

**NOTICE:** This order was filed under Supreme Court Rule 23(b) and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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<i>In re</i> A.T. and M.R., Minors	)	Appeal from the Circuit Court
	)	of Boone County.
	)	
	)	Nos. 19-JA-9
	)	19-JA-10
	)	
	)	
(The People of the State of Illinois, Petitioner-Appellee v. Joseph R. and Amanda R., Respondents-Appellants).	)	Honorable
	)	Janet R. Holmgren,
	)	Judge, Presiding.

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JUSTICE BRENNAN delivered the judgment of the court.  
Justices Zenoff and Jorgensen concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court did not abuse its discretion in admitting the minors' victim sensitive interviews at the adjudicatory hearing. The trial court's adjudicatory and dispositional findings were not against the manifest weight of the evidence. Affirmed.

¶ 2 Respondents, Amanda R. and Joseph R., appeal from adjudicatory and dispositional orders of the circuit court of Boone County adjudicating the minors neglected, making the minors wards of the court, finding respondents unfit, and placing custody and guardianship with DCFS. For the reasons set forth below, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Amanda is the biological mother of A.T. (born August 10, 2007) and M.R. (born April 6, 2011). Joseph is the biological father of M.R. The biological father of A.T. is not a party to this appeal. This case began on May 29, 2019. That morning, Amanda put a note in M.R.'s backpack and instructed M.R. to deliver it to her teacher. The note read: "My husband hits me and I cannot go to police about it. My phone is hidden from me." The note included Amanda's name and address. M.R.'s teacher brought the note to the principal's office. The Department of Children and Family Services (DCFS) and law enforcement subsequently investigated. Later in the day on May 29, 2019, Amanda filed a verified petition for an order of protection against Joseph. The trial court granted an emergency order of protection that day. However, Amanda voluntarily dismissed the petition on June 5, 2019. Joseph was charged with felony aggravated domestic battery and misdemeanor battery. A condition of his bond initially included no contact with Amanda and the minors but later was modified to no unlawful contact with Amanda and the minors.

¶ 5 A. Initial Proceedings

¶ 6 On June 27, 2019, the State filed petitions for adjudication of wardship with respect to M.R. and A.T. A hearing was held on July 25, 2019, at which counsel was appointed to represent Joseph and Amanda, and a guardian *ad litem* was appointed to represent the minors. On August 1, 2019, the trial court ordered the parents to commence intact family services, including all recommended counseling. The State filed amended petitions on August 6, 2019. The five-count amended petitions alleged that the minors were neglected based upon an environment injurious to their welfare in that: (1) Joseph engaged in acts of domestic violence with Amanda while M.R. was present in the residence, thus placing the minors at risk of harm; (2) Joseph inflicted or caused to be inflicted upon A.T. physical injury by striking A.T. on his body and pushing A.T. to the floor of the residence, thus placing the minors at risk of harm; (3) Amanda failed to adequately protect

the minors by continuing to have contact with Joseph after he engaged in acts of domestic violence with Amanda and A.T., thus placing the minors at risk of harm; (4) Joseph and Amanda have a prior indicated report, dated March 25, 2016, for “Substantial Risk of Physical Injury/Environment Injurious to Health and Welfare by Neglect Due to Domestic Violence” thus placing the minors at risk of harm; and (5) Amanda has a prior indicated report, dated February 16, 2016, for “Inadequate Supervision” of A.T., thus placing the minors at risk of harm. 705 ILCS 405/2-3(1)(b) (West 2018).<sup>1</sup>

¶ 7 A shelter-care hearing on the amended adjudication petitions was held on September 5, 2019, and September 12, 2019. Until this time, the minors remained living in the home with Joseph and Amanda. Following the shelter-care hearing, the trial court found probable cause to believe that the minors were neglected. It also found that there was an immediate and urgent need to remove the minors from the home, despite reasonable efforts to keep them in the home, and that leaving them in the home was contrary to their health, welfare, and safety. The trial court noted respondents’ noncooperation in signing consent forms and obtaining services. The trial court further reasoned: “I have great concerns about the children being in the environment where clearly the Court order that these matters not be discussed with the children by the parents or in front of the children based on the change in demeanor that was noted by the caseworker when she met with

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<sup>1</sup> The verbiage of the separate amended petitions for adjudication of wardship for M.R. and A.T. differs slightly. Namely, Counts II and III of the amended petition for adjudication of wardship with respect to M.R. refers to M.R.’s “sibling.” Count IV of the amended petition for adjudication of wardship with respect to A.T. refers to the indicated report as to Amanda only.

the children in school, that that order is being violated. That is over and above the violations of the court order that you cooperate fully by signing all releases.”

¶ 8 The court placed temporary custody and guardianship of the minors with DCFS and provided for supervised visitation. The minors were placed in the care of a paternal aunt, subsequently moved to traditional foster care, and later placed in the care of paternal grandparents.

¶ 9 B. Adjudicatory Proceedings

¶ 10 The adjudicatory hearing commenced on October 24, 2019, and was continued several times, including continuances due to the coronavirus pandemic shutdown. The hearing concluded on June 11, 2020.

¶ 11 M.R.’s teacher, Christy Grace, testified that on May 29, 2019, M.R. gave her the note on an index card at the beginning of the school day. Grace testified that M.R. seemed “a little off, a little nervous, a little bit unsettled.” Grace testified that she brought the note to the school principal and then spoke to M.R. Later that day, Grace returned to the principal’s office and spoke with a police officer and Emily Donat, a DCFS investigator. M.R. also spoke to them.

¶ 12 Boone County Sheriff’s Office Sergeant Daniel Reid testified that at around 9:30 a.m. on May 29, 2019, he, the police officer who had visited M.R.’s school earlier that morning, along with another police officer went to respondents’ home. Joseph answered the door but attempted to close it when they disclosed that they were there to do a welfare check on Amanda. Reid pushed the door open; he described Joseph as “agitated” and “very upset.” Reid explained that Joseph was “visibly shaking and getting in [his] face and yelling at [him], and [he] was trying to get him to calm down.” A physical confrontation ensued, and Joseph was placed in handcuffs.

¶ 13 Amanda entered the room at some point after Joseph was handcuffed. Reid and another police officer spoke to her in a separate room. Reid testified that Amanda was upset and “started

explaining the abuse that was taking place.” Amanda stated that Joseph had hidden her cell phone and kept it in a lockbox. Amanda recounted the events of the morning. Joseph had struck her repeatedly with a pillow, put the pillow over her, and asked her repeatedly “how do you like that?” Joseph had thrown her against the wall and choked to the point where she could not breath. Reid testified that he observed marks on Amanda’s neck consistent with strangulation. Amanda stated that Joseph had physically abused her on multiple prior occasions, including striking her in the head repeatedly, shoving her against the wall in front of the children repeatedly, and bruising her arm and head. Reid photographed Amanda and the scene. A photograph showed a bruise on Amanda’s bicep; Amanda stated that the bruise was caused by Joseph grabbing her. Other photographs showed a cell phone, a lockbox, and a closet with a blanket on the floor. Amanda stated that Joseph sometimes forced her to sleep in the closet.

¶ 14 Boone County Sheriff’s Office Sergeant Rhonda Moore testified that she subsequently arrived at the scene and met with Amanda. Moore observed Amanda to be scared and tired. She also observed bruises on Amanda’s mouth and arm but did not recall observing marks on Amanda’s neck. In response to Moore’s inquiry, Amanda stated that she was willing to provide a written statement. Moore explained the procedure. Amanda wrote a statement, in which she recounted the events of the morning and other instances where Joseph had physically abused her. Amanda also wrote that Joseph has also hit A.T. because Joseph believed that Amanda and A.T. “are allowing someone to enter our home to harm him while [Joseph] is sleeping.”

¶ 15 Moore testified that the subject of an order of protection had been raised by one of the police officers, and Moore revisited the question with Amanda. Amanda stated that she wanted to obtain an order of protection against Joseph but did not know the courthouse location. Driving separately, Amanda followed Moore to the courthouse. Moore did not assist Amanda with the

paperwork and left after directing Amanda to the office. Amanda proceeded to file a verified petition for an order of protection and obtained an emergency order of protection against Joseph that day.

¶ 16 Emily Donat, a DCFS investigator, testified that, on May 29, 2019, she met with M.R. at M.R.'s school and read the note that M.R. brought to school that morning. Donat went to respondents' home and met with Amanda at around 3 p.m. Joseph was in custody, and Amanda showed Donat the order of protection she had obtained. Amanda stated that Joseph had caused her injuries. Donat photographed the scene, including pictures of the inside locks on the children's doors. Amanda told Donat that the minors locked their bedroom doors at night and that there is a rope that connects A.T.'s bedroom door and respondents' bedroom door to prevent A.T. from leaving his bedroom at night. Amanda made the rope. Amanda stated that the rope prevented A.T. from leaving his bedroom at night and that he therefore urinated into a plastic bottle at night when necessary.

¶ 17 Victim sensitive interviews (VSIs) of M.R. and A.T. were conducted on June 3, 2019. Joanna Deuth, a forensic interviewer at the Carrie Lynn Center, testified that she conducted the VSIs. She described the interview and the digital recording procedures at the center and testified that the recording equipment worked on the date of the interview. Deuth identified State's Exhibit No. 2 as a copy of the disk of the recorded interview of M.R. that she provided to law enforcement. She testified that the copy contained nothing different from the original, with no additions, deletions, corrections, or changes to what she observed and that it was the complete interview of M.R.

¶ 18 In the VSI, M.R. stated that her father tried to stop her mom from hitting and hurting herself. Her parents argued about divorce. She woke up to them fighting, and her father put a

pillow on her mother's face so she could not breath and asked how it felt. M.R. did not see it but heard it. She also stated that her father hit her mother in the arms and legs. M.R. explained that there are locks on the inside of their bedroom doors, and M.R. chose to lock her door at night. She further stated that her mother tied a string to her brother's door because her father thinks that he sneaks out of his room at night. Her mother told her to not say "bad stuff" about her father.

¶ 19 M.R. testified at the adjudicatory hearing that she went to the Carrie Lynn Center with her mother and answered questions. However, M.R. testified that it was not her in the video and that she never talked to Death about "those things." Both Grace and Donat viewed State Exhibit No. 2 and identified M.R. as the child in the video.

¶ 20 Donat testified that she spoke to Amanda after the VSIs on June 3. At that time, Amanda told Donat that she had lied, that Joseph was charged with a felony, that "it was all her fault," and that the "whole thing was a misunderstanding."

¶ 21 Amanda testified and acknowledged that she wrote the note, put the note in M.R.'s backpack, and told M.R. to give it to her teacher. However, she testified that she sent the note because Joseph said that he was leaving her, and the children wanted to go with him. She testified that Joseph had recently learned that she had cheated on him, which led to the May 29, 2019, argument. She thought that the note would result in DCFS involvement and Joseph would then not be able to take the children. She further testified that she struck Joseph several times during an argument. They were in their bedroom during the argument, and the argument probably woke the children. Amanda testified that the scratches on her face were from self-harm, and that Joseph has physically prevented her from self-harm. Amanda testified that the bruise on her arm was from sitting in a chair and the chair falling. She testified that she was in possession of her cell phone but

it had a broken screen because she threw it against the wall in February. She testified that Joseph did not strike A.T.

¶ 22 Amanda further testified that, when the police arrived at the home on May 29, 2019, she heard a knock on the door and Joseph called her name and said police were there for her. However, she did not come upstairs until the police forced their way in the house. Amanda recanted her statement to police in writing and testified that Moore told her to include specific things in her statement and to include things that she had already told the police.

¶ 23 Amanda further testified that she had reservations about filing an order of protection and was in shock from witnessing the encounter between the police and Joseph and was not thinking clearly. She testified that she “was told by Officer Rhonda Moore that [she] had to write [the petition for an order of protection].” Amanda testified that her mind was a “maze” at the time and that she had since been working with a therapist.

¶ 24 Amanda explained that there were gate hook locks on the inside doors of all bedrooms to keep them safe from intruders and that the children could easily unlock the locks. The rope was a cat toy. Amanda asserted that A.T. urinated in a bottle rather than leaving his bedroom at night so that they would not know he was awake playing video games. There was a blanket on the closet floor because she voluntarily slept there so that she would not hit her husband when she had nightmares.

¶ 25 Joseph’s mother, Doreen R., testified that respondents lived with her from 2010 to March 2019. She described her relationship with A.T. and M.R. as “very close” and stated that the children never shared any concerns with her. She acknowledged an incident that occurred when respondents lived with her. Amanda had a fight with “grandfather” and broke a window, albeit



“kind of” accidentally. Doreen never saw the parties hit each other, never witnessed Amanda harm herself, and was never aware of Amanda sleeping in the closet.

¶ 26 Joseph’s attorney introduced the VSI of A.T. In the VSI, A.T. stated that he feels afraid when Joseph is present and is afraid of him getting stronger. A.T. stated that Joseph has never hit him and that he has never been hit, slapped, or hurt. Joseph tried to stop his mother from hurting herself. A.T. has heard fighting between respondents but “tunes it out” and has never seen anything. On one occasion, Joseph destroyed A.T.’s room while looking for a device. A.T. stated that he used to play “X Box” late at night and throughout the weekend but now has a timer. Joseph suggested the lock on the inside of A.T.’s bedroom door for safety; A.T. chose to use the lock at night. A.T. recalled the day Joseph was “taken away” while he was at school. They all want Joseph back. A.T. stated that his mother did not tell him what to say or what not to say.

¶ 27 A.T.’s biological father, Steven G., testified that he conversed with Amanda that morning at the courthouse. Steven told Amanda, in regard to the allegations in this case, that he “never knew her to roll over and take it like that.” According to Steven, Amanda responded that “a lot of things have changed, and she had a lot of fear.” Amanda testified that she did not discuss anything pertaining to an alleged fear of Joseph with Steven.

¶ 28 The trial court entered adjudicatory orders on June 25, 2020. The trial court found that, although M.R. denied that she was the witness in the VSI, having reviewed the VSI, “that is clearly not the case.” Rather, M.R. “was the testifying witness” and was “engaged in the interview process.” The trial court reviewed the evidence at length including the testimony regarding the investigation of May 29, 2019, and Amanda’s testimony that the accounts she provided that day “were in fact lies.” Reviewing the evidence and the allegations in the amended petitions for adjudication of wardship, the trial court found that the State met its burden of proving, by a

preponderance of the evidence, neglect as to count I—alleging an injurious environment in that Joseph engaged in domestic violence with Amanda while the minors were present in the residence—and counts IV and V—alleging injurious environment with respect to the prior indicated reports. However, the trial court found that the State failed to meet its burden as to counts II and III—alleging injurious acts toward A.T. Accordingly, the trial court dismissed counts II and III. In its written orders, the trial court further stated that its findings were based upon “statements of officers, victim/child interview, school personnel testimony, mother’s written statement and op [order of protection] at the time of the offense and all matters of record in evidence and testimony of all witnesses regarding the Mary 29, 2019, events and the 6/3/19 victim sensitive interviews.”

¶ 29 With respect to visitation, the trial court stated that it “removed the relative foster placement as the supervisor of the phone visits \*\*\* because in all the years I’ve done juvenile, I have never seen two kids coached as much as these two.” The matter was continued for the dispositional hearing.

¶ 30 C. Dispositional Proceedings

¶ 31 The dispositional hearing began on July 23, 2020, and concluded on August 20, 2020. The trial court took judicial notice of the entire file for each minor’s case, including the dispositional reports.

¶ 32 The foster care case manager at Children’s Home and Aid, Kaytlyn Harvey, testified that she has worked with the family since October 2019. Harvey identified the court reports, service plans, and integrated assessment that were entered as exhibits. She testified that Joseph and Amanda were recommended for psychological evaluations, mental health services, a partner abuse intervention program (PAIP), individual counseling, and, when clinically appropriate, family counseling. Amanda was also recommended for domestic violence victim services. Harvey

testified that neither Joseph nor Amanda had completed any of the recommended services, although they had initiated some of the services. Amanda was engaged in monthly domestic violence victim services, individual counseling, and “Dialectical Behavior Therapy” (DBT) through Remedies Renewing Lives (Remedies). Joseph underwent a mental health evaluation in which he denied the need for services. He was not recommended to engage in a PAIP program because he was not mentally fit for the program. Amanda and Joseph also completed an on-line domestic violence class that did not count toward their service plan requirements.

¶ 33 Harvey also testified that, in October 2019, respondents declined a psychological evaluation. In March 2020, Amanda stated that she underwent a psychological evaluation at the Veterans Administration (VA), but Harvey never received it. Harvey further testified that both Amanda and Joseph underwent a psychological evaluation in June 2020, but did so with a doctor who was not an approved DCFS provider. The evaluations did not include collateral information and did not meet DCFS criteria. The State introduced a letter from DCFS Psychology and Psychiatry Program Director, specifying that the evaluations lacked a stated “reason for referral” to guide the assessment, lacked a full psychological evaluation, and did not appear to be based upon a record review, clinical interview, or interview with collateral contacts. Moreover, Joseph’s report did not contain a diagnosis and provided minimal information about Joseph’s psychological functioning. Amanda’s report contained a diagnosis but lacked sufficient assessment or historic data to support the diagnosis. In sum, the evaluations did not provide information useful to a determination of psychological functioning and parenting capacity.

¶ 34 Harvey further testified regarding the need for psychological evaluations. “Both Amanda and Joseph have been—demonstrated paranoid behavior. They have denied events that are based in fact, and a psychological [evaluation] would provide the agency with appropriate and tailored

diagnoses and treatments for both parents.” Thus, Harvey testified, without psychological evaluations, the conditions that brought respondents into the system cannot be corrected. Overall, Harvey described the interactions with respondents as “combative and erratic.”

¶ 35 In addition to Harvey’s testimony, foster care case supervisor at Children’s Home and Aid, Micayla Moeller, testified regarding the current status of services and that respondents’ visitation with the minors remained supervised. Moeller explained that the mental health assessments done at the VA were only “self-report” and reflected that both Joseph and Amanda were primary aggressors and “so there is a concern that Amanda does not identify herself as the victim” notwithstanding evidence to the contrary. Also, in one session, Joseph and Amanda were together in an assessment portion. This was problematic because “when there has been domestic violence and power and control, there is a concern that the person identified as the victim of that power and control wouldn’t be able to freely and honestly speak about their feelings and their situation.”

¶ 36 Moeller further testified that Joseph “has not been receptive to any services,” was “not happy with the assessment completed by PAIP and wanted to get an assessment with a different provider,” and denied any mental health symptoms. Moeller testified that respondents’ failure to accept responsibility for the reason the children entered foster care raised concerns about their ability to progress toward correcting the conditions. Moeller testified that it remained the agency’s recommendation that respondents participate in psychological evaluations with an approved DCFS provider.

¶ 37 Amanda testified that she had signed releases of information, completed a mental health assessment, completed a psychological evaluation at the VA, attended services at Remedies, and was engaged in DBT therapy and weekly counseling.

¶ 38 Joseph testified that he had signed releases of information, completed a mental health evaluation, and completed an on-line domestic violence class. He also attended counseling to work on communication with Amanda and discuss the resentment he had been feeling about their relationship. He unsuccessfully tried to attend PAIP services at Children's Home and Aid. He testified, however, that he currently was enrolled in PAIP classes at the Mathers Clinic.

¶ 39 Joseph further testified that he and Amanda live together at their home and that the home is ready for the children's return. The inside locks on the children's doors were removed. Joseph testified that he is anxious for the children to return home to ensure that their educational and emotional needs are being met.

¶ 40 A.T.'s biological father, Steven, also testified. Steven testified that he lives in Kentucky with his wife, two sons, and stepson. He testified that he and A.T. were corresponding and getting to know each other, that he was requesting that A.T. live with him, and that he was prepared to care for A.T. Steven's wife also testified that she supported A.T. living with them.

¶ 41 Following the hearing, the trial court continued the matter for decision and entered an order directing respondents to cooperate with psychological evaluations at DCFS's direction. Joseph and Amanda each subsequently moved to continue the decision pending completion of parental capacity assessments; the trial court denied the motions.

¶ 42 The trial court entered dispositional orders on September 10, 2020. The trial court found that it was consistent with the minors' health, welfare, and safety and in the minors' best interests to make the minors wards of the court. The trial court placed custody and guardianship with DCFS with discretion to place the minors with a responsible relative or in foster care and ordered that visitation be supervised by DCFS. The trial court found that reasonable efforts and appropriate services aimed at family reunification had been made to keep the minors in the home but had not

eliminated the need to remove the minors from the home, and that leaving the minors in the home was contrary to their health, welfare, and safety.

¶ 43 Regarding M.R., the trial court found both Joseph and Amanda unfit and unable to care for, protect, train, educate, supervise, or discipline the minor and that placement with respondents was contrary to the minor's health, safety, and best interests.

¶ 44 Regarding A.T., the trial court found Amanda unfit and unable to care for, protect, train, educate, supervise, or discipline the minor and that placement with her was contrary to the minor's health, safety, and best interests. The trial court found Steven, A.T.'s biological father, unable to care for, protect, train, educate, supervise, or discipline the minor and that placement with him was contrary to the minor's health, safety, and best interests due to a lack of relationship at that time. However, the trial court noted that "there is progress being made on that front."

¶ 45 The trial court ordered Joseph and Amanda to cooperate with Children's Home and Aid; attend all recommended screenings, assessments, treatment services, and collateral services; and cooperate with a psychological evaluation performed by an approved DCFS psychologist using the agency's referral processes.

¶ 46 The trial court further found that respondents were not eligible for appointed counsel on appeal. The docket entry in this regard states: "Court hears sworn testimony from Mr. [R] and Mrs. [R]. Court finds that neither party are eligible for free counsel or transcripts upon appeal."

¶ 47 Joseph and Amanda filed timely notices of appeal. On our own motion, we consolidated the appeals. Joseph and Amanda proceed *pro se* on appeal and filed a joint brief. We point out distinctions in their respective positions where appropriate.

¶ 48

## II. ANALYSIS

¶ 49 The Juvenile Court Act of 1987 (Act) (705 ILCS 405/1-1 *et seq.* (West 2018)) provides a two-step process for an adjudication of wardship. *In re A.P.*, 2012 IL 113875, ¶ 18. The first step is the adjudicatory hearing at which the trial court considers only whether the minor is abused, neglected, or dependent. 705 ILCS 405/2-18(1) (West 2018)); *A.P.*, 2012 IL 113875, ¶ 19. If the trial court determines that the minor is abused, neglected, or dependent, then the matter proceeds to 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. 705 ILCS 405/2-21(2) (West 2018); *A.P.*, 2012 IL 113875, ¶ 21. “[C]ases involving allegations of neglect and adjudication of wardship are *sui generis*, and must be decided on the basis of their unique circumstances.” *A.P.*, 2012 IL 113875, ¶ 17 (quoting *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004)).

¶ 50 Before turning to respondents’ arguments on appeal, we note that this appeal is accelerated pursuant to Illinois Supreme Court Rule 311(a) (eff. July 1, 2018) because it involves child custody matters. Under this rule, we are required to issue our decision within 150 days after the filing of the notice of appeal unless there has been “good cause shown.” Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2018). Here, briefing was delayed due to respondents’ request for an extension of time to file the report of proceedings. Respondents filed their reply brief on Friday, March 2, 2021—three days before the Monday, March 5, 2021, disposition due date. The delay in filing the report of proceedings and the completion of briefing provides us with good cause for issuing our decision after the 150-day deadline under Rule 311(a)(5).

¶ 51 A. Scope of Review

¶ 52 Preliminarily, we identify the scope of our review. In his notice of appeal, Joseph appealed the adjudicatory and dispositional orders with respect to both M.R. and A.T. However, the record

demonstrates that Joseph is M.R.'s father but not A.T.'s father. He therefore lacks standing to appeal from the orders with respect to A.T. See 705 ILCS 405/1-5(1) (West 2018).

¶ 53 In her notice of appeal, Amanda appealed from the dispositional orders with respect to both M.R. and A.T., but not the adjudicatory orders. However, this does not deprive the court of jurisdiction to review the adjudicatory orders. In a juvenile proceeding, the dispositional orders, not the adjudicatory orders, are generally the final orders from which a party may appeal. See *In re Leona W.*, 228 Ill. 2d 439, 456 (2008); *In re Ay.D.*, 2020 IL App (3d) 200056, ¶ 37. The adjudicatory orders here were a step in the procedural progression leading to the final and appealable dispositional orders. *In re D.R.*, 354 Ill. App. 3d 468, 473 (2004). We therefore have jurisdiction over both the adjudicatory and dispositional orders.

¶ 54 In their brief, respondents appear to challenge the propriety of the trial court's temporary custody order following the shelter-care hearing. However, any contentions relating to the temporary custody order are moot. See *In re J.W.*, 386 Ill. App. 3d 847, 852 (2008) (quoting *In re Edward T.*, 343 Ill. App. 3d 778, 792 (2003)) (" '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.' "). As set forth below, the trial court's adjudication of wardship following the shelter-care hearing was supported by adequate evidence. Respondents raise no exception to the mootness doctrine. We therefore address no claims relating to the temporary custody order.

¶ 55 Regarding the substance of respondents' brief, their statement of facts is laden with commentary in violation of Illinois Supreme Court Rule 341(h)(6) (eff. Oct. 1, 2020). Even more problematic is that their claims on appeal lack any specificity or proper citation to authority in violation of Illinois Supreme Court Rule 341(h)(7) (eff. Oct. 1, 2020). The arguments consist of a multitude of statements regarding the status of underlying services and what appear to be



challenges to DCFS procedures and its alleged failure to follow the procedures. However, respondents do not develop these arguments or present a reasoned basis for finding that error was committed. “A reviewing court is entitled to have issues clearly defined with pertinent authority cited and cohesive legal arguments presented [citation], and it is not a repository into which an appellant may foist the burden of argument and research [citation].” *Obert v. Saville*, 253 Ill. App. 3d 677, 682 (1993). It is neither the obligation nor the function of a reviewing court to act as an advocate or search the record for error. *Id.* The consequences of failure to comply with these requirements is forfeiture of the arguments on appeal. *Id.* *Pro se* litigants are not excused from compliance with these requirements. *In re A.H.*, 215 Ill. App. 3d 522, 529-30 (1991).

¶ 56 The State argues that we should dismiss the appeal due to these deficiencies. Alternatively, the State responds to what it discerns as respondents’ arguments on appeal. Namely, the State argues that the trial court’s admission of the VSIs was not an abuse of discretion, the trial court’s adjudicatory findings were not against the manifest weight of the evidence, and the trial court’s dispositional findings were not against the manifest weight of the evidence. We agree and determine that respondents’ arguments are sufficient to allow us to address these contentions. We turn to the arguments.

¶ 57 B. Admission of VSIs

¶ 58 Respondents contend that the VSIs of A.T. and M.R. were inadmissible because they did not “match up in regards to witnessing domestic violence in the home.” Any challenge to the admission of A.T.’s VSI is forfeited, as it was Joseph who moved to admit the recording, and he did so without objection. See *In re Jaber W.*, 344 Ill. App. 3d 250, 256 (2003). Respondents also articulate no basis upon which to challenge the admission of A.T.’s VSI.

¶ 59 Regarding M.R.'s VSI, respondents contend: "M.R. testified that she did not say what was said in the VSI and that it was not her in the video (the parents did not have any contact with the minor prior to the minor appearing at court besides the supervised [*sic*] by CHASI visit which should have case notes on whether or not the parents told the minor to state specifically that it was not her in the VSI)."

¶ 60 Section 2-18(4)(c) of the Act provides: "Previous statements made by the minor relating to any allegations of abuse or neglect shall be admissible in evidence. However, no such statement, if uncorroborated and not subject to cross-examination, shall be sufficient in itself to support a finding of abuse or neglect." 705 ILCS 405/2-18(4)(c) (West 2018). The rules of evidence apply at an adjudication hearing. 705 ILCS 405/2-18(1) (West 2018); *In re Aniyah B.*, 2016 IL App (1st) 153662, ¶ 24. We review the admission of evidence at an adjudicatory hearing for an abuse of discretion. *Aniyah B.*, 2016 IL App (1st) 153662, ¶ 22. A trial court abuses its discretion when its ruling is fanciful, unreasonable, or when no reasonable person would adopt the trial court's view. *Id.*

¶ 61 To the extent respondents argue that M.R.'s statement was insufficient to support the neglect finding, the argument has no merit. M.R. testified, was subject to cross-examination, and her statement was corroborated by other evidence, including Amanda's note, injuries, and contemporaneous statements.

¶ 62 To the extent respondents challenge the foundation for admission of the VSI of M.R., the argument likewise has no merit. Forensic interviewer Joanna Deuth testified that she conducted the VSI of M.R. on June 3, 2019. She described the interview and the digital recording procedures at the center and testified that the recording equipment worked on the date of the interview. Deuth identified State's Exhibit No. 2 as a copy of the disk of the recorded interview of M.R. that she

provided to law enforcement. She testified that the copy contained nothing different from the original with no additions, deletions, corrections, or changes to what she observed and that it was the complete interview of M.R. While M.R. denied that she was the person who gave the interview, both Grace and Donat identified M.R. as the child in the video. The trial court, having observed M.R. during her testimony, found that M.R. was the child in the video. Further, although Joseph objected to the authenticity of the VSI of M.R., Amanda stipulated to it. Accordingly, the record demonstrates sufficient foundation for the admission of the VSI of M.R. See *In re D.M.*, 2016 IL App (1st) 152608, ¶¶ 35-38. There is no basis upon which to hold that the trial court abused its discretion in admitting the VSI of M.R.

¶ 63 C. Adjudicatory Orders

¶ 64 Respondents challenge the trial court’s adjudicatory findings. At the adjudicatory hearing, the State has the burden to prove the allegations of neglect by a preponderance of the evidence. *In re Arthur H.*, 212 Ill. 2d 441, 463-64 (2004). A “neglected minor” includes any minor under 18 years of age whose environment is injurious to his or her welfare. 705 ILCS 405/2-3(1)(b) (West 2018); *A.P.*, 2012 IL 113875, ¶ 22. “Neglect” is defined as “the failure to exercise the care that circumstances justly demand” and encompasses both willful and unintentional disregard of parental duty. (Internal quotation marks omitted.) *A.P.*, 2012 IL 113875, ¶ 22. “It takes its content always from specific circumstances, and its meaning varies as the context of surrounding circumstances changes.” (Internal quotation marks omitted.) *Id.* Similarly, the term “injurious environment” has been recognized as an “amorphous concept that cannot be defined with particularity,” but includes the “breach of a parent’s duty to ensure a safe and nurturing shelter for his or her children.” (Internal quotation marks omitted.) *Id.*

¶ 65 A trial court's finding of neglect will not be reversed on appeal unless it is against the manifest weight of the evidence. *A.P.*, 2012 IL 113875, ¶ 17. A finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident or the determination is unreasonable, arbitrary, or not based on the evidence presented. *In re Juan M.*, 2012 IL App (1st) 113096, ¶ 49. A reviewing court defers to the trial court's findings of fact because it is in the best position to observe the testimony of the witnesses, assess their credibility, and weigh the relative evidence. *In re Sharena H.*, 366 Ill. App. 3d 405, 415 (2006).

¶ 66 Here, in finding that the minors were neglected due to an injurious environment, the trial court relied on the following evidence. Amanda sent a note with M.R. to school stating that she was struck by her husband and that her phone was taken. The police found the lockbox and the phone. The police observed and photographed bruises and marks on Amanda that Amanda attributed to Joseph. Amanda contemporaneously made a written statement and filed for an order of protection in which she stated that Joseph grabbed, struck, and choked her. The minors were in the home at the time of the May 29, 2019, altercation and would have heard it.

¶ 67 Amanda recanted her account of domestic violence and stated that she was the one who struck Joseph and that she engages in self-harm. However, even when a witness recants at trial, the prior statements can support a neglect finding. See *In re Natalia O.*, 2019 IL App (2d) 181014, ¶¶ 51-53. The trial court was in the best position to judge Amanda's credibility, as well as the credibility of the other witnesses, and determine the weight to be given their testimony.

¶ 68 Respondents, however, argue that the State failed to admit into evidence Amanda's written recantation of her statement to the police. We note that respondents themselves likewise did not seek introduction of the written recantation. Regardless, extensive evidence of the recantation was presented to the trial court. Amanda testified that Joseph did not engage in the abusive conduct

that she described in the note, in her account to police, and in her petition for an order of protection. She further testified that she wrote a recantation of her prior accounts. Moreover, DCFS investigator Donat testified that, a few days after the incident, Amanda told her that she had lied about it in her May 29, 2019, accounts. The record demonstrates that the trial court weighed Amanda's recantation in determining that the State met its burden of proving neglect. There is no basis in the record upon which to hold that the opposite conclusion is clearly evident.

¶ 69 Moreover, although M.R. testified that she was not the person in the VSI and did not say those things, M.R.'s teacher identified M.R. as the person in the video. The trial court observed M.R. when she testified, viewed the video, and found that it was M.R. who engaged in the interview. The trial court was in the best position to observe M.R. and make this credibility determination. There is no basis in the record upon which to hold that the opposite conclusion is clearly evident. Accordingly, the record demonstrates that the trial court's adjudicatory findings were not against the manifest weight of the evidence.

¶ 70 D. Dispositional Orders

¶ 71 Respondents challenge the trial court's disposition findings. At the dispositional hearing, the trial court may commit the minor to wardship and place guardianship and custody with DCFS if the trial court determines that the minor's parents are "unfit or are 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 that the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of his or her parents." 705 ILCS 405/2-27(1) (West 2018). "[T]he paramount consideration is the best interests of the child." *A.P.*, 2012 IL 113875, ¶ 18. At the dispositional phase, the State bears the burden of proving unfitness by a preponderance of the

evidence. *In re K.E.S.*, 2018 IL App (2d) 170907, ¶ 51.<sup>2</sup> At a dispositional hearing, the “any helpful evidence ‘may be admitted and may be relied upon to the extent of its probative value.’ ” *In re Zariyah A.*, 2017 IL App (1st) 170971, ¶ 88 (quoting 705 ILCS 405/2-22(1) (West 2016)). A trial court’s factual finding that a parent is unfit will not be reversed unless it is against the manifest weight of the evidence. *K.E.S.*, 2018 IL App (2d) 170907, ¶ 51.

¶ 72 The record demonstrates that respondents initiated some recommended services. However, the foster care manager testified that respondents had not *completed* any of the services. The record also demonstrates that respondents failed to undergo psychological evaluations performed by an approved DCFS provider. The State introduced evidence that the psychological evaluations respondents presented lacked information to aid in the determination of psychological functioning and parenting capacity. The foster care manager testified that, without psychological evaluations, the conditions that brought respondents into the system cannot be corrected. Respondents point to nothing in the record to challenge this evidence. In sum, based upon our review of the record, we cannot say that the trial court’s dispositional findings were unreasonable, arbitrary, or not based on the evidence, or that an opposite conclusion is clearly apparent.

¶ 73

### III. CONCLUSION

¶ 74 For the reasons set forth above, we affirm the judgment of the circuit court of Boone County.

¶ 75 Affirmed.

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<sup>2</sup> We note that, if the State later petitions to terminate parental rights, the State must meet a higher burden of proof with clear and convincing evidence of unfitness. *K.E.S.*, 2018 IL App (2d) 170907, ¶ 51 n.2.