

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) 4260475-U

NO. 4-26-0475

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

August 28, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> B.E., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Woodford County
Petitioner-Appellee,	)	No. 24JA32
v.	)	
Sarah B.,	)	Honorable
Respondent-Appellant).	)	Michael L. Stroh,
	)	Judge Presiding.

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

ORDER

¶ 1 *Held:* The appellate court affirmed, finding respondent forfeited her contentions of error.

¶ 2 In November 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 B.E. (born in January 2015) was a neglected minor. Following the adjudicatory and dispositional hearings, the trial court found B.E. was a neglected minor and respondent, Sarah B., was unfit to care for, protect, train, or discipline B.E. Respondent timely appealed. On appeal, respondent argues the court failed to (1) comply with section 2-21(1) of the Juvenile Court Act (*id.* § 2-21(1)) because it did not include a factual basis in its written adjudicatory order and (2) establish a sufficient factual basis before accepting respondent’s admission to the State’s petition for adjudication of wardship. We affirm.

¶ 3

I. BACKGROUND

¶ 4 At the outset, we note respondent’s arguments on appeal relate solely to the trial court’s findings at the adjudicatory hearing. Consequently, we include only those facts necessary to understand her arguments on appeal.

¶ 5 On November 15, 2024, the State filed a petition alleging B.E. was a neglected minor pursuant to section 2-3(1)(b) of the Juvenile Court Act (*id.* § 2-3(1)(b)), and it was in his best interest that he be made a ward of the court. The petition included the following allegations:

“A. The minor is under the age of 18 years and is residing in an environment that is injurious to his welfare in that the minor is prescribed Risperidone which is to be administered twice a day and the minor’s parents have acknowledged that they have not been administering the prescribed dosage.

B. The minor is under the age of 18 years and is residing in an environment that is injurious to his welfare in that the minor has walked home from school on multiple occasions only to return to school upset and reporting that no one was present at his home when he arrived there after school.

C. The minor is under the age of 18 years and is residing in an environment that is injurious to his welfare in that the minor *** has been persistently absent and tardy from school from kindergarten through third grades with 23 absences and 59 tardies in kindergarten, 50 absences and 55 tardies in 1st grade, 46 absences and 64 tardies in 2nd grade, with the [minor] ultimately having to repeat 2nd grade due to attendance issues, and 6 absences and 17 tardies as of the present date for 3rd grade.

D. The minor is under the age of 18 years and is residing in an environment that is injurious to his welfare in that the minor will appear unkempt with dirt under

his nails, in his ears and on his face and the mother presented an hour late and was chaotic, and aggressive at a meeting to discuss issues regarding the minor's schooling and care.”

The petition did not request a temporary custody hearing, and the case was set for a first appearance on the State's petition on December 30, 2024.

¶ 6 At the first appearance on the State's petition, the trial court advised respondent and Joshua T., the father of B.E., of their rights under the Juvenile Court Act and appointed counsel to represent them. (Joshua T. is not a party to this appeal.) The case was then continued to allow respondent and Joshua T. an opportunity to consult with their attorneys.

¶ 7 A. Adjudicatory Hearing

¶ 8 On April 7, 2025, the parties informed the trial court that respondent and Joshua T. would admit the allegations in paragraphs 3B, 3C, and 3D of the petition and the State would dismiss paragraph 3A. Prior to accepting respondent's admission, the court read paragraphs 3B, 3C, and 3D of the petition in their entirety and confirmed respondent understood the allegations contained in those paragraphs. The court then advised respondent of the rights she would be giving up if she admitted to the allegations in the petition. Respondent confirmed she understood the allegations and her rights, and she had not been forced, threatened, or coerced to admit to the allegations in the petition. The court then asked respondent, “Understanding all of this, *** do you wish to admit or deny the allegations of paragraphs 3B, C, and D?” Respondent stated she admitted the allegations. The court accepted respondent's admission and stated,

“Court finds that the parents both understand the nature of the allegations, the possible ramifications of an admission to the petition, along with understanding their rights to a trial and to confront the State's witnesses that may be called. Court

finds that they knowingly and voluntarily waive those rights.

Court will, therefore, accept the admission to the petition and set this matter over for a dispositional hearing.”

The court did not elicit a factual basis from the State during the adjudicatory hearing.

¶ 9 In addition to its oral ruling, the trial court entered a written adjudicatory order. The order, which was a preprinted, check-the-box form, included a section in which the court checked the box indicating B.E. was neglected due to an injurious environment “as defined by 705 ILCS 405/2-3(1)(b).” Within that section, the order included the following preprinted phrase: “This finding is based on the following facts” and then blank lines on which the court could include a factual basis for its finding. This portion of the order was left blank. In the next section on the same page, the court noted the neglect was “inflicted by” respondent. The final page of the written order indicated paragraphs 3B, 3C, and 3D had been proven by a preponderance of the evidence pursuant to the parties’ admissions.

¶ 10 B. Dispositional Hearing

¶ 11 The trial court held a dispositional hearing on March 3, 2026. (We note the case had been previously set for a dispositional hearing on July 14, 2025. However, the court continued the hearing in an attempt to allow respondent additional time to complete recommended services. The case was then continued two additional times because respondent’s counsel withdrew and respondent was appointed new counsel.) Following the parties’ arguments, the court found respondent “unfit to care for, protect, train, educate, supervisor or discipline [B.E.], and placement with her [was] contrary to the health safety and best interests of [B.E.]” due to respondent’s unresolved substance abuse and mental health issues. The court found Joshua T. was fit, willing, and able to care for B.E. and granted custody and guardianship of B.E. to Joshua T.

¶ 12 This appeal followed.

¶ 13 II. ANALYSIS

¶ 14 On appeal, respondent argues the trial court erred by (1) “fail[ing] to comply with section 2-21(1) of the Juvenile Court Act by failing to include in its written adjudicatory order the factual basis supporting the neglect finding and the acts or omissions of the parents forming the basis of that finding” and (2) “fail[ing] to establish an adequate factual basis before accepting respondent’s admission” to the State’s petition for adjudication of wardship.

¶ 15 In response, the State asserts respondent has forfeited her arguments on appeal because she “failed to object to the trial court’s order finding neglect on either of these basis [sic].” Moreover, respondent did not acknowledge her forfeiture and failed to raise any applicable exceptions to the forfeiture doctrine in her brief. Consequently, the State contends respondent has forfeited her arguments.

¶ 16 “ ‘To preserve a claim for review, a [respondent] must both object at trial and include the alleged error in a written posttrial motion.’ [Citation.] Otherwise, he has forfeited the issue.” *People v. Bowens*, 407 Ill. App. 3d 1094, 1108 (2011) (quoting *People v. Thompson*, 238 Ill. 2d 598, 611 (2010)). Our supreme court has held, “This same forfeiture principle applies in proceedings under the Juvenile Court Act [citation], although no postadjudication motion is required in such cases.” *In re M.W.*, 232 Ill. 2d 408, 430 (2009). Nevertheless, forfeited claims may be considered on appeal if the respondent establishes plain error. See *id.* (“By failing to object, [the respondent] has forfeited consideration of this error on appeal unless she can demonstrate plain error.”) It is the respondent’s burden to establish plain error, and “[i]f the [respondent] fails to meet his or her burden of persuasion, the reviewing court applies the procedural default.” *In re D.D.*, 2022 IL App (4th) 220257, ¶ 31 (quoting *People v. Hillier*, 237 Ill. 2d 539, 545 (2010)).

¶ 17 In this case, the record demonstrates respondent did not object to either of the issues she now raises on appeal. Moreover, in addition to her failure to object at the trial court level, respondent also failed to present this court with any argument as to why her forfeiture should be excused under the plain error doctrine. Accordingly, because the burden of persuasion under the plain error doctrine rests with respondent, we find respondent cannot overcome her forfeiture. See *In re Tal. B.*, 2023 IL App (4th) 221080-U, ¶ 20 (finding the respondent forfeited his plain error argument on appeal by failing to present any argument that plain error applied).

¶ 18 However, assuming *arguendo*, this court chose to overlook respondent’s forfeiture, we find no error occurred. See *In re B.S.*, 2022 IL App (2d) 220271, ¶ 36 (“[F]orfeiture is a limitation on the parties, not this court. [Citation.] Furthermore, given the fundamental liberty interest of parents to raise and care for their children, courts may overlook a party’s forfeiture.”).

¶ 19 A. Trial Court’s Written Adjudicatory Order

¶ 20 Pursuant to section 2-21(1) of the Juvenile Court Act,

“If the court finds that the minor is abused, neglected, or dependent, the court shall then determine and put in writing the factual basis supporting that determination, and specify, to the extent possible, the acts or omissions or both of each parent, guardian, or legal custodian that form the basis of the court’s findings. That finding shall appear in the order of the court.” 705 ILCS 405/2-21(1) (West 2024).

Our supreme court has held that the purpose of this requirement is “to give the parties notice of the reasons forming the basis for the removal of the child and to preserve this reasoning for appellate review.” *In re Madison H.*, 215 Ill. 2d 364, 374 (2005). Centered on this purpose, our supreme court concluded “an oral finding on the record may satisfy section 2-27(1) [of the Juvenile

Court Act], provided that it is explicit and advises the parties of the basis for the court’s decision.” *Id.* at 377; see *In re Leona W.*, 228 Ill. 2d 439, 459 (2008) (finding the rationale set forth in *Madison H.* also applied to section 2-21(1) of the Juvenile Court Act).

¶ 21 In this case, respondent asserts the trial court violated section 2-21(1) of the Juvenile Court Act when it failed to include a factual basis for its decision in its written adjudicatory order. Respondent recognizes our supreme court’s holding in *Madison H.* but contends it is inapplicable because the court did not provide an explicit oral ruling at the adjudicatory hearing. In response, the State argues the court’s oral ruling was sufficiently explicit to satisfy section 2-21(1). In support of this argument, the State asserts this case is analogous to *Leona W.* In that case, the respondent parents stipulated to a set of facts at the adjudicatory hearing, which were read onto the record by the trial court. The stipulated facts included (1) the respondent father was a noncustodial father, (2) the respondent mother admitted to using cocaine three weeks prior to the minor’s birth, (3) the respondent mother had eight other children in DCFS custody, and (4) the respondent mother had failed to complete any substance abuse treatment. *Leona W.*, 228 Ill. 2d at 444. “At the conclusion of [the adjudicatory] hearing, the circuit court entered an order which found, based on the stipulated facts, that [the minor] was abused within the meaning of the Juvenile Court Act.” *Id.* Our supreme court found this was sufficient to satisfy the requirements of section 2-21(1), stating:

“[T]he trial judge’s ruling was predicated on stipulated facts that were read into the record, and the court clearly specified the facts it was taking into account in making its decision. The stipulations and the statements were, in turn, transcribed and included in the report of proceedings. There was nothing speculative about the trial judge’s actions. What she did and why she did it were clearly spelled out. The lack

of detail in the actual written order therefore worked no prejudice on any of the parties. It was a purely technical defect.” *Id.* at 458.

We agree with the State that this case is analogous to *Leona W.* Here, prior to accepting respondent’s admission, the court read the allegations into the record in their entirety. Moreover, the allegations contained in the petition were not bare-bones allegations. Rather, they included multiple instances of specific conduct, some of which stemmed over years. It is clear from a review of the record the court relied on the specific facts alleged in the petition when it found B.E. was a neglected minor. Consequently, we find the purpose of section 2-21(1) of the Juvenile Court Act was satisfied because there was sufficient information for respondent and this court to understand the basis for the trial court’s decision.

¶ 22 B. Factual Basis for Respondent’s Admission

¶ 23 “When a trial court accepts an admission of unfitness, due process requires that the trial court ensure the State’s allegations are based in fact.” *In re Dal. D.*, 2017 IL App (4th) 160893, ¶ 31; see *In re C.J.*, 2011 IL App (4th) 110476, ¶ 32 (applying the same factual basis requirement to a parent’s admission of neglect at an adjudicatory hearing). Our supreme court has held, “The factual basis allows the parent to hear the State describe the alleged facts relating to fitness and gives the parent an opportunity to challenge or correct any facts that are disputed.” *In re M.H.*, 196 Ill. 2d 356, 366 (2001). This court, in *C.J.*, 2011 IL App (4th) 110476, ¶ 31, adopted the reasoning of the Fifth District in *In re A.A.*, 324 Ill. App. 3d 227, 240 (2001), which held, “[A] parental admission together with facts of record demonstrating the factual basis for the initial removal, is sufficient to protect the parents’ due process rights at [the adjudicatory] stage of the proceedings.”

¶ 24 “When a respondent challenges the sufficiency of the factual basis, the standard of

review is whether the trial court abused its discretion by determining that a factual basis existed for the admission.” *C.J.*, 2011 IL App (4th) 110476, ¶ 49. “An abuse of discretion occurs when the trial court’s ruling is fanciful, unreasonable, or when no reasonable person would adopt its view.” *Dal. D.*, 2017 IL App (4th) 160893, ¶ 31.

¶ 25 In this case, respondent is correct there was no factual basis elicited from the State at the adjudicatory hearing. However, as the State noted, the trial court read the allegations contained in the petition in their entirety and confirmed respondent understood those allegations before accepting her admission. Moreover, the court specifically asked respondent whether she admitted or denied the allegations in the petition in “paragraphs 3B, C and D.” Respondent indicated she admitted those allegations. As we noted above, the allegations contained in the petition were not bare-bones allegations. There were sufficient facts included in the State’s petition to allow respondent an opportunity to challenge any facts she believed were inaccurate. Because the State’s petition was sufficiently factually detailed, we find the court did not abuse its discretion in relying on the allegations in the petition as a factual basis for respondent’s admission.

¶ 26 Although we find no error occurred, we would be remiss if we did not remind the trial court that it is the preferred and best practice to elicit a factual basis for a respondent’s admission at an adjudicatory hearing.

¶ 27 III. CONCLUSION

¶ 28 For the reasons stated, we affirm the trial court’s judgment.

¶ 29 Affirmed.