2026 IL App (1st) 252695
No. 1-25-2695
Opinion filed November 23, 2026

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

FIRST DIVISION

In re E.C. and M.C., Minors-Respondents-Appellees,

(The People of the State of Illinois, Petitioner-Appellee,

v.

I.B., Mother-Respondent-Appellant).

Appeal from the Circuit Court of Cook County.
Honorable Audrey V. Cosgrove, Judge, Presiding.
Nos. 25-JA-00683, 25-JA-00684

JUSTICE COBBS delivered the judgment of the court, with opinion.
Presiding Justice Ellis and Justice Fitzgerald Smith concurred in the judgment and opinion.

OPINION

¶ 1 Minor respondents M.C., then age nine years old, and her sister, E.C., then age seven years old (the minors), are the subjects of an August 2025 petition for adjudication of wardship pursuant to the Juvenile Court Act of 1987 (Act) (705 ILCS 405/1-1 *et seq.* (West 2024)) filed by the State. Named in the petition are the parents of the minors, respondent-appellant I.B. (respondent) and A.C., who is not a party to this appeal. Following an adjudicatory hearing in the circuit court of Cook County, the minors were adjudged abused, neglected, and dependent. At the subsequent

dispositional hearing, the court found that the parents were unable to care for, protect, train, or discipline the minors. Accordingly, the court entered an order declaring the minors wards of the court and placing them in the guardianship of the Department of Children and Family Services (DCFS). Respondent appeals the dispositional finding as being against the manifest weight of the evidence.[1] For the reasons that follow, we affirm.

¶ 2 I. BACKGROUND

¶ 3 On August 29, 2025, the State filed petitions for adjudication of wardship of the minors. The petitions alleged that the minors were neglected, in that their environment was injurious to their welfare (*id.* § 2-3(1)(b)), and abused, in that they were at substantial risk of physical injury (*id.* § 2-3(2)(ii)).

¶ 4 As to each of the allegations, the petition alleged that A.C., the putative father, "had three prior indicated reports for substantial risk of physical injury/environment injurious to health/welfare by neglect." The family had an open "intact case," due to domestic violence in the home and that this was the family's second "intact case." The petition further alleged that the present petition was for the family's second intact case, that the parents are noncompliant with services, and that there is an ongoing issue of domestic violence between the parents while the minors are present.

¶ 5 The petition detailed that on August 25, 2025, the minors' parents were involved in a domestic altercation with each other, during which A.C. pinned respondent to the wall. According to the petition, "[the] minor stated that A.C. resides in the home, however the parents deny residing

[1]In her notice of appeal, respondent states that the appeal is of the findings at the adjudicatory and the dispositional hearings. However, in her opening brief, she indicates that the appeal is from the disposition order. Notably, the arguments in her opening brief appear largely to challenge only the court's dispositional order of wardship.

together" and "minimize the issue of domestic violence." Finally, the petition noted that paternity had not been established.

¶ 6 Attached to the petition was an August 28, 2025, "Affidavit Documenting DCFS Efforts," wherein DCFS investigator Heather Gomez (Gomez) averred the following. The father has been indicated three times for allegations related to domestic violence with the children present. These allegations were unfounded as to the mother, but she failed to complete recommended domestic violence services or prevent new incidents of physical altercations from occurring in the presence of the children.

¶ 7 The affidavit further indicated that an intact case was opened from March 18, 2024, through November 27, 2024. The father did not engage in services. The mother did not complete domestic violence services but did complete individual counseling. A second intact case was opened on April 23, 2025, due to a physical altercation between the parents with the children present. A safety plan was offered; however, neither parent has been compliant. Finally, the affidavit stated that the parents did not cooperate and "PC" was taken.

¶ 8 On August 29, 2025, the court appointed the Cook County public guardian as attorney and guardian *ad litem* (GAL) for the minors and the Cook County public defender as attorney for respondent.[2] Following a temporary custody hearing, the court placed the minors in the custody of the DCFS guardianship administrator. The court additionally entered an order permitting respondent supervised visits with the minors. The matter was then set for a status hearing on September 9, 2025, and DCFS was ordered to prepare a 45-day case plan and a social investigation plan in 30 days.

[2]Paternity for A.C. was established on October 7, 2025, and the court then appointed the Cook County public defender as attorney.

¶ 9 By agreement of the parties, the matter was first continued to October 7, 2025, then to November 3, 2025, and subsequently to November 18, 2025, for adjudication and dispositional hearings and a permanency plan. On November 18, 2025, again by agreement of the parties, the statutory time limit for the adjudicatory hearing was waived and the adjudicatory hearing was set for December 29, 2025.[3]

¶ 10 A. Adjudicatory Hearing

¶ 11 As previously set, the adjudicatory hearing proceeded on December 29, 2025, wholly by stipulation. Respondent and A.C. acknowledged that they understood the consequences of the stipulation and that it could be "judicially noticed" in future hearings. The parties stipulated to the testimony of Alondra Ruiz (Ruiz), the school social worker; Vannessa Perez (Perez), One Hope United intact family services worker; and Gomez.

¶ 12 Ruiz testified as follows. On August 25, 2025, E.C. was brought into her office by the school's assistant principal. E.C. was crying and visibly upset. She stated that prior to coming to school that day, she saw A.C. hurt her mother. E.C. had drawn pictures describing what she had seen. E.C. attempted to stop her father from hurting her mother, but E.C. became frightened, ran into a bedroom, and locked the door. Several times during her conversation with Ruiz, E.C. stated "I can't leave my mom like that."

¶ 13 Gomez testified as follows. She was assigned to investigate an August 25, 2025, "hotline call for substantial risk/environment injurious." On or about August 27, 2025, she had an in-person conversation with E.C. She observed that E.C. was well-groomed, with no visible or reported

[3]Pursuant to section 2-14(b) of the Act, when a petition alleging that a minor is abused, neglected, or dependent, an adjudicatory hearing must be commenced within 90 days of service of process to the relevant parties. 705 ILCS 405/2-14(b) (West 2024). With the court's approval, the time limits for the adjudicatory hearing may be waived by consent of all of the parties. *Id.* § 2-14(d).

injuries. When shown the picture she had drawn on August 25, 2025, E.C. stated that it was a picture of her father hurting her mother by holding her mother against a wall and E.C. running away because she was scared.

¶ 14 Gomez telephoned respondent and explained that E.C. had reported witnessing domestic violence between respondent and A.C. Respondent began to yell and blame the school and said "if DCFS put a safety plan in place, [she] would go to wherever the children were placed and take them."

¶ 15 Gomez subsequently met respondent and A.C. at the Hanover Park Police Department. When she attempted to speak to them about the allegations, the parents began to laugh. Gomez reminded them that following the previous investigation into a domestic violence incident when the minors were present, A.C. and respondent had agreed to participate in intact family services. A.C. and respondent responded that their "child does not even speak."

¶ 16 Gomez was not able to complete the interview. On that date, she took protective custody of both minors. Gomez additionally testified that A.C. had three prior indicated reports related to domestic violence with respondent from 2024 through 2025.

¶ 17 Perez testified as follows. She was assigned to work with the family on or about April 24, 2025. Beginning on April 24, 2025, through July 2, 2025, she had eight in-person visits with the minors. During those visits, the minors were dressed appropriately and had no visible marks or bruises.

¶ 18 As a part of the intact case, respondent was to complete domestic violence services. At the time of protective custody, respondent had not completed the services and was not cooperating with intact services. During the intact case, A.C. spoke to Perez only once and was not compliant with intact services.

¶ 19 The parties stipulated to admission of three drawings by E.C., two with E.C.'s handwritten text describing what was being depicted. One drawing shows two figures on the right with the following text: "daddy got really close to her and tried to hurt her; he hurts momma in a wall; I tried to save her and help her, but it's too late," and "mommy: she's screaming stop," "I can't leave her like this." Text on the left side of the drawing states, "that's me running away." Another drawing, as purportedly described to Ruiz by E.C., depicts E.C. at the top of the page and then just beneath. Another drawing depicts E.C. "feeling scared on top and sad on bottom." On the third drawing, E.C. wrote, "I needed to lock the door before he gets me too."

¶ 20 At the conclusion of the hearing, the court found that the children were neglected due to injurious environment and abused due to a substantial risk of injury. The court then proceeded immediately with the dispositional hearing.

¶ 21 B. Dispositional Hearing

¶ 22 At the dispositional hearing, the court took judicial notice of the evidence presented at the earlier adjudicatory hearing. The State then proceeded with the testimony of its sole witness, Denise Mason, a supervisor at Lawrence Hall, who was assigned to work with the minors. Mason testified as follows. The minors are eight and nine years of age, both have been placed with a maternal uncle, and both have been assessed for individual therapy. Respondent has been assessed to be in need of individual therapy, domestic violence, and parenting classes. Individual therapy for respondent began at Day by Day Solutions in mid-December. It was too early for any progress reports; however, respondent attended therapy consistently. Mason added that respondent was receiving some services on her own before coming to Lawrence Hall, but she was nonetheless registered by Lawrence Hall to attend individual therapy. Respondent began attending domestic

violence and parenting classes in October. Although Mason was aware that respondent was attending, she had no progress report at the time of the dispositional hearing.

¶ 23 Mason additionally testified that respondent has supervised visitation with the minors and that there are no concerns at this time. At the time of the hearing, respondent had had one visit; however, weekly visits were contemplated. A.C. is incarcerated, and Lawrence Hall has not, therefore, been able to assess him for services. However, A.C. has had one video visit with the minors and future video visits are contemplated.

¶ 24 According to Mason, Lawrence Hall personnel conducted a staffing concerning the minors' best interest. At that time, it was determined that it was in the minors' best interest to be made wards of the court. The reasoning was explained as follows:

> "[Due to] the severity of the reason why the case came in, for the domestic violence, *** we felt that mom, according to the IA, still need[ed] individual therapy. Domestic violence classes need to be completed. And most importantly, parenting classes and coaching to ensure that proper parenting classes—-I mean parenting issues, and also the kids are safe."

¶ 25 On cross-examination, Mason acknowledged that she had not reviewed the caseworker's notes regarding respondent's visits with the children. However, she was aware of the caseworker's observation that respondent and the minors interact appropriately, that she brings snacks and is loving and caring toward the minors. Respondent additionally brings the minors "emotional support booklets," and they do arts and crafts together. Mason acknowledged that no issues have been reported regarding the start of services for respondent and that services are going well. She stated that they had just started and that there "is not enough time to" get a "really good estimate of how things are going."

¶ 26 On additional cross-examination by A.C.'s attorney, Mason testified that A.C. is receptive to receiving services, but that there are none currently available while he is incarcerated.

¶ 27 Upon questioning by the court, Mason acknowledged her awareness of an order of protection between respondent and A.C., but she was uncertain regarding the order's terms or an expected release date.

¶ 28 At the conclusion of Mason's testimony, the court admitted into evidence respondent's exhibit 1, the court report generated by Lawrence Hall, and exhibit 2, the proof of service of the order of protection, dated "September 28th." We note in particular that the Lawrence Hall report, which reflects "12/15/25" as the court report date, details the incident in which the mother had been struck in the face with a cell phone by A.C. as she was driving and while the children were in the car. No date or timeframe is attributed to the cell phone incident. Interestingly, the report makes absolutely no mention of the August 2025 incident that precipitated DCFS's present intervention.

¶ 29 Subsequently, on recross examination by A.C.'s attorney, Mason testified that the parents are not planning to live together once A.C. is released and they are working on reunification with the minors separately.

¶ 30 C. Juvenile Court Ruling

¶ 31 Following the parties' closing arguments and permanency recommendations, the court determined that it was in the best interest of the minors that they be made wards of the court. The judge recounted that the parents are currently unable only, for some reasons other than financial circumstances alone, to care for, protect, train, and discipline the minors. She stated her reason for making that finding is that she had "seen the commitment from both of the parents to correct the situation." She was aware that the mother had begun services and that demonstrated to her that

there “is love and commitment on behalf of both these parents towards these children.” However, the court noted that there were very serious allegations that brought the case into the system and that the parents failed to recognize for a very long time the damage they were causing their children while the children were living in that environment. Accordingly, the court appointed David L. Fox as custodian with the right to place the minors.

¶ 32 The court subsequently added that it was aware that the mother was “fully participating in services.” However, the court did not think it had been for long enough. The judge did not yet have any of “her reports about her—you know how involved she is in therapy. I just know she’s going. You know, so I would like more information, and that’s part of my basis for not—making the unable finding.”

¶ 33 Regarding permanency, the court stated that the appropriate goal for the minors was a return home within five months. The court noted that, but for the domestic violence in the home, by all accounts, the minors were very well taken care of. They were clean and healthy, they were going to school, and they had bonded with their parents. The court noted again its interest in seeing the mother engage in services actively, positively, and meaningfully. The judge stated that the reason for selecting the five-month goal and ruling out a 12-month goal “is because of the age of the minors and the fact that the mother engaged in services immediately on her own.”

¶ 34 The court admonished Mason that “some of [her] answers were lacking.” The court stated that, even though she had “reservations about the five, [she thought] it’s important to keep—get the family reunified quickly.” The court further admonished Mason that “[s]ometimes [the parents are] doing everything they can, but the agency sometimes, in [her] experience, also drags their feet.” At the conclusion of her remarks, the court set March 23, 2026, for status on services.

¶ 35 On December 31, 2025, respondent filed her notice of appeal.

¶ 36 II. ANALYSIS

¶ 37 Respondent appeals the court's finding at the dispositional hearing. She generally contends that the State failed to meet its burden of proof that she was unable to parent the minors. She maintains that the court's finding was erroneous because it was not based on evidence of present inability but rather was based on the prior domestic violence concerns, the absence of provider reports, and the court's desire for more time and monitoring. It is respondent's contention that these considerations are not a valid basis for delaying reunification in the absence of actual evidence of inability. Thus, she argues that the court's finding that she was unable to parent the minors was against the manifest weight of the evidence and that, for this reason, this court should reverse the trial court's finding.

¶ 38 In support of her contention, respondent argues that (1) at the time of the dispositional proceeding, the conditions that caused the minors to be neglected no longer existed; (2) respondent was cooperating with reunification services, which further dissipated the risks that led to the minors' removal; and (3) the trial court's decision to delay reunification is contrary to the purpose of the Act. Following our recitation of the applicable procedures, we address each argument in turn.

¶ 39 The Act (705 ILCS 405/1-1 *et seq.* (West 2024)) dictates the procedure courts must follow in determining whether a child should be removed from his parents, made a ward of the court, and, ultimately, whether parental rights may be terminated. *In re Arthur H.*, 212 Ill. 2d 441, 462 (2004). The paramount consideration under the Act is the best interests of the child. *In re K.F.*, 2023 IL App (1st) 220816, ¶ 35. "[C]ases involving allegations of neglect and adjudication of wardship are *sui generis*, and must be decided on the basis of their unique circumstances." *Arthur H.*, 212 Ill. 2d at 463.

¶ 40 Procedurally, after a child is placed in temporary custody, the circuit court must hold an adjudicatory hearing. *Id.* at 462. At the adjudicatory hearing, the State bears the burden to prove by a preponderance of the evidence that the child is abused, neglected, or dependent. *In re Z.L.*, 2021 IL 126931, ¶ 61. We define preponderance of the evidence as that amount of evidence that leads a trier of fact to find that the facts at issue are more probably true than not. *In re K.G.*, 288 Ill. App. 3d 728, 735 (1997). Should the court find that the child is abused or neglected, it must then move to hold a dispositional hearing. *Z.L.*, 2021 IL 126931, ¶ 60.

¶ 41 In contrast to the adjudicatory hearing, where the court determines whether the minor is the subject of abuse or neglect, at the dispositional hearing, the court must resolve two issues. First, the court must determine whether it is in the best interests of the child and the public that the child be made a ward of the court. 705 ILCS 405/2-22(1) (West 2024); see *In re M.D.*, 2022 IL App (4th) 210288, ¶ 64 (at the dispositional hearing the court's wardship determination is based on the best interests of the child with consideration to the totality of the circumstances surrounding the minor's life). Second, if the child is made a ward of the court, the court must then also decide the proper disposition for the minor, considering "the health, safety and interests of the minor and the public." 705 ILCS 405/2-22(1) (West 2024). In that regard, the court must determine whether the parents are fit to care for, protect, train, or discipline the minor or, if they are unwilling to do so, whether the health, safety, and best interests of the minor will be jeopardized if the minor remains in the custody of their parents. *In re J.W.*, 386 Ill. App. 3d 847, 856 (2008). The dispositional hearing gives to the parents " 'fair notice of what they must do to retain their rights to their child.' " *In re April C.*, 326 Ill. App. 3d 225, 237 (2001) (quoting *In re G.F.H.*, 315 Ill. App. 3d 711, 715 (2000)).

¶ 42 The trial court's dispositional order will be reversed only if the factual findings at the dispositional hearing are against the manifest weight of the evidence or if the court abused its

discretion by selecting an inappropriate dispositional order. *In re A.S.*, 2014 IL App (3d) 130163, ¶ 21. A finding is against the manifest weight of the evidence if the opposite conclusion is clearly evident or if the finding itself is so unreasonable, arbitrary, or not based on the evidence presented. *April C.*, 326 Ill. App. 3d at 238; *In re T.B.*, 215 Ill. App. 3d 1059, 1062 (1991).

¶ 43 Having set forth the relevant legal principles, we turn our attention to respondent's arguments on appeal. Respondent first argues that, by the time of the dispositional hearing, the issues that caused the minors' neglect had already dissipated. She argues that the State did not prove that the minors' health or safety would be jeopardized, as A.C. was incarcerated and the couple had no plans to resume living together. Further, respondent had obtained an order of protection against A.C. She urges that the changed circumstances alone should have led the court to the correct finding—that respondent was able to care for the minors. Then citing specifically *In re K.E.S.*, 2018 IL App (2d) 170907, ¶ 67, and *In re L.W.*, 2021 IL App (5th) 200311, ¶ 33, she asserts that the "question was whether the State proved by a preponderance of the evidence that [respondent] remained unable to care for [the minors] and that the health or safety of the children would be jeopardized if returned to her custody."

¶ 44 The State responds that the conditions that caused the minors to be neglected existed at the time of the dispositional hearing. Evidence at the adjudicatory hearing, of which the court took judicial notice at the dispositional hearing, established that domestic violence was an ongoing concern between respondent and A.C.

¶ 45 Regarding respondent's argument that the State failed to meet its burden of proof, we pause to point out that, at the adjudicatory hearing, the State presented evidence of the minors' abuse and neglect. The parties stipulated that the evidence presented there would be judicially noticed at the dispositional hearing. Respondent and A.C. both indicated to the court that they understood the

import of the stipulation. Thus, to the extent that respondent argues that the burden of proof at the adjudicatory phase of the proceedings was not satisfied, we must reject it. Based on the evidence at the adjudicatory hearing and the later evidence presented at the dispositional hearing, we believe that the court's disposition order was neither unreasonable nor arbitrary and, importantly, was based on the evidence.

¶ 46 *In re D.J.*, 262 Ill. App. 3d 584 (1994),[4] and *In re A.D.*, 199 Ill. App. 3d 158 (1990), both cited by the State and both decided by our sister jurisdiction in the fourth district, are instructive. In *D.J.*, a case brought under the Adoption Act (750 ILCS 50/0.01 *et seq.* (West 1992)), the trial court adjudicated the four minor children of the respondent neglected. *D.J.*, 262 Ill. App. 3d at 585. The court's neglect finding was based largely on the fact that the respondent had a continuing relationship with her boyfriend, who had a history of "sexual perversion against children." *Id.* At the adjudicatory hearing, the court ordered the respondent to satisfy certain conditions in order to regain custody of the minor children. *Id.* at 586. As one of the conditions, the respondent was ordered to disassociate herself and her children from the boyfriend. *Id.* Sometime after the adjudicatory hearing, the boyfriend was arrested on a charge of criminal sexual assault to a child (not one the minors implicated in the case) under 13 years of age. He pled guilty in exchange for a 10-year prison term. *Id.* In response to the State's amended petition to terminate parental rights, the trial court found the respondent to be an unfit parent and subsequently terminated her parental rights as to three of her minor children. *Id.*

¶ 47 On appeal, the respondent argued that because the boyfriend was arrested and incarcerated, the situation regarding him had been resolved just as the court had directed. *Id.* at 587. She

[4]The State cites "*People v. Jackson*, 262 Ill. App. 3d 584," which is cited in the Official Reports of the Illinois Appellate Court as *In re D.J.*, 262 Ill. App. 3d 584 (1994). Thus, we refer to the case as cited in the official reports.

maintained that the court erred by granting the State's petition to terminate her parental rights and that she should regain custody. *Id.*

¶ 48 In affirming the trial court's termination decision, the appellate court noted that it was mere happenstance that the boyfriend was arrested and removed from the minors' environment. *Id.* at 590. The boyfriend's arrest and consequential removal did not automatically satisfy the respondent mother's responsibility to make reasonable efforts or reasonable progress toward the return of her children. *Id.* Moreover, the court noted that the "trial court could not confidently expect the criminal justice system to continue providing—fortuitously—protection to the children from [the boyfriend]." *Id.* The appellate court noted that instead of taking steps toward terminating the relationship with her boyfriend, the respondent clearly demonstrated her intent to continue it. *Id.* at 592. Accordingly, the court held that the trial court's decision that the respondent had failed to make any reasonable effort or progress toward termination of her relationship with the boyfriend was not contrary to the manifest weight of the evidence. *Id.*

¶ 49 The decision in *A.D.*, 199 Ill. App. 3d 158, cited by the court in *D.J.*, presented a similar scenario. There, the minors were made wards of the court, and DCFS was given guardianship. *Id.* at 159-60. As a condition of a return home, the trial court required that the mother choose between regaining custody of her minor children or maintaining a relationship with their apparently sexually abusive stepfather. *Id.* at 162. At the dispositional hearing, a social worker assigned to the case offered testimony to the effect that the mother was willing to learn, was doing well in parenting classes, was seeking sex abuse counseling, and no longer denied that she was herself a victim of abuse. *Id.* at 160. She recommended, however, that the minors be returned to their mother on the condition that the stepfather not have contact. *Id.*

¶ 50 In affirming the trial court's wardship determination, the reviewing court stated that "[g]iven the overriding importance in proceedings under the [Juvenile Court] Act of the children's safety and best interests, we have no hesitancy in approving the trial court's action putting [the mother] to [the] test" of choosing to have the stepfather in her life or to have custody of her children. *Id.* at 162. The court held that where a parent who, at the time of the dispositional hearing, has not clearly and unequivocally chosen the safety of the children over a relationship with their abuser within the meaning of the Act, it is in the best interest of the children that they be removed "until such time" as "the court is so satisfied" that the parent has made such a choice. *Id.*

¶ 51 We recognize that *D.J.*—unlike *A.D.* and the case now before us—was brought under the Adoption Act (750 ILCS 50/0.01 *et seq.* (1992)). *D.J.*, 262 Ill. App. 3d at 587. Further, unlike the case now before us, *D.J.* was in a different procedural posture (termination of parental rights). Nevertheless, in all three cases, the paramount concern was ultimately the best interest of the children. In our case, at the time of the August 2025 event, respondent and A.C. already had an intact case open for the same conduct that led to the present case, domestic violence in the presence of the minors. According to Perez's testimony, in response to the earlier domestic violence event, the parents had agreed to participate in services but had not done so. When confronted by Gomez with the current conditions, which led to the State's intervention, respondent's response was to first blame the school, followed by a threat to disrupt any safety plan that DCFS might put in place for the minors. In a later meeting with both parents on that same date, the parents' response to learning of the allegations was to laugh.

¶ 52 We perceive respondent's response to the allegations to signal a lack of appreciation for the seriousness of the allegations and the effect of the alleged conduct on the wellbeing of the minors. That respondent would resort to assessing blame on the school is a clear indication that

she took no responsibility for what apparently is a recurring event. Telling is respondent's professed lack of understanding as to why she should be held responsible for A.C.'s misconduct. We would agree that respondent bears no responsibility for A.C.'s abusive behavior. However, as parents of the minor children, both she and A.C. bear responsibility for the minors' exposure to A.C.'s violent conduct and the impact of that conduct on the minors' emotional wellbeing.

¶ 53 In considering respondent's argument, we are mindful, as was the trial court, that the August 2025 incident of domestic violence witnessed by the minors was not the first. According to the "Affidavit Documenting DCFS Efforts," from the onset, respondent has taken only minimal steps towards guarding against the conditions that brought this case to the attention of the State in the first instance. We recall that, in the affidavit, following the first incident ("3/18/24-11/27/24"), respondent, although completing individual therapy, failed to complete domestic violence services. Following the second incident ("4/23/25"), a safety plan was offered but neither respondent nor A.C. was compliant.

¶ 54 It is not clear from the record whether protective custody was taken of the minors following the second incident. What is clear, however, is that given that the parents here were already involved in an intact case for domestic violence, for which they had failed to engage in services, and a third incident followed shortly on the heels of the second, we believe that it was prudent for the court to order the minors wards of DCFS until such time that it had before it reports of continuing and sustained progress toward eliminating a continuing condition that led to the disposition. We have yet to learn whether the purported dissipation will be sustained.

¶ 55 In that regard, we are not privy to the conduct that led to the September 2025 order of protection and A.C.'s arrest. We surmise that the order was related to the August 25, 2025, domestic violence incident that so disturbed E.C. In any case, like in *A.D.*, we do not think it prudent to

expect the criminal justice system to serve as the protective barrier in this family. We instead place trust and reliance on the services made available to the parents to ensure their competence to properly parent and ensure the wellbeing of their minors, ultimately, without interference from the State. Moreover, that the physical violence that precipitated DCFS's involvement with this family has been dissipated does not mean that the emotional trauma caused by that violence has been also.

¶ 56 Respondent next argues that she was cooperating with reunification services, which further dissipated the risks that led to the minors' removal. She maintains that her cooperation "adds even more weight to the evidence against the court's finding of inability." She recounts that in October 2025, she had begun parenting classes and domestic violence services and in December of that same year, she had begun individual therapy. She points out that even prior to being assigned by her caseworker to complete certain services, she had sought out some on her own. She argues that "it is unclear why [she] should have been required to participate in services at all. The only evidence was that [A.C.], not [her]was the domestically abusive parent."

¶ 57 She invites our attention to *In re R.A.*, 239 N.Y.S.3d 139, 146 (App. Div. 2025), which purportedly holds that removing children from parents who are the victims of domestic violence violates New York's statutory scheme, and *Nicholson v. Scoppetta*, 820 N.E.2d 840 (N.Y. 2004), which purportedly holds that a child's exposure to domestic violence is not presumptively grounds for removal.

¶ 58 That respondent would question why she should be required to receive services actually informs the decision. Both she and A.C. had parental responsibility for the care and welfare of the minors. That she permitted the minors' exposure to persist over the course of now several years is a clear indicator of her need for services. In any case, the critical inquiry is not whether the parent

participated in service, but whether return home serves the child's best interest. See *In re A.U.*, 2024 IL App (1st) 231727, ¶ 79.

¶ 59 We are encouraged by respondent's progress thus far and both her and A.C.'s expressed intent to take advantage of services. However, considering the parents' history and their initial response to this latest incident, it is too early in the game and far too great a risk to conclude that the progress made thus far is sufficient. Significantly, in *A.D.*, the court determined that the mother had made commendable progress in the last two months preceding the disposition hearing. The court found, however, that she had more to learn about being a good parent. We, like the court in *A.D.*, believe it was prudent for the trial court to put respondent to the test. Thus, we cannot say that the trial court's findings regarding the minor children was either unreasonable, arbitrary, or not based on the evidence presented. See *In re Daniel G.*, 2021 IL App (1st) 210640, ¶ 54.

¶ 60 With respect to *Scoppetta* and *R.A.* and respondent's reliance thereon, to the extent that either or both hold that exposure to domestic violence is not presumptively grounds for removal, we do not disagree. In our view, such a holding is consistent with best interest considerations. That said, however, we are not bound either by caselaw from another jurisdiction or its statutes. We believe there is more than sufficient settled caselaw within Illinois's borders to guide our review of the issues presented in this appeal.

¶ 61 Returning to *A.U.*, 2024 IL App (1st) 231727, ¶ 72, the respondent in that case argued that the trial court's finding that she was unfit was against the manifest weight of the evidence. She claimed that the evidence presented more than established her fitness and ability to care for her minor child, as she had been caring for him in the nine months prior to the dispositional hearing. *Id.* In responding to the respondent's argument, the reviewing court stated that because a respondent has completed some recommended services " 'does not mean that a disposition other

than the one entered by the trial court would be in the best interests of the children.' " *Id.* ¶ 79 (quoting *In re Kamesha J.*, 364 Ill. App. 3d 785, 796 (2006)).

¶ 62 Although respondent disagrees with DCFS and the trial court's assessment of the trauma caused to the minors as a result of the recurring incidents of domestic violence, and ultimately the court's disposition, we are not persuaded at this juncture that the opposite conclusion was clearly evident.

¶ 63 As her third, and final argument, respondent asserts that the trial court's decision to delay reunification is contrary to the purpose of the Act. Quoting *In re D.F.*, 2024 IL App (1st) 241566, ¶ 64, she argues that under the Act, " '[e]xpediency is key' " and " '[c]ourts are directed to act in a just and speedy manner to reunify families whenever possible.' " (Internal quotation marks omitted.) She maintains that in this case, the court overlooked the admonishment in *D.F.* when it refused to reunify the minors with "their fit mother" because it wanted to hear additional information. Relying on *Daniel G.*, 2021 IL App (1st) 210640, ¶ 58, and *L.W.*, 2021 IL App (5th) 200311, ¶ 33, she argues that the absence of reports of her progress "is a gap in proof borne by the party with the burden; it is not affirmative proof of inability."

¶ 64 Respondent takes the position that although the court here seemed aware that reunification should be speedy, its dispositional order erroneously delayed it. Taking Illinois to task, she states that "[t]his is a recurrent problem—this is likely the worst jurisdiction in the entire country at letting children languish in foster care," but within the worst state, "Cook County is the worst county."

¶ 65 We are not insensitive to respondent's general concerns about the length of time minors spend in foster care. However, the argument presents more of a policy issue than a legal one. As such, it does not fit neatly within the parameters of judicial review. It does, however, present an

opportunity to note with particularity the rules, not so long ago adopted by our supreme court, regarding procedures in child custody cases.

¶ 66 In 2006, in the interest of expeditiously achieving permanency for children removed from their parents' care, the court adopted Illinois Supreme Court Rule 900 (eff. July 1, 2006), the purpose of which is to expedite proceedings in the trial court in cases affecting the custody or allocation of parental responsibilities of a child. Correspondingly, Illinois Supreme Court Rule 311 (eff. July 1, 2018) mandates expedited dispositions and accelerated dockets for appeals concerning child custody. The supreme court's rules, coupled with the procedures prescribed under the Act, have as their intended purpose achieving efficient and expedited permanency for minors who come into the child welfare system.

¶ 67 That said, we do not view the Act's mandate for expediency to outweigh the paramount consideration of ensuring the best interest of the minors. The unavailability of relevant reports, particularly at this phase of the proceedings, is no reason to compromise best interest considerations. When determining the best interest of the child, the court must consider the totality of the circumstances (*M.D.*, 2022 IL App (4th) 210288, ¶ 64), which, in our view, includes not only the family's present response to the allegations and engagement in services offered, but also the family's recent history in that regard.

¶ 68 The expediency with which the proceedings below have been managed has not escaped our notice. Neither did the fact that the trial court, instead of deciding a longer-term separation of the minors from respondent, set as a status date three months from entry of the disposition order. Consistent with the Act and Rule 900, the case proceeded in the trial court without unreasonable delay. Notably, each of the motions for continuances that preceded the adjudicatory hearing was by agreement of the parties. Here on appeal, the case was placed on our accelerated docket, and

we have proceeded to expeditiously address the issues presented within the timeframe allotted pursuant to Rule 311. Thus, we find respondent's claimed lack of expediency to be rebutted by the record.

¶ 69 III. CONCLUSION

¶ 70 Based on our review of the record before us, we conclude that the trial court's finding at the dispositional hearing was not against the manifest weight of the evidence. Accordingly, we affirm the trial court's disposition order.

¶ 71 For the reasons stated, we affirm the judgment of the circuit court of Cook County.

¶ 72 Affirmed.

Decision Under Review:	Appeal from the Circuit Court of Cook County, Nos. 25-JA-00683, 25-JA-00684; the Hon. Audrey V. Cosgrove, Judge, presiding.
Attorneys for Appellant:	Sharone R. Mitchell Jr., Public Defender, of Chicago (Eliza Quander and Samuel Hayman, Assistant Public Defenders, of counsel), for appellant.
Attorneys for Appellee:	Eileen O'Neill Burke, State's Attorney, of Chicago (John E. Nowak, Gina DiVito, and Erica Hoogewerf, Assistant State's Attorneys, of counsel), for the People. Charles P. Golbert, Public Guardian, of Chicago (Kass A. Plain and Mary Brigid Hayes, of counsel), guardian *ad litem*.