

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) 260212-U
NOS. 4-26-0212, 4-26-0213, 4-26-0214 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

October 23, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> I.S., a Minor	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Boone County
Petitioner-Appellee,	)	No. 25JA4
v. (No. 4-26-0212)	)	
Kristina P.,	)	
Respondent-Appellant).	)	
_____	)	
	)	No. 25JA5
<i>In re</i> De. S., a Minor	)	
	)	
(The People of the State of Illinois,	)	
Petitioner-Appellee,	)	
v. (No. 4-26-0213)	)	
Kristina P.,	)	
Respondent-Appellant).	)	
_____	)	
	)	No. 25JA6
<i>In re</i> Do. S., a Minor	)	
	)	
(The People of the State of Illinois,	)	
Petitioner-Appellee,	)	
v. (No. 4-26-0214)	)	Honorable
Kristina P.,	)	Janet R. Holmgren,
Respondent-Appellant).	)	Judge Presiding.

JUSTICE LANNERD delivered the judgment of the court.
Justices DeArmond and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, holding (1) respondent's argument that the trial court failed to establish a factual basis before accepting her stipulation at the temporary custody hearing is moot and (2) respondent forfeited her argument that the court failed to establish a factual basis before accepting her stipulation at the adjudicatory

hearing.

¶ 2 In March 2025, the State filed petitions 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 I.S. (born in April 2017), De. S. (born in April 2017), and Do. S. (born in October 2018), the children of respondent, Kristina P., and Antone S., were neglected minors. Following the adjudicatory and dispositional hearings, the trial court entered orders adjudicating the minors neglected and finding respondent unfit and unable “to care for, protect, train, educate, supervise or discipline the minor[s].” (Antone, who was found fit, willing, and able, is not a party to this appeal.) On appeal, respondent argues “the trial court erred by failing to find the existence of a factual basis of neglect before accepting [her] stipulation” at both the shelter care and adjudicatory hearings. We affirm.

¶ 3 I. BACKGROUND

¶ 4 At the outset, we note respondent’s arguments on appeal relate solely to the shelter care and adjudicatory hearings. Consequently, we include only those facts necessary to address her arguments on appeal.

¶ 5 On March 7, 2025, the State filed petitions alleging I.S., De. S., and Do. S. were neglected minors pursuant to section 2-3(1)(b) of the Juvenile Court Act (*id.*) and it was in their best interests that they be made wards of the court. Each of the petitions included the following allegation: “Said minor is a Neglected Minor in that [respondent’s] live-in paramour, Jeremy B[.], commits incidents of domestic violence against [respondent], thus placing this minor at [a] risk of harm pursuant to 705 ILCS 405/2-3(1)(b).” (We note this allegation was count 5 in the petitions involving I.S. and De. S. and count 6 in the petition involving Do. S.) The petitions also included other alleged bases for neglect. However, because those bases were later dismissed by agreement of the parties at the adjudicatory hearing, we need not recount them.

¶ 6

A. Shelter Care Hearing

¶ 7

At the initial shelter care hearing on April 3, 2025, the trial court advised respondent and Antone of their rights with respect to the State’s petitions. The court then took a recess to allow the parties to speak with their respective attorneys about how they wished to proceed. After the recess, the State advised the court that the parties had come to an agreement on temporary custody. Pursuant to the agreement, the Illinois Department of Children and Family Services (DCFS) would open an intact case, and temporary custody and guardianship of the minors would be granted to Antone. Although the parties had an agreement on temporary custody, respondent’s counsel informed the court that respondent denied the allegations contained in the petition. The court continued the matter to April 28, 2025, for a “continuation of what amounts to a shelter care hearing.”

¶ 8

At the hearing on April 28, 2025, the State informed the trial court that the parties had come to an agreement in lieu of a shelter care hearing. Pursuant to the agreement, respondent “would stipulate to probable cause regarding the petitions,” Antone “would remain the guardian and custodian of the children,” and respondent would have no contact with the children until she completed a psychiatric evaluation. The State then admitted two letters from Julie Rylatt, a licensed counselor, as “evidence in support of the temporary shelter care” without objection. Respondent’s counsel then had the following discussion with the court:

“[RESPONDENT’S COUNSEL]: Yes. At this time, Your Honor, if the rest of the parties are okay, I believe we could stipulate to Counts 1 through 3, but we don’t wish to stipulate to 4 at this time and I didn’t see any evidence regarding Count 5 so I’m not sure—I wouldn’t be comfortable stipulating to that.

THE COURT: I mean, for today’s purposes, we could just limit it to one

count.

[RESPONDENT'S COUNSEL]: Yes. That would be fine with me, if it's okay with the rest of the parties.

* * *

THE COURT: I have them in front of me and I'll put on the record what the allegations in Count 1 are.

THE COURT: For [De. S.] and [I.S.], Count 1 alleges that they should be deemed neglected minors under the Juvenile Court Act in that they're in an environment injurious to their welfare in that a parent, immediate family member or any other person responsible for the care of the minor caused to be inflicted or allowed to be inflicted bone fractures to the minors' sibling by other than accidental means which caused impairment of the physical or emotional health of the minors' sibling. And [Do. S.'s] petition differs because he's alleged to be an abused minor in that he was the recipient of the alleged bone fractures by other than accidental means.

So if both parents are okay stipulating to that, understanding again we were set for hearing and the State could have been required to, you know, call witnesses and put on evidence that would establish that fact on a probable cause basis but that hearing is something that can be waived by—and needs to be done on a voluntary and informed basis.”

The court then allowed respondent an opportunity to consult with her attorney about stipulating to count 1. After consulting with her attorney, respondent agreed she wished to stipulate to count 1

of the petitions in lieu of a shelter care hearing. The court accepted respondent's stipulation, entered the agreed temporary custody order, and continued the matter for an adjudicatory hearing.

¶ 9

B. Adjudicatory Hearing

¶ 10

On August 28, 2025, the State informed the trial court that the parties had come to an agreement. Pursuant to the agreement, respondent and Antone would stipulate the State could prove the allegations contained in count 5 of the petition involving I.S. and De. S. and count 6 of the petition involving Do. S. The State would then dismiss all the other counts in the petitions. The court then had the following colloquy with respondent about the parties' agreement:

“THE COURT: All right. First I need to address with both parties or parents the interest, I guess, in stipulating or agreeing that the State could prove a set of facts as being true that would establish a basis for a finding of neglect based on the allegations in Count 5 in [I.S.] and [De. S.'s] petitions, as well as Count 6 in [Do. S.'s].

My first question is, and I'll address my first question to [respondent], have you discussed this with your attorney?

[RESPONDENT]: Yes ma'am. Yes, Judge.

* * *

THE COURT: I too will go over what the legal effect of agreeing to waive the hearing that is set this afternoon so it's clear on the record that you do fully understand, and that if you do choose to go forward with the stipulations, that you're doing so freely and voluntarily, and on an informed basis, okay? So as I said, we are set for adjudicatory hearing this afternoon. That means that the State was— at that hearing the State is required to call witnesses and produce evidence that

establishes by a standard of being more probably true than not true that events occurred that would establish neglect under the Juvenile Court Act. The specific allegations in the counts in the petitions that you have referenced are that in Count 5 in [I.S.] and [De. S.] petitions, is that they should be deemed to be neglected minors in that [respondent's] live-in paramour, Jeremy B[.], commits incidents of domestic violence against [respondent]. Is that what we're talking about?

[RESPONDENT'S COUNSEL]: Yes, Judge.

THE COURT: And that the occurrence of domestic violence in the presence of the minors places them at risk of harm. And that is the same factual allegation in each petition that you've referenced you're willing to stipulate to. The legal effect of stipulation is that we will not go forward with the hearing this afternoon. The Court will accept the factual basis and enter the finding of neglect and that the neglect as indicated in the order would be found to be caused by you, [respondent]. Having said all of that, let me revisit the question then. Do you still wish and want to stipulate to Count 5 and waive the necessity of a hearing this afternoon?

[RESPONDENT]: Correct. Yes.

* * *

THE COURT: All right. I'm satisfied that you *** fully understand your actions and the legal effect of those actions. So the Court will accept the stipulations to those counts in the petition."

The court did not elicit a factual basis from the State during the adjudicatory hearing. Following the hearing, the court entered a written adjudicatory order, which stated, "[Respondent] has stipulated that the State can prove the allegations in count 5 of [I.S.'s] petition, count 5 of [De. S.'s]

petition and count 6 of [Do. S.’s] petition by a preponderance of the evidence.”

¶ 11

C. Dispositional Hearing

¶ 12

The trial court held a dispositional hearing on January 15, 2026. (We note this matter was previously set for a dispositional hearing on October 16, 2025. However, it was continued multiple times, either by agreement of the parties or on respondent’s motion.) Following the parties’ arguments, the court found respondent unfit and unable “to care for, protect, train, educate, supervise or discipline the minor[s] and placement with her is contrary to the health, safety and best interests of the minor[s].” The court found Antone was fit, willing, and able to care for the minors and granted custody and guardianship of the minors to him.

¶ 13

This appeal followed.

¶ 14

II. ANALYSIS

¶ 15

At the outset, we must address the timing of this disposition. Pursuant to Illinois Supreme Court Rule 311(a)(5) (eff. July 1, 2018), this disposition was due to be filed on July 10, 2026, absent good cause shown. The delay in this case was attributable to our denial, without prejudice, of appellate counsel’s motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967). The revised briefing schedule, which was entered upon our denial of counsel’s motion to withdraw, delayed our disposition beyond the deadline noted above. Accordingly, we find good cause exists to excuse our failure to issue this 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). We now turn to the arguments raised on appeal.

¶ 16

On appeal, respondent argues “the trial court erred by failing to find the existence of a factual basis of neglect before accepting [her] stipulation” at both the shelter care and

adjudicatory hearings.

¶ 17

A. Stipulation at Shelter Care Hearing

¶ 18

1. *Jurisdiction*

¶ 19

The State asserts this court lacks jurisdiction over respondent's argument concerning her stipulation at the shelter care hearing because respondent failed to include the temporary custody order in her notice of appeal. “ ‘Unless there is a properly filed notice of appeal, a reviewing court has no jurisdiction over the appeal and is obliged to dismiss it.’ ” *Project Is 43:19, LLC v. Vanderburgh House, LLC*, 2025 IL App (4th) 241194, ¶ 41 (quoting *People v. Smith*, 228 Ill. 2d 95, 104 (2008)).

¶ 20

Illinois Supreme Court Rule 303(b) (eff. July 1, 2017), specifies the required contents of a notice of appeal. Specifically, Rule 303(b)(2) provides the notice of appeal “shall specify the judgment or part thereof or other orders appealed from and the relief sought from the reviewing court.” Ill. St. Ct. R. 303(b)(2) (eff. July 1, 2017). However, our supreme court has “found notices of appeal to confer jurisdiction even if the order was not expressly mentioned in the notice of appeal, if that order was a step in the procedural progression leading to the judgment which was specified in the notice of appeal.” (Internal quotation marks omitted.) *In re Marriage of O'Brien*, 2011 IL 109039, ¶ 23. The State acknowledges this but asserts a temporary custody order is not “a step in the procedural progression leading to” a dispositional order. We disagree.

¶ 21

According to our supreme court, the trial court must utilize the following procedure in determining whether a minor should be removed from her parents' custody and made a ward of the court:

“The process begins when the State *** files a petition for wardship and the minor is placed in temporary custody. [Citation.] The circuit court then conducts an

adjudicatory hearing, where it considers only ‘whether the minor is abused, neglected or dependent.’ [Citation.] If the circuit court finds that a minor is abused or neglected, it then conducts a dispositional hearing.” *In re V.S.*, 2025 IL 129755, ¶ 49 (quoting 705 ILCS 40/2-18(1) (West 2024)).

Based on this description of the procedure leading to a dispositional order, we find a temporary custody order is a step in the procedural progression leading to a dispositional order. See *In re E.C.-F.*, 2022 IL App (2d) 210675, ¶ 9 (finding the temporary custody order was “an order entered during the proceedings leading to the judgment specified in the notice of appeal—namely, the dispositional ruling”). Consequently, we find respondent’s notice of appeal, which listed the dispositional order, is sufficient to confer jurisdiction over her argument concerning her stipulation at the shelter care hearing.

¶ 22

2. Mootness Doctrine

¶ 23 The State next contends, even if this court determines it has jurisdiction over respondent’s argument concerning her stipulation at the shelter care hearing, her argument is moot. According to the State, respondent’s argument is moot because “[t]he temporary order was superseded by the adjudicatory and dispositional orders, and the probable-cause finding on Count 1 was extinguished at the adjudication when *** ‘[a]ll other counts not listed above in the stipulation [were] dismissed.’ ” We agree.

¶ 24

“An appeal is considered moot where it presents no actual controversy or where the issues involved in the trial court no longer exist because intervening events have rendered it impossible for the reviewing court to grant effectual relief to the complaining party.” *In re J.T.*, 221 Ill. 2d 338, 349-50 (2006). “ ‘Generally, an appeal of findings made in a temporary custody hearing is moot where there is a subsequent adjudication of wardship supported by adequate

evidence.’ ” *In re J.W.*, 386 Ill. App. 3d 847, 852 (2008) (quoting *In re Edward T.*, 343 Ill. App. 3d 778, 792 (2003)). In this case, because we affirm the trial court’s dispositional order for the reasons stated *infra* ¶¶ 33-34, it would not be possible for this court to grant relief to respondent because the dispositional order, which granted custody of the minors to DCFS, superseded the temporary custody order. See *In re A.N.*, 2021 IL App (4th) 200548-U, ¶ 37 (“An appeal of findings made in a temporary custody hearing is moot where there is a subsequent adjudication of wardship.”).

¶ 25 Although there are exceptions to the mootness doctrine, in this case, respondent did not acknowledge this issue was arguably moot or assert that any applicable exceptions applied. See *People v. Inman*, 2023 IL App (4th) 230864, ¶ 13 (stating the appellate court “cannot be expected to formulate an argument for [a party] out of whole cloth, and we decline to do so”). Consequently, we find respondent’s argument concerning her stipulation at the shelter care hearing is moot.

¶ 26 *3. Forfeiture and Invited Error*

¶ 27 However, even if we were to find respondent’s argument was not moot, we find both respondent forfeited her argument and respondent is estopped from raising the argument based on the invited error doctrine.

¶ 28 “ ‘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, 611-12 (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 (citing *People v. Hillier*, 237 Ill. 2d 539, 545 (2010)).

¶ 29 In this case, it is evident from the record respondent did not object to the trial court’s failure to elicit a factual basis from the State at the shelter care hearing. Additionally, not only did respondent fail to object at the trial court level, respondent also failed to acknowledge her forfeiture and provide this court with argument as to why her forfeiture should be excused. 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).

¶ 30 Assuming, *arguendo*, this court chose to excuse respondent’s forfeiture, we find she would be estopped from raising her argument concerning her stipulation at the shelter care hearing based on the invited error doctrine. See *People v. Hanson*, 212 Ill. 2d 212, 216 (2004) (stating forfeiture “is a limitation on the parties and not this court”). Under the invited error doctrine, “a party cannot complain of error which that party induced the court to make or to which that party consented.” *In re Detention of Swope*, 213 Ill. 2d 210, 217 (2004). At the shelter care hearing, respondent’s counsel informed the trial court respondent would stipulate to counts 1 through-3 of the State’s petition for adjudication of wardship. The court then stated respondent only needed to stipulate to one count. It then read count 1 and gave respondent time to consult with her attorney. Following respondent’s discussion with her attorney, respondent agreed to stipulate

to count 1 of the State’s petition for adjudication of wardship. Consequently, we find respondent invited the error she now complains of on appeal. Furthermore, respondent failed to present this court with an alternative means to address this argument, such as ineffective assistance of counsel. See *People v. Brown*, 2023 IL App (4th) 220400, ¶ 31 (stating that where a party has invited an error, he may challenge the error on appeal only by asserting ineffective assistance of counsel). For those reasons, we find respondent is estopped from presenting her argument concerning her stipulation at the shelter care hearing based on the invited error doctrine.

¶ 31 B. Stipulation at the Adjudicatory Hearing

¶ 32 Next, respondent contends the trial court erred in failing to elicit a sufficient factual basis in support of her stipulation at the adjudicatory hearing. In response, the State asserts respondent has forfeited her argument on appeal regarding her stipulation at the adjudicatory hearing because she “never objected to the absence of a State proffer, never moved to withdraw either stipulation, filed no motion to reconsider, and raised no factual-basis objection across four dispositional settings below.”

¶ 33 In this case, as explained above, the record demonstrates respondent did not object to the trial court’s failure to establish a sufficient factual basis to support her stipulation at the adjudicatory hearing. 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 *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).

¶ 34 However, assuming, *arguendo*, this court chose to overlook respondent’s forfeiture,

