

NOTICE

Decision filed 11/18/25. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2025 IL App (5th) 250484-U

NO. 5-25-0484

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE

This order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

<i>In re</i> EMMA L., a Minor)	Appeal from the
)	Circuit Court of
(The People of the State of Illinois)	Jackson County.
)	
Petitioner-Appellee,)	
)	
v.)	No. 22-JA-38
)	
Paul B.,)	Honorable
)	Christy W. Solverson,
Respondent-Appellant).)	Judge, presiding.

JUSTICE CATES delivered the judgment of the court.
Justices Sholar and Hackett concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court did not abuse its discretion by denying Father’s motion *in limine* where the guardian *ad litem* is not generally prohibited from serving as both the guardian *ad litem* and as counsel for the minor. The circuit court’s findings in the adjudicatory and dispositional orders were not against the manifest weight of the evidence.

¶ 2 This is the second appeal by the respondent, Paul B. (Father), after the entry of adjudication and dispositional orders. In the first appeal, we held that the dispositional order finding Father to be an abuser and unfit to care for his minor child, Emma L. (E.L.), violated his procedural due process rights where the circuit court dismissed sexual abuse charges against Father at the adjudicatory hearing which eliminated his opportunity to address those charges and potential evidence against him during the dispositional hearing. See *In re Emma L.*, 2023 IL App (5th)

230138, On remand, the State filed an amended juvenile petition with allegations against Father, and after evidentiary hearings, the circuit court determined that E.L. was abused and neglected and that Father was unfit.

¶ 3 Father now appeals from the circuit court court's adjudicatory order entered on July 18, 2024, and the dispositional order entered on May 13, 2025. Father argues that the circuit court erred in allowing the guardian *ad litem* (GAL) to act as a party to the proceeding instead of the eyes and ears of the court, finding that E.L. was abused and neglected, and finding that Father was unfit and unable to care for E.L. For the reasons set forth below, we affirm.¹

¶ 4 I. BACKGROUND

¶ 5 Father is the biological father of E.L., born on November 22, 2017. E.L.'s biological mother, Maria L. (Mother), has a history of substance abuse and homelessness. She is not a party to this appeal. Mother and Father are not in a relationship, and E.L. had been living with her great aunt, Tina Conaway (Tina) since June of 2020. Tina participated in the proceedings as an intervenor, and she is currently E.L.'s foster mother. The circuit court appointed Joanna Wells as attorney for E.L., and the docket entry also identified Wells as the GAL.

¶ 6 As the facts and procedural history of this case were set forth in detail in Father's first appeal, we recite only the facts necessary to our disposition. See *In re Emma L.*, 2023 IL App (5th) 230138. We vacated the circuit court's initial adjudicatory and dispositional orders in the first appeal, and we remanded for further proceedings with directions. We specifically directed the circuit court, on remand, to

¹This cause involves an accelerated appeal under Illinois Supreme Court Rule 311(a) (eff. July 1, 2018). Under Rule 311(a)(5), the appellate court is required to issue a decision within 150 days after the filing of a notice of appeal, except for good cause shown. Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2018). Our decision in this case was due on or before November 10, 2025. However, the appellant requested multiple extensions of time to file his initial brief. We find that good cause exists to issue our disposition outside the 150-day deadline.

“proceed with either an adjudicatory hearing on the sexual abuse charges or a hearing on the dismissal of the charges that will (1) allow the court to determine whether the allegations are sufficiently supported by evidence to allow them to remain a factor in the case; (2) allow the agency to determine which future services, if any, are required for [Father], which, in turn, will provide certainty for [Father] as to what services are necessary, if any, to regain custody of his child; and (3) protect [E.L.’s] best interests.” *In re Emma L.*, 2023 IL App (5th) 230138, ¶ 58.

¶ 7 On remand, the GAL filed a motion on September 18, 2023, to cease visitation between E.L. and Father and referenced section 1-3(8)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/1-3(8)(b) (West 2022)) in support of the motion. The circuit court held a hearing on May 1, 2024, and during the hearing, Amberly Barnes, a DCFS-contract caseworker, testified that DCFS made a decision to cease Father’s visitation with E.L. Father had been indicated in a DCFS report for sexual penetration with a “50-year retention.” Barnes explained that a “50-year retention” meant that a person could not “work with children or be around children” alone for that time frame. E.L. had additionally made statements to Barnes that E.L. did not want to visit Father. After a hearing on the visitation motion, the circuit issued an order on May 15, 2024, ceasing Father’s visitation with E.L. until further order of the court.

¶ 8 The State filed a second supplemental juvenile petition alleging that E.L. had been abused by Mother pursuant to section 2-3(2)(ii) of the Juvenile Court Act (705 ILCS 405/2-3(2)(ii) (West 2022)). The State also raised three counts against Father, including that E.L. was an abused minor pursuant to section 2-3(2)(iii) of the Juvenile Court Act (705 ILCS 405/2-3(2)(iii) (West 2022)) where Father committed sexual offenses against E.L.; that E.L. was neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b) (West 2022)) where her environment was injurious to her welfare because Father committed sexual offenses against E.L.; and that E.L. was a neglected pursuant to section 2-3(1)(b) where her environment was injurious to her welfare based on allegations that Father kicked E.L., pinched E.L., pulled E.L.’s hair, jumped on E.L.,

locked E.L. in a bedroom, made repeated derogatory remarks regarding Mother and Tina, and destroyed E.L.'s toys in E.L.'s presence.

¶ 9 On July 8, 2024, Father filed a motion *in limine* seeking to bar the GAL and E.L.'s foster parent from acting as advocates for E.L. Father argued that Illinois Supreme Court Rule 907 (eff. March 8, 2016) established minimum standards for attorneys representing children and that the GAL was limited to gathering information for the Court and identifying needed services for the child or family. Father additionally argued that the State was the only agency allowed to prosecute juvenile abuse and neglect matters. Because Father intended to call the GAL as a necessary witness in this matter, he claimed that the GAL should be prohibited from acting as an advocate for E.L. at trial.

¶ 10 The circuit court held the adjudicatory hearing on July 9, 2024. Prior to commencing with the adjudicatory hearing, Father raised the motion *in limine* that he had filed the day before. The circuit court found that Father's motion was untimely and noted that the circuit court had previously instructed the parties to file any pre-hearing motions by June 14, 2024. Father understood that the motion was untimely and indicated that he did not intend to call the GAL as a witness during the adjudicatory hearing. Father's motion *in limine* was denied and the circuit court emphasized that the State had filed the juvenile petition, not the GAL.

¶ 11 The hearing continued with a stipulation by Mother to the allegations of neglect in the second supplemental petition. Paragraph four alleged that E.L. was abused and there was a substantial risk of physical injury by other than accidental means in that Mother was a habitual user of methamphetamines which renders her incapable of adequately parenting E.L. Father objected to Mother's stipulation and argued that he had an interest as to whether the circuit court made a finding of abuse. The circuit court noted that the parties were independent of each other

and that each party had the right to proceed with their own case. The circuit court then addressed with Mother that she had knowingly and voluntarily stipulated to the allegations against her. The circuit court then accepted the stipulation.

¶ 12 Rebecca Grammer, an investigator with DCFS, was called as a witness for the State. Grammer had been assigned to this case in April of 2022, to investigate allegations of sexual abuse, physical abuse, and risk of harm to E.L. Grammer testified that three “unfounded” reports had been issued by DCFS before she became involved and explained that “unfounded” meant that there was insufficient evidence to show that an incident rose to the level of abuse. After Grammer was assigned as the investigator, E.L. was interviewed at the Child Advocacy Center (CAC) twice. E.L. disclosed sexual abuse during the second interview.

¶ 13 Grammer had observed E.L.’s forensic interviews at the CAC, and she testified to the allegations made by E.L. during the second interview. E.L. stated that Father put his fingers inside of her vagina, and he put yogurt on her vagina. E.L. stated that Father had touched her in a bathtub. There were times when Father was naked with E.L. and he touched his penis to her vagina. Father would also insert objects into E.L.’s vagina including “pieces of paper, markers, Barbie doll legs, arms.” Grammer clarified that E.L. had used the word “vagina” during her interview. In Grammer’s opinion, that word choice was appropriate for a girl who was approximately four years old, if “vagina” was the word that she had learned for the body part. Grammer was questioned on whether she believed that E.L. would be safe around Father and she responded, “absolutely not.”

¶ 14 On cross-examination, Grammer testified that an order of protection had been filed against Father by Tina and she was aware that the plenary order of protection was denied after a hearing. Grammer had not been present at the order of protection hearing. Grammer testified to her knowledge of a March 18, 2022, DCFS investigation of sexual abuse. Grammer recalled that the

investigation was in regard to a scratch on E.L.'s chest made by a Barbie doll. Grammer had not conducted that investigation. She was only familiar with the allegations which were determined to be unfounded. Grammer had observed the April 21, 2022, CAC interview. E.L. received a medical examination after the CAC interview, and there were no physical findings of abuse at that time. Grammer maintained that E.L.'s statements were credible.

¶ 15 Grammer additionally testified to an unfounded DCFS investigation against Mother. Mother had admitted to using drugs, but E.L. was found to be safe in Tina's care. No services were offered to Mother at that time.

¶ 16 On redirect, Grammer testified that Tina was presumed to be the guardian of E.L. when the initial petition for wardship was filed by the State. DCFS later determined that Tina was not the legal guardian of E.L. Mother was homeless and had substance abuse issues. Grammer was concerned that Mother would have been able to remove E.L. from Tina's care where custody of E.L. belonged to both parents, and Tina had no legal right to care for E.L. But even though Tina has no legal documentation awarding her guardianship, Tina has remained E.L.'s primary caretaker.

¶ 17 Maranda Pedigo testified that she was a qualified mental health professional and worked at the Stress and Trauma Treatment Center, a center that provides therapy services to children and adults. Pedigo had been providing therapy services to E.L. for over a year. Pedigo drafted psychotherapy progress notes after therapy sessions which summarized observations and discussions during therapy sessions. Pedigo testified that E.L. had informed her during the April 11, 2023, therapy session that,

“Dad kicked me in the belly. Dad pinched me. Dad pulled my hair. Dad pulled me by the hair into my bedroom and locked me in my room. Dad kicked me in the leg. Dad jumped on me. Dad punched me. One kind thing Dad did was he gave me lots of water to drink.”

Pedigo's notes from April 11, 2023, were admitted into evidence.

¶ 18 On cross-examination, Pedigo testified that she had not seen any physical evidence of the allegations made by E.L. However, E.L. had not had any contact with Father for over a year when she confided in Pedigo. Pedigo also testified that she had not asked E.L. any follow-up questions on what E.L. had disclosed about Father.

¶ 19 After Pedigo's testimony concluded, Father requested a continuance to file a written motion for the circuit court to rule in Father's favor after the close of the State's case. The circuit court denied the continuance, and Father made an oral motion to make a finding in Father's favor pursuant to section 2-1110 of the Code of Civil Procedure (735 ILCS 5/2-1110 (West 2022)). Father argued that E.L. was not present for cross-examination and the State had not corroborated the hearsay statements of E.L. to prove the allegations regarding Father. Father additionally argued that the State had not proven that Mother abused E.L. where E.L. was in Tina's care and Mother had not made any attempt to remove E.L. from Tina's care. Father argued that the evidence presented on Mother being homeless and Mother's stipulation that she used methamphetamine should be deemed insufficient to prove that E.L. was abused.

¶ 20 The State argued that regardless of the findings attributable to Father, E.L. was abused or neglected based on Mother's actions. Mother was a habitual user of drugs. Grammer testified that E.L. was in immediate danger from Mother because she was the custodian of E.L. at the time E.L. was taken into protective custody. Mother's attorney clarified that Mother was not requesting a judgment in her favor as requested by Father. The circuit court denied Father's motion. Father did not testify, and he rested without presenting further evidence.

¶ 21 The parties then presented closing arguments. Before the circuit court issued a ruling, the State made an oral motion to amend the second supplemental juvenile petition to add an allegation

based on the evidence presented that Mother was homeless. The State specifically alleged that E.L. was neglected in that her environment was injurious to her welfare because Mother was homeless on July 29, 2022, and four years later, Mother remained homeless.

¶ 22 Father objected to the State's motion and argued that it was untimely as there was a cutoff date of June 14, 2022, to file any additional motions. Father additionally argued that Mother was the non-custodial parent and her being homeless did not make E.L.'s living environment injurious to E.L.'s welfare. The circuit court allowed the State to amend the second supplemental juvenile petition to conform to the proof and add that E.L. was neglected as requested by the State. The circuit court additionally allowed for written closing arguments to be submitted.

¶ 23 Father submitted a supplemental written closing argument in which he argued that no evidence demonstrated that E.L. was in danger. Moreover, Mother's housing status did not equate to environmental neglect where E.L. was safely housed with Tina.

¶ 24 The circuit court issued a formal written adjudicatory order on July 19, 2024, and found that E.L. was abused and neglected by a preponderance of the evidence pursuant to section 2-3(1)(b) and 2-3(2)(ii) of the Juvenile Court Act. Mother had knowingly and voluntarily admitted to the allegations in the second supplemental juvenile petition and there was undisputed testimony presented that Mother was homeless. The circuit court additionally determined that E.L. was abused or neglected based on an undisputed exhibit and testimony by Pedigo that E.L. had disclosed that Father "kicked me in the belly," "pinched me," "jumped on me," and "punched me." The circuit court noted those out of court statements had been corroborated by the physical evidence of a scratch on E.L.'s chest. Even though DCFS issued an unfounded report after the scratch was discovered, the scratch was sufficient to corroborate the statements made by E.L. on the later date.

¶ 25 Father filed a second motion *in limine* seeking to bar the GAL and E.L.'s foster parent from acting as advocates for E.L. pursuant to Rule 907. In response, the GAL argued pursuant to section 1-5(1) of the Juvenile Court Act (705 ILCS 405/1-5(1) (West 2022)), the minor, through her GAL, had the right to be present, to present evidence, to cross-examine witnesses, and to examine records. The GAL additionally argued that Rule 907(d) allowed for a GAL to seek appropriate relief in court, and therefore, she was allowed to file motions. The GAL additionally addressed Father's allegation in his motion that the GAL may be a necessary witness at the dispositional hearing, without explanation. The GAL asserted that she did not have any personal knowledge and that she would only provide an opinion at the hearing. The circuit court denied Father's motion *in limine*.

¶ 26 The circuit court began the dispositional hearing on February 7, 2025. Amanda Moore, the placement supervisor employed through Lutheran Social Services of Illinois, testified that she supervised caseworkers, and she was familiar with E.L.'s case. Moore testified that Father was offered services in his case plan for parenting, mental health, random drug screens, and he was referred for a psychosexual assessment. Moore testified that Father had completed parenting and mental health services. Father was not offered visitation with E.L. due to allegations of sexual penetration.

¶ 27 The circuit court took judicial notice that the Behavioral Science Institute Psychosexual Assessment (Psychosexual Assessment), written by Marie Clark, was filed with the circuit court on April 11, 2023. The court also recognized that the permanency reports were on file. The Psychosexual Assessment included four recommendations:

“1. [Father] and his daughter should participate in Therapeutic visits with a therapist who has experience with sexual abuse and supervised visitation, if possible. This is not family therapy. This will allow [Father] to receive immediate feedback, if necessary, regarding his contact with his daughter and provide a safe

environment for [E.L.]. It would also provide professional feedback and recommendations regarding their visits.

2. [Father] should continue to be followed by a physician and participate in treatment for his depression. He should consult with his physician regarding his use of alcohol and marijuana to address his difficulty with sleeping.

3. Any transition to unsupervised visitation should consider feedback from the therapist suggested in the first recommendation.

4. [Father] may also need to learn how to care for his daughter if the [DCFS] goal continues to be reunification.”

¶ 28 Moore testified that the Psychosexual Assessment indicated that Father’s behavior, personal history, and personality, were not consistent with other men who engage in sexual behavior towards children. The assessment, however, could not definitively determine whether someone had engaged in that type of behavior. Moore testified that Marie Clark was concerned for E.L.’s well-being where E.L. may regress in her mental health and emotional behaviors. Moore opined that it was in E.L.’s best interest to be made a ward of the court because she was concerned that, if not, E.L. would regress in her progress.

¶ 29 Beth Kempfer, an investigator with DCFS, testified that she was familiar with E.L. and had investigated an injury to E.L. who had a “deep laceration underneath her left breast” that was approximately one inch long. Kempfer had photographed the laceration, and the photograph was admitted into evidence. Kempfer additionally testified to a time where she had met with E.L. at school, and E.L. disclosed that Father can be “mean” and that she was not excited to see Father. On the same day, Kempfer witnessed Father pick up E.L. from school, and E.L. appeared excited to see Father as she hugged him, and she was smiling. Kempfer acknowledged that there was a difference between what E.L. said about Father and how she acted towards Father.

¶ 30 Tina, E.L.’s aunt, testified that she had been involved with E.L. her whole life. Tina testified that Father never had overnight visitation with E.L. Mother would transport E.L. to see

Father multiple times a week in 2020 and 2021. Tina initially promoted Father's relationship with E.L. and he was invited to birthday parties and other events with E.L. In June of 2021, Tina noticed a change in E.L.'s behavior. E.L. previously would share details of her day with Father and then she "started clamming up" and would "stare out the window." There came a time when E.L. no longer wanted to see Father and began having night terrors where she would wake in the middle of the night and scream. She did not want to go to Father's anymore. E.L. occasionally has night terrors, but less often than when she was having visitation with Father.

¶ 31 Tina testified that E.L. loved to draw, and that E.L. drew a picture of Father when she was four years old. She drew a penis next to Father. A photograph of E.L.'s drawing was admitted into evidence. Tina additionally testified to taking a photograph on December 14, 2021, of a Barbie that E.L. posed with a Nerf bullet, and the photograph was admitted into evidence. Tina described the photograph as a Barbie "with its legs splayed out and a Nerf gun bullet put in-between the legs as a penis." Tina was concerned with E.L.'s behavior but did not ask E.L. questions because she did not want to draw attention to anything. Tina additionally testified to a drawing by E.L. on a whiteboard which was photographed in October of 2021. The drawing was of a man with a penis, and that photograph was also entered into evidence.

¶ 32 At some point after Tina observed the Barbie in a sexual position, E.L. disclosed to Tina that Father had "stuck his finger in her vagina to put lotion in there." E.L. had also disclosed to Tina that Father had punched E.L. in the stomach and pinched her cheeks hard. Tina had not reported the laceration underneath E.L.'s breast to DCFS; a teacher had reported the injury. At the time of her testimony, Tina reported that E.L. was happy, loved school, and loved going to ballet. She described her home as having three bedrooms, and E.L. had her own room, called the "princess

room. Everything in it is pink and ruffly and toys everywhere.” She testified that E.L. does not want to live with her dad.

¶ 33 Marando Pedigo testified that she is employed with the Stress and Trauma Treatment Center in Carbondale. She has a master’s degree in social work, and specializes in therapy with children, youth and families. Pedigo testified that she had been providing therapy to E.L. since January of 2022. Pedigo initially assisted E.L. to learn about her emotions and taught coping skills. E.L. had directed Pedigo to refer to Father as “Anger” because he was mean to E.L. Additionally, E.L. disclosed to Pedigo that Father had kicked her in the belly, pinched her, pulled her by the hair into her bedroom and locked her into the room, jumped on her and punched her. Pedigo also was aware that E.L. would break down emotionally after having a visit with Mother.

¶ 34 Pedigo testified to sessions with E.L. when there was a possibility that E.L. may have to testify in court. Pedigo attempted to discuss E.L.’s feelings on testifying, and E.L. responded that she did not want to see Father. E.L. had an increase in night terrors afterwards, and Pedigo believed that any further discussion related to seeing Father was more harmful than helpful. Pedigo was concerned that E.L. may have a therapy regression if she returned to Father’s care, and E.L. would need a “slow start” with the involvement of a professional to identify any signs of trauma if visitation resumed. Pedigo additionally testified that she did not believe that E.L. had been coached into making accusations against Father as E.L. had physical manifestations of the trauma, such as tensing her body, when she talked about Father. Pedigo believed that if E.L. were removed from Tina’s care, the result would be “devastating” for E.L. As E.L.’s therapist, Pedigo also opined that it would be in the best interests of E.L. to be made a ward of the court and for DCFS to be awarded guardianship, as well as custody.

¶ 35 This concluded the State’s case. Father recalled Beth Kempfer, the DCFS investigator, who testified she had performed three investigations regarding Father. All three were unfounded.

¶ 36 Father next testified that he was able to be more involved in E.L.’s care before Mother “fell out of the picture and Tina took over.” The last time he saw E.L. was on April 20, 2022. Father testified that it was never appropriate to hit or abuse a child and he never physically punished E.L. Father testified that he had a two-bedroom apartment in Carbondale, Illinois, with a bedroom for E.L. He was ready to take care of E.L. Father had filed a petition for allocation of parental rights and temporary possession of E.L. on December 21, 2021, and two weeks after he filed that petition, a DCFS complaint was filed against him. Father denied that he abused E.L., and he was aware that DCFS indicated him based on sexual allegations.

¶ 37 The parties presented closing arguments. The State relied on the testimony of Miranda Pedigo, the therapist treating E.L., who was concerned that E.L. would regress in her progress if allowed to be placed with Father. The GAL agreed with the State’s recommendation to make E.L. a ward of the court. The GAL also requested that the circuit court take judicial notice of the integrated assessment, specifically the portion of the report which included a poor prognosis of reunification of Father with E.L. Additionally, the GAL requested that the circuit court take judicial notice of the September 12, 2023, status report, the July 30, 2024, dispositional report, and the CAC video recording and summary. Finally, the GAL argued that, as per the testimony of Miranda Pedigo, it would be “devastating” to E.L. and contrary to her best interest if she were placed with Father.

¶ 38 Father argued that there was no evidence he was not fit to care for E.L. Father completed all of the services required of him by DCFS. Further, the recommendations from the Psychosexual

Assessment included supervised visitation with a transition to visitation with professional feedback. This was never offered to Father. Father asked for dismissal of the proceedings.

¶ 39 The circuit court entered a written dispositional order on May 13, 2025. The circuit court considered the testimony which revealed that there was a substantial breakdown in the parent-child relationship and that E.L. had repeatedly indicated that she did not want to see Father. Kemper with DCFS testified that she witnessed a one inch laceration under E.L.'s breast and testified that E.L. was afraid of Father. The circuit court considered that Father had been participating in the initial recommended services. The circuit court took judicial notice of the Psychosexual Assessment, an April 2023 Permanency Report, September 11, 2023, Permanency Report, adjudicatory order, the integrated assessment dated October 13, 2022, and reviewed the exhibits including photographs, videos, and documents.

¶ 40 Based on the totality of the circumstances, the circuit court determined that it was contrary to E.L.'s health, safety, and best interests to be placed in the care and custody of Father. Father was found to be unfit and unable to care for E.L. The dispositional order further recommended that Father complete individual therapeutic visits with a trauma counselor and that Father communicate and cooperate with DCFS. E.L. was made a ward of the court and custody of E.L. was granted to the guardianship administrator of DCFS with the right to place E.L. The circuit court denied Father visitation with E.L. without an order from the court after a review of recommendations by a licensed therapeutic counselor. The circuit court specifically found that, "[t]here shall be no visitation between a minor child and the father without order of court upon review of recommendations by a licensed therapeutic counselor." This appeal followed.

¶ 41

II. ANALYSIS

¶ 42 On appeal, Father argues that the circuit court erred by allowing the GAL to act as a party to the proceeding; by finding that E.L. was abused and neglected; and by finding that Father was unfit and unable to care for, protect, train, educate, supervise, or discipline. E.L.

¶ 43 Father had filed two motions *in limine* to bar the GAL from advocating for E.L. which were denied by the circuit court. On appeal, Father argues that the circuit court erred by allowing the GAL to act as an attorney for E.L. and as the GAL. We consider whether the circuit court erred in denying Father’s motion *in limine* to restrict the GAL’s participation in this case. A circuit court’s denial of a motion *in limine* is considered under an abuse of discretion standard. *Ford v. Grizzle*, 398 Ill. App. 3d 639, 646 (2010).

¶ 44 The Juvenile Court Act requires that the circuit court appoint a GAL upon the filing of a petition that alleges that a minor is abused or neglected. 705 ILCS 405/2-17 (West 2024). Section 1-5 of the Juvenile Court Act (705 ILCS 405/1-5(1) (West 2024)) provides that the minor has “the right to be present, to be heard, to present evidence material to the proceedings, to cross-examine witnesses, [and] to examine pertinent court files and records.” 705 ILCS 405/1-5(1) (West 2024). “No hearing on any petition or motion filed under this Act may be commenced unless the minor who is the subject of the proceeding is represented by counsel.” 705 ILCS 405/1-5(1) (West 2024). If the appointed GAL is a licensed attorney, the circuit court does not have to appoint counsel to represent the minor unless there is a conflict of interest. 705 ILCS 405/1-5 (West 2024).

¶ 45 The Illinois Supreme Court addressed Father’s contention that “the GAL does not have authority to prosecute a petition to terminate parental rights pursuant to the Juvenile Court Act.” *In re D.S.*, 198 Ill. 2d 309, 333 (2001). Under section 1-5(a) of the Juvenile Court Act (705 ILCS 405/1-5(a) (West 2024)), the minor “has the right to be represented by counsel, to be present, and

to be heard.” *In re D.S.*, 198 Ill. 2d at 332. The GAL, on behalf of a minor, “may question witnesses, present evidence, examine pertinent court files and records, and make arguments to the court.” *In re D.S.*, 198 Ill. 2d at 332-33. We additionally note that under Rule 907(d), the GAL shall “make appropriate recommendations to the parties, and seek appropriate relief in court, if required, in order to serve the best interest of the child.” Ill. S. Ct. R. 907(d) (eff. March 8, 2016).

¶ 46 In this case, the State filed the initial petition under the Juvenile Court Act, as well as the subsequent supplemental petitions, and then prosecuted the case. Joanna Wells was appointed as the GAL and as the attorney for E.L. Father generally took issue with the actions taken by the GAL in her dual role as GAL and attorney for E.L. Father did not raise a specific reason, supported by the record, to disqualify the GAL. We find that the circuit court did not abuse its discretion by denying Father’s motion *in limine* where the GAL is not generally prohibited from serving as both the GAL and as counsel for E.L. as allowed by section 1-5 of the Juvenile Court Act. 705 ILCS 405/1-5 (West 2024).

¶ 47 The Juvenile Court Act (705 ILCS 405/1-1 *et seq.* (West 2024)) provides a two-step process to decide whether a minor should become a ward of the court. *In re A.P.*, 2012 IL 113875, ¶ 18. The first step is the adjudicatory hearing on the petition of wardship. *In re A.P.*, 2012 IL 113875, ¶ 19. “At the adjudicatory hearing, the court shall first consider only the question [of] whether the minor is abused, neglected or dependent.” 705 ILCS 405/2-18(1) (West 2024).

¶ 48 A “neglected minor” includes any minor “whose environment is injurious to his or her welfare.” 705 ILCS 405/2-3(1)(b) (West 2024). “Neglect” is generally defined as the “failure to exercise the care that circumstances justly demand.” (Internal quotation marks omitted.) *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004); *In re Zion M.*, 2015 IL App (1st) 151119, ¶ 24. The meaning of the term “neglect” is fluid and encompasses both the willful and the unintentional disregard of

parental duty. *In re Arthur H.*, 212 Ill. 2d at 463; *In re Zion M.*, 2015 IL App (1st) 151119, ¶ 24. An “injurious environment” is also an amorphous concept but is generally 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.) *In re Arthur H.*, 212 Ill. 2d at 463; *In re Zion M.*, 2015 IL App (1st) 151119, ¶ 24.

¶ 49 An abused minor includes any minor under 18 years of age whose parent “creates 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 2024). Proving abuse does not require showing specific intent to harm the child. *In re K.T.*, 361 Ill. App. 3d 187, 201 (2005). Actual injury to a child is also not required to prove abuse. *In re J.R.*, 2022 IL App (1st) 221109, ¶ 52.

¶ 50 Determinations of neglect and injurious environment are fact-driven rulings, and these cases must be decided on their unique circumstances. *In re Arthur H.*, 212 Ill. 2d at 463. The State must prove neglect, dependence, or abuse by a preponderance of the evidence. *In re N.B.*, 191 Ill. 2d 338, 343 (2000). A circuit court’s finding of abuse or neglect will only be reversed if it is against the manifest weight of the evidence. *In re Davon H.*, 2015 IL App (1st) 150926, ¶ 47.

¶ 51 If the circuit court determines that a minor has been abused, neglected, or dependent, then the circuit court proceeds to the second step, the dispositional hearing. *In re A.P.*, 2012 IL 113875, ¶ 21. During the dispositional hearing, the circuit court determines whether it is consistent with the health, safety, and best interests of the minor and the public for the minor to be made a ward of the court. *In re A.P.*, 2012 IL 113875, ¶ 21. The purpose of a dispositional hearing is not to terminate parental rights, but to decide what future actions are in the children’s best interest and whether to make the children a ward of the court. *In re B.S.*, 2022 IL App (2d) 220271, ¶ 31. The

circuit court may commit the children to wardship based on a finding that the minor’s parents are “unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or are unwilling to do so” and “the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of the minor’s parents.” 705 ILCS 405/2-27(1) (West 2024). At a dispositional hearing, “any helpful evidence ‘may be admitted and may be relied upon to the extent of its probative value.’ ” *In re Zariyah A.*, 2017 IL App (1st) 170971, ¶ 88 (quoting 705 ILCS 405/2-22(1) (West 2016)).

¶ 52 A circuit court’s determination of wardship will be reversed if the factual findings are against the manifest weight of the evidence or if the court abused its discretion by selecting an inappropriate dispositional order. *In re Davon H.*, 2015 IL App (1st) 150926, ¶ 58. We give deference to the circuit court under this standard where it is in a better position to observe the witnesses, assess credibility, and weigh the evidence. *In re Al. S.*, 2017 IL App (4th) 160737, ¶ 41.

¶ 53 In this case, E.L. was determined to be abused or neglected where Mother stipulated to being a habitual user of methamphetamine since 2020 and she tested positive for methamphetamine on September 16, 2022. The evidence presented during the adjudicatory hearing additionally demonstrated that Mother was homeless throughout the case. Mother had left E.L. in the care of Tina, without a permanent legally protective care plan, as Tina was not the legal guardian of E.L. Additionally, there was undisputed testimony by Pedigo that Father had kicked, pinched, jumped on, and punched E.L. Pedigo’s notes from an April 11, 2023, therapy session with E.L., which also included these statements by E.L., were admitted into evidence.

¶ 54 E.L. had not testified during the adjudicatory hearing. However, previous statements made by the minor relating to any allegations of abuse or neglect shall be admissible under section 2-18(4)(d) of the Juvenile Court Act (705 ILCS 405/2-18(4)(d) (West 2024)). *In the Interest of*

M.D.H., 297 Ill. App. 3d 181, 188 (1998). Either cross-examination or corroboration is required for the hearsay to be admissible under section 2-18(4)(c) of the Juvenile Court Act (705 ILCS 405/2-18(4)(c) (West 2024)). *In re An. W.*, 2014 IL App (3d) 130526, ¶ 62. Corroborating evidence makes it more probable that a minor was abused or neglected, and depending on the facts of each case, the corroborating evidence can include physical or circumstantial evidence. *In re A.P.*, 179 Ill. 2d 184, 199 (1997).

¶ 55 The record reveals that E.L. had a laceration on her chest. DCFS investigated allegations of abuse based on the laceration and issued an unfounded report dated March 18, 2022. DCFS determined at that time that there was insufficient evidence of abuse. Approximately 30 days later, E.L. disclosed the abuse by Father, which was corroborated by the physical evidence of the laceration.

¶ 56 “Only a single ground for neglect need be proven, and thus when the circuit court has found a minor neglected on several grounds, we may affirm if any of the circuit court’s bases of neglect may be upheld.” *In re Faith B.*, 216 Ill. 2d 1, 14 (2005). Based on our review of the record, the circuit court’s finding that E.L. had been abused or neglected was not against the manifest weight of the evidence.

¶ 57 The record demonstrates that Father was participating in recommended services. However, the record also reveals that there was a substantial breakdown in the parent child relationship. Pedigo testified that E.L. called Father “Anger” and she had indicated that she did not want to see Father. E.L. had physical manifestations of trauma when she talked about Father. E.L. suffered from night terrors which intensified after mentioning to E.L. that she may see Father at the courthouse if she had to testify. Pedigo opined that if E.L. were to be removed from Tina’s care, the result would be “devastating” and E.L. would suffer severe regression if returned to Father’s

care. Additionally, the Psychosexual Assessment revealed that supervised visitation should occur with a therapist who has experience with sexual abuse to provide immediate feedback to Father in a safe environment.

¶ 58 We have thoroughly reviewed the record on appeal and conclude that the circuit court's decision was not against the manifest weight of the evidence. We affirm the circuit court's findings made on the record, as well as the written dispositional order entered on May 13, 2025.

¶ 59 III. CONCLUSION

¶ 60 For the forgoing reasons, the adjudicatory and dispositional orders of the circuit court of Jackson County are affirmed.

¶ 61 Affirmed.