2025 IL App (3d) 240561-U

Order filed February 13, 2025

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

2025

In re O.H., Jr., P.H., and S.H.,	)	Appeal from the Circuit Court
	)	of the 12th Judicial Circuit,
Minors	)	Will County, Illinois.
	)	
(The People of the State of Illinois,	)	
	)	Appeal Nos. 3-24-0561, 3-24-0562,
Petitioner-Appellee,	)	and 3-24-0563
	)	Circuit Nos. 24-JA-48, 24-JA-49, and
v.	)	24-JA-50
	)	
Abigail H.,	)	
	)	The Honorable
Respondent-Appellant).	)	John J. Pavich,
	)	Judge, presiding.

JUSTICE HETTEL delivered the judgment of the court.
Presiding Justice Brennan and Justice Anderson concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court did not err when it adjudicated the minors neglected or when it entered a dispositional order that, *inter alia*, made the minors wards of the court.

¶ 2 The circuit court entered adjudicatory and dispositional orders finding the minors, O.H., Jr., P.H., and S.H., to be neglected and making them wards of the court. On appeal, the respondent argues that the findings underlying the court's orders were erroneous. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On February 28, 2024, the State filed juvenile petitions alleging that the minors were neglected due to an injurious environment. The petitions alleged that the respondent and the minors' father were at a park with the minors when the father stabbed two individuals. At the time of the petitions, O.H., Jr., P.H., and S.H., were ages six, seven, and four, respectively.

¶ 5 The circuit court held an adjudicatory hearing on May 29, 2024, at which the State called the respondent and an investigator from the Department of Children and Family Services (DCFS). The respondent testified that she had been in a relationship with the father for 13 years. At the time of the incident in the park, the family had been living in a hotel room in Monee for the past four years. The minors were homeschooled. When asked whether she had a specific lesson plan, the respondent stated that the minors each had tablets with learning applications. At the time of the incident, the respondent was unemployed, while the father was employed at a tire shop. The respondent was still unemployed at the time of the hearing. She also stated that the minors regularly saw a doctor in Indiana.

¶ 6 The respondent stated that during the day on February 26, 2024, the family went to a park in Chicago Heights to celebrate the February birthdays of two of the minors. While there, the father got into an argument with a woman. The argument turned into a physical fight. The respondent walked away from the scene with the minors during the argument. She could not drive away, however, because she did not have a license.

¶ 7 Eventually, the father drove the family back to the hotel. He had a cut on his hand and had gotten stabbed in the back. They stopped at a store for bandages on the way back to the hotel. The minors saw that the father was bleeding, and P.H. tried to help stop it. When they got back to

the hotel, the police arrived and asked to speak to the respondent. She refused to speak to the police about the incident.

¶ 8 Later that night, the respondent and the father were arrested in connection with the incident in the park. She was subsequently extradited to Missouri based on outstanding warrants for forgery, where she was placed "back on probation" and the charge was dropped. She was not charged in connection with the incident in the park.

¶ 9 At the time of the hearing, the respondent was living temporarily with her aunt. When asked if S.H. had any special needs, the respondent said she was not aware of any. She also stated that S.H. "was starting to talk and started to do things. She was just at the stage where she was starting to learn how to do stuff."

¶ 10 On cross-examination, the respondent admitted that she did not know the name or address of the doctor to whom she took the minors. She also admitted that she did not take them for yearly checkups or regular visits, even though she should have done so. The respondent added that she believed S.H. was "just learning at a slow pace even though by now she should be saying words and stuff." She confirmed that S.H. was five years old at the time of the hearing.

¶ 11 DCFS investigator Felicia Ibarra testified that she spoke to the minors at the courthouse on March 1, 2024. P.H. told Ibarra that her aunt had told her not to talk about the incident in the park. Eventually, P.H. did state that the father was in an altercation with siblings at a park. His hand was bleeding. She also mentioned that she helped to clean up his hand with bandages. P.H. was emotional during the interview and was crying.

¶ 12 Ibarra stated that P.H. had originally been placed with her aunt before being moved to her maternal grandparents' house. P.H. and O.H., Jr., both said that their aunt told them not to talk to

anyone about the incident in the park. Both minors also said they had never been to school or the doctor. S.H. was nonverbal and could not communicate with Ibarra.

¶ 13 Ibarra testified that she interviewed the respondent by phone; during the interview, the respondent stated that the children had been to an urgent care once "or so," but there was no primary care physician for the minors.

¶ 14 After Ibarra testified, the State introduced a file-stamped copy of the criminal indictment against the father. The circuit court admitted the document into evidence. Notably, that document was not included in the record on appeal.

¶ 15 At the close of the hearing, the circuit court found that the minors were neglected. More specifically, the court found that while it was not clear exactly what the minors witnessed in the park, they did in fact see some sort of an altercation that ultimately became physical and resulted in serious injuries at least to the father. The court also found that the evidence showed that the minors were without medical care for most, if not all, of their lives. The case was then set for a dispositional hearing.

¶ 16 A Lutheran Child and Family Services (LCFS) caseworker, Sarita Garcia, prepared a report for the dispositional hearing. The report stated that the respondent declined to participate in the integrated assessment. Based on record reviews, the following services were recommended for the respondent: (1) engage in domestic-violence victim counseling, (2) engage in individual therapy, (3) engage in parenting-education classes and parent coaching, (4) engage in family therapy with the minors when clinically appropriate, and (5) obtain and maintain employment and suitable housing. By the date of the report (August 1, 2024), the respondent had not engaged in individual therapy, obtained employment or housing, or participated in a domestic-violence victim assessment. The report also stated that the primary issue with the respondent's functioning was the

"power and control dynamic perpetrated by her paramour [the father]." Garcia also expressed concern that the father would isolate the minors and the respondent from professional help and natural supports. The report also highlighted that the minors were not enrolled in school and had no medical history.

¶ 17 On August 30, 2024, the circuit court held the dispositional hearing. Several documents were introduced into evidence at the outset of the hearing, including Garcia's dispositional report. The service plans were also admitted, which contained, *inter alia*, a summary of the incident in the park:

> "DCFS records indicate that on 2/27/24, while at a community park with her children, her paramour, [the father], accused and confronted individual (22) of 'staring at him.' The individual repeatedly asked [the respondent] to remove [the father] from the situation due to his increases of frustration and use of profanity towards her. [The father] became assaultive. That person's minor siblings (ages 15 and 13) tried to intervene, and [the father] took out a knife and stabbed both, resulting in the death of the 13-year-old minor, and placing the 15-year-old minor in critical condition. [The respondent] and [the father] fled the scene with their children to a nearby hotel and were later apprehended by police. [The father] was later arrested and charged with first degree murder and attempted first degree murder."

Further, the service plans indicated that the father displayed "power and control dynamics" in his relationship with the respondent, including by isolating her from her immediate family. In addition, the service plans noted that because neither the respondent nor the father participated in the integrated assessments, the assessments were based on information contained in "[c]ase notes and records in the State Automated Child Welfare Information System," "[c]ommunication with

Permanency Worker," "Law Enforcement Agencies Data System," and "Division of Child Protection *** Handoff Documents." Garcia testified at the hearing in accord with her report.

¶ 18 At the close of the hearing, the court found that it was in the minors' best interest to be made wards of the court due, in part, to the respondent's failure to complete services. The court also found the respondent to be unable to care for the minors due to that failure. Guardianship was assigned to DCFS with the right to place the minors.

¶ 19 The respondent appealed.

¶ 20 II. ANALYSIS

¶ 21 The respondent's first argument on appeal is that the circuit court erred when it adjudicated the minors neglected.

¶ 22 When considering whether a minor should be made a ward of the court, the Juvenile Court Act of 1987 (Act) (705 ILCS 405/1-1 *et seq.* (West 2022)) establishes a two-step process. *In re A.P.*, 2012 IL 113875, ¶ 18. The first step is to conduct an adjudicatory hearing wherein the circuit court considers whether the minor is abused, neglected, or dependent. 705 ILCS 405/2-18(1) (West 2022). In relevant part, two grounds upon which a minor may be found neglected are (1) an environment that is injurious to the minor's welfare (*id.* § 2-3(1)(b)), and (2) when a minor "is not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor's well-being" (*id.* § 2-3(1)(a)). Regarding the former ground, "the term 'injurious environment' has been recognized by our courts as an amorphous concept that cannot be defined with particularity." *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004). However, our supreme court has stated that the term "has been interpreted to include the breach of a parent's duty to ensure a safe and nurturing shelter for his or her children."

(Internal quotation marks omitted.) *Id.* We will not disturb a circuit court's adjudicatory ruling unless it is against the manifest weight of the evidence. *Id.* at 464.

¶ 23 The respondent argues that the incident in the park was an insufficient basis upon which to find the minors neglected by reason of an injurious environment. She claims that it was unclear what the children actually saw and that, even if the one-time incident became violent, "then any victim of a violent crime that may have been seen by children would have to be placed in care which goes against the purpose of the Juvenile Court Act idea to keep families together." The respondent's argument is unpersuasive.

¶ 24 While it is true that the evidence was unclear as to what the minors in fact saw, we note that even though the circuit court admitted a file-stamped copy of the complaint from the Cook County criminal case against the father, that document has not been provided by the respondent in the record on appeal.

> "[A]n appellant has the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error, and in the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis. Any doubts which may arise from the incompleteness of the record will be resolved against the appellant." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984).

The respondent's suggestion that the father was a victim in the park incident is ineffective on appeal when the record lacks the criminal complaint that was admitted into evidence at the adjudicatory hearing. See *id.*

¶ 25 Furthermore, at the adjudicatory stage, the circuit court is required to focus solely on whether the minor is neglected. *Arthur H.*, 212 Ill. 2d at 467 (holding that the statutory scheme "instructs the circuit court during the adjudicatory hearing to determine whether the child is

neglected, and not whether the parents are neglectful"); *In re V.S.*, 2023 IL App (1st) 220817, ¶ 59 (holding that "the cause of the neglect is not relevant at the adjudicatory stage"). The fact that the minors were present for at least part of the verbal and physical incident, during which the father stabbed two teenagers and killed one of them, is sufficient by itself to establish that the parents breached their duty of ensuring a safe and nurturing environment for their children. See *Arthur H.*, 212 Ill. 2d at 463.

¶ 26 Moreover, the evidence established that the minors were medically neglected under section 2-3(1)(a) of the Act. The State's evidence showed that the minors had essentially no medical history. When asked about it, the respondent equivocated and admitted that the minors had not gone to the doctor enough. What she testified to, in fact, apparently constituted just one occasion when the minors were taken to a clinic. Further, the youngest child had clear developmental concerns that had not been addressed. Under these circumstances, we hold that the circuit court's neglect finding was not against the manifest weight of the evidence.

¶ 27 The respondent's second argument relates to the circuit court's dispositional order. We note at the outset that the respondent frames her argument as alleging error in the circuit court's determination that she was unable to care for the minors. She also mentions, briefly, that the circuit court found the respondent unable due to her failure to complete services. However, the substance of her argument does not relate to the circuit court's "unable" finding but is instead centered around the service plan. She "requests that this court review the service plan created by the Department and consider its value." She then argues, *inter alia*, that the information obtained on her was inadequate to support at least some of the services contained in the plan.

¶ 28 Even assuming that the respondent has not forfeited her argument based on the fact that she explicitly declined to participate in the integrated assessment, we note that the record does not

reflect that the respondent ever challenged her service plan at the agency level. See, *e.g.*, 89 Ill. Admin. Code §§ 337.30, 337.70(a) (West 2022) (describing the agency service-appeal process and specifying what can be challenged, including "the imposition of unnecessary services or conditions as part of a service plan"). Her challenge to the service plan tasks cannot be used now as a basis for reversing the circuit court's dispositional order. Under the circumstances of this case, we find no error in the circuit court's dispositional order.

¶ 29 III. CONCLUSION

¶ 30 The judgment of the circuit court of Will County is affirmed.

¶ 31 Affirmed.