

Nos. 1-25-2147, 1-25-2157 (cons.)

|                                              |   |                               |
|----------------------------------------------|---|-------------------------------|
| <i>In re</i> R.J., C.H., K.D., and R.C.,     | ) |                               |
| Minors-Respondents-Appellants                | ) |                               |
|                                              | ) | Appeal from the Circuit Court |
| (The People of the State of Illinois,        | ) | of Cook County.               |
| Plaintiff-Appellee,                          | ) |                               |
|                                              | ) | Nos. 23 JA 00022              |
| v.                                           | ) | 23 JA 00024                   |
|                                              | ) | 23 JA 00025                   |
| Kaprise D.,                                  | ) | 23 JA 00026                   |
| Mother-Respondent-Appellee                   | ) |                               |
|                                              | ) | The Honorable                 |
| and                                          | ) | Levander Smith Jr.,           |
|                                              | ) | Judge Presiding.              |
| Christopher Ha., Jeremiah Hu., and Lemel W., | ) |                               |
| Fathers-Respondents).                        | ) |                               |

JUSTICE REYES delivered the judgment of the court, with opinion.

Presiding Justice Martin and Justice Rochford concurred in the judgment and opinion.

### OPINION

¶ 1 After a hearing, minors R.J., C.H., K.D., and R.C., as well as their sister, H.H., were adjudicated wards of the court due to abuse and neglect by their mother, respondent Kaprise D. (respondent). In its adjudication ruling, the juvenile court found that the children were neglected due to an injurious environment and abused due to substantial risk of injury but declined to find that the children had been physically abused. Instead, the juvenile court *sua sponte* found the children abused based on excessive corporal punishment.

¶ 2 The instant consolidated appeals thus concern the relatively unusual circumstance where the appealing parties are the children,<sup>1</sup> who contend that the juvenile court erred in declining to find that they were physically abused. We observe that the respondent mother did not file a cross-appeal and does not challenge either the adjudication orders or the subsequent dispositional orders. For the reasons that follow, we dismiss the appeals as moot.

¶ 3 BACKGROUND

¶ 4 Respondent is the mother of five children: son R.J., who was almost 13 years old at the time of the incident giving rise to the instant proceedings; daughters 12-year-old H.H., 10-year-old R.C., and 7-year-old C.H.; and 3-month-old son K.D. Jeremiah Hu. is the father of H.H. and R.C., Christopher Ha. is the father of C.H., and Lemel W. is the father of R.J.; the father of K.D. was listed as “unknown” on the adjudication petitions and none of the fathers of the children are parties to these appeals.

¶ 5 On January 11, 2023, the State filed petitions for adjudication of wardship asking for each child<sup>2</sup> to be adjudicated a ward of the court; the State also filed motions for temporary custody of each child on the same day. In the adjudication petitions, the State alleged that each child was neglected due to an injurious environment under section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2022)). In addition, the petitions alleged that each child was physically abused under section 2-3(2)(i) of the Juvenile

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<sup>1</sup> While R.J., R.C., C.H., and K.D. are represented by the public guardian’s office on appeal, they are represented by two separate sets of attorneys from that office, with R.J. having different counsel than his siblings. In addition, while K.D. is an appellee, he does not request a finding that he was physically abused on appeal. We finally observe that, while the State is nominally an appellee in the instant appeals, it agrees with the children’s position and adopts the arguments made in their briefs.

<sup>2</sup> While the State filed a petition for adjudication of wardship with respect to H.H., and the juvenile court adjudicated her a ward of the court, she did not appeal the adjudication order and is therefore not a party to the instant appeals.

Court Act (*id.* § 2-3(2)(i))<sup>3</sup> and was abused with a substantial risk of physical injury under section 2-3(2)(ii) of the Juvenile Court Act (*id.* § 2-3(2)(ii)).

¶ 6 The facts underlying all claims were the same. According to the petitions, respondent had one prior indicated report for inadequate supervision. On October 8, 2022, respondent became angry with the children “because they ate her grapes.” Respondent grabbed a knife and threatened to stab the children, and three of the children were ultimately cut with the knife; R.J. was cut on the arm, while R.C. and C.H. were cut on their arms and legs. One of the children also reported that two days prior to the incident, respondent attempted to smother three-month-old K.D. with a pillow.

¶ 7 On the same day, based on the allegations contained in the adjudication petitions, the juvenile court found probable cause that the children were neglected and abused, and that immediate and urgent necessity existed to support their removal from the home. The court granted temporary custody of all five children to the Department of Children and Family Services (DCFS) guardianship administrator.

¶ 8 The parties appeared before the juvenile court for an adjudication hearing on October 28, 2024. The State presented the live testimony of Kimberly McMillan, a child protection investigator with DCFS, and introduced as evidence (1) certified medical records for each child from Comer Children’s Hospital and (2) the victim sensitive interviews of all five children. In addition, the State introduced as evidence records of respondent’s three convictions for

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<sup>3</sup> We observe that the term “physical abuse” is not defined in the Juvenile Court Act, and that section 2-3(2)(i) concerns a parent who “inflicts \*\*\* physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function” (705 ILCS 405/2-3(2)(i) (West 2024)). This ground of abuse, however, is often referred to as “physical abuse,” including in the form order used by the juvenile court, and this term is used by the parties in the instant appeal. For the sake of clarity, we also use the term “physical abuse” when referring to abuse under section 2-3(2)(i).

aggravated battery (concerning R.C., C.H., and R.J.), for which she was sentenced to concurrent sentences of five years in the Illinois Department of Corrections.

¶ 9 The evidence established that, on October 8, 2022, respondent discovered that her grapes had been eaten. She asked the children who had eaten them, and nobody answered; she then threatened to kill the children if they did not disclose who had eaten the grapes. Respondent went into the kitchen, took a knife, and cut R.J. on the arm, then cut his hand when he attempted to take the knife from her. Respondent then called R.C. and C.H. into her bedroom, where she cut them on the arms, then led them into the bathroom, where she cut them on the legs. Throughout the process, respondent repeatedly stated that she was going to kill the children. The police eventually arrived at the home and spoke to R.J. while respondent stood behind him; R.C. and C.H. were in the bathroom at the time, and were warned not to make a sound. After R.J. and respondent informed police that there were no problems, police left without coming inside. Eventually, a relative came and removed them from the home; by the time the children received medical attention, the lacerations were too old to be stitched.

¶ 10 In addition, the evidence established that, several days earlier, respondent had received “bad news” concerning K.D.’s paternity and grew angry. She slapped K.D. and attempted to smother him with a pillow, but stopped when she noticed H.H. standing near the bedroom door.

¶ 11 After hearing arguments from the parties, the juvenile court found that the State had met its burden of proving neglect due to an injurious environment and abuse due to a substantial risk of physical injury with respect to all five children. The juvenile court, however, declined to find physical abuse, based on the recent appellate court decision of *In re K.C.*, 2024 IL App (1st) 240430, a case in which the appellate court reversed a finding of physical abuse. Accordingly, the juvenile court entered adjudication orders finding each child neglected due

to an injurious environment under section 2-3(1)(b) of the Juvenile Court Act and abused due to a substantial risk of physical injury under section 2-3(2)(ii) of the Juvenile Court Act.

¶ 12 On February 27, 2025, the children filed motions to reconsider, requesting that the juvenile court reconsider its finding that the State had failed to establish physical abuse. On May 21, 2025, the parties came before the juvenile court for a hearing on the motions, in which the children argued that the facts in the instant matter were substantially different than in *In re K.C.* and that the juvenile court accordingly misapplied the law in declining to enter a finding of physical abuse. The State also agreed with the children’s position, contending that the evidence supported findings of physical abuse and that the facts here were “remarkably different” than those present in *In re K.C.* During the State’s argument, the juvenile court asked whether the State had requested a finding of excessive corporal punishment, and the State indicated that it had not.

¶ 13 After considering the parties’ arguments, the juvenile court denied the motions to reconsider. Prior to addressing the merits of the motions, the juvenile court stated:

“Okay. Well, first thing[ ] I want to address is an Illinois Supreme Court case[,] [*In re V.S.*, 2025 IL 129755].

In that decision the Illinois Supreme Court rendered it moot, \*\*\* when there is \*\*\* no genuine controversy and reviewing the decision would have no tangible effect on the party. We have such an instance here.

In short, if this matter were appealed to the Appellate Court, the Illinois Supreme Court has already said that because this Court previously made two prior findings, one of abuse substantial risk of physical injury and neglect environment injurious, that any third consideration or an appeal because of one finding that was made or not made

would be moot. Because in the end the result is still the same, the minors have been found abused and/or neglected.

So the Illinois Supreme Court instructed the Appellate Court here on out to make sure that that was the uniform position of the Illinois Appellate Court. Because there had previously been a split even in the First District as to whether a single finding could be heard.

Now, that was, of course, when a parent appealed based on one of multiple findings. And so, again, the Illinois Supreme Court is saying that would be moot because in the end the decision would still be the same, and that is that the minor has been found abused, neglected, or dependent, nothing changes.

Now, I could take that same decision and say, well, I can just slap on physical abuse, what difference is it going to make. The parents might appeal that and be told, well, it's moot, so we're not going to hear it, there's already been findings.

Or I could look again at the evidence, which I did, and see if, perhaps, in the motions to reconsider I indeed erred or the Court erred in making this finding, because there has been no change in the law, there has been no newly discovered evidence so \*\*\* it would merely be an issue of whether there was an error in the Court's previous application of the existing law."

¶ 14

The juvenile court then proceeded to discuss the evidence and the parties' arguments, ultimately reaffirming its opinion that, under *In re K.C.*, the evidence did not support a finding of physical abuse, but *sua sponte* entered an amended adjudication order for each child, finding them abused due to excessive corporal punishment under section 2-3(2)(v) of the Juvenile Court Act (705 ILCS 405/2-3(2)(v) (West 2022)).

¶ 15 On September 25, 2025, after a dispositional hearing, the juvenile court entered dispositional orders finding it in each child’s best interest to make him or her a ward of the court and finding respondent unwilling and unable for some reason other than financial circumstances alone to care for, protect, train, and discipline the children.<sup>4</sup> On October 9, 2025, the juvenile court entered an amended dispositional order for each child, in which it removed the finding that respondent was unwilling to care for, protect, train, and discipline the children. These consolidated appeals follow.

¶ 16 ANALYSIS

¶ 17 On appeal, the children contend that the juvenile court erred in finding that the State had not established that they were physically abused. “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)). It is the State’s burden to prove allegations of neglect or abuse by a preponderance of the evidence. *In re A.P.*, 2012 IL 113875, ¶ 17. Generally, a reviewing court will reverse the juvenile court’s determination 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); see also *In re Malik B.-N.*, 2012 IL App (1st) 121706, ¶ 56; *In re J.C.*, 396 Ill. App. 3d 1050, 1060 (2009); *In re Gabriel E.*, 372 Ill. App. 3d 817, 828 (2007). As the juvenile court is in a superior position to assess the credibility of witnesses and weigh the evidence, we will not overturn its findings “merely because the reviewing court may have reached a different decision.” *In re*

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<sup>4</sup> The court also found the children’s fathers unwilling and unable for some reason other than financial circumstances alone to care for, protect, train, or discipline them.

*April C.*, 326 Ill. App. 3d 245, 257 (2001) (citing *In re Lakita B.*, 297 Ill. App. 3d 985, 994 (1998)).

¶ 18 In this case, the children challenge the juvenile court’s factual findings that the State had not satisfied its burden of establishing physical abuse. We first, however, must determine whether the children’s arguments are properly before us on appeal, as respondent challenges this court’s jurisdiction to consider the instant appeal. To do so, we first briefly set forth the nature of child abuse and neglect proceedings.

¶ 19 *Child Abuse and Neglect Proceedings Generally*

¶ 20 The process by which the juvenile court determines whether a minor should be removed from his or her parents and made a ward of the court is governed by the Juvenile Court Act. *In re V.S.*, 2025 IL 129755, ¶ 50; *In re Arthur H.*, 212 Ill. 2d at 462. The process begins when the State files a petition for adjudication of wardship which alleges that the minor is abused, neglected, or dependent as defined by the Juvenile Court Act. 705 ILCS 405/2-13 (West 2024). Following a temporary custody hearing, the juvenile court conducts an adjudicatory hearing, at which the court “shall first consider only the question of whether the minor is abused, neglected or dependent.” *Id.* § 2-18(1); *In re V.S.*, 2025 IL 129755, ¶ 50. If the juvenile court determines that the minor is abused, neglected, or dependent, the court must set forth the factual basis for its determination in writing. 705 ILCS 405/2-21(1) (West 2024). The juvenile court then conducts a dispositional hearing, at which it 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.* § 2-21(2); *In re V.S.*, 2025 IL 129755, ¶ 50.

¶ 21

*Appellate Jurisdiction*

¶ 22

In this case, respondent first contends that we lack jurisdiction to consider the children’s arguments on appeal where the children are appealing an interlocutory order. An adjudication order finding a minor abused, neglected, or dependent is generally not considered a final and appealable order. See, *e.g.*, *In re M.T.*, 2025 IL App (1st) 232134, ¶ 25; *In re Janira T.*, 368 Ill. App. 3d 883, 891 (2006); *In re M.J.*, 314 Ill. App. 3d 649, 654-55 (2000). Instead, the dispositional order which ultimately makes the minor a ward of the court is the final and appealable order. See, *e.g.*, *In re Leona W.*, 228 Ill. 2d 439, 456 (2008); *In re M.T.*, 2025 IL App (1st) 232134, ¶ 25. The adjudication order, however, is a step in the procedural progression leading to the dispositional order, as the order finding the minor abused, neglected, or dependent is a prerequisite to the dispositional order. *In re D.R.*, 354 Ill. App. 3d 468, 473 (2004); *In re Ay. D.*, 2020 IL App (3d) 200056, ¶ 37. See *In re Arthur B.*, 212 Ill. 2d at 464 (“A finding of abuse, neglect or dependence is jurisdictional, without [which] the trial court lacks jurisdiction to proceed to an adjudication of wardship.” (Internal quotation marks omitted.)). As such, our supreme court has indicated that “[a]ppealing a dispositional order is the proper vehicle for challenging a finding of abuse or neglect.” *In re Leona W.*, 228 Ill. 2d at 456.

¶ 23

Here, the children’s notices of appeal indicate that they are appealing the dispositional order and the order denying their motion to reconsider in addition to the adjudication order. Accordingly, the juvenile court’s findings of abuse and neglect are properly before this court. The question, however, is whether the juvenile court’s *non*-finding of physical abuse is also properly before this court, as respondent contends that this aspect of the adjudication order has

no effect on the dispositional order, meaning that it could not be considered a step in the procedural progression leading to the entry of the dispositional order.

¶ 24 We observe that none of the parties cite any authority directly addressing this question, nor have we discovered any in our independent research. We believe, however, that respondent parses the adjudication order too finely in arguing that each specific factual finding must have a direct effect on the subsequent dispositional order to be appealable. As noted, in its adjudicatory order, the juvenile court determines whether the minor is abused, neglected, or dependent, and sets forth the factual basis for its determination. 705 ILCS 405/2-21(1) (West 2024). If so, the matter proceeds to the dispositional hearing, at which the juvenile court determines whether the minor should be made a ward of the court. *Id.* § 2-21(2). It is thus the adjudicatory order as a whole—not one specific aspect of the order—which leads to the dispositional hearing and, ultimately, the dispositional order. As our supreme court has observed, even a single finding of abuse, neglect, or dependency suffices to proceed to the next step of the proceedings. See *In re Faith B.*, 216 Ill. 2d 1, 14 (2005); *In re V.S.*, 2025 IL 129755, ¶ 53. Thus, where the adjudication order as a whole is properly before us, we find that we have the ability to consider any aspect of that order on appeal.

¶ 25 We further observe that this approach is consistent with our supreme court’s treatment of cases in which the parents challenge only certain aspects of the adjudication order. As discussed further below, our supreme court has indicated that where a parent appeals only one of multiple findings of abuse, neglect, or dependency, the appeal is moot due to the presence of other, unchallenged, grounds for the juvenile court’s decision. See *In re V.S.*, 2025 IL 129755, ¶ 58. Under respondent’s view, however, the reviewing court would not even have the ability to reach the issue of mootness in such a case, since the particular finding being

challenged would not affect the ultimate disposition order and would thus not be considered a step in the procedural progression of such an order. See *People v. Seymore*, 2025 IL 131564, ¶¶ 18, 32 (considering question of whether order was final and appealable prior to considering whether appeal was moot); see also *Martinez v. Leon*, 2024 IL App (1st) 231058, ¶¶ 15, 16 (same). This is not the approach taken by the supreme court in child abuse and neglect cases, nor has respondent cited any other authority adopting her approach. Accordingly, we find that we have jurisdiction to consider the instant appeal.

¶ 26

*Mootness*

¶ 27

We next consider respondent’s related argument, namely, that the instant appeal is moot where no parties are appealing the juvenile court’s findings of abuse or neglect or the substance of the dispositional order. As an initial matter, we observe that the State and counsel for C.H., K.D., and R.C. suggest that the juvenile court below “determined during its ruling on the motion to reconsider that the entry of the additional physical abuse finding was moot.” A more accurate description of the juvenile court’s statements on the matter is that, during the hearing on the motion to reconsider, the juvenile court recognized the recent supreme court decision of *In re V.S.*, and opined that, based on that decision, an appeal concerning the physical abuse finding herein would likely be determined by the appellate court to be moot. The juvenile court, however, expressly indicated that it was not going to “just slap on physical abuse, what difference is it going to make.” Instead, the juvenile court explained that it would consider the arguments made by the parties concerning the physical abuse finding and determine whether the motion to reconsider should be granted based on its substance. Thus, while the juvenile court recognized that an appeal of its decision as to the claim of physical abuse would likely

be moot, it did not rest its decision on that basis, as is suggested by some of the parties on appeal.

¶ 28 “As a general rule, courts in Illinois do not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided.” *In re Alfred H.H.*, 233 Ill. 2d 345, 351 (2009). As relevant to the instant case, “[a]n appeal is moot when there is no actual controversy and a reviewing court’s decision could have no practical effect on the parties, rendering it impossible for the reviewing court to grant effectual relief.” (Internal quotation marks omitted.) *In re V.S.*, 2025 IL 129755, ¶ 55. Where a decision on the merits would not result in appropriate relief, the decision is essentially an advisory opinion. *Commonwealth Edison Co. v. Illinois Commerce Comm’n*, 2016 IL 118129, ¶ 10. Accordingly, where a claim is moot, the appeal must be dismissed. *Id.* ¶ 21. The question of mootness is one we decide *de novo*. *In re Alfred H.H.*, 233 Ill. 2d at 350.

¶ 29 The parties agree that the question of mootness in the instant case is influenced by our supreme court’s decision in *In re V.S.* In that case, following an adjudication hearing, the juvenile court determined that the minor was neglected due to an injurious environment and was dependent as a result of his mother’s disability. *In re V.S.*, 2025 IL 129755, ¶ 1. The juvenile court subsequently entered a dispositional order making the minor a ward of the court and granted guardianship to DCFS. *Id.* The minor’s father appealed, challenging the neglect finding and the dispositional order, but did not challenge the dependency finding. *Id.* On appeal, a different division of this court found the father’s challenge to the neglect finding to be moot, since he failed to challenge the dependency finding. *Id.* The supreme court granted the father’s petition for leave to appeal and ultimately affirmed the appellate court’s judgment. *Id.* ¶ 2.

¶ 30 The supreme court observed that the Juvenile Court Act provides that “if the court determines that ‘the minor is either abused or neglected or dependent,’ a dispositional hearing shall be held to determine whether it is in the best interest of the minor to be adjudged a ward of the court.” *Id.* ¶ 53 (quoting 705 ILCS 405/2-21(2) (West 2020)). As such, the supreme court noted, “[t]his means the circuit court could make a finding based on any one (or more) of the three determinations and hold a dispositional hearing.” *Id.* The supreme court thus asked, “the question remains: is a challenge to one finding sufficient when the court enters more than one finding, or will that render the appeal moot?” *Id.*

¶ 31 The supreme court noted that the appellate court was divided on the question of whether an appeal was moot where a parent challenged only one of several findings of abuse or neglect, but agreed with the position of those courts finding the appeal moot. *Id.* ¶¶ 56-57. The supreme court also found instructive two of its own prior decisions: *In re Faith B.*, 216 Ill. 2d 1 (2005), and *In re D.L.*, 191 Ill. 2d 1 (2000). *In re V.S.*, 2025 IL 129755, ¶ 57. The supreme court noted that, in *In re Faith B.*, the court “reinforced the principle that a single finding of neglect, abuse, or dependency is enough to affirm the judgment of the circuit court.” *Id.* ¶ 58. The supreme court continued: “Applying this principle to the case under review, where a neglect, abuse, or dependency finding remains unchallenged, we need not review the appeal, as the remaining finding will still provide the grounds for wardship and any review would not offer effective relief.” *Id.* (citing *In re J.T.*, 221 Ill. 2d 338, 349-50 (2006)). Likewise, in *In re D.L.*, the supreme court found the mother’s appeal moot where she challenged only one of the grounds of unfitness. *Id.* ¶ 59. The supreme court concluded: “Similarly, we find, following *In re Faith B.* and *In re D.L.*, that [the father’s] appeal is moot because of his failure to challenge the dependency finding that would remain in effect even if this court were to have found error with

respect to the neglect finding.” *Id.* ¶ 60. The supreme court expressly overruled the appellate court cases finding otherwise. *Id.*

¶ 32 Where the Illinois Supreme Court has declared the law on a given point, we are bound to follow its decision in similar cases. *Price v. Philip Morris, Inc.*, 2015 IL 117687, ¶ 38. In this case, the parties bringing the appeal are the children, not the parents, and the finding is a finding that the State had not satisfied its burden of proof as to one of the allegations of abuse. Nevertheless, the fundamental issue is the same as in *In re V.S.*: the juvenile court entered multiple findings of abuse and neglect, and only one such finding is being appealed. To the extent that R.J. suggests in his reply brief that the redress he is seeking is somehow different since the adjudication finding “directly affects his future safety and well-being,” we cannot agree. Even if we were to accept his position concerning the finding of physical abuse, such a result would have no effect on the decision to make him a ward of the court and, as such, the reasoning of our supreme court remains applicable in this case. Where our supreme court has spoken, we are bound to follow and, consequently, we must find that the children’s challenge to the juvenile court’s finding that the State had not established that they were physically abused is moot.

¶ 33 We observe that, at oral argument, counsel for the children expressed concern that a finding of mootness in this case would incentivize juvenile courts to make only one finding of abuse or neglect, since only a single finding is necessary to proceed to a dispositional hearing. This concern, however, is in our view unwarranted. First, it has long been the case that, where analysis of one issue raised by a party is dispositive, the reviewing court has the discretion to decline to address other issues raised by the parties. See, *e.g.*, *Illinois Racing Board v. Hammond*, 56 Ill. App. 3d 609, 612 (1977) (“A reviewing court is not required to consider

contentions which are not essential to the determination of the case at hand.”); see also *Peach v. McGovern*, 2019 IL 123156, ¶ 64 (reviewing courts “will \*\*\* ordinarily not consider issues that are not essential to the disposition of the causes before them or where the results are not affected regardless of how the issues are decided”). Indeed, as noted above, our supreme court has taken this approach specifically in the context of child abuse and neglect proceedings. See, e.g., *In re Faith B.*, 216 Ill. 2d at 15 (where adjudication of neglect based on injurious environment was affirmed, supreme court declined to review juvenile court’s additional finding concerning physical abuse); *In re D.D.*, 196 Ill. 2d 405, 422 (2001) (where termination of parental rights on one basis was affirmed, supreme court declined to review additional basis for termination). Thus, even prior to the supreme court’s decision in *In re V.S.*—and certainly prior to our decision today—there existed the possibility that a reviewing court would opine as to only one of several findings of abuse or neglect.

¶ 34 In addition, the applicability of the mootness doctrine to appeals of child abuse and neglect findings is directly determined by the decisions of the parties involved in the appeal. As explained, a party’s appeal of an abuse or neglect finding is moot where the party is not challenging all of the bases for the abuse and neglect findings. See *In re V.S.*, 2025 IL 129755, ¶ 60. At the time of the entry of the adjudication order, a juvenile court does not definitively know which issues would be involved in a potential future appeal and, therefore, has no basis for determining that a particular finding is unnecessary, making such a determination, at best, short-sighted. Indeed, even in this case, the juvenile court’s comments during the motion to reconsider discussed a potential appeal by the parents—there was no apparent recognition that the children would be the appealing parties. Moreover, here, if respondent had chosen to file a

cross-appeal challenging the abuse and neglect findings which were entered, mootness would not be at issue.

¶ 35 Most importantly, during an adjudication hearing, the juvenile court considers the question of whether the minor is abused, neglected, or dependent, as set forth in the petition filed by the State. See 705 ILCS 405/2-13, 2-18 (West 2024). Each of the grounds set forth in the Juvenile Court Act is an independent basis for such a finding, and any one ground is sufficient. See *In re Faith B.*, 216 Ill. 2d at 14. After hearing the evidence at the adjudication hearing, the juvenile court determines whether the minor is abused, neglected, or dependent, and “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 forms the basis of the court’s findings.” 705 ILCS 405/2-21(1) (West 2024). A juvenile court hearing evidence concerning several grounds for abuse or neglect and intentionally declining to make findings concerning those grounds—whether finding, or not finding, abuse or neglect—is therefore arguably not acting in compliance with the requirements of the Juvenile Court Act. Given all of the above, we find it unlikely that a finding of mootness here would alter juvenile courts’ consideration of the entirety of the allegations of abuse or neglect. To be clear, however, our decision is not intended and should not be read to support or encourage a limited adjudication process in which a juvenile court declines to make findings with respect to *all* of the grounds presented by the adjudication petition.

¶ 36 *Exceptions to Mootness*

¶ 37 Appellate review of an otherwise moot issue may nevertheless be appropriate if it falls within an exception to the mootness doctrine. *In re V.S.*, 2025 IL 129755, ¶ 55. Our supreme court has identified three circumstances in which a court will decide a moot question: (1) when

resolution is in the public interest, (2) when the issue is capable of repetition yet evading review, and (3) when collateral consequences to the appellant arise from the judgment. *Id.* On appeal, the children primarily contend that the third exception applies to this case.

¶ 38 Under the collateral consequences exception, “where collateral consequences survive the expiration or cessation of a court order that are likely to be redressed by a favorable judicial determination, appellate review is permissible.” *In re Rita P.*, 2014 IL 115798, ¶ 31; *In re V.S.*, 2025 IL 129755, ¶ 62. “In other words, a case is not moot if there remains a secondary or collateral injury despite the resolution of a party’s primary claim.” *In re V.S.*, 2025 IL 129755, ¶ 62. The application of the collateral consequences exception is decided on a case-by-case basis. *In re Alfred H.H.*, 233 Ill. 2d at 362; *In re V.S.*, 2025 IL 129755, ¶ 62.

¶ 39 Our supreme court discussed the collateral consequences exception in the context of child abuse and neglect proceedings in *In re V.S.* There, after finding that the father’s challenge to the juvenile court’s finding of neglect was moot, the supreme court proceeded to consider whether the collateral consequences exception permitted appellate review. *In re V.S.*, 2025 IL 129755, ¶ 62. The supreme court noted that collateral consequences “cannot be based on ‘vague, unsupported’ statements about the future” (*id.* (quoting *In re Rita P.*, 2014 IL 115798, ¶ 34)), and further observed that “collateral consequences must be identified that ‘could stem solely from the present adjudication’ ” (emphasis in original) (*id.* (quoting *In re Alfred H.H.*, 233 Ill. 2d at 363)).

¶ 40 In the case before it, the V.S. court found that the collateral consequences exception did not apply. The supreme court first observed that the relative blame as to who caused the neglect was not the consideration at the adjudication stage and found unavailing the argument that such a finding could be used against the father in a future proceeding. *Id.* ¶¶ 63-64. The supreme

court noted that, while such a finding could constitute admissible evidence in a future proceeding, (1) there were no pending proceedings, (2) it would be speculative to conclude that there would be such proceedings in the future, and (3) even if there were, the father would have the ability to challenge the veracity and probative weight to be given the finding at that time. *Id.* ¶ 64. The supreme court similarly found unpersuasive the father’s contention that potential collateral consequences would stem from his inability to challenge the finding, reasoning that

“he could not establish that the circuit court’s finding of neglect was the sole reason for any collateral consequences, as his past convictions for drug offenses, larceny, robbery, and weapons offenses remain. Therefore, the neglect finding did not and would not be the catalyst for any significant collateral consequences distinct from those stemming from the dependency finding, which remains unchallenged, for it is the conduct underlying the finding and not the finding itself that is probative. [Citation.] In other words, evidence that [the father] actively chose to have a child with someone with severe mental health issues even though her other children had been removed from her care is more probative than a simple finding of neglect.” *Id.* ¶ 65.

Accordingly, the supreme court found that the collateral consequences exception did not apply and that the father’s appeal of the neglect finding was moot. *Id.* ¶ 66.

¶ 41

In this case, the children contend that there are several collateral consequences to the juvenile court’s determination that the State had not established physical abuse: (1) they claim that a finding of physical abuse is “more serious” than a finding of neglect based on an injurious environment or abuse based on substantial risk of injury; (2) they claim that a finding of physical abuse affects permanency planning; and (3) they claim that, if the matter proceeded

to the termination stage, a physical abuse finding affects the termination proceedings. We cannot find, however, that any of these claims bring the matter within the collateral consequences exception.

¶ 42 First, we reject the underlying premise of the children’s argument that different forms of abuse under the Juvenile Court Act may be categorized as “more serious” than others. Each of the enumerated actions listed in section 2-3(2) constitutes abuse. See 705 ILCS 405/2-3(2) (West 2024). Moreover, it is well settled that each case of neglect and abuse is *sui generis* and must be decided on its own facts. *In re Arthur H.*, 212 Ill. 2d at 470. A blanket statement that one form of abuse is “more serious” than another is therefore inconsistent with the fact-specific determination underlying all such cases.

¶ 43 We also observe that, in *In re Faith B.*, the supreme court declined to review the juvenile court’s finding of physical abuse after affirming the juvenile court’s finding that the minors were neglected based on an injurious environment. See *In re Faith B.*, 216 Ill. 2d at 15. This further suggests that there is no hierarchy among the various forms of abuse and neglect. To the extent that the children argue that a different division of this court found that “physical abuse” under section 2-3(2)(i) of the Juvenile Court Act is more serious than “excessive corporal punishment” under section 2-3(2)(v), such an argument misreads that case. See *In re K.C.*, 2024 IL App (1st) 240430. In *In re K.C.*, the appellate court was asked to consider whether the same allegations of injury could support both findings of excessive corporal punishment and physical abuse. The *K.C.* court recognized that both bases for abuse had distinct definitions (see *id.* ¶¶ 64, 77), and observed that not every injury resulting from excessive corporal punishment will constitute physical abuse (*id.* ¶ 77). After considering the evidence presented by the State during the adjudication hearing, the *K.C.* court concluded that

the evidence satisfied the requirements for excessive corporal punishment, but did not constitute physical abuse. *Id.* ¶¶ 73, 81. While the *K.C.* court characterized the requirements for physical abuse as “serious” (*id.* ¶ 77) and observed that such a finding was “reserved for situations where these quite stringent statutory criteria are clearly satisfied” (*id.* ¶ 80), we do not read the decision as finding that allegations of abuse under section 2-3(2)(i) are necessarily more serious than allegations of abuse under section 2-3(2)(v) or otherwise inviting a ranking of the severity of abuse allegations.

¶ 44 We are also unpersuaded by the children’s suggestion that the lack of a physical abuse finding affects their permanency planning. As the children recognize, at a permanency hearing, the agency which is the guardian of the minor must present a service plan which addresses, among other things, the needs of the minor, what progress has been made in correcting the conditions requiring the minor to be in care, and whether the minor may be returned home without jeopardizing the minor’s health, safety, and welfare. See 705 ILCS 405/2-28(2) (West 2024). While the children appear to suggest that this permanency planning would be affected by the lack of a specific finding of physical abuse under section 2-3(2)(i), we disagree. The presence or absence of the specific label does not affect the factual underpinnings of the case—respondent’s conduct toward her children, and the repercussions from that conduct, would still be at issue in determining the appropriate services and permanency planning, regardless of whether that conduct is labeled as physical abuse, excessive corporal punishment, or abuse due to a substantial risk of physical injury. This is especially true in this specific case, where respondent’s conduct was the subject of criminal proceedings and resulted in three convictions, for which she was incarcerated. We thus cannot find that the lack of a physical abuse finding has collateral consequences to the children’s permanency planning.

¶ 45 Finally, we cannot find that any potential repercussions in future proceedings constitute collateral consequences. There is no current proceeding to return the children to respondent’s care, nor is there a termination proceeding currently pending. As such, any arguments concerning future proceedings are purely speculative and cannot constitute a collateral consequence. See *In re V.S.*, 2025 IL 129755, ¶ 64. Accordingly, the collateral consequences exception is inapplicable to the instant case and does not permit appellate review of the otherwise moot appeal.

¶ 46 As a final matter, in their brief, C.H., K.D., and R.C. contend that the public interest exception is applicable to the instant appeal, and the State adopts their argument in its brief. The public interest exception permits appellate review of an otherwise moot appeal where (1) the question involved is of a substantial public nature, (2) an authoritative determination for future guidance is needed, and (3) the circumstances are likely to recur. *In re India B.*, 202 Ill. 2d 522, 543 (2002). This exception is to be construed narrowly and “require[s] a clear showing of each criterion to bring the case within the terms.” *Id.*

¶ 47 The children claim that the public interest exception applies in this case, as a physical abuse finding is required to be reported to the state police, who are required to report such information to a school district requesting a criminal history check of that person. See 705 ILCS 405/2-21(1) (West 2024). The question, however, of whether a physical abuse finding is appropriate in a particular case is a fact-specific inquiry which depends on the circumstances underlying that specific case. See *In re Arthur H.*, 212 Ill. 2d at 470. In such a case, the public interest exception is not applicable. See *In re India B.*, 202 Ill. 2d at 543 (“[E]ach appellate case cited by respondent was decided on its own peculiar set of facts, and the precedent is not irreconcilably conflicting. Accordingly, an authoritative determination in this case is

unwarranted.”); see also *In re R.P.*, 2026 IL App (4th) 250978-U, ¶ 19 (declining to apply public interest exception where the issues were fact-intensive and decided on their own particular set of facts).

¶ 48 This case presents a situation in which several of the parties (here, the children and the State) contend that the juvenile court erred in one aspect of the abuse and neglect proceedings, and we recognize that it is a harsh result that review of that alleged error is precluded by the fact that it is undisputed that the juvenile court’s other findings are supported by the evidence. That result, however, is mandated by the law, and we do not have the ability to consider a moot issue absent an exception to the mootness doctrine. See *In re V.S.*, 2025 IL 129755, ¶ 55. We nevertheless emphasize that the decision as to whether a minor is abused or neglected is a fact-specific determination, which “must be decided on the basis of their unique circumstances.” *In re Arthur H.*, 212 Ill. 2d at 463. As such, factual comparisons to other cases are of limited utility in determining whether *this* minor in *this* case has been abused or neglected. See *In re Daphnie E.*, 368 Ill. App. 3d 1052, 1064 (2006) (in determining parental unfitness, “factual comparisons to other cases by reviewing courts are of little value”); see also *In re Konstantinos H.*, 387 Ill. App. 3d 192, 203 (2008) (same). The juvenile court is in the best position to view and evaluate the parties, and its decisions are entitled to great deference as a result. See *In re Brown*, 86 Ill. 2d 147, 152 (1981). A juvenile court must accordingly focus on the evidence presented in the specific case before it in making the determination as to whether the evidence supports a finding of abuse or neglect, regardless of whether a different court under different circumstances may have reached a different result.

¶ 49

## CONCLUSION

¶ 50

The instant appeals are dismissed as moot, where there were bases for the juvenile court's order which were not challenged, and where no exceptions to the mootness doctrine apply.

¶ 51

Appeals dismissed.

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*In re R.J., C.H., K.D., and R.C., 2026 IL App (1st) 252147*

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**Decision Under Review:** Appeal from the Circuit Court of Cook County, Nos. 23-JA-00022, 23-JA-00024, 23-JA-00025, 23-JA-00026; the Hon. Levander Smith Jr., Judge, presiding.

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