

NOS. 4-26-0530, 4-26-0531, 4-26-0532, 4-26-0533, 4-26-0534, 4-26-0535 cons.

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).

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED

September 14, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> A.N., X.N., N.T., C.T., W.T., and A.F., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Tazewell County
Petitioner-Appellee,	)	Nos. 25JA104
v.	)	25JA105
Brittney N.,	)	25JA106
Respondent-Appellant.	)	25JA107
	)	25JA108
	)	25JA109
	)	
	)	Honorable
	)	Katherine G. P. Legge,
	)	Judge Presiding.

JUSTICE GRISCHOW delivered the judgment of the court.
Justices Knecht and DeArmond concurred in the judgment.

ORDER

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

¶ 2 Respondent, Brittney N., appeals the trial court's orders adjudicating her six minor children neglected, finding her unfit to care for the minors, and placing the minors in the custody and guardianship of the Illinois Department of Children and Family Services (DCFS). On appeal, respondent's counsel has filed a motion to withdraw, citing *Anders v. California*, 386 U.S. 738 (1967), and contending there are no potentially meritorious issues for review on appeal. See *In re S.M.*, 314 Ill. App. 3d 682, 685 (2000) (holding *Anders* applies in juvenile abuse and

neglect cases). We agree. Therefore, we grant counsel’s motion to withdraw and affirm the trial court’s judgment.

¶ 3

I. BACKGROUND

¶ 4

In August 2025, DCFS filed separate petitions for adjudication of wardship of respondent’s six minor children, C.T. (born September 2008); N.T. (born October 2010); A.N. (born January 2015); X.N. (born October 2017); W.T. (born February 2022); and A.F. (born July 2023), pursuant to section 2-13(1) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-13(1) (West 2024)). The fathers of the children were included in the allegations but are not parties to this appeal. The trial court proceeded on all petitions jointly, and this court consolidated the appeals.

¶ 5

The petitions alleged respondent’s minor children were neglected as defined by section 2-3(1)(b) of the Act (*id.* § 2-3(1)(b)) in that their environment was injurious to their welfare. Specifically, the petitions asserted DCFS confirmed a report that respondent slapped N.T., age 14 at the time of the reported incident, in March 2025. Further, the petitions described the minor children being left unsupervised for significant periods of time, including overnight on the weekends during respondent’s work hours. One incident described that in July 2025, the DCFS investigator arrived at respondent’s home and X.N., age 7, answered the door and was home alone. The investigator called police to provide supervision until respondent arrived home. The petitions concluded it was in the best interest of the minors and the public for the minors to be adjudicated wards of the court and asked for that relief and any other relief available under the Act.

¶ 6

Respondent filed an answer, stipulating the allegations in the petition “could be proven to the applicable standard of proof.” Thereafter, the adjudicatory and dispositional

hearings were continued by agreement, then on respondent's motions.

¶ 7 In April 2026, respondent appeared for entry of the adjudicatory order and the dispositional hearing. Respondent's counsel moved to continue, advising the trial court he was concerned about his client's mental health. The court denied the motion. The court then engaged in a colloquy with respondent. Respondent recalled her answer to the petition, confirmed no one threatened or coerced her to submit her answer, and told the court she submitted the answer freely and voluntarily. The court also asked if respondent had time to meet with her counsel and discuss her options before filing her answer, and she confirmed she did. The court asked respondent about mental health concerns raised by counsel, and she said, "I'm fine." The court asked if anything clouded respondent's judgment or her recollection of the answer to the petition and she answered, "No." The State proffered the allegations in the petition of respondent slapping her minor child and failing to provide adequate supervision for her children would be proven by testimony of the DCFS investigators with knowledge of each allegation. Counsel stipulated the State's proffer was consistent with proof. The court accepted the factual basis and entered an adjudicatory order finding the minor children neglected.

¶ 8 The trial court immediately proceeded to a dispositional hearing over the continued objection of respondent's counsel. At the dispositional hearing, respondent's counsel called a DCFS caseworker, who testified she observed respondent's home in April 2026, and although she was concerned about the cleanliness of the home, she believed it was clean enough to meet minimum parenting standards. The caseworker confirmed respondent's work schedule required her to leave the home overnight from Friday through Monday. The caseworker stated school reports indicated N.T. had issues related to attendance and completing assignments due to having a caretaking role for her siblings at home. The caseworker confirmed respondent

struggled to ensure N.T.'s attendance at school and completion of homework.

¶ 9 Next, Tom Bridgeman, the court-appointed special advocate (CASA) supervisor assigned to the case, testified he observed respondent's home twice, once in March and again in April 2026. Bridgeman indicated the home was unclean to the extent that the minor children should not have been present. He observed the home was not habitable because it was dirty and due to the smell of urine and feces in a room shared by three of the minor children.

¶ 10 Brian Lutz was appointed the guardian *ad litem* (GAL) for all the minors and provided a report to the court. At the hearing, GAL Lutz described a scheduled visit with the children in the home in March 2026. GAL Lutz texted with respondent to arrange to arrive when the children got home from school. On his arrival for the scheduled visit, no one was home. GAL Lutz observed X.N. getting off the school bus and entering the home alone. Respondent arrived shortly after, and GAL Lutz entered the home. He observed burning candles that appeared to have been burning for an extended period prior to respondent's arrival. GAL Lutz described the condition of the house as "terrible." He observed all surfaces in the home cluttered with laundry or dishes and that there were no surfaces on which to sit. Additionally, GAL Lutz observed one of the minor children pick up a bottle from the floor and begin pouring something into a cup before respondent took the cup away. GAL Lutz also reported the minor N.T. was left in charge of her younger siblings for periods of time and struggled to attend school and keep up her grades. GAL Lutz testified the minor C.T. resided with a grandparent because she suffered in school due to taking a caretaking role of her siblings when residing with respondent. Because he believed the conditions of the home were unsafe for the minor children, GAL Lutz requested the appointment of the CASA advocate supervisor, who testified prior to him at the hearing.

¶ 11 A dispositional report dated September 2025 was filed with the trial court in

January 2026. The report describes the reason for DCFS involvement was due to respondent leaving X.N. home alone. The report details respondent advised N.T., age 14, provided supervision for her younger siblings during overnight hours on the weekends when respondent worked. The report notes the supervision issue “appeared to be corrected.” The dispositional report also notes a report of environmental neglect and a report of inadequate supervision, both in August 2025. Both allegations were investigated. The report outlines no environmental neglect was observed, and respondent explained the allegation of inadequate supervision involved her asking her neighbor to watch X.N. while she took one of her other children to an extracurricular activity. The report concludes, at the time of filing, respondent provided consistent shelter and adequate supervision for the minor children.

¶ 12 A dispositional report addendum, dated April 8, 2026, was filed prior to the April 2026 hearing. The dispositional report outlined the caseworker “consistently reminded [respondent] that the cleanliness of the home is a priority to ensure the children’s needs are met adequately” and that the cleanliness of the home at the time of the addendum met minimum parenting standards. The caseworker documented cups and other objects were within reach of younger children and advised respondent to secure items that should not be accessible to them.

¶ 13 The addendum also noted N.T. continued to accrue absences in school and failed to complete assignments, with a total of 29 missed days and 77 missing assignments reported. N.T. was assigned a therapist, who reported N.T.’s self-reported cannabis use and limited supervision during her mother’s overnight work schedule contributed to N.T.’s lack of educational progress. Two of the minor children, X.T. and W.T., were assigned therapists. One therapist noted respondent was not home at the scheduled time of the first session but had rescheduled an appointment for the minor child. Another therapist indicated respondent

rescheduled “ ‘several times’ ” and noted the therapist was now alternatively attempting to schedule a meeting with the minor child at school.

¶ 14 After hearing the evidence and argument of the parties, the trial court concluded respondent was unfit due to the reasons the case came into care, the slapping of N.T., a continued lack of supervision, failing to provide for the educational needs of her minor children, and the uninhabitable conditions of the home, as reported by CASA Bridgeman and GAL Lutz.

¶ 15 The trial court found it was in the best interest of the minors to be made wards of the court and granted guardianship and custody of the minors to DCFS. In explaining its reasoning, the court noted it considered the dispositional reports, the testimony observed in court, the report of GAL Lutz, and *in camera* interviews. The court ordered respondent cooperate and engage in services to correct the conditions that led to the case being opened but did not want to “overload” respondent with services and wanted to provide her time to correct the conditions that caused the minors to be removed from her care. The court explained the minor children needed personalized attention, its goal was reunification of the minors with respondent, and tailored services were needed for respondent to correct the conditions that led to DCFS involvement. The dispositional order was entered, respondent was advised of her appeal rights, and this appeal followed.

¶ 16 II. ANALYSIS

¶ 17 On appeal, appointed counsel filed a motion to withdraw pursuant to *Anders*. See *In re J.P.*, 2016 IL App (1st) 161518, ¶ 8 (finding *Anders* applies to counsel’s motion to withdraw from representation on direct appeal of orders affecting parental rights under the Act).

¶ 18 Appellate counsel reports she has reviewed the record on appeal and concluded there exist no viable or meritorious grounds for appeal. In support of her motion, counsel filed an

accompanying brief containing a statement of facts and argument as to why respondent's potential claims are without merit. Counsel provided proof of service of the motion and supporting brief on respondent. This court granted respondent the opportunity to file a response on or before July 15, 2026. Respondent did not file a response. After reviewing the record and counsel's memorandum, we grant the motion to withdraw and affirm the trial court's judgment.

¶ 19 A. Adjudicatory Order

¶ 20 Under the Act, the trial court uses a two-step process to decide if a minor should be made a ward of the court. *In re Z.L.*, 2021 IL 126931, ¶ 58. At the adjudicatory hearing, the court first considers “ ‘only the question whether the minor is abused, neglected or dependent.’ ” *Id.* ¶ 59 (quoting 705 ILCS 405/2-18(1) (West 2018)). A neglected minor includes any child under age 18 who is in an environment injurious to his or her welfare. 705 ILCS 405/2-3(1)(b) (West 2024). The State must prove the allegations of neglect by a preponderance of the evidence. *Z.L.*, 2021 IL 126931, ¶ 61 (citing *In re A.P.*, 2012 IL 113875, ¶ 17). A trial court's finding of abuse or neglect will not be disturbed unless it was against the manifest weight of the evidence. *Id.* We agree with appellate counsel that challenging the court's adjudicatory order would be frivolous.

¶ 21 First, respondent is barred from any argument challenging the trial court's finding of neglect because she agreed to stipulate the State could prove the allegations in the petition for adjudication of wardship. See *In re R.W.*, 2025 IL App (4th) 241614-U, ¶ 14 (explaining the doctrine of invited error applies to stipulations in juvenile neglect proceedings and prevents a party from appealing an order to which the party previously stipulated). Additionally, the record reflects respondent's stipulation was knowing and voluntary. See *In re C.J.*, 2011 IL App (4th) 110476, ¶ 32; see also *In re N.G.*, 2025 IL App (4th) 250888-U, ¶ 27 (reviewing cases in which

admissions were knowing and voluntary where a parent was represented by counsel at all relevant times). After inquiry by the trial court, respondent maintained she was not forced to enter the stipulation and freely agreed the State could meet its burden of proof related to the allegations in the petition. Although respondent's counsel referred to concerns about respondent's mental health on the day of the adjudicatory and dispositional hearings, the court asked respondent directly about counsel's concerns and whether anything was "clouding" her "judgment" of her recollection of her stipulation, and respondent answered and repeated, "I'm fine." Respondent was represented by counsel at the time she entered the stipulation and at the time of the adjudicatory hearing and asserted she had enough time to speak to her counsel about all options available to her. Based on this, it is evident respondent's stipulation was knowing and voluntary.

¶ 22 Finally, an argument that the trial court improperly accepted respondent's stipulation would also be meritless. At the adjudicatory stage, the court must determine if a factual basis exists to accept a stipulation from a parent. *C.J.*, 2011 IL App (4th) 110476, ¶ 32. The court can rely on a report outlining a DCFS investigator's allegations of neglect in the determination that a factual basis exists. *Id.* (finding the court's use of a shelter-care report prepared by DCFS as a factual basis to accept the respondent's admission was proper). Here, the court accepted the allegations of the DCFS investigator contained in the petition for adjudication of wardship, along with the State's proffer that each allegation in the petition, including a report of respondent slapping her minor child during an argument and reports of respondent failing to provide her minor children with adequate supervision, would be proven by the relevant investigators who had knowledge of the allegation as a factual basis for the petition.

¶ 23 Accordingly, we find the record reflects the trial court did not err in accepting

respondent's stipulation to the petition for adjudication of wardship and subsequently entering the adjudicatory order. Any argument the court's adjudication of neglect was against the manifest weight of the evidence would be frivolous.

¶ 24 B. Dispositional Order

¶ 25 Following a finding that the minor is abused or neglected, the next step is the dispositional hearing, at which the trial court determines whether it is in the best interest of the public and the minor to make the minor a ward of the court. 705 ILCS 405/2-22(1) (West 2024). In deciding if wardship is appropriate, the court "must first determine whether the parent is unfit, unable, or unwilling to care for the child." *In re M.M.*, 2016 IL 119932, ¶ 21 (citing 705 ILCS 405/2-27(1) (West 2012)).

¶ 26 At the dispositional hearing, "[a]ll evidence helpful in determining these questions, including oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the adjudicatory hearing." 705 ILCS 405/22-2(1) (West 2024). "Essentially, there are no rules of evidence governing what the court may receive and consider at the dispositional hearing." *In re M.D.*, 2022 IL App (4th) 210288, ¶ 63.

¶ 27 The findings in the dispositional order will not be disturbed unless they are against the manifest weight of the evidence. See *Z.L.*, 2021 IL 126931, ¶ 96. "[W]e give deference to the trial court as the finder of fact because it is in the best position to observe the conduct and demeanor of the parties and the witnesses and has a degree of familiarity with the evidence that a reviewing court cannot possibly obtain." *In re D.F.*, 201 Ill. 2d 476, 498-99 (2002).

¶ 28 The trial court's finding that respondent was unfit to care for the minor children

was not against the manifest weight of the evidence. In addition to the stipulated allegations in the petition, the State presented evidence that the issue of inadequate supervision for the minors had not been corrected. Respondent failed to ensure her children's attendance at school and scheduled therapy sessions. While the caseworker found the home met minimum parenting standards, the court also heard and observed the testimony of CASA Bridgeman and GAL Lutz's report that the home was not habitable. The conditions included the smell of urine and feces in a room shared by the minor children and a minor child using a dish picked up from the floor. The court considered all the evidence presented at the dispositional hearing and asked its own detailed follow-up questions of the witnesses.

¶ 29 Having reviewed the evidence presented at the dispositional hearing, we find the trial court's conclusion that respondent was unfit to care for her children and granting custody and guardianship of the minors to DCFS was not against the manifest weight of the evidence. Accordingly, we again agree with appellate counsel and conclude any argument the court's dispositional order was against the manifest weight of the evidence would be frivolous.

¶ 30 C. Ineffective Assistance of Counsel

¶ 31 Counsel on appeal also contends any claim of ineffective assistance of counsel would be meritless. We agree.

¶ 32 Ineffective-assistance-of-counsel claims in proceedings involving the Act are evaluated using the test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). *In re A.R.*, 2025 IL App (4th) 250668, ¶ 72. A prevailing claim of ineffective assistance of counsel requires a respondent to establish both that counsel's representation was objectively deficient and a reasonable probability that counsel's deficient performance impacted the result of the proceeding. *In re I.W.*, 2018 IL App (4th) 170656, ¶ 47. "Failure to satisfy either prong precludes

a finding of ineffective assistance of counsel.” *In re A.P.-M.*, 2018 IL App (4th) 180208, ¶ 41.

¶ 33 Our review of the record reveals nothing to indicate respondent’s attorney’s representation was objectively deficient. Counsel for respondent moved to continue the proceedings and renewed his motion to continue at both the outset of the trial court’s discussion of respondent’s stipulation to the entry of the adjudicatory order and at the outset of the dispositional portion of the hearing, evidencing his ongoing advocacy for respondent’s interest. Counsel questioned the caseworker regarding respondent’s cooperation and progress and elicited testimony from the caseworker confirming her statement in the dispositional report that respondent’s home met minimum parenting standards and that the caseworker wanted the case to remain intact. Counsel cross-examined the CASA, who testified to the home’s condition, and provided detailed argument as to why the trial court should find in favor of respondent. Counsel advocated for respondent’s position. There is nothing in the record to suggest counsel’s performance fell below an objective standard of reasonableness, and therefore, any argument that counsel was ineffective would be frivolous.

¶ 34 III. CONCLUSION

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

¶ 36 Affirmed.