 47 C. Ineffective Assistance of Counsel

¶ 48 We evaluate claims of ineffective assistance of counsel using the two-pronged test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). To prevail, the respondent must establish (1) counsel's representation fell below an objective standard of reasonableness and (2) there is a reasonable probability that the result would have been different but for the

unreasonable representation. *In re I.W.*, 2018 IL App (4th) 170656, ¶ 47. Counsel asserts that no meritorious argument could be made regarding ineffective assistance. We agree.

¶ 49 Our review of the record reveals no indication that respondent's counsel's representation was unreasonable. While respondent's counsel stipulated to items in the petition causing the minors to be found neglected, this was likely a strategic choice to concede issues that could not realistically be disputed and instead focus his attention on arguing that respondent was fit and that guardianship should remain with the parents, as he did at the dispositional hearing. Counsel appeared to be a zealous advocate of respondent during all the proceedings. There is nothing in the record to demonstrate that the first prong of *Strickland* was satisfied, and the analysis therefore fails at this stage. See *People v. Walker*, 2021 IL App (4th) 190073, ¶ 29. Any argument on appeal regarding ineffective assistance would therefore be without merit.

¶ 50 D. Additional Issues Argued by Respondent

¶ 51 In her *pro se* response to counsel's *Anders* motion, respondent argues "the circuit court abused its discretion by approving an accelerated five-month permanent placement track to a historically absent father," which was not in the minors' best interests. She also argues placement with Lutheran Social Services of Illinois was not in the best interests of the minors. Respondent does not cite the record or anything beyond sections 1-3(4.05) and 2-27 of the Act in making these arguments.

¶ 52 The trial court did not make any findings regarding a five-month permanent placement track to a father of the minors. There is nothing in the record about a permanent placement track or a five-month timeline with regard to the father. This discussion may pertain to other decisions by the court but is not relevant to the decisions appealed by respondent here. We only have jurisdiction to review the judgments specified in the notice of appeal. Ill. S. Ct. R.

303(b)(2) (eff. July 1, 2017); *Dowell v. Bitner*, 273 Ill. App. 3d 681, 688 (1995). The judgments specified in the notice of appeal include the adjudications of neglect and the dispositional orders making the minors wards of the court and awarding guardianship to DCFS. It would therefore be inappropriate to argue this issue in the appeal at hand.

¶ 53 We additionally find no mention of Lutheran Social Services of Illinois in the record. Again, this may be an issue beyond the scope of this review. Respondent may also be referring to the trial court's assignment of guardianship to DCFS. We find there is no meritorious argument against this decision for the reasons listed above. *Supra* ¶¶ 44-46.

¶ 54 III. CONCLUSION

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

¶ 56 Affirmed.