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) 260341-U

NO. 4-26-0341

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

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re J.H., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Tazewell County
Petitioner-Appellee,	)	No. 25JA178
v.	)	
Cassey R.,	)	Honorable
Respondent-Appellant).	)	Katherine G. P. Legge,
	)	Judge Presiding.

JUSTICE LANNERD delivered the judgment of the court.
Justices DeArmond and Cavanagh 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 issue of arguable merit could be raised on appeal.

¶ 2 Respondent, Cassey R., appeals from the trial court's adjudicatory and dispositional orders finding her minor child, J.H. (born in October 2009), to be a neglected minor and finding respondent unfit to "care for, protect, train, educate, supervise or discipline [J.H.]." Appellate counsel now moves to withdraw and, citing *Anders v. California*, 386 U.S. 738 (1967), argues he cannot raise any potentially meritorious argument on appeal. 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 October 24, 2025, the State filed a petition alleging J.H. 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 2024)). The petition further alleged J.H. was in an environment injurious to his welfare, as evidenced by (1) reports that respondent's home had been without running water "for a few weeks," (2) respondent's methamphetamine use, and (3) an incident of domestic violence between respondent and her ex-boyfriend, Greg M. The State also filed a petition alleging J.H.'s half sibling, L.R. (who is not a party to this appeal), was neglected. That same day, the trial court placed temporary custody and guardianship with the Illinois Department of Children and Family Services (DCFS). The court later confirmed that L.R. was a "potential Indian Child" under the Indian Child Welfare Act of 1978 (ICWA) (25 U.S.C. § 1901 *et seq.* (2024)).

¶ 6 The integrated assessment filed on March 12, 2026, indicated that prior to his placement, J.H. had a history of truancy.

¶ 7 B. Adjudicatory Hearing

¶ 8 The trial court commenced the adjudicatory hearing in April 2026. At the outset, the court entered into evidence without objection, *inter alia*, (1) a certified copy of the DCFS investigation report, (2) a certified copy of respondent's criminal conviction in Tazewell County case No. 23-CF-736, and (4) a certified copy of respondent's drug screens. J.H.'s father, Gene H., failed to appear and was defaulted. Gene is not a party to this appeal.

¶ 9 Respondent testified that in October 2025, her home was without running water due to a water leak, which resulted in a $1,500 water bill. When her landlord refused to fix the leak, respondent attempted to fix it herself. Respondent further indicated she purchased bottled water to drink and to "[w]ash the dishes, wash [their] hands, [and] flush the toilet." According to respondent, she cleaned houses and made approximately $6,000 in 2025. Respondent was previously in a relationship with Greg M.; however, she denied Greg resided with her.

¶ 10 On cross-examination, respondent testified she never bought methamphetamine because she did not "know where to buy it." However, she and Greg used methamphetamine together, and she smoked methamphetamine with other friends. Respondent further admitted that she lied when she told DCFS she did not use illicit substances. Further, she agreed she tested positive for methamphetamine 14 times while on probation between May 2024 and November 2025. However, she insisted J.H. was "not in [her] care at that time that [she] smoked methamphetamine." Respondent opined her methamphetamine usage "possibly" had a negative impact on J.H. When asked whether she was addicted to methamphetamine, respondent stated, "I don't know." Respondent recalled an incident on September 29, 2025, during which Greg injured her when he pushed her into a chair and held her down. During the incident, respondent sustained a bloody lip. Respondent further acknowledged she had received a truancy letter for J.H. in the past.

¶ 11 On redirect, respondent reiterated she never smoked methamphetamine while J.H. was present.

¶ 12 The State began its closing argument by stating:

> "Before I get started with the facts of the case, this is an ICWA case, and, therefore, my burden of proof is different than a case that we would have normally. The burden of proof is by clear and convincing evidence. Although [J.H.] is not an Indian child, [L.R.] is and because [J.H.'s] burden of proof is lower, I'm not going to argue both burdens of proof. I'm going to argue for clear and convincing evidence because (a) that is the burden and (b) we have met that burden."

During the State's closing argument, respondent interrupted to ask, "Can I walk out of here? Do I have to listen to this?" The trial court responded "Yeah, you can leave. The door's not locked. No,

you're welcome to leave. You may end up waiving any right you have to assert, but, otherwise, you're welcome to leave. Go ahead." At which point respondent left the courtroom. After a short recess, the court concluded "beyond a clear and convincing evidence" J.H. was neglected "based on unsuitable housing, [respondent's] substance abuse, [and] ongoing domestic violence." The court described respondent's testimony to be self-serving and "to be very discredited by other reliable evidence."

¶ 13 C. Dispositional Hearing

¶ 14 Over respondent's counsel's objection, the trial court proceeded immediately to the dispositional hearing. Respondent remained absent from the courtroom during the dispositional hearing.

¶ 15 The dispositional report, which was filed prior to the hearing, described respondent as uncooperative with DCFS. The report indicated respondent was referred for drug testing in December 2025, and she failed to appear for five drug drops. Regarding respondent's methamphetamine use, the report stated, "She characterized her use as a recent development saying that she did not use illicit substances until the past year or year and a half (following being sentenced to probation), despite evidence to the contrary." (Emphasis omitted.) Moreover, respondent demonstrated "significant difficulties managing her anger and other intense emotions." (Emphasis omitted.) Citing the lack of running water in respondent's home, the authors of the report observed she "has demonstrated difficulties in managing her mental health needs and abuses methamphetamine which suggests limited self-care." While the report acknowledged respondent loved J.H., the authors of the report questioned respondent's ability to recognize "the need for significant change in her functioning and a prioritization of [J.H.'s] needs." (Emphasis omitted.)

¶ 16 LaDonna Boken-Buckley testified she had been J.H.'s caseworker since the case

began. Respondent indicated to Boken-Buckley she was participating in outpatient substance abuse treatment. However, Boken-Buckley was unable to verify respondent's attendance for those services. On cross-examination, she agreed respondent loves J.H.

¶ 17 The guardian *ad litem* (GAL) noted J.H. "seems like he's doing a bit better" in his placement. However, the GAL described J.H. as "very guarded, one of the most guarded teenagers, honestly, I've ever dealt with." Further, the GAL was "glad [J.H. was] in school but he's still not doing well."

¶ 18 Following arguments, the trial court found respondent unfit and made J.H. a ward of the court and placed custody and guardianship with DCFS.

¶ 19 This appeal followed.

¶ 20 II. ANALYSIS

¶ 21 First, we address the timing of this disposition. Pursuant to Illinois Supreme Court Rule 311(a)(5) (eff. July 1, 2018), this disposition was due 150 days after the notice of appeal was filed, absent good cause shown. The initial delay in this case was attributable to our denial, without prejudice, of appellate counsel's initial *Anders* motion. The revised briefing schedule entered upon the denial of the initial motion delayed our disposition beyond the deadline noted above. Accordingly, we find good cause exists to excuse our failure to issue our decision within the time frame set forth in Rule 311(a)(5). See *In re H.B.*, 2022 IL App (2d) 210404, ¶¶ 38-39 (concluding denial of an *Anders* motion provides good cause for the delay in issuing a disposition).

¶ 22 On appeal, we note appellate counsel filed a subsequent motion to withdraw, which he captions as "Amended Motion for Leave to Withdraw." However, as we have denied the prior motion to withdraw without prejudice, we construe this as a new, subsequent motion to withdraw, rather than an amended motion. The record indicates a copy of counsel's motion and

accompanying memorandum of law were sent to respondent by mail. Respondent did not file a response.

¶ 23 The procedure for appellate counsel to withdraw set forth in *Anders* applies to proceedings under the Juvenile Court Act. See *In re J.P.*, 2016 IL App (1st) 161518, ¶ 8. Under this procedure, appellate counsel's motion to withdraw must be accompanied by a brief addressing anything in the record that might arguably support the appeal. *In re S.M.*, 314 Ill. App. 3d 682, 685 (2000). Counsel must then sketch the argument in support of any issues that could conceivably be raised on appeal, explain why such arguments are frivolous, and conclude the case presents no viable grounds for appeal. *S.M.*, 314 Ill. App. 3d at 685.

¶ 24 A. Adjudicatory Hearing

¶ 25 We first address appellate counsel's assertion no meritorious argument can be made the trial court erred in adjudicating J.H. neglected. Specifically, counsel states, "The only issue[ ] which might conceivably support an appeal [is] the fact that Respondent claimed she never did [methamphetamine]" in the presence of J.H.

¶ 26 The Juvenile Court Act contains a two-step process for removing a minor from the custody of his or her parents and making the minor a ward of the court. *In re Z.L.*, 2021 IL 126931, ¶ 58. The first step is to hold an adjudicatory hearing to determine whether the minor is abused, neglected, or dependent. 705 ILCS 405/2-18(1) (West 2024); *Z.L.*, 2021 IL 126931, ¶ 59. A court may find a minor neglected even if the parents are not both neglectful. See *Z.L.*, 2021 IL 126931, ¶ 59. Generally, the State must prove its allegations by a preponderance of the evidence. *Z.L.*, 2021 IL 126931, ¶ 61. However, we note the State elected to prove the allegations of its petition for both J.H. and L.R. by clear and convincing evidence, consistent with ICWA. See 25 U.S.C. § 1912(e) (2024). We will not reverse a trial court's findings of neglect unless they are against the manifest

weight of the evidence. *In re Arthur H.*, 212 Ill. 2d 441, 464 (2004). "A decision is against the manifest weight of the evidence when the opposite conclusion is clearly apparent." *In re Ta. T.*, 2021 IL App (4th) 200658, ¶ 48.

¶ 27 Here, the trial court did not err by adjudicating J.H. neglected. At the hearing, respondent admitted to testing positive for methamphetamine 14 times while on probation between May 2024 and November 2025. Moreover, respondent readily admitted smoking methamphetamine with Greg and various acquaintances, though she denied ever paying for the methamphetamine. This admission was contrary to the information respondent provided to DCFS when she denied using illicit substances. While respondent maintained she never used methamphetamine around J.H., the court generally found her testimony not credible. Specifically, the court observed respondent "has minimized [the] impact of her drug use on the children." In addition, respondent acknowledged that she received a truancy letter for J.H. in the past. Moreover, respondent stated she did not have running water at her home, though she purchased bottled water to drink and to "[w]ash the dishes, wash [their] hands, [and] flush the toilet." Respondent also admitted to an incident of domestic violence between her and Greg in which she sustained a bloody lip. Accordingly, we conclude the court's order adjudicating J.H. neglected was not against the manifest weight of the evidence. As such, we agree with counsel that no meritorious argument can be made that the court erred in its adjudicatory finding.

¶ 28 B. Motion to Continue

¶ 29 Counsel next asserts no meritorious argument can be made the trial court erred in denying respondent's counsel's motion to continue after she voluntarily left the courtroom. We agree.

¶ 30 A respondent does not have an absolute right to a continuance. *In re Tashika F.*,

333 Ill. App. 3d 165, 169 (2002). Instead, continuances should only be granted where good cause is shown. Ill. S. Ct. R. 901(c) (eff. Oct. 1, 2021). A trial court's denial of a motion for a continuance is reviewed for an abuse of discretion. *In re M.R.*, 393 Ill. App. 3d 609, 619 (2009). "A trial court abuses its discretion when no reasonable person would agree with its decision." *In re M.P.*, 408 Ill. App. 3d 1070, 1073 (2011).

¶ 31 In this case, respondent left the courtroom during closing arguments at the adjudicatory hearing. When respondent asked whether she could leave and if she had "to listen to this," the trial court responded in the affirmative but admonished her that she might "end up waiving any right" she had to assert, but she was "welcome to leave." When the court proceeded immediately to the dispositional hearing, respondent's counsel moved for a continuance due to her absence. Counsel acknowledged respondent "did leave today's proceedings" but he "would like to be given an opportunity to go over the dispositional report with her before proceeding to disposition." The court ultimately denied the motion, finding a continuance would not be in J.H.'s best interest and that respondent willingly left the courtroom aware she may be waiving certain rights in doing so. Accordingly, we agree with counsel no meritorious argument can be made that the court erred in denying respondent's counsel's motion to continue.

¶ 32 C. Dispositional Hearing

¶ 33 Appellate counsel next asserts he can make no meritorious argument that the trial court erred in its dispositional finding.

¶ 34 If the trial court adjudicates the minor abused, neglected, or dependent, the second step is to conduct a dispositional hearing to determine whether the minor should be made a ward of the court. 705 ILCS 405/2-21(2) (West 2024); *Z.L.*, 2021 IL 126931, ¶ 60. At the dispositional hearing, the trial 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. 705 ILCS 405/2-21(2) (West 2024). In making that determination, the court "may consider the acts and/or omissions of the parents." *Z.L.*, 2021 IL 126931, ¶ 60. When making its determination, the court will consider "whether the parents *** are unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or are unwilling to do so," as well as whether "the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of the minor's parents." 705 ILCS 405/2-27(1) (West 2024). "[A] dispositional order entered in a proceeding under the Juvenile Court Act is a matter committed to the sound discretion of the court." *In re Beatriz S.*, 267 Ill. App. 3d 496, 500 (1994). A court's dispositional findings "will be reversed only if the findings of fact are against the manifest weight of the evidence or the court committed an abuse of discretion by selecting an inappropriate dispositional order." (Internal quotation marks omitted.) *In re Al. S.*, 2017 IL App (4th) 160737, ¶ 41.

¶ 35 The evidence at the dispositional hearing showed that respondent had failed to provide verification for her substance abuse assessment and failed to attend five drug drops, as requested by DCFS. Moreover, the dispositional report noted respondent's characterization of her methamphetamine usage as "a recent development" (emphasis omitted) occurring after her probation was refuted by other evidence. Further, the dispositional report questioned respondent's ability to acknowledge that significant changes needed to be made in her own functioning and prioritization of J.H.'s needs. Indeed, the trial court indicated "the biggest thing for [respondent] is substance abuse." The court further noted concerns "that [respondent] is currently and actively using" illicit substances. In addition to "repeated exposure" to domestic violence, J.H. "ha[d] been bouncing around a lot, and as a result of that, there's secondary issues with education and [respondent] has not been able to correct those conditions as of yet."

¶ 36 Under these circumstances, the trial court's determinations that it was in J.H.'s best interest to be made a ward of the court and that respondent was unfit based on her substance abuse and underlying issues of domestic violence were not against the manifest weight of the evidence. Accordingly, we agree with counsel, no meritorious argument can be made that the court erred in its dispositional finding.

¶ 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.