

NOTICE

This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

FILED
August 19, 2016
Carla Bender
4th District Appellate
Court, IL

2016 IL App (4th) 160218-U
NOS. 4-16-0218, 4-16-0219 cons.

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

In re: J.C., a Minor,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Champaign County
v. (4-16-0218))	No. 14JA79
DANNELLE PASLEY,)	
Respondent-Appellant.)	
-----)	
In re: J.C., a Minor,)	No. 14JA79
THE PEOPLE OF THE STATE OF ILLINOIS,)	
Petitioner-Appellee,)	
v. (4-16-0219))	Honorable
BOBBY CROWE,)	John R. Kennedy,
Respondent-Appellant.)	Judge Presiding.

PRESIDING JUSTICE KNECHT delivered the judgment of the court.
Justices Turner and Appleton concurred in the judgment.

ORDER

¶ 1 *Held:* This court lacks jurisdiction to consider the sufficiency of the last permanency order as the order was not specified in the notice of appeal.

¶ 2 In March 2016, the trial court entered an order terminating the parental rights of respondent mother, Dannelle Pasley, and respondent father, Bobby Crowe, to their child J.C. (born October 26, 2014). Respondent parents appeal the order, arguing the trial court failed to make written findings when the permanency goal was changed from return home to substitute care pending determination of the State's motion to terminate parental rights. The State

contends, in part, this court lacks jurisdiction to consider the issue on appeal as it was not specified in the notice of appeal. We agree and dismiss the appeal.

¶ 3

I. BACKGROUND

¶ 4 On the date of J.C.'s birth, Pasley tested positive for cocaine. Pasley had a long history of substance abuse. Protective custody was taken of J.C.

¶ 5 In October 2014, the State filed a petition for adjudication of neglect and shelter care on behalf of J.C. The State alleged J.W., respondent's son, to be a neglected minor because when he resided with respondent parents he was exposed to an environment injurious to his welfare (705 ILCS 405/2-3(1)(b) (West 2014)). The State alleged Pasley failed to correct the conditions that resulted in prior adjudications of parental unfitness to seven older children in four separate proceedings. Crowe, according to the State, also failed to correct the conditions leading to a finding of unfitness for one other child. Following a dispositional hearing, the trial court adjudged J.C. neglected and placed custody and guardianship with the Department of Children and Family Services (DCFS).

¶ 6 On September 10, 2015, the State filed a motion for a finding of unfitness and termination of the parental rights of both respondent parents. The State alleged respondent parents were unfit in that they (1) failed to make reasonable efforts to correct the conditions that were the basis for the removal of J.C. from them (750 ILCS 50/1(D)(m)(i) (West 2014)); (2) failed to make reasonable progress toward the return of J.C. to them in the initial nine months following the neglect adjudication (750 ILCS 50/1(D)(m)(ii) (West 2014)); and (3) failed to maintain a reasonable degree of interest, concern, or responsibility as to J.C.'s welfare (750 ILCS 50/1(D)(b) (West 2014)).

¶ 7 On September 14, 2015, a permanency hearing was held. The docket sheet shows the trial court advised the respondent parents of the State's motion. The court found both parents, who were present, understood. The court ordered custody and guardianship to continue with DCFS and changed the permanency goal to substitute care pending the outcome of the State's motion.

¶ 8 In addition to the docket entry, the trial court entered a permanency order by completing a preprinted form. By checking specific boxes, the court noted it reviewed the service plan and the report and found DCFS made reasonable efforts. The court further noted the time and date of the next permanency hearing and fitness hearing.

¶ 9 At the hearing on parental fitness, the testimony established respondent parents were not participating in services. Both respondent parents missed scheduled drug screens. Respondent parents were, with few exceptions, participating in visits with J.C. These visits were supervised and in the parents' home.

¶ 10 The trial court found the State proved all counts of parental unfitness by clear and convincing evidence. After the best interest hearing, the court terminated respondent parents' parental rights to J.C.

¶ 11 This appeal followed.

¶ 12 II. ANALYSIS

¶ 13 On appeal, respondent parents do not challenge the findings of fitness or the termination of their parental rights. Respondent parents argue the trial court's last permanency order, changing the permanency goal to "substitute care pending" resolution of the State's motion to terminate parental rights, was insufficient. According to respondent parents, the trial court's

use of the preprinted form did not comply with the statutory mandate requiring written findings. See *In re K.H.*, 313 Ill. App. 3d 675, 683, 730 N.E.2d 131, 137 (2000).

¶ 14 The State maintains, in part, this court lacks jurisdiction over this issue on appeal. The State points to respondent parents' notice of appeal and maintains it does not specify or indicate the permanency order would be appealed.

¶ 15 Illinois Supreme Court Rule 303(b)(2) (eff. Jan. 1, 2015) mandates a notice of appeal "specify the judgment or part thereof or other orders appealed from and the relief sought from the reviewing court." This court acquires jurisdiction over the judgments specified in the notice of appeal and lacks jurisdiction over any matter or judgment not so specified. *Diocese of Quincy v. Episcopal Church*, 2014 IL App (4th) 130901, ¶ 35, 14 N.E.3d 1245. Here, respondent parents specified in their notice of appeal only the "Order – Termination of Parental Rights." No error regarding the now challenged permanency order was asserted. We lack jurisdiction over respondent parents' lone claim. See *In re V. M.*, 352 Ill. App. 3d 391, 397, 816 N.E.2d 776, 780 (2004) (holding the appellate court lacked jurisdiction to review alleged errors regarding permanency orders when those orders were not specified in the notice of appeal).

¶ 16 III. CONCLUSION

¶ 17 We dismiss respondent parents' appeal.

¶ 18 Appeal dismissed.