2018 IL App (2d) 180403-U
Nos. 2-18-0403 & 2-18-0441 & 2-18-0443 & 2-18-0444 cons.
Order filed October 30, 2018

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IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re T.B., a Minor	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 14-JA-54
	)	
(The People of the State of Illinois, Department	)	
of Children and Family Services, Court	)	
Appointed Special Advocate, Guardian *ad*	)	Honorable
litem, Respondents-Appellees v. Teresa H.,	)	Francis P. Martinez,
Petitioner-Appellant).	)	Judge, Presiding.

In re T.B., a Minor	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 15-P-517
	)	
(Department of Children and Family Services,	)	
Court Appointed Special Advocate, Guardian	)	Honorable
ad litem, Respondents-Appellees v. Teresa H.,	)	Francis P. Martinez,
Petitioner-Appellant).	)	Judge, Presiding.

In re T.B., a Minor	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 15-AD-191
	)	
(Department of Children and Family Services,	)	
Court Appointed Special Advocate, Guardian	)	Honorable
ad litem, Respondents-Appellees v. Teresa H.	)	Francis P. Martinez,

and David H., Petitioners-Appellants).	)	Judge, Presiding.

In re T.B., a Minor	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 16-F-655
	)	
(Department of Children and Family Services,	)	
Court Appointed Special Advocate, Guardian	)	Honorable
ad litem, Respondents-Appellees v. Teresa H.,	)	Francis P. Martinez,
Petitioner-Appellant).	)	Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices McLaren and Hutchinson concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court lacked jurisdiction over Teresa H.'s claims that she was denied due process in the proceeding removing her as T.B.'s legal guardian and that the trial court abused its discretion in denying her motion to intervene in the termination of parental rights proceeding; the appellate court affirmed the trial court's order denying Teresa H. leave to file a petition for a related adoption.

¶ 2 Grandmother, Teresa H., appeals the orders of the circuit court of Winnebago County (1) removing her as T.B.'s legal guardian, (2) denying her petition to intervene in the termination of parental rights proceeding against T.B.'s father, and (3) denying her leave to file a petition for a related adoption. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In May of 2012, T.B.'s mother, E.B., overdosed on heroin while T.B. and his sister, Ta.B., were present in the home. On May 30, 2012, the Department of Children and Family Services (DCFS) opened a case and provided services designed to keep the children safe, while also keeping the family together.

¶ 5 On June 27, 2012, grandmother filed a *pro se* petition in the probate division, case number 12-P-261, seeking to have herself appointed as guardian of her daughter's children.

Mother informed the court that she had "health problems," and she consented to grandmother's petition for guardianship. It does not appear from the record that the court was informed of mother's heroin overdose or DCFS's involvement. On July 2, 2012, the court appointed grandmother as guardian over the persons of T.B. and Ta.B. Shortly thereafter, with mother no longer the children's caregiver, grandmother refused services from DCFS, and DCFS discontinued services for mother and the children.

¶ 6 On December 31, 2012, despite the fact that grandmother was still their legal guardian, Ta.B. reported to a worker at the children's school that they were living with mother. On that date, mother again overdosed on heroin. A police officer found her "passed out" in the family home and she was transported to Rockford Memorial Hospital. Witnesses at the scene reported that mother regularly abused heroin and prescription medications. Officers found syringe needles in the home. At the hospital, mother admitted to a police officer that she used heroin.

¶ 7 On January 22, 2014, DCFS received a report that T.B. and Ta.B. were sleeping on the floor of mother's cockroach-infested home. In response to the report, a DCFS caseworker attempted but was unable to make contact with mother. The children later reported that the roaches were extremely large and were chewing on their shoes, that they were afraid to turn out the lights, and that they found used syringes in the home. The children also said that they were afraid of "gang bangers" who would come into the home.

¶ 8 On January 31, 2014, T.B. and Ta.B. stayed home from school. Around 4:00 p.m., the children and Sarah B., mother's adult cousin, told a Winnebago County sheriff's deputy that they were watching a movie with mother when she left to go to the bathroom. A few minutes later, the children and Sarah heard a "loud thud" from the bathroom. They entered to find mother unresponsive on the bathroom floor. Sarah and T.B., who was then nine years old, administered

cardiopulmonary resuscitation (CPR) and splashed water on her face. Mother was transported to Swedish American Hospital and pronounced deceased at 4:36 p.m. The cause of death was listed as an "adverse reaction to heroin." DCFS took protective custody of T.B. and Ta.B., and placed them with another of mother's cousins, Patrick F.

¶ 9 On February 2, 2014, pursuant to section 2-3 of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3 (West 2012)), the State filed neglect petitions as to both children (14-JA-54, 14-JA-55)[1], alleging that mother was deceased and that their father, Zachary B., was incarcerated. Unaware that grandmother was the children's legal guardian, the State did not include her as a party. On April 29, 2014, the trial court held a hearing and adjudicated the children neglected. After the court issued its findings, but with all parties still present, the question of grandmother's status as guardian arose. The court set the case for disposition, instructing the State to serve grandmother with a summons so that she could be heard prior to disposition.

¶ 10 On May 29, 2014, grandmother appeared at the dispositional hearing. The court explained to grandmother that it had already held a neglect hearing in her absence, and that she had not been notified of that hearing because her status as guardian was previously unknown. The court offered grandmother several options: (1) if she objected to its findings from the April 29th hearing, it would vacate the adjudications of neglect and conduct a new hearing; (2) if she chose not to object to the April 29th adjudications of neglect, it would reaffirm its and immediately conduct a dispositional hearing, or (3) if grandmother did not understand these options, it would give her time to obtain counsel (either appointed or private) and set the matter

[1] Juvenile case number 14-JA-55 was the neglect petition regarding Ta.B., who remained in the care of her relative foster family and is not a subject of these appeals.

for a later date. Grandmother indicated that she agreed with the children's placement with Patrick F. and his family, and that she would like to see the matter "go forward." Expressing some concern regarding its jurisdiction over the previous hearing, the court vacated its prior adjudications. Based on grandmother's representations during the court's detailed colloquy with her, it issued stipulated findings of neglect on the amended petitions of neglect, which named grandmother as a party. The court immediately proceeded to the dispositional hearing and appointed DCFS as guardian, with discretion to place the children and control visitation. The court explained to grandmother that her guardianship would be revoked and the probate case (12-P-261) closed. The court asked grandmother: "Do you have any objection to me closing that guardianship file now that [DCFS] has taken over, ma'am?" Grandmother answered: "No." The court issued a written order discharging grandmother as guardian:

> "The guardianship of the minors having been placed with the Illinois Department of Children and Family Services, the Guardian Theresa [*sic*] [H] is hereby discharged, with her present and agreeing thereto. Letters of office previously issued are hereby revoked, and the case is closed."

¶ 11 The court held several permanency hearings where the goal remained to return the children home. On June 9, 2015, with father failing to make reasonable efforts or progress toward his service plan, the court changed the goal from "return home" to "substitute care pending court determination of termination of parental rights." On August 10, 2015, the State filed its "Motion for Termination of Parental Rights and Power to Consent to Adoption," in the juvenile case (14-JA-54).

¶ 12 T.B. and Ta.B. remained with Patrick F. and his family, which consisted of his wife and their four biological children. T.B. was attending counseling to cope with the death of his

mother and was getting along reasonably well at school. He was not, however, adjusting well to his new family environment. He had physical altercations with his foster siblings and verbal altercations with everyone in the home, which was "breaking their family apart." On May 28, 2015, Patrick F. and his wife asked DCFS to find a new placement for T.B.[2] On June 30, 2015, Children's Home and Aid of Illinois (CHASI) (contracting agency of DCFS) conducted a "clinical staffing" to determine the best interest of T.B. with regard to placement. Grandmother was ruled out as a potential foster placement due to safety concerns about decisions she made as a guardian of T.B. and Ta.B. Specifically, she had declined services from DCFS as guardian and liberally allowed the children stay with mother, despite her history of substance abuse. It was during that period, that Ta.B. told a worker at the children's school she and T.B. found syringes in the home and that they feared "gang bangers" who would visit. CHASI also considered that mother abused heroin and prescription drugs and died from an overdose of heroin while the children were present. CHASI found no other family members who could care for T.B. On August 6, 2015, CHASI placed T.B. with a traditional foster family in Machesney Park.[3] Ta.B. remained with Patrick F. and his family.

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[2] Ta.B. was adjusting well to the new family and Patrick F. and his wife wished to continue caring for her. On June 28, 2016, Patrick F. and his wife signed "permanency commitment forms," indicating their desire to proceed with the adoption of Ta.B.

[3] Approximately eight months after placement with the Machesney Park family, CHASI determined that T.B. needed "specialized" foster care. On May 9, 2016, T.B. was placed with his current foster family, J.V. and A.V., in Rockford. J.V. and A.V. have a petition for adoption of T.B. pending, to which DCFS has consented.

¶ 13 Grandmother was not satisfied with T.B.'s new foster placement. On September 24, 2015, she filed a guardianship petition, requesting that the court again appoint her guardian of T.B. The guardianship petition was docketed in the probate court as case number 15-P-517 and was stayed pending a resolution in the juvenile case (14-JA-54). It was reassigned to the trial court presiding over the juvenile case, which was now proceeding to determine whether the parental rights of father would be terminated. On September 25, 2015, grandmother filed a motion to intervene in the termination proceedings. On December 10, 2015, the trial court denied grandmother's motion, finding that she did not have standing to intervene pursuant to statute.

¶ 14 On December 29, 2015, grandmother filed a petition to adopt T.B., case number 15-AD-191. Grandmother subsequently filed an amended petition and a second amended petition to adopt T.B. GAL filed a motion to dismiss the petitions, arguing, *inter alia*, that grandmother failed to obtain leave of the court prior to filing a petition, as was required by section 2-29(1) of the Juvenile Court Act (705 ILCS 405/2-29(1) (West 2014)).

¶ 15 On August 2, 2016, pursuant to section 601.2 of the Illinois Marriage and Dissolution of Marriage Act (750ILCS 5/601.2 (West 2016)), grandmother filed a "petition for allocation of parental responsibility," case number 16-F-655. Grandmother asserted that she met the statutory guidelines as a person who could be assigned primary parental responsibility, and that it was in T.B.'s best interest to do so.

¶ 16 On November 14, 2017, the trial court dismissed grandmother's petition to adopt T.B. (15-AD-191), but granted her leave to file a motion requesting leave to file a new adoption petition. The court specifically enjoined her from filing further adoption petitions without leave of the court. On December 14, 2017, grandmother filed a motion to reconsider the order

dismissing her adoption petition, and alternatively, a petition seeking leave to file a new adoption petition.

¶ 17 On May 16, 2018, the court denied the motion to reconsider and declined to grant leave to file a new adoption petition. With the adoption petition dismissed and grandmother barred from filing further petitions, the court dismissed the adoption case (15-AD-191) for lack of standing and included language that it was a "final and appealable order." On that same date, the court dismissed grandmother's "petition for guardianship" in the probate case (5-P-517), and her "petition for allocation of parental responsibility" in the family case(16-F-655), both for lack of standing.

¶ 18 Grandmother filed separate notices of appeal in relation to four of the orders in her various pleadings: (1) the order dismissing her petition to adopt in 15-AD-191, appellate case number 2-18-0441; (2) the order denying her request for leave to file a petition to adopt in 14-JA-54, appellate case number 2-18-0403; (3) the order finding that she lacked standing to bring her "petition for guardianship" in 15-P-517, appellate case number 2-18-0443; and (4) the order dismissing her "petition for primary allocation of parental responsibility" in 16-F-655, appellate case number 2-18-0444. On our own motion, we consolidated these four appeals for the purposes of briefing and disposition.[4]

[4] Each of these consolidated appeals is subject to Illinois Supreme Court Rule 311(a)(5) (eff. July 1, 2018), which provides in relevant part: "Except for good cause shown, the appellate court shall issue its decision within 150 days after the filing of the notice of appeal ***." We have good cause for issuing this order more than 150 days after the filing of the notice of appeal **in 2-18-0403** because the case was not ready for disposition until **25 days** prior to the 150-day deadline. Moreover, these consolidated appeals involved an unusually lengthy and complicated

¶ 19 II. ANALYSIS

¶ 20 Grandmother raises three arguments: (1) the trial court denied her due process when it removed her as guardian, (2) the trial court abused its discretion by denying her motion to intervene in the termination proceeding, and (3) the trial court abused its discretion by dismissing her original adoption petition (15-AD-191) and requiring her to allege specific facts not enumerated in the relevant statute in her petition seeking leave to file a related adoption petition.[5]

¶ 21 Grandmother offers no arguments for issues presented in two of her four notices of appeal: (1) the May 16, 2018, order in 15-P517, dismissing her "petition for guardianship," appellate case number 2-18-0443, and (2) the May 16, 2018, order in 16-F-655, dismissing her "petition for primary allocation of parental responsibility," appellate case number 2-18-0444. Points not argued on appeal are forfeited. Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018). Grandmother has therefore forfeited any issues with regard to appellate case numbers 2-18-0443 and 2-18-0444. Accordingly, the judgment orders in 2-18-0443 and 2-18-0444 are affirmed.

¶ 22 A. Jurisdiction

¶ 23 Before moving to the substance of the remaining appeals, we must address appellate jurisdiction. The State, DCFS, Court Appointed Special Advocate (CASA), and Guardian *ad litem* (GAL), as appellees, question our jurisdiction over grandmother's arguments. Additionally, we are obliged to independently consider our jurisdiction in all cases. *Peraino v. County of Winnebago*, 2018 IL App (2d) 170368, ¶ 12.

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record, and without objection, we granted motions by grandmother, DCFS, and Court Appointed Special Advocate/Guardian *ad litem* for 21-day extensions of time to file their briefs.

[5] On October 1, 2018, grandmother filed a motion for leave to attach an exhibit to her reply brief. We grant grandmother's motion, noting that the exhibit was already in the record.

¶ 24 The first step in initiating an appeal is to file a notice of appeal; no other step is jurisdictional. Ill. S. Ct. R. 303(a)(1) (eff. Feb. 1, 1994). The notice of appeal must be filed within 30 days after the entry of the final judgment appealed from or within 30 days after the entry of the order disposing of the last posttrial motion. Ill. S. Ct. R. 301 (eff. July 1, 2017). A timely notice of appeal is both jurisdictional and mandatory, and the appellate court has no authority to excuse compliance with the filing requirements. *Peraino*, 2018 IL App (2d) 170368, ¶ 12. For the following reasons, we lack jurisdiction over two of grandmother's claims. However, we indeed have jurisdiction over her third claim.

¶ 25 1. *Due Process in Discharging Guardian*

¶ 26 Grandmother first argues that the trial court denied her due process by removing her as guardian. On May 29, 2014, the trial court, without objection from grandmother, adjudicated the minors neglected in 14-JA-54 and 14-JA-55 and immediately thereafter held a dispositional hearing, where it found that it was in the children's best interests to appoint DCFS as guardian. The court entered separate orders appointing DCFS as guardian and removing grandmother as guardian. With respect to grandmother, the order read:

> "The guardianship of the minors having been placed with the Illinois Department of Children and Family Services, the Guardian [grandmother] is hereby discharged, with her present and agreeing thereto. Letters of office previously issued are hereby revoked, and the case is closed."

¶ 27 Notwithstanding her clear statements in the record which indicate otherwise, grandmother now argues that she was "induced into agreeing to end her guardianship" and that her "free will was overwhelmed" by the court. We do not address the substance of these claims because we determine that we lack jurisdiction over this issue. The trial court's order in the

original probate case (12-P-261) discharging grandmother as guardian finally determined her rights as they pertained to her guardianship of T.B. and Ta.B. When the court entered the order discharging grandmother as guardian on May 29, 2014, there remained nothing pending in that case, which made it a final and appealable order. See *In re Guardianship of J.D.*, 376 Ill. App. 3d 673, 675-76 (2007). Grandmother had 30 days from the date of that order, until June 28, 2014, to file her notice of appeal. Ill. S. Ct. R. 301 (eff. July 1, 2017). She did not file any notices of appeal until May 25, 2018.

¶ 28 A further impediment to our jurisdiction is that grandmother did not clearly identify in any of her notices of appeal that she intended to appeal the order terminating her guardianship. "Under Illinois Supreme Court Rule 303(b)(2) (eff. [July 1, 2017]), we lack jurisdiction to review judgments or parts of judgments not specified in or inferred from the notice of appeal." *Bayview Loan Servicing, LLC v. Szpara*, 2015 IL App (2d) 140331, ¶ 25. None of the orders specified in any of grandmother's notices of appeal directs us to the May 29, 2014, order that discharged her as guardian. Consequently, for two independent reasons, we do not have jurisdiction to review this first issue.

¶ 29 2. *Denial of Motion to Intervene*

¶ 30 Grandmother next argues that the trial court abused its discretion by denying her September 25, 2015, petition to intervene in the juvenile proceeding (14-JA-54). The juvenile case in which grandmother was attempting to intervene began with the State's neglect petition on February 4, 2014. On August 10, 2015, following several permanency hearings, the State filed a motion for termination of parental rights. It was at that stage that grandmother attempted to intervene in one of her several attempts to gain custody of T.B. The trial court denied her motion to intervene on December 10, 2015. The denial of a petition to intervene is not a final and

appealable order. *Village of Long Grove v. Austin Bank of Chicago*, 234 Ill. App. 3d 376, 380 (1992). Nor is it an interlocutory appeal as of right under Illinois Supreme Court Rule 307 (eff. Nov. 1, 2017). Furthermore, the court entered no findings under Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016), that there was no just reason for delaying enforcement or appeal. Accordingly, to appeal that order denying her petition to intervene, grandmother would have had to timely appealed following the final order in the termination proceeding, which was the order entered on January 4, 2016, terminating father's parental rights and appointing DCFS as guardian with power to consent to adoption. *In re A.H.*, 207 Ill. 2d 590, 595 (2003) ("An order terminating parental rights and appointing a guardian to consent to adoption is a final order because the specific permanency goal is achieved ***."). Therefore, grandmother had 30 days from the date of that order, until February 3, 2016, to file a notice of appeal challenging the denial of her petition to intervene. Ill. S. Ct. R. 301 (eff. July 1, 2017). She did not file any notices of appeal until May 25, 2018, more than two years too late. Accordingly, we lack jurisdiction to review this issue and cannot address the merits.

¶ 31 3. *Denial of Leave to File Petition for Adoption*

¶ 32 Grandmother frames her final issue as the trial court abusing its discretion by demanding excessive pleading requirements in her petition seeking leave to file an adoption petition. On November 14, 2017, the trial court dismissed grandmother's petition to adopt T.B., in part because she had not followed the statutory requirement of obtaining leave of the court before filing it. The court gave grandmother an opportunity to cure the error by granting her leave to file a motion seeking leave to file a new adoption petition. Grandmother filed her petition for leave to file a new adoption petition, and subsequently filed two amended versions of that

petition. On May 16, 2018, the trial court denied her second amended petition for leave to file a petition for a related adoption.

¶ 33 DCFS concedes that we have jurisdiction on this issue. The State, CASA, and GAL all argue that grandmother was not a party in the juvenile case (14-JA-54), and that she therefore could not file a notice of appeal pursuant to Illinois Supreme Court Rule 303(a)(1) (eff. July 1, 2017), which provides in relevant part that an appeal "may be filed by any *party*." (Emphasis added.) While it is true that grandmother was not a party in the underlying juvenile case, section 2-29(1) of the Juvenile Court Act (705 ILCS 405/2-29(1) (West 2016)) permits non-parties in a juvenile proceeding to file a petition for adoption with "leave of the court." In this case, the trial court specifically granted grandmother leave to file a motion seeking leave to file a petition for adoption. For the purpose of appeal, grandmother was a party in her petition seeking leave of the court to file her petition for adoption. The court's order of May 16, 2018, finally and fully disposed of all issues involving that petition, and grandmother had 30 days to file her notice of appeal. Ill. S. Ct. R. 301 (eff. July 1, 2017). On May 25, 2018, she filed her timely notice of appeal. Accordingly, we determine that we do have jurisdiction to review this issue.

¶ 34 B. Merits – Denial of Leave to File Petition for Adoption

¶ 35 As noted above, grandmother argues that the trial court abused its discretion by dismissing her adoption petition (15-AD-191)[6] and setting excessive pleading requirements in her petition for leave to file a related adoption petition. Her argument is two-fold: (1) the court erred by requiring a petition requesting leave to file her adoption petition when the court had

[6] Step-grandfather, David H., filed a notice of appeal in the adoption case, 15-AD-191 (appellate case number 2-18-0441), but no others. The same arguments and analysis on this issue apply to step-grandfather as they do to grandmother.

already, *sua sponte*, instructed her to file an adoption petition, and (2) alternatively, the court erred in requiring her to plead sufficient facts alleging that DCFS had abused its discretion to consent to T.B.'s adoption by his foster parents.

¶ 36 DCFS and the State respond that grandmother misrepresents the record in arguing that the trial court instructed her, *sua sponte*, to file an adoption petition. CASA and GAL are silent as to this issue. DCFS, the State, CASA, and GAL all agree that it was proper for the trial court to require grandmother to allege facts sufficient to show that DCFS had abused its discretion with regard to its power to consent to adoption.

¶ 37 On December 10, 2015, the court heard arguments and ruled that grandmother had no standing to intervene in any phase of the juvenile case (14-JA-54). Following the ruling, grandmother's attorney questioned the court as to how else grandmother might intervene to be considered as a guardian or an adoptive parent. The court started by stating that it was unclear as to what her next step should be and that it was not comfortable giving legal advice, after which, the following exchange occurred:

> "THE COURT: You might want to check the statute. The only thing that I can think this through on - - or the only authority that I believe you might have is if you filed a petition to adopt. You would have to serve the proper parties, which includes the father until he is terminated, and you would have to again serve [DCFS]. They are the guardians.
>
> [GRANDMOTHER'S ATTORNEY]: Okay.
>
> THE COURT: And that's a whole set of issues I am not prepared to opine on at all because I haven't studied the law at [all].

As far as this case goes, through the termination of parental rights, I have ruled that the [grandparents] don't have standing to proceed to intervention. What you file under an [adoption] case and serve and litigate and what a judge does in that case is right now completely speculative to me because I have not studied the question.

[GRANDMOTHER'S ATTORNEY]: Okay. That's really the direction that I want to go in. I don't want to affect the termination.

THE COURT: It is what it is. The termination will proceed. We are going to be set for December 30th, and we will go to best interest.

[GRANDMOTHER'S ATTORNEY]: When it's best interests, that's best interests for the child to have his father's rights terminated, am I correct?

THE COURT: Yes.

[GRANDMOTHER'S ATTORNEY]: Okay. Not best interests where the child is going to be at?

THE COURT: No.

[GRANDMOTHER'S ATTORNEY]: That's what I was worried about. I get it.

THE COURT: So I think your only remedy - - and I'm not sure it would prevail. I don't know.

[GRANDMOTHER'S ATTORNEY]: I know.

THE COURT: You would have to file your own competing adoption petition. You would have to serve the proper parties. The child will be in the guardianship of [DCFS]. So they will have something to say about it. I don't know if even there is any statutory prohibition."

¶ 38 Grandmother now asserts that this colloquy had the effect of the court instructing her, *sua sponte,* to file an adoption petition. She further asserts that this instruction in open court gave notice to all parties and satisfied the "leave of the court" requirement in section 2-29(1) of the Juvenile Court Act. We disagree. At most, the court offered general thoughts but was clear that grandmother's attorney should study the relevant statute before deciding what her next step should be. The court qualified each of its statements with phrases such as, "you might want to check," "I haven't studied the law," "completely speculative to me," and "I don't know if even there is any statutory prohibition." To argue now that the court "instructed" her to file a petition is frivolous and without basis in fact. It was grandmother's burden, by whatever means, to obtain leave of the court before filing her adoption petition, which she did not do. We cannot reasonably interpret these comments as an instruction to file an adoption petition. Accordingly, we reject this argument.

¶ 39 Grandmother alternatively contends that the court abused its discretion by imposing unreasonably onerous requirements on the content of her petition seeking leave to file her competing adoption petition. She argues that the Juvenile Court Act requires only "leave of the court" to file an adoption petition. It enumerates no other specific pleading requirements, and she maintains the trial court erred by requiring her to allege facts showing that DCFS had abused its discretion.

¶ 40 A trial court abuses its discretion only when its ruling is "arbitrary, fanciful, or unreasonable, or where no reasonable person would take the view adopted by the court." *In re Adoption of S.G.,* 401 Ill. App. 3d 775, 784 (2010).

¶ 41 Here, the court dismissed grandmother's original adoption petition because she did not obtain leave of the court before filing it, as was required by section 2-29(1) of the Juvenile Court

Act. Citing "fairness and equity," the court nonetheless granted grandmother leave to file a motion asking for leave to file a new adoption petition. By that time, T.B.'s foster parents had already filed their own petition to adopt. DCFS, as guardian, would have to decide which adoption petition it should consent to should the court grant grandmother's petition. Several CHASI workers met with grandmother in August 2017 to assess her mental health and ability to parent. Following the interview, CHASI workers were concerned that grandmother did not understand why T.B. came to be a ward of the court, and that she did not believe therapy was necessary. Shortly thereafter, the guardian administrator for DCFS also met with T.B., J.V., A.V., and GAL. On November 1, 2017, a successor took over the role of guardian administer for DCFS. She also interviewed all relevant parties, including grandmother. In addition to her interviews, the successor guardian administrator personally reviewed the filings and reports pertaining to the case, and determined that it was in T.B.'s best interest to consent to the adoption petition of J.V. and A.V. DCFS specifically withheld its consent for grandmother to adopt T.B., determining that she was "not a fit and proper person to parent the child." The court presumed that DCFS, as guardian, was acting in the best interests of T.B. It therefore required grandmother to allege sufficient facts to demonstrate that DCFS abused its discretion before it would grant her leave to file a petition to adopt.

¶ 42 Grandmother cites only *In re Marriage of Milliken*, 199 Ill. App. 3d 813, 817 (1990), where the appellate court noted that "jurisdiction of a court in a dissolution proceeding is limited to that conferred by statute." Grandmother asks us to extend the logic of the narrow jurisdictional issue in that dissolution case to the case at bar and hold generally that a trial court may not impose any requirements not specifically enumerated in a statute. This argument is unpersuasive. The jurisdictional question faced in *In re Marriage of Milliken* has no bearing or

relevance to these proceedings. Although her reasoning is somewhat obtuse, it seems that grandmother is simply arguing the unremarkable proposition that the trial court must properly apply the relevant statutes, and that the court did not do so here.

¶ 43 Contrary to grandmother's assertion, the court here followed the requirements of the applicable statutes. Section 2.1 of the Adoption Act (750 ILCS 50/2.1 (West 2016)) requires that it be construed in concert with the Juvenile Court Act. The Adoption Act also dictates that a court-appointed guardian consider the "best interest" of the minor when consenting to an adoption (750 ILCS 50/15.1(b) (West 2016)), and that a court may override a guardian's authority when it abuses its discretion to consent or withhold consent (750 ILCS 50/15.1(d) (West 2016)). As discussed, section 2-29(1) of the Juvenile Court Act requires a petitioner to obtain leave of the court to file an adoption petition for a minor in a neglect proceeding. Construing these acts in concert with one another, the trial court reasonably required that grandmother allege sufficient facts to show that DCFS abused its discretion. The decision was not arbitrary, fanciful, or unreasonable, and was not such that no reasonable person would have taken this same view. Thus, the trial court did not abuse its discretion by imposing the pleading requirements.

¶ 44 III. CONCLUSION

¶ 45 For the reasons stated, we affirm the judgment orders of the circuit court of Winnebago County dismissing the adoption petition in 15-AD-191 and denying the second amended petition for leave to file a subsequent related adoption petition in 14-JA-54. We further affirm the judgment orders of the circuit court dismissing the guardianship petition, 15-P-517, and the petition for primary allocation of parental responsibility, 16-F-655, as grandmother forfeited those claims. For failure to file notices of appeal, we have no jurisdiction to consider

grandmother's claims that the circuit court erred in discharging her as guardian in 12-P-261 and denying her motion to intervene in 14-JA-54.

¶ 46 No. 2-18-0403, Affirmed.

¶ 47 No. 2-18-0441, Affirmed.

¶ 48 No. 2-18-0443, Affirmed.

¶ 49 No. 2-18-0444, Affirmed.