2016 IL App (1st) 152376-U

SIXTH DIVISION
May 20, 2016

No. 1-15-2376

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

CHERYL CARRYL, Maternal Grandmother, on Behalf of A.F. and T.F., Minors, Petitioner-Appellee, v. GAIRY FRASER, Respondent-Appellant.	)	Appeal from the Circuit Court of Cook County. No. 14 OP 40393 Honorable Terance MacCarthy, Judge Presiding.

PRESIDING JUSTICE ROCHFORD delivered the judgment of the court.
Justice Hoffman and Hall concurred in the judgment.

ORDER

¶ 1 *Held*: The plenary order of protection was affirmed, where the collateral consequences exception to the mootness doctrine applied and the manifest weight of the evidence supported the finding of abuse.

¶ 2 Petitioner-appellee, Cheryl Carryl, on behalf of her minor granddaughters, A.F. and T.F. (collectively, the minors), sought a plenary order of protection (POP) against their father, respondent-appellant, Gairy Fraser, which the circuit court granted for a term of one year. During the pendency of this appeal, the POP terminated. Respondent argues that the collateral consequences exception to the mootness doctrine allows for review of the POP; the trial court erred in allowing petitioner to testify as an expert; the testimony of A.F. was entitled to little

weight; petitioner had financial motivation to bring the action; and the finding of abuse was not adequately supported by the evidence. We find the collateral consequences exception does apply to this appeal, but we affirm the entry of the POP because the trial court's finding of abuse was supported by the manifest weight of the evidence and the claimed trial errors did not require reversal.

¶ 3 On September 19, 2014, petitioner filed a verified petition for an order of protection (petition) on behalf of A.F. (born March 6, 2005) and T.F. (born March 29, 2010), pursuant to the Illinois Domestic Violence Act of 1986 (Act) (750 ILCS 60/101 *et seq*. (West 2014)), which contended that respondent had abused A.F.

¶ 4 The following allegations were set forth in the petition. Petitioner's daughter and the mother of the minors, Nia Robertson (the mother), died in June 2014 after an automobile collision. At the time of her death, the mother had primary residential custody of the minors pursuant to a dissolution of marriage suit filed in Georgia.

¶ 5 Petitioner, the minors, and respondent lived at the same residence, 3908 Van Buren Street (the residence) in Bellwood, Illinois, which is owned by petitioner. The minors and respondent had moved to the residence from Georgia after the death of the mother. Petitioner contended that she was the primary caretaker of the minors.

¶ 6 As to the respondent's alleged abuse of A.F., petitioner claimed that A.F. "has consistently demonstrated extreme anxiety and fear about living with [r]espondent, and has stated continually that she is afraid of him." A.F. had "disclosed to [petitioner] that [r]espondent had fondled her breasts." It was further claimed that respondent had intimidated and harassed

A.F. and threatened to remove the minors from petitioner's care. Petitioner requested that she be granted physical care of the minors.

¶ 7 On September 19, 2014, the trial court held an *ex parte* hearing on whether an emergency order of protection (EOP) should issue; petitioner was the sole witness. She is a licensed registered nurse and works for the Illinois Department of Public Health (IDPH) "as a surveillance nurse regulating long-term care facilities." Respondent had been an over the road truck driver with his own truck.

¶ 8 The mother and the minors had earlier lived with petitioner at the residence, but they had moved to Georgia approximately two and a half years ago. The minors returned to live at the residence with respondent after the mother's death. Petitioner noticed that A.F. did not wish to be around respondent and would not go places with him.

¶ 9 On September 16, 2014, respondent announced that he wished to move from the residence and take the minors. Later, A.F. "woke up in the middle of the night" and told petitioner she was scared. A.F. told petitioner about an incident involving respondent that occurred "weeks before her mother died." A.F. had returned to her bedroom after a shower and found respondent there. Respondent touched her breasts, and said: "You are getting to be a big girl." A.F. expressed fear that respondent would now take her and her sister away and "do bad things to her." As a result of this conversation, petitioner notified the Illinois Department of Children and Family Services (DCFS).

¶ 10 Petitioner was concerned that respondent would flee Illinois with the minors. She believed that respondent was still a citizen of Guyana, where his mother lives.

¶ 11 After the hearing, the trial court entered an EOP which was effective until October 10, 2014. The EOP prohibited respondent from abusing the minors and removing them from this state. Pursuant to the EOP, petitioner was granted the physical care and possession of the minors and respondent was allowed supervised visitation.

¶ 12 Respondent filed an appearance, by counsel, on October 3, 2014.

¶ 13 At an October 10, 2014, court date, the trial court extended the EOP to October 31, 2014 and set a hearing as to petitioner's request for a POP for that date. During these proceedings, respondent requested that the trial court sign an order allowing him to retain someone to conduct "evaluations." The trial court stated that an order was not necessary, but it would allow both parties the opportunity to retain a professional to conduct an evaluation.

¶ 14 At the hearing on the POP, petitioner testified that, when the minors were born, the mother was living at the residence without respondent. At the time of A.F.'s birth, respondent was living in Guyana.

¶ 15 At the time of her death, the mother was divorced from respondent; she and the minors had been living in Georgia for over two years. The divorce decree awarded respondent and the mother joint custody of the minors, but the mother was given primary custody. After the mother's death, respondent moved to the residence with the minors. Respondent lived in a unit in the basement and the minors stayed upstairs with petitioner.

¶ 16 Petitioner, with respondent's consent, registered the minors at a nearby private school in Bensenville and drove them to school. However, when respondent stopped working as a truck driver, he took over that responsibility.

¶ 17 Petitioner explained that her license as a registered nurse was current, her duties with the IDPH included investigations of abuse or neglect at long term care facilities, and she has received continuing education. After this testimony, counsel for petitioner asked the trial court to accept petitioner as an expert in "abuse/neglect investigation."

¶ 18 When respondent voiced an objection, the court allowed respondent to question petitioner as to her qualifications. Pursuant to those questions, petitioner stated that she had been employed for three years in her current position as a surveillance nurse for long term care facilities and has received yearly "in service" training. Prior to her current IDPH position, petitioner worked for nine years in a children's facility. In both positions, petitioner had been trained to recognize abuse and neglect. On further examination by her counsel, petitioner listed certain warning signs of abuse and neglect, including for example that a victim often becomes withdrawn and will express concern or alarm when the aggressor is nearby.

¶ 19 The trial court asked whether respondent's counsel had any further questions as to petitioner's qualifications, and she responded: "no." The trial court then allowed petitioner "to testify as an expert in abuse and neglect and investigations." Petitioner continued with her testimony without further objection by respondent as to her being recognized as an expert.

¶ 20 Prior to the entry of the EOP, petitioner observed that A.F. did not wish to go downstairs to visit respondent and refused to go places with him. Petitioner also noticed that respondent's relationship with T.F. was different than his relationship with A.F. T.F. had "bonded well" with respondent, but A.F. was "distant" from respondent and "never around him." After respondent began taking the minors to school, A.F. would ask petitioner to drive her to school instead of respondent, or would delay getting ready for school.

¶ 21 Petitioner testified that, on the night of September 16, 2014, A.F. woke from sleep and was shaking and crying. A.F. told petitioner she was "scared" that respondent would take her from the residence and "do bad things to her." It was then that A.F. told petitioner about respondent touching her breasts after a shower and saying she was "getting to be a big girl."

¶ 22 A.F. testified that she was nine years old and in fourth grade. She understood she had taken an oath to "tell the truth and only the truth."

¶ 23 In Georgia, she lived in a home with her mother and sister. Respondent would sometimes stay at the home but, also, had his own apartment.

¶ 24 A.F. testified to the time respondent "pinched" her breasts. She said she was wearing a towel and had just left the shower. A.F. was surprised to see respondent in the bathroom. Respondent told her that she was "becoming a big girl." This took place about one week before her mother's death. A.F. told her mother about the incident a few days later after respondent had left the home to drive his truck. When asked if there were other times while they were in Georgia that respondent touched her, she answered that he "would touch my butt and tell me that I'm sexy." A.F. did not want to stay with respondent and was afraid that he would repeat this type of conduct.

¶ 25 A.F. also testified that respondent would make her feel "uncomfortable" and "afraid" by telling her about times when she had said mean things to him. Respondent would say that, in the past, A.F. had told him that she wanted to kill him, did not like him, and wanted him to go away. Respondent would then laugh. These conversations took place in Georgia and then, again, after the move to the residence and made her uncomfortable and fearful that respondent would do

something "bad" or "mean" to her. She believed respondent treated her differently than her sister.

¶ 26 Before cross examining A.F., respondent's counsel remarked that the court had not found A.F. competent to testify.

¶ 27 In response, the trial court asked A.F. whether she had taken an oath to tell the truth at the hearing, and she responded: "yes." A.F. said she understood the difference between the truth and a lie. The trial court gave A.F. an example of a true statement and a false statement and she correctly discerned which was true and which was false. The trial court found A.F. competent to testify and respondent's counsel voiced no objection to that finding.

¶ 28 On cross-examination, A.F. stated that she wished to be with her mother's family and that she did not speak often to respondent. She believed that respondent was trying to sexually abuse her when he had pinched her breasts. A.F. reasserted that she had taken an oath to tell the truth when asked whether she would "say something" or "do something" to "please" her grandmother.

¶ 29 Respondent called petitioner as an adverse witness. Petitioner acknowledged that respondent had placed the mother's monthly social security death benefits into petitioner's bank account from July through September 2014, but stopped doing so in October 2014. In September, after respondent told petitioner that he was going to move from the residence with the minors, petitioner "called a meeting" with respondent and her other daughters "to find out what [were] his plans for the girls." Petitioner wanted the minors to have a "stable" life. Respondent had no long term plan and said only that he did not like Bellwood and Chicago. Petitioner had no problem with respondent moving with the minors until A.F. voiced her fears.

¶ 30 On cross examination, petitioner agreed when asked whether her "belief and opinion" was that A.F. was "a victim of domestic abuse." Respondent did not object to this testimony. Petitioner was concerned about respondent being alone with A.F. However, she also thought respondent should have a healthy relationship with the minors.

¶ 31 Respondent testified that he and the mother were divorced on January 17, 2014. Three months later, they resumed their relationship and he was living with the mother and the minors. Respondent would be home for three days and then be gone for three weeks at a time when he was driving his truck.

¶ 32 Respondent denied touching A.F.'s breasts or doing anything of a sexual nature with the minors. He said that the mother had been a registered nurse and would have reported the alleged incident if A.F. actually had told her. Respondent loves the minors and before the filing of the petition, he believed that he had a "perfect" relationship with A.F. Respondent made the decision to move to the residence after the mother's death because he thought it would be best for the minors. He came to this conclusion, in part, because petitioner and her family could care for the minors when he was on the road.

¶ 33 Respondent was surprised to learn that the minors had been registered at school while he was away driving his truck. Respondent then decided to stop working on September 9, 2014.

¶ 34 Respondent lived in Guyana when A.F. was born and, for three and a half years thereafter. A.F. lived in petitioner's home from the time of her birth until she was six and a half years old. He thought A.F. wanted to be with petitioner because petitioner "had raised her," and that was "all right."

¶ 35 In September 2014, respondent received a $95,000 check as the beneficiary of the mother's insurance policy. Petitioner asked respondent to place the money into trust for the minors. He refused to do so because the minors had received other insurance proceeds. Petitioner also reminded him that she had loaned him $10,000 for the purchase of his truck. Respondent then wrote her a check for $19,500 on September 18, or 19, 2014. Respondent acknowledged that he decided to stop work about the time he received the insurance proceeds.

¶ 36 At the conclusion of the hearing, the trial court set the matter for ruling on November 20, 2014, and extended the EOP to that date.

¶ 37 On November 20, 2014, the trial court granted petitioner's request for a POP. The trial court found that A.F.'s testimony was "clear and credible." The court concluded that A.F. understood the need to tell the truth and that she had not been coached by petitioner. The trial court found A.F.'s testimony was "corroborated" by petitioner's observations of A.F., in particular, A.F.'s discomfort and reluctance to spend time with or be around respondent. The trial court also found petitioner to be credible and concluded that she had no financial motivation in bringing the petition. The court stated that it had "a significant question about the candor of respondent's testimony," and that respondent "could be motivated in his testimony by the money [which] *** would go to *** whoever had possession of the children."

¶ 38 The POP, which was to be effective until November 17, 2016, protected A.F. and T.F. and prohibited respondent from physically abusing, harassing, and intimidating them. Petitioner was granted "temporary legal custody" of the minors and respondent was prohibited from removing the minors from the state. Respondent was allowed supervised visitation, and daily telephone and electronic contact with them.

¶ 39 On December 19, 2014, by his counsel, respondent filed a motion to reconsider the POP. He argued that petitioner, as the maternal grandmother, did not have the right to seek custody of the minors; the trial court had not considered the best interests of the minors in granting petitioner temporary custody; and he had no prior notice that petitioner would be testifying as an "expert." The motion stated that DCFS, by a November 4, 2014, letter had determined the report as to A.F. to be "unfounded." The letter stated, in pertinent part:

> "After a thorough evaluation, DCFS has determined the report to be 'unfounded.' This means that no credible evidence of child abuse or neglect was found during this investigation and that your name will not be listed as a perpetrator of child abuse or neglect on the State Central Register. This does not necessarily mean that an incident did not occur. An incident may have occurred but the evidence did not rise to the level required to indicate for abuse or neglect as dictated by state law and DCFS Administrative Rule."

¶ 40 On that same date, different counsel also filed a motion to vacate or modify the POP on behalf of respondent. On January 5, 2015, the trial court entered an order allowing respondent's original counsel to withdraw and allowed the substitution of his new counsel. Thereafter, respondent issued subpoenas for A.F.'s school records and relevant DCFS records and noticed the deposition of the petitioner. The trial court denied a motion to compel this discovery.

¶ 41 On March 25, 2015, the trial court granted respondent's newly substituted counsel's motion to withdraw. On May 14, 2015, the trial court entered an order allowing another counsel to file an appearance and adopt the previously filed motions to reconsider and vacate the POP.

On June 10, 2015, respondent's original counsel filed an "additional" appearance with the circuit court's consent.

¶ 42 On July 22, 2015, after having heard arguments (on June 26, 2015), the trial court entered an order which denied the motions to reconsider and to vacate the POP, but modified the length of the POP from two years to one year with a termination date of November 20, 2015. The order provided that any "orders entered in the probate cases 2015 P 664 and 2015 P 663 shall supersede these matters."[1] A transcript of the proceedings from that date is not in the record. Respondent has appealed.

¶ 43 On appeal, respondent argues that: the finding of abuse was not sufficiently supported by the evidence; petitioner should not have testified as an expert; A.F.'s testimony should have been given "little weight;" and petitioner was financially motivated to seek the POP. Respondent further argues that the circuit court erred in failing to consider the DCFS determination that the abuse claim was unfounded and in denying his requests for the appointment of a psychologist. Respondent does not challenge petitioner's standing to seek temporary custody of the minors as an element of the POP, nor the trial court's failure to examine the best interests of the minor in granting temporary custody to petitioner. Thus, respondent has forfeited these issues. Ill. S. Ct. R. 341(h) (eff. Jan. 1, 2016); *Vancura v. Katris*, 238 Ill. 2d 352, 369 (2010) (stating that "the failure to argue a point in the appellant's opening brief results in forfeiture of the issue").

¶ 44 We first consider whether this appeal is now moot in light of the fact that the POP terminated on November 20, 2015. An appeal is considered "moot when the issues involved no

[1] The record on appeal does not reveal the substance of these proceedings. In petitioner's brief, she states that she was awarded guardianship over the person and the estate of the minors pursuant to the probate cases.

longer exist because events occurring after the filing of appeal make it impossible for the appellate court to grant effective relief." *Lutz v. Lutz*, 313 Ill. App. 3d 286, 288 (2000). If an appeal becomes moot, the reviewing court may reach the merits only if one of the exceptions to the mootness doctrine applies. *Felzak v. Hurry*, 226 Ill. 2d 382, 392 (2008).

¶ 45 The parties agree that the appeal became moot when the POP terminated. The POP has ceased by its own terms and thus the issues raised by the appeal are indeed moot. *Lutz*, 313 Ill. App. 3d at 288 (appeal from entry of a plenary order of protection became moot when order terminated by its own terms). However, respondent asserts that the collateral consequences exception to the mootness doctrine applies here.

¶ 46 The collateral consequences exception to the mootness doctrine allows for appellate review of a court order which has become moot where the appellant has suffered or is threatened to suffer an actual injury, which would likely be reduced by a favorable decision from the reviewing court. *In re Alfred H.*, 233 Ill. 2d 354, 361 (2009). The determination as to whether the exception applies must be made on a case by case basis. *In re Rita P.*, 2014 IL 115798, ¶ 33. "Therefore, [s]ubsistence of the suit requires *** that continuing collateral consequences *** be either proved or presumed." (Internal quotation marks omitted.) *In re Alfred H.*, 233 Ill. 2d at 361 (quoting *Spencer v. Kemna*, 523 U.S. 1, 7 (1998)).

¶ 47 Respondent maintains that the circuit court's finding that he abused his minor daughter, A.F., results in a long lasting stigma. He further contends that the POP may have negative impact on any issues of guardianship and parental rights which may arise in the pending probate matters. We agree that the POP, which involves his minor daughters and is based on a finding of abuse against A.F., has significant collateral consequences and creates negative ramifications on his

personal, family, and legal relationships. A favorable decision by this court would likely reduce the impact caused by the POP. Therefore, we will consider this appeal under the collateral consequences exception to the mootness doctrine.

¶ 48 In a proceeding to obtain an order of protection under the Act, the central question is whether the petitioner has been abused. *Best v. Best*, 223 Ill. 2d 342, 348 (2006). The Act broadly defines "abuse" as involving physical abuse, harassment, interference with personal liberty or willful deprivation. 750 ILCS 60/103(1) (West 2014). " 'Harassment' means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner." 750 ILCS 60/103(7) (West 2014). Once a finding of abuse has been made, the trial court is compelled, under the express language of the Act, to enter an order of protection. *Best*, 223 Ill. 2d at 348; 750 ILCS 60/214(a) (West 2014).

¶ 49 The determination of whether abuse has occurred presents issues of fact and as set forth plainly in the Act must be proven by the preponderance of the evidence. *Best*, 223 Ill. 2d at 348. A finding of abuse will be reversed only where it is against the manifest weight of the evidence. *Id.* A decision is contrary to 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 D.F.*, 201 Ill 2d 476, 498 (2002).

¶ 50 Petitioner presented evidence that respondent inappropriately touched his minor daughter A.F. on the breasts after she left the shower and commented that she was becoming a big girl. A.F. testified that respondent had offensively touched her on another part of her body at other times when they were living in Georgia. A.F. also testified that respondent caused her distress

and made her fearful by reminding her of things she had said about him in the past. A.F. was afraid that respondent would repeat his behavior if he took the minors back to Georgia. Petitioner related to the court that A.F. appeared to be reluctant to spend time with respondent and that A.F. was upset and frightened when she told petitioner that respondent had touched her breasts. The trial court found A.F. and petitioner to be credible. Based on this evidence, the trial court made a finding that respondent had abused A.F. and, thus, issued the POP. We find that the trial court's finding of abuse was not against the manifest weight of the evidence and therefore the court was obligated to enter the POP.

¶ 51 Respondent, however, argues that petitioner should not have been allowed to testify as an "expert." He cites to *In re Marriage of Gordon*, 233 Ill. App. 3d 617 (1992), maintaining that, because petitioner had been given temporary custody of the minors pursuant to the EOP, she could not give an expert opinion about the minors during the proceedings on the POP.

¶ 52 First, respondent did not raise this specific objection to petitioner's testimony before the trial court. Respondent may not raise an objection to the admission of evidence for the first time on appeal. See *People v. Watt*, 2013 IL App (2d) 120183, ¶ 44 (grounds not specified in an objection are forfeited). Further, after respondent was allowed to examine petitioner as to her qualifications as an expert, he voiced no objection to the court's acceptance of her as an expert on abuse and neglect investigations.

¶ 53 Forfeiture aside, we find that *Gordon* does not require reversal of the POP. In *Gordon*, after the entry of a dissolution of marriage judgment, issues arose as to the parties' minor son. The trial court appointed Mark Podolner, a parenting educator, to supervise the father's visitation with the son. The father filed a petition for an order of protection alleging the mother had abused

the son. During hearings relating to the petition, Mr. Podolner testified that, he had observed the son become "withdrawn" from the mother and that "it was possible for a child to be 'brain washed' into acting that way, but he did not believe that to be the case based on his knowledge of [the father] and his family." *Gordon* 233 Ill. App. 3d at 631-32. Mr. Podolner further opined that the father was a good parent and that it was possible the mother could become "violent" toward the son if he expressed positive feelings about the father. *Id*. at 654-55. The appellate court, when reviewing the order of protection which was entered against the mother, did not consider whether Mr. Podolner's opinions should have been admitted. Instead, because the case was being remanded, the appellate court found it "appropriate to discuss the credibility of [Mr. Podolner] on the question of the sufficiency of the evidence" (*id*. at 656), and noted discrepancies and inconsistencies in his testimony (*id*. at 656-57).

¶ 54 The witness in *Gordon* was appointed by the court to supervise the father's visitation. Yet the appellate court did not find his opinions as to both parents were erroneously admitted; the court only observed the credibility issues as to his testimony. The EOP, which granted petitioner her requested relief of temporary custody, cannot be viewed in the same way as the court appointment in *Gordon*.

¶ 55 Further, petitioner here, for the most part, testified based on her personal knowledge of the facts and circumstances of this case and what she had personally observed and heard. Without objection, petitioner listed signs of abuse which had relevance to her observances of A.F. and her relationship with respondent. Petitioner's knowledge of these signs was based on her training and duties. When called as an adverse witness and upon examination by her counsel, petitioner agreed that her opinion was that A.F. was a victim of abuse. Respondent did

not object or move to strike this testimony. *People v. Outlaw*, 388 Ill. App. 3d 1072, 1088 (2009) (if no motion to strike is made, objection is forfeited). However, the trial court, in making its findings, did not mention this "opinion" testimony when it entered the POP. We conclude that respondent has forfeited any claim of error in the trial court's acceptance of petitioner as an expert, and find that he was not prejudiced.

¶ 56 Respondent argues that the testimony of A.F. should not be given weight because of her age, her relationship with petitioner, and the loss she suffered as a result of her mother's death. However, the credibility of witnesses and the weight to be given their testimony is for the trier of fact, here the trial court, to decide. *In re Marriage of Anderson*, 409 Ill. App. 3d 191, 199 (2011). Additionally, the determination as to the competency of a witness is to be made by the trial court and a reviewing court may reverse that determination only where there has been an abuse of discretion. *People v. Williams*, 383 Ill. App. 3d 596, 632 (2008) (citing *People v. Sutherland*, 317 Ill. App. 3d 1117, 1124 (2000)).

¶ 57 A.F. was called as a witness with no objection. She began her testimony by stating she understood that she had taken an oath to tell only the truth. Before cross examining A.F., respondent asked the trial court to inquire as to A.F's competency to testify which the trial court did. In answering the trial court's questions, A.F. demonstrated that she comprehended her oath, knew she was to tell the truth, and understood the difference between a false statement and a true statement. The trial court, without objection from respondent, found A.F. competent to testify. We find the trial court did not abuse its discretion in finding A. F. was competent as she "knew the threshold difference between telling the truth and lying." *Id*. at 633.

¶ 58 The court also found A.F. to be a credible witness who understood the "gravity" of her testimony, and that her testimony was not coaxed. The issues raised by respondent on appeal—AF's age; the loss of her mother; and her relationship with petitioner—were before the trial court when it reached this conclusion. There is nothing to indicate that the trial court erred in finding A.F.'s testimony "clear and credible" and, thus, we will not disturb that finding.

¶ 59 Respondent next argues that petitioner had financial motivation to bring the petition and her testimony should not have been believed. Again the determination as to petitioner's credibility was for the trial court. The trial court found that petitioner was credible and that she was not motivated by financial interests. Petitioner had a loving relationship with the minors and a history of caring for and providing for them since their birth. Petitioner had full time employment, offered a home for the minors and respondent at the residence after the mother's death, and had been a co-owner with the mother of the house in Georgia. She testified that she had no objection to respondent taking the minors from the residence until A.F. related the experience with respondent and voiced her fears. The evidence demonstrates petitioner's genuine concern for the minors and her financial independence and, thus, the trial court's findings as to petitioner's credibility and lack of financial motivation will not be disturbed.

¶ 60 Respondent maintains the trial court erred by denying his "repeated pleas for appointment of a genuine, credentialed psychologist to evaluate the child and provide credible information." This contention was raised in respondent's initial brief by a single conclusory sentence without citation to the record and without supporting authority or coherent argument and will not be considered. See Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016).

¶ 61 Finally, respondent argues on appeal that the trial court erred by not considering the determination of unfounded by the IDPH which was made after the hearing but before the entry of the POP. The trial court was not informed of this determination until respondent filed his motions to reconsider the POP. Therefore, this argument can only be decided in the context of whether the trial court erred in denying the motions to reconsider.

¶ 62 We review a motion to reconsider which raises new matters, such as additional facts which were not previously presented, under an abuse of discretion standard. *River Village I, LLC v. Central Insurance Companies*, 396 Ill. App. 3d 480, 492 (2009). Respondent has not offered any argument or citation of authority in support of any error in the denial of the motions to reconsider based on the IDPH's determination of unfounded. Therefore this argument has been forfeited. Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016).

¶ 63 Forfeiture aside, the letter expresses that the unfounded determination did not mean that the incident involving A.F. did not occur. The trial court did not abuse its discretion in denying the motions to reconsider based solely on the letter from the IDPH stating that it had made a determination of unfounded.

¶ 64 For the reasons stated, we find that the collateral consequences exception to the mootness doctrine applies; we affirm the trial court's entry of the POP, as the finding of abuse was supported by the manifest weight of the evidence and the denial of the motions to reconsider the POP.

¶ 65 Affirmed.