FOURTH DIVISION
March 30, 2018

Nos. 1-17-1680

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

In re K.W., a Minor,	)	Appeal from the
(The People of the State of Illinois, Petitioner-Appellee,	)	Circuit Court of
	)	Cook County
v.	)	
	)	No. 16 JA 827
Jalessa P., Respondent-Appellant).	)	
	)	Honorable
	)	Peter Vilkelis,
	)	Judge Presiding.

JUSTICE ELLIS delivered the judgment of the court.
Presiding Justice McBride and Justice Gordon concurred in the judgment.

ORDER

¶ 1 *Held*: Trial court's judgment affirmed. Where trial found minor to be "dependent" based on lack of proper care due to respondent-mother's mental illness but State had alleged only that minor was "neglected" and "abused," respondent-mother forfeited argument that trial court erred where she failed to object or otherwise raise issue in trial court when purported error still could be remedied.

¶ 2 Respondent-appellant Jalessa P. is the mother of the minor, K.W. The father of K.W. is not a party to this appeal. Jalessa P. appeals the circuit court's May 22, 2017 order in which the court found K.W. dependent under section 2-4(1)(b) of the Juvenile Court Act (the Act). 705 ILCS 405/2-4(1)(b)(West 2016). Under that section, a dependent minor includes one who is without proper care because of the mental disability of his parent.

¶ 3 Jalessa P. argues that the court erred in *sua sponte* entering a finding that K.W. was "dependent" where the State, in its petition for adjudication, had alleged only that K.W. was "neglected" based on an injurious environment under section 2-3(1)(b) of the Act (705 ILCS 405/2-3(1)(b) (West 2016), and was "abused" based on a substantial risk of physical injury under section 2-3(2)(ii) of the Act. 705 ILCS 405/2-3(2)(ii) (West 2016).

¶ 4 For the reasons that follow, we affirm the trial court's judgment.

¶ 5 I. ILLINOIS SUPREME COURT RULE 311

¶ 6 At the outset, we note that this case is designated as "accelerated" pursuant to Illinois Supreme Court Rule 311(eff. Mar. 8, 2016) because it involves a matter affecting the best interests of a child. Rule 311 states in relevant part that, "[e]xcept for good cause shown, the appellate court shall issue its decision within 150 days after the filing of the notice of appeal." Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2017).

¶ 7 In this case, Jalessa P. filed her notice of appeal on July 12, 2017. But she then requested an extension of time to file the record, and later requested an extension of time to file her brief, both of which we granted. We also granted the State's Attorney an extension of time to file its brief.

¶ 8 Thus, this appeal was not ready for disposition until March 6, 2018. In light of these circumstances, there is good cause to issue this decision after the 150-day deadline.

¶ 9 II. BACKGROUND

¶ 10 K.W. was born on August 26, 2007. In August 2016, the Illinois Department of Children and Family Services (DCFS) received a report that nine-year-old K.W. had been locked out of his home by his mother and he had walked to his grandmother's house. After a temporary custody hearing, the trial court placed K.W. in the guardianship of DCFS.

¶ 11 On September 23, 2016, the State filed a petition for adjudication of wardship. The petition alleged:

> "Putative father has one prior indicated report for substantial risk of physical injury/environment injurious to health and welfare by neglect. This minor states that on August 18, 2016 mother left him outside and failed to let him back in the home. Minor states he has observed mother display bizarre behaviors which make him fearful to return home. Mother has been diagnosed with psychosis. Mother state[s] that she has been diagnosed with schizophrenia. Mother states that she recently completed a mental health evaluation which recommended inpatient treatment. Mother states that she will not follow[]up on the recommendations. Putative father was convicted of domestic battery on November 3, 2015 and he needs to be assessed for services. Paternity has not been established."

¶ 12 The State alleged in its petition that K.W. was: (1) "neglected" under section 2-3(1)(b) of the Act as a minor under 18 years of age whose environment was injurious to his welfare (705 ILCS 405/2-3(1)(b) (West 2016)); and (2) "abused" under section 2-3(2)(ii) of the Act in that his parent "[c]reate[d] a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function." 705 ILCS 405/2-3(2)(ii) (West 2016). The petition contained no allegation that K.W. was "dependent" pursuant to section 2-4(1)(b) of the Act (705 ILCS 405/2-4(1)(b) (West 2016)), under which a dependent minor includes one who is without proper care because of the mental disability of his parent.

¶ 13 The adjudication hearing was held on March 20, 2017, and May 22, 2017. Three State exhibits were admitted into evidence.

¶ 14 State's Exhibit No. 1 was a certified copy of the indictment in Lake County of K.W.'s father on one count of aggravated domestic battery and six counts of domestic battery including an order and certificate of misdemeanor probation for domestic battery. The exhibit includes a November 3, 2015 court order showing that he pleaded guilty to one count of misdemeanor domestic battery and received 24 months of probation. The victim was not Jalessa P. and was unrelated to the parties in this case.

¶ 15 State's Exhibit No. 2 consisted of Jalessa P.'s Loretto Hospital records showing she was admitted on December 7, 2015. Her diagnoses included "Psychosis" and "Chronic mental illness." The progress notes indicate that Jalessa P. was "still very delusional, [with] poor insight" and she was assessed as having schizophrenia. A progress note dated December 9, 2015, notes that Jalessa P. "does not remember why she came to the hospital, does not remember why they brought her here" and that the doctor talked to Jalessa P. about her "severe paranoia and her delusion."

¶ 16 State's Exhibit No. 3 was Jalessa P.'s Jackson Park Hospital records from 2005 and 2008. They show that she went to the emergency room for a psychiatric evaluation with her problems listed as "paranoid, depressed, not able to sleep, hearing voices." She was diagnosed with schizoaffective disorder and her treatment included prescriptions for psychotropic medications.

¶ 17 The State's first witness was Janice Ware, a DCFS investigator who was assigned to K.W.'s case in August 2016 as the mandate investigator. On August 27, 2016, Ms. Ware spoke to K.W. by telephone. K.W. was at his grandmother's home, and told Ms. Ware that he was staying there because Jalessa P. "had put him out of the house." K.W. told Ms. Ware that this was the second time that Jalessa P. had put him out of the house. K.W. also told her that he was

afraid of his mother because he did not know what she would do next. K.W. said he was not in school and that his mother was trying to find him a school.

¶ 18 The State's next witness was Deborah Harris, a DCFS investigator assigned to K.W.'s case in August 2016, after the case came in and the report stated that the minor had walked to his paternal grandmother's home after his mother locked him out of his home. The paternal grandmother, in turn, took K.W. to the maternal grandmother's house.

¶ 19 Ms. Harris spoke to Jalessa P. on the telephone twice on September 8, 2016. The first conversation was at 10 a.m. Ms. Harris told Jalessa P. about the pending investigation and the allegation. Jalessa P. gave Ms. Harris her account of what had happened with K.W. According to Jalessa P., she and K.W. were walking back from the store. When they came to the house, Jalessa P. saw that the lock looked funny and she was concerned that someone was in the house. She went into the home to check and told K.W. to wait outside. When she came back out to get K.W., he had left.

¶ 20 Jalessa P. told Ms. Harris that she had been diagnosed with schizophrenia, was not compliant with her prescribed medication, and was not seeing a counselor. Jalessa P. also told Ms. Harris that K.W. wanted to go to his grandmother's home, was always saying that he did not want to be with Jalessa P., and that he was afraid of her. Jalessa P. told Ms. Harris that she did not want K.W. to be at his maternal grandmother's house because he would "have too much fun." Ms. Harris testified that Jalessa P. specifically told her that she did not want K.W. to be with her mother because that is where K.W. wants to be and she "does not want him to be happy."

¶ 21 Ms. Harris instructed Jalessa P. to have a mental health assessment and told her of several places where she could have the assessment done. She told her that the assessment would determine whether DCFS would take further action regarding K.W.

¶ 22 Ms. Harris's second September 8, 2016 telephone conversation with Jalessa P. was at 11:30 a.m. Jalessa P. told Ms. Harris that it was fine for K.W. to stay at his maternal grandmother's house. Jalessa P. agreed that she would enroll K.W. in a school near the grandmother's house. Jalessa P. also told Ms. Harris that she was concerned about K.W.'s safety issues and wanted him to be safe.

¶ 23 Ms. Harris also spoke to K.W.'s father by telephone on September 8, 2016. The father said he was the noncustodial parent but was willing to pick up K.W. and bring him to his house. But he explained that it could take two weeks because he did not have any money for gasoline. He also stated that K.W.'s placement with the maternal grandmother was a good placement.

¶ 24 On September 14, 2016, Ms. Harris again spoke to Jalessa P. who claimed she had completed the mental health assessment. But Jalessa P. would not tell Ms. Harris where she had obtained the assessment, nor did Jalessa P. offer Ms. Harris any proof that she had actually completed the assessment.

¶ 25 On September 22, 2016, Ms. Harris again spoke to Jalessa P. about whether she had completed the assessment. Jalessa P. said she was in the process of obtaining an assessment from a church. Jalessa P. also stated that she had completed the assessment at one of the places Ms. Harris had recommended and they had told her she should "participate in [an] inpatient program for seven weeks or more." But Jalessa P. told Ms. Harris that she did not feel that she needed to participate in an inpatient program for such a long period of time. Ms. Harris asked Jalessa P. for the information regarding the assessment but Jalessa P. would not provide it.

¶ 26 Ms. Harris also spoke to 9-year-old K.W., alone and in person, on September 22, 2016. K.W. told her that he was afraid of his mother and that she had "strange behaviors." Ms. Harris asked K.W. what that meant and he told her that both he and his mother were walking back from the store and she was trying to open car doors or was pulling on the car door handles and looking at other people strangely. He also said that he and his mother got into an argument but he did not know what it was about and his mother told him she wanted to check her house and left him outside in the front of the house. K.W. told Ms. Harris that, after his mother had left him outside for a long period of time, he knocked on the door, but his mother would not answer. Ms. Harris testified on cross-examination, that she did not know precisely how long K.W. had waited outside, and she did not recall asking him. K.W. then walked to his paternal grandmother's house. (The evidence showed that the paternal grandmother's house was approximately 12 suburban blocks from Jalessa P.'s house.) K.W. also told Ms. Harris that he had been left outside before by his mother until 10 p.m.

¶ 27 During this conversation, K.W. also told Ms. Harris that he had a scar inside his hairline. K.W. said that it was caused by his mother after she told him to stop wiggling his tooth and then "hit him upside the head with a coffee mug." Ms. Harris could see the scar which was very faint. On cross-examination, Ms. Harris said that she did not ask K.W. *when* his mother had hit him with the coffee mug. At that point, Ms. Harris took protective custody of K.W. based on the risk of harm and inadequate supervision, for which the case was being screened.

¶ 28 Ms. Harris testified that the risk of harm was based on Jalessa P.'s "mental instability" and her inability to complete the requested mental health assessment.

¶ 29 In closing arguments, the State and the Public Guardian asked for a finding of neglect due to an injurious environment. Jalessa P.'s counsel argued that the State had not met its burden of showing that K.W. was neglected.

¶ 30 After closing arguments, the trial court reviewed in detail the documentary evidence and the witness testimony. The court, noting that K.W. was left outside the house for a long period of time and that Jalessa P. did not answer when he knocked, found that "it's obvious to this Court that there is something going on." The court then stated that the answer to what was going on was found in Jalessa P.'s medical records, the State's Exhibits 2 and 3.

¶ 31 The court noted that J.W. was born in 2007 and Jalessa P. was admitted to Jackson Park Hospital in 2008 for "paranoia, depression, isolative behavior, [and being] unable to sleep at night." Those records indicated that she was "described as being confused, paranoid and psychotic, hallucinating." The court also noted that those records described Jalessa P. as having "a known history of schizophrenia," being "noncompliant with her psychiatric medication," and "diagnosed with schizoaffective disorder."

¶ 32 The court then discussed the medical records from Loretto Hospital pertaining to the more recent hospitalization on December 7, 2015. The court found it was "clear" that Jalessa P. "suffers from a mental health problem." The court read into the record a physician note from Loretto Hospital:

> "Patient states she is here because she is delusional. She states her grandmother dropped her off because she can't think clearly anymore. She's not been on any medication. She states she has been feeling stressed. She is not really sure what she is stressed over, but is not really sure what is going on. She admits to being on medication in the past. She states she thinks she is hearing voices, but is not sure. Her thought process is impaired."

¶ 33 The court found that the medical records corroborated K.W.'s statements that his mother was "acting strange" and that he did not feel safe.

¶ 34 The court noted that the petition filed by the State alleged that K.W. was neglected due to an injurious environment and abused due to a substantial risk of physical injury but the petition did not make any dependency allegation. The court then stated as follows:

> "But it seems clear as day to me that the appropriate finding in this case is going to be Dependency B, that the minor is without proper care because of the mental disability in this case of his mom."

¶ 35 The court stated there was no evidence that would rise to the level of abuse based on substantial risk of physical injury and the effect of Jalessa P.'s mental health situation was that J.W. went to live with his grandmother. And the court observed that neither the State nor the Public Guardian was asking for a finding of abuse based on substantial risk of physical injury.

¶ 36 The court then ruled as follows:

> "The State and the Guardian are asking the Court to make a finding of neglect based on an injurious environment. And I think it all stems from mom's mental health issues.
>
> So I am just going to make a finding of Dependency B."

¶ 37 No party objected to the court's dependency finding. The court then continued the case for a dispositional hearing.

¶ 38 On June 13, 2017, the court held a dispositional hearing. The trial court found Jalessa P. unable to care for K.W., and placed K.W. in the guardianship of DCFS. Jalessa P. has not appealed from the dispositional order. She appeals only from the trial court's finding of dependency.

¶ 39 II. ANALYSIS

¶ 40 Jalessa P. raises only one issue on appeal: Whether the court erred in *sua sponte* entering a finding that K.W. was "dependent" where the State, in its petition for adjudication, had alleged only that K.W. was neglected and abused, and the pleading did not allege dependency. Jalessa P. argues that the court erred and, therefore, the State's petition for adjudication of wardship must be dismissed. But she also concedes that she has forfeited the issue.

¶ 41 "It is well established that, to preserve an alleged error for appellate review, a party must, even in child custody cases, object at trial and file a written posttrial motion addressing it." *In re William H.*, 407 Ill. App. 3d 858, 869-70 (2011); see also *In re Madison H.*, 215 Ill. 2d 364, 379 (2005); *In re Christopher J.*, 338 Ill. App. 3d 1057, 1058 (2003); *In re April C.*, 326 Ill. App. 3d 225, 242 (2001); *In re Lakita B.*, 297 Ill. App. 3d 985, 991 (1998).

¶ 42 Although she forfeited the issue, Jalessa P. argues that this court should relax the forfeiture rule to address a plain error that she claims affected the fundamental fairness of the proceeding. She asserts that "the court's entry of a finding on a basis not alleged in the petition constitutes plain error." This court may address a forfeited issue under the plain error doctrine if the evidence is closely balanced or the error affects substantial rights. *In re Andrea D.*, 342 Ill. App. 3d 233, 242 (2003).

¶ 43 In *Andrea D.*, this court invoked the plain error rule to address an issue related to the permanent termination of parental rights because it affected a fundamental liberty interest. *Id.* But the instant case does not involve the permanent termination of parental rights and Jalessa P. has presented no argument that the alleged error in adjudicating K.W. dependent, when the petition alleged that K.W. was neglected or abused, affected substantial rights. And Jalessa P. has not argued that the evidence here was closely balanced. (Nor has she claimed on appeal that

the finding of dependency was against the manifest weight of the evidence.) Jalessa P. has failed to show that the plain error doctrine applies here.

¶ 44 As support for why this court should apply forfeiture, both the Public Guardian and the State rely on the Illinois Supreme Court case of *In re S.L.*, 2014 IL 115424. In *S.L.*, the mother's parental rights were terminated because she failed to make reasonable progress toward the return of her minor child during any nine-month period after the end of the initial nine-month period following the adjudication of neglect. *Id*. ¶ 1. For the first time on appeal, the mother argued that the State did not comply with a statutory requirement in that it did not file a separate notice specifying the particular nine-month period, or periods, on which it was relying. *Id*. The State contended that the mother forfeited her claim because she failed to raise the issue during the trial court proceedings, thereby denying the State the opportunity to remedy the pleading defect. *Id*. ¶ 15.[1]

¶ 45 The court in *S.L.* explained that "[a]lthough termination of parental rights proceedings involve fundamental liberty interests, they are civil in nature and governed by the Code of Civil Procedure (Code)." *In re S.L.*, 2014 IL 115424, ¶ 17; see also *In re J.R.*, 342 Ill. App. 3d 310, 315-16 (2003). As the court in *S.L.* further explained: "Section 2-612(c) of the Code provides that '[a]ll defects in pleadings, either in form *or substance*, not objected to in the trial court are waived.' " (Emphasis added.) *Id*. (quoting 735 ILCS 5/2-612(c) (West 2010)). The court held that the State's failure to file a separate notice pleading identifying the nine-month period or periods at issue constituted a pleading defect that, under section 2-612(c) of the Code, was

[1] Noting that the forfeiture rule did not do away with the necessity of stating a cause of action, the court first addressed the merits of the mother's argument that the State's defective notice resulted in the failure to state a cause of action. *Id*. ¶ 17. The court determined that the allegations in the amended petition were sufficient to state a cause of action. *Id*. ¶ 20.

forfeited by the mother because she failed to raise the issue in the trial court when it still could be remedied. *Id*. ¶ 27.

¶ 46 Notably, in response to the mother's forfeiture argument, the court in *S.L.* reasoned that if it accepted the mother's argument, "there would be no incentive for a parent to object to a defective notice in the trial court" and, instead, "could raise the issue for the first time on appeal [to get] a second opportunity to defend against the allegations if the State chose to proceed on remand." *Id*. ¶ 23. The court explained the problem with this practice:

> "Such a delay would be detrimental to the welfare of the child whose future is at stake because it would prevent him or her from obtaining a prompt, just, and final resolution of his or her status. As this court has previously emphasized, it is not in a child's best interest for his or her status to remain in limbo for extended periods of time." *Id*.

See also *In re D.S.*, 198 Ill. 2d 309, 328 (2001); Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2017); *In re Darius G.*, 406 Ill. App. 3d 727, 741 (2010) (Hutchinson, J. dissenting) ("Our supreme court has established rules for trial courts and rules for reviewing courts to expedite these matters, to give minors, whose lives are hanging in the balance, a decent chance at a stable, solid future as quickly as possible.").

¶ 47 Finally, the court in *S.L.* observed that the mother had not indicated any specific harm or prejudice to her as a result of the State's error, nor did she claim the lack of notice caused surprise or hindered the preparation of a proper defense. *Id*. ¶ 26. Instead, as the court noted, the mother requested that the court find, in essence, an implied harm from the error based on "the fundamental rights at stake in a termination case and the overall importance of the statutory notice provision." *Id*. The court rejected the request because it found no support in our caselaw

and it would be detrimental to the welfare of the minor by unnecessarily delaying resolution of her permanent placement. *Id*.

¶ 48 *In re T.B.*, 195 Ill. App. 3d 919 (1990) is similar to the instant case. There, the court *sua sponte* entered a finding that the minor was dependent and neglected where the petition had alleged that the minor was physically abused but made no allegations regarding neglect or dependency. *Id*. at 921-22. This court concluded that the respondent forfeited the issue of whether the trial court erred by failing to object. *Id*. at 923. And although Jalessa P. acknowledges the case of *T.B.* in her brief, she makes no attempt to distinguish it.

¶ 49 Jalessa P. made no objection in the trial court. Thus, she has forfeited her argument that the trial court erred in *sua sponte* entering a finding that K.W. was "dependent" where she failed to object or otherwise raise the issue in the trial court when it still could be remedied.

¶ 50 We recognize that our supreme court, in *Madison H.*, 215 Ill. 2d 364, stated that its "concern for reaching a just result may override considerations of waiver" and chose to consider the merits of the forfeited issue. *Id*. at 371. There, the trial court had failed to meet the statutory requirement in section 2-27(1) of the Juvenile Court Act (705 ILCS 405/2–27(1) (West 2002)) that the court put the factual basis for its finding that a parent is unfit or unable to care for, protect, train or discipline his or her child in writing. *Id*. at 371. Our supreme court thoroughly construed the statute and concluded that "an oral finding on the record" could satisfy the statutory requirement provided that it was "explicit and advised respondent of the basis for the court's decision." *Id*. at 377. The court then examined the trial court's oral statement on the record and concluded that it was "generic and fail[ed] to give the respondent fair notice of the reasons for its decision and, therefore, [did] not satisfy section 2-27(1)." *Id.* at 378. The case was

remanded to the trial court "for the limited purpose of allowing the trial court to enter more specific findings, consistent with the requirements of section 2-27(1)." *Id*.

¶ 51 *Madison H*. is inapposite and we have no concerns regarding the result in the trial court that would justify overriding the forfeiture of the issue here. In the case before us, the trial court provided a detailed basis for its determination and there is nothing in the record to show that the trial court's decision adjudicating the minor dependent, where the State's petition had alleged only that the minor was abused and neglected, was anything other than a just result.

¶ 52 In sum, we have determined that: (1) Jalessa P. forfeited the issue of whether the trial court erred in *sua sponte* entering a finding that K.W. was a dependent minor; (2) plain error does not apply; and (3) no relaxation of forfeiture is required where we have no concerns that the court's decision was anything but a just result. But we now address another argument: Jalessa P.'s apparent challenge to the *authority* of the trial court to enter the finding of dependency.

¶ 53 Citing *In re Christopher S*., 364 Ill. App. 3d 76 (2006), Jalessa P. concedes that "[h]ad the State followed the proper procedures to seek to amend its petition, leave would likely have been granted." But she argues further that no attempt to amend was made here and claims that "in the absence of an amendment, the process here plainly contravened the Act." We address this argument only because of our independent duty to vacate void orders. See *In re Jamari R*., 2017 IL App (1st) 160850, ¶ 41 (and cases cited therein) (noting the general principles that: where a court enters a judgment the court lacked the inherent power to make, the order is void and may be attacked; the argument that an order or judgment is void is not subject to waiver or forfeiture; and we have an independent duty to vacate void orders and may *sua sponte* declare an order void at any time).

¶ 54 Section 2-612(a) of the Code gives the trial court authority to order that insufficient pleadings be amended. See 735 ILCS 5/2-612(a) ("If any pleading is insufficient in substance or form the court may order a fuller or more particular statement. If the pleadings do not sufficiently define the issues the court may order other pleadings prepared.") And section 2-612(b) states: "No pleading is bad in substance which contains such information as reasonably informs the opposite party of the nature of the claim or defense which he or she is called upon to meet." 735 ILCS 5/2-612(b).

¶ 55 Also, section 2-13(5) of the Act specifically grants the court the authority to allow amendment of the petition to conform with the evidence at any time prior to ruling. Section 2-13(5) states, in pertinent part, as follows:

> "The court shall liberally allow the petitioner to amend the petition to set forth a cause of action or to add, amend, or supplement factual allegations that form the basis for a cause of action up until 14 days before the adjudicatory hearing. The petitioner may amend the petition after that date and prior to the adjudicatory hearing if the court grants leave to amend upon a showing of good cause. *The court may allow amendment of the petition to conform with the evidence at any time prior to ruling*." (Emphasis added.) 705 ILCS 405/2-13(5)(West 2016).

See, *e.g.*, *In re Christopher S.*, 364 Ill. App. 3d 76, 79 (2006) (where trial court granted, without objection, the State's request to amend its petition to add the allegation of no-fault dependency).

¶ 56 Thus, although the State failed to allege in its petition for adjudication of wardship that K.W. was "dependent" under section 2-4(1)(b) of the Act based on the mental disability of Jalessa P. and did not move to amend the petition, the State could have done so under section 2-612(a) of the Code, and the court likely would have granted it.

¶ 57 Moreover, the original unamended petition was substantively sufficient under section 2-612(b) of the Code where it clearly contained enough information to "reasonably inform" Jalessa P. of "the nature of the claim or defense which *** she [was] called upon to meet." 735 ILCS 5/2-612(b). Jalessa P. has not, and cannot, claim she was prejudiced where the State clearly alleged in its petition that: J.W. stated that his mother left him outside and failed to let him back in the home; J.W. stated that he had observed Jalessa P. display bizarre behaviors which make him fearful to return home; Jalessa P. has been diagnosed with psychosis; Jalessa P. stated that she has been diagnosed with schizophrenia; Jalessa P. stated that she recently completed a mental health evaluation which recommended inpatient treatment; and Jalessa P. stated she will not follow up on the recommendations.

¶ 58 Finally, Jalessa P. does not dispute, and the record confirms, that an amendment to the petition, under section 2-13(5) of the Act, adding dependency would have conformed to the evidence. The court's decision was based on the evidence presented during the hearing. As the court explained, although the petition did not make any dependency allegation, it was "clear as day" to the court that "the appropriate finding in this case" was "dependency [under section 2-4(1)(b) of the Act], that the minor is without proper care because of the mental disability in this case of his mom." The court reiterated that "it all stems from mom's mental health issues." Later the court explained that the court made its finding of dependency "based on the evidence that was admitted with regard to mom's mental health history."

¶ 59 Thus, we reject Jalessa P.'s assertion that "in the absence of an amendment, the process here plainly contravened the Act." The trial court here had the authority, and acted well within its broad discretion, to adjudicate K.W. dependent. The trial court's order is not void.

¶ 60 In sum, Jalessa P. has forfeited the issue of whether the court erred in *sua sponte* entering a finding that K.W. was "dependent" where the State, in its petition for adjudication, had alleged only that K.W. was "neglected" based on an injurious environment under section 2-3(1)(b) of the Act (705 ILCS 405/2-3(1)(b) (West 2016), and was "abused" based on a substantial risk of physical injury under section 2-3(2)(ii) of the Act. 705 ILCS 405/2-3(2)(ii) (West 2016). And to the extent she claims the order was void, we reject the argument because the court had the authority and discretion to enter the order of dependency.

¶ 61 III. CONCLUSION

¶ 62 For the reasons stated, we affirm the trial court's finding that K.W. was dependent.

¶ 63 Affirmed.