

Keonte C. (born December 24, 2015), and Kemara C. (born May 8, 2020), were neglected. Each petition alleged two counts. The counts alleged that each child was neglected as defined under section 2-3(1)(b) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b) (West 2022)) in that the minor child was in an environment injurious to the child's welfare. Count I was based on the mental health of Ernestine, the children's mother. Count II was based on domestic violence between Keenan and Ernestine.¹

¶ 5 A shelter-care hearing was held on October 27, 2022. Meredith Brooks, an Illinois Department of Children and Family Services (DCFS) investigator, testified that she received a hotline call on September 7, 2022, stating that Ernestine had disappeared with the children and that she had schizophrenia and was using drugs. Ms. Brooks contacted the Georgetown School District, and they reported that Ernestine had called the school to let them know she was going to a shelter in Danville, Illinois, and did not think the children would be returning to school. On September 9, 2022, DCFS made contact with the women's shelter in Danville and the advocate at the shelter advised Ms. Brooks of her concerns of domestic violence between Keenan and Ernestine. The advocate stated that Ernestine arrived at the shelter with the children and was fleeing from Keenan. Ernestine stayed at the shelter two nights and then headed to Chicago.

¶ 6 Ms. Brooks spoke with Ernestine directly on September 12, 2022. At that time, Ernestine advised that although she and Keenan had reconciled at the end of August or early September, the violence started again. Ernestine advised Ms. Brooks that she left Keenan because of the violence, her need "to get her mind straight," and the children did not need to see the verbal and physical abuse in the home. Ernestine advised of prior diagnoses of bipolar and schizophrenia. Although

¹Neither Ernestine, nor the children, are parties to this appeal, and they will only be discussed as necessary to provide relevant background for this case.

she was prescribed medication for the condition, Ernestine was no longer taking the medication. DCFS implemented a safety plan on September 12, 2022.

¶ 7 Ms. Brooks testified that Keenan’s criminal history in Indiana included charges of domestic battery, criminal confinement, resisting law enforcement, intimidation, and operating a motor vehicle while intoxicated. She further stated that evidence of domestic battery was found in Indiana, Iowa, and Illinois, and all of these cases involved Ernestine.

¶ 8 Ms. Brooks testified that she spoke with Keenan on October 6, 2022, and inquired about the domestic violence between him and Ernestine. She stated Keenan was very argumentative, did not feel that any of this was his fault, and did not feel like he needed to explain himself. Therefore, he would not answer many of the questions she asked. Ms. Brooks spoke with Keenan again on October 20, 2022. She attempted to talk with him about the domestic violence issues and he stated that he was not guilty if he had not been convicted and “it was all Ernestine’s fault.” Keenan showed Ms. Brooks documentation indicating that he filed for an order of protection in Waterloo, Iowa, on October 22, 2021. Keenan told her he had not spoken to Ernestine for four months. However, Ms. Brooks stated that she did not believe Keenan’s statement because she received text messages from both Keenan and Ernestine showing communication between them. Ms. Brooks stated that she had also previously visited Ernestine on August 29, 2022, due to an earlier report. The August 29, 2022, visit was held with Ernestine and the children in Keenan’s home. When asked about Ernestine’s presence in his house, Keenan stated that he must have been at work at that time and that Ernestine “somehow got in” to conduct that visit.

¶ 9 Ms. Brooks testified that she had also spoken to the children who verified the fights between their parents, and that the fights were physical. One of the children reported seeing Ernestine being dragged and another involved Keenan forcing Ernestine to stay in her room. An

additional incident involved Keenan throwing the children's belongings in the road. The children also reported to her that both Ernestine and Keenan lived in the Georgetown, Illinois, house.

¶ 10 Following Ms. Brooks's testimony, and hearing argument from the attorneys, the court found an immediate and urgent necessity to remove the children from Ernestine and Keenan's care and placed the children into DCFS's care and custody.

¶ 11 The adjudicatory hearing was held on August 16, 2022. Testimony was again provided by Ms. Brooks and her testimony was similar to that provided at the shelter care hearing. She again confirmed the prior instances of alleged domestic violence in Indiana and Iowa and noted a trial was set in March 2023 for one of those cases. She stated there were a total of 13 reports between 2013 and 2022 involving the family. She stated that half of them dealt with domestic violence and the remainder were about Ernestine's instability. Ms. Brooks also testified that the children told her that Keenan threatened the family members who were trying to take care of them.

¶ 12 On cross-examination Ms. Brooks confirmed there were no police reports, orders of protection, or pending criminal charges in Vermilion County, Illinois, as to any domestic violence and the children. She agreed the pending charges were in Indiana and stated she was not aware that those cases were dismissed. She stated that Kwana Clark and Sylvania Johnson were witnesses to the alleged domestic violence by Keenan and Ms. Clark acted as an intermediary between the parents. She did not believe Ms. Clark had a key to Keenan's house because she previously denied having a key and stated that Keenan made several threats towards her as well. Ms. Brooks was unaware that Ms. Clark filed a guardianship petition for the children in Vermilion County.

¶ 13 On redirect examination, Ms. Brooks confirmed that both parents and the children confirmed domestic violence in the house. She confirmed that both parents also admitted to Ernestine's untreated mental health. The children described a couple of scenarios they had seen

and stated that the parents fought all the time. She found nothing in her investigation that led her to believe domestic violence was not occurring in front of the children.

¶ 14 On recross-examination, Ms. Brooks stated that the incident where Ernestine was locked in her room was in the Georgetown house. She did not recall getting information on where the dragging occurred or when Keenan threw the children's belongings out of the car. However, after speaking with other family members, she learned the belongings were thrown out into the street in August 2022. She clarified that Keenan told her that Ernestine had a serious mental health condition and Ernestine disputed that allegation and believed she was alright. She confirmed that she never observed any physical injuries on the children. The court requested clarification regarding the incidents in Iowa and Indiana as to whether the children were residing with the parents at that time. Ms. Brooks indicated the children were residing with the parents at that time. She further confirmed that she was trained by DCFS and had experience in interviewing young children as to what may or may not have happened in their household. She confirmed she applied that training and experience when interviewing the children in this case. Thereafter, the State rested.

¶ 15 Ernestine was called to testify by her attorney. She stated that she obtained a follow-up mental health evaluation in Peoria, Illinois, at Human Service Center on May 31, 2023, and that her mental health was better now than it was when she spoke with Ms. Brooks in October 2022. Ernestine confirmed that she advised the evaluator that she believed her prior diagnoses were incorrect because her mother had recently passed when she was initially diagnosed.²

²Ernestine's mental health evaluation was admitted as evidence but is not contained in the record on appeal.

¶ 16 On cross-examination, Ernestine testified that she had not lived with Keenan in years. She stated that they had their own places when they lived in Iowa. She stated that the domestic violence charges in Clinton County, Indiana, were a misunderstanding, and she told the Indiana court that Keenan had not done anything to her as far as confining or abusing her. She stated she did not have the children at that time or when the incident in Iowa occurred and neither incident involved the children. She further stated that she had not filed any reports against Keenan for domestic violence in Illinois.

¶ 17 As to the earlier meeting with Ms. Brooks at Keenan's house, Ernestine stated that she did not know it was Keenan's house. She stated that Kwana Clark had a key and told her it was a friend's house and that she and Keenan did not spend time together in the Georgetown house.

¶ 18 On redirect, Ernestine confirmed that she made no reports of domestic violence while she lived in Vermilion County, Illinois. She admitted reporting domestic violence at the Danville shelter but stated, "it wasn't true." She agreed that she also told Ms. Brooks there was domestic violence and stated that too was a lie. She stated that she went to the shelter and said it was domestic violence because "they would help you with housing." She stated that she did not speak with Keenan's attorney prior to the hearing, but then admitted speaking with him after she received the subpoena, which was about two weeks prior to the hearing. She also testified that she wrote a letter to the judge in Indiana. She stated that she did not remember when she wrote the letter. She stated that she wrote the letter because she did not know this was serious and did not think any of this was going to go to court.

¶ 19 Upon inquiry by the court, Ernestine stated that the domestic violence between her and Keenan in the other states was seven or eight years ago and did not involve the children. She

admitted that her prior diagnoses stemmed from a criminal case against her and admitted that case “turned out good.” Following Ernestine’s testimony, a recess was taken.

¶ 20 When court resumed, Ernestine’s attorney called Keenan to testify. Keenan confirmed he was the father of the children at issue and that he told Ms. Brooks that Ernestine was an unfit parent due to mental health issues. He stated that the basis of his opinion was statements he received from Kwana Clark. He testified that the last time he personally observed Ernestine was in April 2022, noting there was a no contact order. At that time, however, he did not see any mental symptoms in Ernestine.

¶ 21 On cross-examination by the State, Keenan clarified that he may have seen Ernestine at the library when they had visited with the children. Keenan disputed lodging a complaint with the police department in February 2023 regarding a battery from Ernestine. Keenan admitted that he had a hotel room at the Best Western Riverside in Danville, Illinois, at that time and stated police were dispatched because someone took the license plates off his vehicle. He did not recall having the police dispatched due to an altercation between him and Ernestine. He did not recall advising police officers that as he was trying to leave an argument when Ernestine jumped into the passenger seat of his car. He stated that it was not Ernestine, it was “another young lady that I was dealing with.” He did not recall stating that there were issues between him and his ex-girlfriend, identified as Ernestine, to the police. He said, “I don’t recall. I might have just been saying some things. I was kind of upset.” He again confirmed that he did not have contact with Ernestine six months ago in February 2023. He stated that if he did tell police that, it was a lie. He stated that he did not recall advising police that when Ernestine entered the vehicle, she pulled a knife from her coat pocket and threatened him with it. He said, “That didn’t happen.” He also did not recall telling officers that Ernestine punched him with closed fists in the right shoulder and right abdomen or

that she choked him. He was unaware of any video of the incident. He further did not recall showing officers injuries to his face that he stated were from Ernestine. Thereafter, Ernestine's attorney rested.

¶ 22 Keenan's attorney advised the court that he wanted to call Keenan but requested an opportunity to speak with his client prior to calling him as a witness. Thereafter, the State asked for a separate date for the purpose of perfecting impeachment, at which time it would request the court to hold Keenan in contempt. The court continued the hearing.

¶ 23 The hearing resumed on August 24, 2023, and once the case was called, Keenan's attorney immediately moved the court to strike Keenan's testimony from the prior hearing. The court denied the motion. Thereafter, Keenan's counsel called Keenan to testify.

¶ 24 Keenan admitted that he previously testified in the case and that, at that time, he did not recall any incident of domestic violence between him and Ernestine in February 2023. He stated that, since that time, he reviewed the police report from that incident and the report refreshed his recollection of what happened that day in February. He now recalled calling 911. He stated that he did not recall the incident previously because he had a significant head injury. He disputed any other incidents of domestic violence between him and Ernestine. He stated that he was previously charged with domestic violence in Indiana, but that case was dismissed after Ernestine wrote a letter to the judge saying the allegations were not true.³ Keenan testified that the two cases in Iowa were also dismissed, and he had no pending cases in any jurisdiction, including Illinois, involving domestic violence or orders of protection. He stated that he moved from Iowa to Illinois because Kwana Clark filed a guardianship petition for the children. He stated that case was dismissed when

³Ernestine's letter to the judge was admitted into evidence but is not contained in the record on appeal.

Ms. Clark did not show up to court. After Ms. Clark returned his children, he established a residence in Georgetown, Illinois, and lived there for approximately six months. He was contacted by DCFS in either August or September 2022, and they took the children for domestic violence allegations that were untrue. He stated that DCFS had the children when the February 2023 incident occurred.

¶ 25 On cross-examination by the State, Keenan indicated that he received the head injury in 2021, when he got in an altercation and was hit in the head with an object. He stated he forgot the name of the man who caused the injury. When asked if there was an incident in February 2023 with Ernestine, Keenan invoked his fifth amendment right. Keenan continued to invoke his fifth amendment right in response to two other questions related to the February 2023 incident. Keenan denied being in the same car as Ernestine when they had the hearing the previous week. When asked if he had contact with Ernestine in the last week, Keenan again invoked his fifth amendment right. When asked if his previous statement that he had no contact with Ernestine since April 2022, was true or false, Keenan invoked his fifth amendment right. When asked if he lied to the court the previous week, and that he was now saying that he did make a police report on February 2023, Keenan again invoked his fifth amendment right. Thereafter, the State asked that all of Keenan's testimony be stricken. The court granted the State's request. The dismissals from Keenan's prior cases were admitted into evidence over the objection of the State.⁴

¶ 26 Following argument from the parties, the court found that the children's testimony regarding the parents living together was corroborated "in the efforts of both parents to mislead this Court as to certain items." These items included an alleged lack of contact between the parents while they lived in Georgetown. The court found the testimony "astonishingly coincidental ***

⁴The dismissals were not included in the record on appeal.

almost to the point of absurdity *** and that the Court need not consider testimony that stretches credulity as that does.” The court also found the children’s testimony regarding the abuse was corroborated by Keenan’s efforts “to convince the Court that apparently an incident that anybody would remember *** just plain didn’t happen.” The court noted the reports of domestic violence from other states and pointed out that Keenan’s counsel did a fine job of pointing out that none of those resulted in a conviction. However, the court also noted that none of the cases resulted in acquittals either. Instead, in this particular case, they were “essentially judgments by the prosecutors that they are not able to prove their case by proof beyond a reasonable doubt.” The court found the State met its burden with respect to the count concerning domestic violence. However, the State failed to meet its burden regarding Ernestine’s mental health issues. The court continued, stating:

“I think in this particular civil proceeding I can see a pattern, frankly, that is classically consistent with domestic violence, I do see that in the one case [where] mother wrote a letter stating that there had been no domestic violence. I infer, however, from that there had been domestic violence. And again, that—that particular pattern and the statements that by inference must have led to charges being filed in numerous instances is a classic pattern of domestic violence.

Now once again, that’s probably not enough to prove domestic violence, but I think it is enough to corroborate the statements of the children, frankly who seem, other than the *** professionals who appeared here as witnesses, to be the most credible individuals who had input *** to the State’s case.”

¶ 27 The court set the matter for a dispositional hearing on November 1, 2023, and admonished the parents to cooperate with DCFS, comply with the terms of their service plans, correct the

conditions that brought the children into care, or risk termination of their parental rights. Thereafter, Keenan personally requested the court strike the testimony he provided at the August 16, 2023, hearing and his attorney adopted the motion. The court denied the motion.

¶ 28 On October 30, 2023, Lutheran Social Services of Illinois (LSSI)⁵ provided a dispositional report prepared by the caseworker. As of August 26, 2023, Keenan was residing in Champaign and employed at Quaker Manufacturing in Danville, Illinois. Verification of employment was provided. A LEADS query from July 27, 2023, revealed 12 prior charges and one conviction for a weapons offense. The prior charges included three assault charges, one dangerous drug charge, one larceny charge, two obstruction of justice charges, one traffic offense, two other weapons offense charges, and one gambling charge. The report revealed that Keenan regularly participated in Zoom visitation from March 16, 2023, to September 6, 2023, and now had in-person visitation for one hour on Wednesdays. His services included domestic violence assessment and follow-up treatment, parenting classes, counseling evaluation and follow-up treatment for anger management issues, and drug testing. He was also required to maintain stable housing and employment, visit his children, and communicate with the agency.

¶ 29 The report revealed that Keenan started domestic violence classes on September 18, 2023, in Danville. He also started parenting classes at Cognition Works in Champaign despite LSSI's denial of those classes as being acceptable and referring Keenan to Family Advocacy Center (FAC) in Champaign, Illinois. The caseworker also noted that Keenan refused to sign a consent for FAC. The agency requested Keenan perform drug testing following his court appearances. A letter from Cognition Works was attached revealing that Keenan was enrolled and paying for the class out of pocket. The letter stated a notice of completion would be sent to the caseworker once he completed

⁵LSSI was a contracted service provider of DCFS in this matter.

the parenting education program. The letter further stated Keenan would begin his classes on November 8, 2023. Correspondence dated October 4, 2023, from Crosspoint Human Services revealed that Keenan appeared for an intake on September 18, 2023, and was participating in the 24-session class. Keenan attended two classes and did not miss any sessions. The documentation also included notes regarding Keenan's visitation with the children. Keenan was timely for visitations on April 5, April 12, April 19, May 3, May 10, May 17, June 7, June 14, June 21, June 28, July 12, July 19, August 9, August 23, September 6, September 13, and September 20, 2023, although he was late on June 7, 2023, and September 6, 2023. Keenan canceled, or failed to show, for visitation on April 26, May 31, July 5, July 26, August 2, and August 30, 2023. The May 24, 2023, visitation was canceled due to Zoom issues and the August 16, 2023, visitation was canceled because Keenan was in court. LSSI also filed the DCFS parenting plan and Keenan's integrated assessment on October 30, 2023. Those documents contained information mostly duplicative of that shown in the dispositional report.

¶ 30 The case proceeded for the dispositional hearing on November 1, 2023. After calling the case, and acknowledging the parties present for the hearing, the court addressed its previous striking of Keenan's August 24, 2023, testimony, stated it reconsidered that ruling, and would now consider Keenan's August 24, 2023, testimony. Having considered the testimony, the court found that Keenan's testimony lacked credibility and the credibility issues ran in favor of the State and against Keenan and Ernestine to the extent she was involved in that particular ruling. The court again found the State proved the domestic abuse allegations in its adjudication petition.

¶ 31 Moving on to the dispositional hearing, the court asked the State if it had anything further to offer beyond the dispositional report. The State indicated that it has just received a counseling assessment and progress notes from Crosspoint, that related to Keenan, and indicated that it did

not believe Keenan's representations to the facility were accurate based on the documents provided. No further evidence was submitted.

¶ 32 Ernestine was called by her attorney to provide testimony. Ernestine indicated that she was currently going through orientation for her new employment at McLane, where she would be working the third (night) shift. She did not know when she would start employment but agreed to update LSSI when she received her schedule.

¶ 33 Keenan was called to testify by his lawyer. He was now living in Champaign, Illinois, and confirmed providing verification of his employment at Quaker Oats in Danville, Illinois, to the agency. He stated he was currently enrolled in parenting classes at Cognition Works in Urbana, Illinois. He stated that he chose Cognition Works over FAC because it was the first referral he received, and after waiting two months on a list, he took the class because it was compatible with his work schedule. He stated he would begin classes November 8, 2023. He stated that Cognition Works would provide updates to the caseworker, and he provided the necessary consents. He also testified that he was enrolled at Crosspoint for domestic violence classes in Danville and was evaluated for counseling. He stated that following the evaluation, he was told that he was not recommended for any counseling services. He testified that he was not told that he needed to perform drug testing. He said, "It might have been mentioned, but nothing was definite about it." He stated he would take a test if one was scheduled. He classified his visitation as fairly consistent and stated that he stayed in contact with LSSI.

¶ 34 On cross-examination, the State asked Keenan why the caseworker would not pay for the Cognition Works classes. Keenan stated it was because he was not doing the domestic violence classes at Cognition Works and was doing them in Danville. He disagreed that he chose to use Cognition Works because it was by Zoom and did not require in-person attendance. When asked

if he was willing to go to FAC because Cognition Works did not satisfy the service plan, Keenan said, “No.” He stated that it was his understanding that it met the requirements. He was asked about his current location at the time of the hearing, and Keenan stated he was at a relative’s house for “some family business going on right now.” When asked what that business was, Keenan replied, “It’s kind of personal.” The State attempted to inquire further but was stopped following the sustaining of the objection by Keenan’s counsel. Keenan disputed providing inaccurate information during his counseling evaluation.

¶ 35 Following Keenan’s testimony, the parties provided argument. The State requested a finding of unfitness and inability to parent the children for both Ernestine and Keenan. The State also proffered to the court that the Cognition Works program was insufficient to meet the service requirements and that Keenan’s responses during the counseling evaluation were questionable. The State requested a return home goal with permanency review in three months. Neither Ernestine’s nor Keenan’s attorneys provided any argument regarding the State’s request for a finding of unfitness and inability to parent. Both agreed with a return home goal and permanency review in three months. The GAL agreed with the State’s request for a finding of unfitness and its proposed goal.

¶ 36 The court found based on the current circumstances, as well as the testimony from the adjudicatory hearing, that both parents were unfit and unable, but not unwilling, to care for, protect, train, educate, supervise, or discipline the minors and that the minors were neglected. He made the children wards of the court and awarded custody and guardianship to DCFS and its contract service provider, LSSI. The court advised the parties of their appeal rights. Keenan timely appealed.

¶ 37

ANALYSIS

¶ 38 On appeal, Keenan argues that the State failed to prove his children were neglected. While acknowledging that the children advised the agency that the parents “put their hands on each other,” he contends that no background was provided as to what the children meant by the statement. He argues that there was no corroborating evidence to substantiate the children’s statements. Both parents denied domestic violence at the hearing, all previously charged incidents of domestic violence against him were dismissed, and there were no pending charges against him. He argues that his parenting style should be remedied by parenting classes, not removal of his children. He requests dismissal of the State’s petition and return of his children.

¶ 39 The State disagrees and argues that sufficient evidence was presented to show neglect. It addresses the testimony of Ms. Brooks related to the children’s statements, as well as corroboration from Ernestine in her initial conversation with Ms. Brooks, as well as the shelter advocate. It further addressed the specific instances of domestic violence which were provided. The State also addressed the contradictory testimony provided at the August 16, 2023, and August 24, 2023, hearings, and the court’s comments regarding same. The State urges affirmation of the court’s findings that the children were neglected as well as its finding that Keenan was unfit and unable to care for his children.

¶ 40 The Juvenile Court Act provides “the procedures that must be followed in determining whether a minor should be removed from his or her parents’ custody and be made a ward of the court.” *In re M.M.*, 2016 IL 119932, ¶ 17. A two-step process is used to decide whether a minor should become a ward of the court. *In re A.P.*, 2012 IL 113875, ¶ 18. The first step involves an adjudicatory hearing, at which time the court determines whether the minor is abused or neglected because adverse conditions exist. 705 ILCS 405/2-21 (West 2022); see *In re Arthur H.*, 212 Ill. 2d

441, 465-67 (2004). The burden of proof lies with the “State to prove allegations of neglect by a preponderance of the evidence.” *In re Arthur H.*, 212 Ill. 2d at 463-64. On review, we will only reverse the trial court’s finding of neglect if it is against the manifest weight of the evidence. *Id.* at 464. A finding is “against the manifest weight of the evidence only if the opposite conclusion is clearly evident [citation] or the determination is unreasonable, arbitrary, or not based on the evidence presented [citation].” *In re D.F.*, 201 Ill. 2d 476, 498 (2002). Under this standard, we “give[] deference to the trial court’s findings of fact as the trial court is in the best position to observe the conduct and demeanor of the parties and witnesses, assess their credibility, and weigh the evidence.” *In re Sharena H.*, 366 Ill. App. 3d 405, 415 (2006).

¶ 41 The second step in the judicial process requires the court to hold a dispositional hearing, at which time “the court must first determine whether it is consistent with the health, safety and best interests of the minor and the public that the minor be made a ward of the court.” 705 ILCS 405/2-21(2), 2-22(1) (West 2022); *In re M.M.*, 2016 IL 119932, ¶ 17. If the minor is made a ward of the court, “the court shall determine the proper disposition serving the health, safety and interests of the minor and the public.” 705 ILCS 405/2-22(1) (West 2022); *In re M.M.*, 2016 IL 119932, ¶ 18. The Act provides four possibilities for a disposition order, including the child being “placed in accordance with section 2-27” of the Act. 705 ILCS 405/2-23(1)(a) (West 2022); *In re M.M.*, 2016 IL 119932, ¶ 18. Section 2-27 of the Act allows a child to be placed under the guardianship of DCFS if the parent is found “unfit or *** unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or are unwilling to do so, and *** the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of the minor’s parents.” 705 ILCS 405/2-27(1) (West 2022). In order to reverse a trial court’s dispositional order, the court’s findings must be against the manifest weight of the

evidence, or its choice of dispositional order must be an abuse of discretion. *In re L.W.*, 2021 IL App (5th) 200311, ¶ 26. “A trial court abuses its discretion when no reasonable person would agree with its decision.” *In re M.P.*, 408 Ill. App. 3d 1070, 1073 (2011) (citing *Dawdy v. Union Pacific R.R. Co.*, 207 Ill. 2d 167, 177 (2003)).

¶ 42 Here, it is unclear from which of the trial court’s findings Keenan appeals. His notice of appeal listed only the order from the trial court’s November 1, 2023, dispositional hearing. However, no argument was presented by Keenan’s counsel at that hearing in response to the State’s request that the court find Keenan was unfit or unable to parent his children. Nor was any argument presented on appeal regarding the trial court’s finding that Keenan was currently unfit or unable to care for his children. As such, we find any argument as to the court’s November 1, 2023, disposition was forfeited. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020); see also *People v. Brown*, 2020 IL 125203, ¶ 25 (explaining that waiver is the “intentional relinquishment or abandonment of a known right or privilege” and, therefore, is different from forfeiture, which “is the failure to make the timely assertion of a right”).

¶ 43 The sole argument raised on appeal contends that the State failed to prove the children were neglected. However, the court’s ruling on this issue was made on August 24, 2016, following the adjudicatory hearing, and this ruling was not listed in the notice of appeal. Neither Keenan’s counsel, nor the State, advance any argument as to why this court has jurisdiction to address this issue. “A reviewing court has an independent duty to consider issues of jurisdiction, regardless of whether either party has raised them.” *People v. Smith*, 228 Ill. 2d 95, 104 (2008). “Supreme Court Rule 303(b)(2) provides that a notice of appeal ‘shall specify the judgment or part thereof or other orders appealed from and the relief sought from the reviewing court.’ ” *Id.* (quoting Ill. S. Ct. R.

303(b)(2)). “Illinois courts have held that a notice of appeal confers jurisdiction on a court of review to consider only the judgments or parts thereof specified in the notice of appeal.” *Id.*

¶ 44 Here, as noted above, the only order listed in the notice of appeal was that from November 1, 2023, to which no argument was presented, either before the trial court or on appeal. While it appears Keenan forfeited his appeal as to the trial court’s August 24, 2023, order, we note legal principles that allow this court to consider the issue raised on appeal. “A notice of appeal is deemed to include an unspecified interlocutory order if that order was a step in the procedural progression leading to the judgment specified in the notice of appeal.” *CitiMortgage, Inc. v. Hoeft*, 2015 IL App (1st) 150459, ¶ 8. Here, there is no question that the trial court’s adjudicatory order was a step in the progression as the Act is based on a two-step process. *In re Ay. D.*, 2020 IL App (3d) 200056, ¶ 37; see also *In re A.P.*, 2012 IL 113875, ¶ 18 (citing *In re Jay. H.*, 395 Ill. App. 3d 1063, 1068 (2009)). Accordingly, we will consider the trial court’s adjudicatory order and Keenan’s arguments raised therefrom.

¶ 45 Keenan contends that the State failed to prove the children were neglected. “Generally, neglect is defined as the failure to exercise the care that circumstances justly demand.” (Internal quotation marks omitted.) *In re A.P.*, 2012 IL 113875, ¶ 22. Our supreme court explained that it “encompasses ‘ ‘wilful as well as unintentional disregard of duty. It is not a term of fixed and measured meaning. It takes its content always from specific circumstances, and its meaning varies as the context of surrounding circumstances changes.’ ’ ” *Id.* (quoting *In re N.B.*, 191 Ill. 2d 346 (2000), quoting *People ex rel. Wallace v. Labrenz*, 411 Ill. 618, 624 (1952)). Here, the neglect stemmed from the State’s allegation of domestic abuse.

¶ 46 The caseworker testified that the children provided three examples of domestic abuse. The first involved Keenan dragging Ernestine by her hair. The second involved locking Ernestine in a

room. The third involved throwing items out into a road. The children's claim of domestic abuse was corroborated by the shelter advocate, as well as Ernestine herself. While Ernestine testified that she lied about the domestic abuse to the shelter in order to find housing, the court found Ernestine's testimony was not credible on this issue or the issue of the living arrangements of Ernestine and Keenan. The record also revealed prior criminal charges related to domestic abuse. While dismissals related to those charges were presented to the court, they do not appear in the record. Further, even without those charges, Keenan's acknowledgement of a February 2023 incident between him and Ernestine in his car, was more than sufficient to support the State's allegation of domestic violence. Given the admissions stemming from that incident, as well as the children's statements, the shelter worker's statement, and the court's credibility determinations related to Keenan and Ernestine's statements, we cannot find the trial court's finding of neglect based on claims of an injurious environment due to domestic abuse in the adjudicatory order was against the manifest weight of the evidence.

¶ 47

CONCLUSION

¶ 48 For the foregoing reasons, we affirm the trial court's August 26, 2023, adjudicatory order and its November 2, 2023, dispositional order.

¶ 49 Affirmed.