

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).

2026 IL App (4th) 260482-U
NOS. 4-26-0482, 4-26-0483 cons.
IN THE APPELLATE COURT

FILED
September 28, 2026
Carla Bender
4th District Appellate
Court, IL

OF ILLINOIS

FOURTH DISTRICT

<i>In re</i> J.S. and M.M., Minors	)	Appeal from the
	)	Circuit Court of
(The People of the State of Illinois,	)	Winnebago County
Petitioner-Appellee,	)	Nos. 25JA226
v.	)	25JA227
Candace T.,	)	
Respondent-Appellant).	)	Honorable
	)	Francis M. Martinez,
	)	Judge Presiding.

JUSTICE LANNERD delivered the judgment of the court.
Justices Vancil and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, concluding (1) the trial court did not err when it adjudicated the respondent's minor children neglected and abused, (2) the court's determination that respondent was unfit at the dispositional hearing was not against the manifest weight of the evidence, and (3) the court's placement of the children outside of respondent's home was not an abuse of discretion.

¶ 2 In June 2025, the State filed petitions to adjudicate respondent Candace T.'s minor children, J.S. (born in August 2020) and M.M. (born in October 2014), neglected. Following the adjudicatory and dispositional hearings, the trial court adjudicated the children abused or neglected; found respondent unfit; made the children wards of the court; and placed guardianship and custody of M.M. with her father and guardianship and custody of J.S. with the Illinois Department of Children and Family Services (DCFS). (The children's fathers are not parties in these consolidated appeals.)

¶ 3 On appeal, respondent contends (1) the State failed to prove the children were abused or neglected because the evidence was based on uncorroborated hearsay statements of the children, who were not subject to cross-examination, (2) the trial court's finding respondent was unfit was against the manifest weight of the evidence, and (3) the court abused its discretion when it placed J.S. with DCFS and M.M. with her father. We affirm.

¶ 4 I. BACKGROUND

¶ 5 On June 24, 2025, the State filed an amended petition to adjudicate M.M. neglected under section 2-3(1)(b), (2)(i), (ii), (v) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b), (2)(i), (ii), (v) (West 2024)). Count I alleged respondent inflicted upon M.M. physical injury, other than by accidental means, which caused death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function, in that respondent attempted to choke M.M., and M.M. reported having her hair pulled and being hit several times by respondent. Count II alleged respondent created a substantial risk of physical injury to M.M. by doing the same. Count III alleged respondent inflicted excessive corporal punishment by doing the same. Count IV alleged M.M. was in an environment is injurious to her welfare based on the same acts of having her hair pulled, being hit, and being choked by respondent. Count V alleged the environment was injurious to M.M.'s welfare in that M.M.'s minor sibling was locked in a room by respondent, placing the minor at risk of harm.

¶ 6 In January 2026, the State filed an amended petition to adjudicate J.S. neglected, alleging he was in an environment injurious to his welfare under section 2-3(1)(b) of the Act (*id.* § 2-3(1)(b)), placing him at risk of harm. Count I alleged J.S.'s minor sibling reported being choked by respondent, as well as having her hair pulled and being hit several times by respondent. Count II alleged respondent locked J.S. in his room. Count III alleged that respondent had a

substance abuse issue, which prevented her from properly parenting. Count IV alleged J.S.'s father appeared to be under the influence of substances while acting as the sole caretaker of J.S.

¶ 7 In January and February 2026, the trial court held an adjudicatory hearing. At a pretrial hearing, the court noted respondent had a criminal defense attorney representing her regarding her criminal charges and admonished respondent concerning her fifth amendment right against self-incrimination (see U.S. Const., amend. V).

¶ 8 Donna Norman, a child protection specialist with DCFS, testified she investigated the abuse and neglect allegations concerning J.S. and M.M. Norman testified there had been previous DCFS investigations involving respondent. Records from those investigations were admitted into evidence without objection. Those records showed that, in 2014, police responded to a domestic dispute. Respondent was drunk and M.M. was present. Respondent drove away with M.M. restrained in the back seat of the vehicle and was subsequently arrested for driving under the influence (DUI) and child endangerment. In 2022, during a domestic dispute between respondent and J.S.'s father, respondent refused to allow police to enter her home. Police had to kick in the door with guns drawn to gain access to the home. M.M. and J.S. were present. It was believed respondent had been drinking before the altercation. The DCFS report stated there had been several previous police contacts concerning respondent and J.S.'s father.

¶ 9 Records concerning the reasons the children were brought into DCFS care stated that, on May 24, 2025, M.M. disclosed respondent tried to choke her. M.M. thought respondent had a knife and was going to kill her. M.M. asked her father to sleep in the driveway of the home while M.M. kept him on speakerphone. The records stated respondent was an alcoholic, and it was reported that she "terrorizes the neighborhood" and "will go in her backyard and scream and act like a lunatic." It was also reported that respondent was intoxicated during the May 24, 2025,

incident. According to the records, police had been called to the home multiple times because of respondent's behavior. There were also multiple orders of protection against respondent.

¶ 10 The records stated an investigator met with a police officer who reported his office had "been back-and-forth" to respondent's home for over a month. The officer reported respondent had a consistent drinking problem and was constantly screaming and disorderly. The officer reported that, on May 24, 2025, officers went to the house to arrest respondent and take protective custody of the children, but it turned into a standoff because respondent refused to allow the police officers into the home or allow the children to come out. The officer reported they could not force entry to remove the children so they left. Respondent was later located by police and arrested on multiple charges.

¶ 11 The records indicated respondent did not answer the door at the home when DCFS tried to visit in the two days immediately following the May 24 incident. DCFS met with her three days later. A DCFS report stated the children denied allegations of abuse when investigators met with them at the home. J.S. denied knowing what alcohol was or that respondent ever drank anything that made her act differently.

¶ 12 Norman testified she visited the home shortly after the May 24 incident and it was in an appropriate condition. Respondent denied ever using a weapon, threatening a child with a knife, or attempting to choke any child. She also denied locking any children in any room. A couple of days after the incident, respondent took a drug test, which was negative for alcohol and positive for tetrahydrocannabinol (THC) and amphetamines. Norman testified respondent had a prescription for Adderall, which tests positive for amphetamine. Respondent also had a medical marijuana card. At that time, M.M. was no longer in the home and was living with her father based on an emergency order of protection obtained against respondent. Norman testified M.M. was

initially reluctant to leave the home, but once out of respondent's presence and in the presence of her father, she was no longer hesitant. J.S. remained in the home under a safety plan, under which he was to have no unsupervised contact with respondent, and respondent was not to ingest any drugs or alcohol in the home. Respondent's mother served as the supervisor. That safety plan was later terminated based on information received during the children's forensic interviews, and J.S. was then taken into protective custody.

¶ 13 Videos of the forensic interviews were admitted into evidence. DCFS records also summarized the interviews. Those records stated M.M. disclosed observing domestic violence, drug paraphernalia and usage, alcohol consumption, and physical violence. M.M. also revealed being hit in the face, head, and body, having her hair pulled, and being subjected to attempted strangulation. M.M. further divulged witnessing J.S. being locked in a room. J.S. disclosed witnessing domestic violence and respondent's acts of aggression towards M.M., including hair pulling. J.S. also revealed he had been locked in a room. Respondent denied the allegations.

¶ 14 In her interview, M.M. stated she wanted to continue living with her father and wanted supervised visitation with respondent because she was afraid respondent was mad and would prevent her from going back to her father. M.M. stated that respondent hit her, pulled her hair, and said things such as, " 'I hate you.' " M.M. disclosed respondent would pull her hair either by her ponytail or by grabbing her hair by the back of her head. M.M. also described being hit by respondent on her arms, legs, back, and head. M.M. stated she loved respondent but felt respondent did not love her.

¶ 15 M.M. explained that J.S. would get locked in his room, and respondent would take a dog leash and tie J.S.'s door handle to another door handle so J.S. could not open the door. M.M. said sometimes J.S. would try to open the door and cry when he could not open it. M.M. also

reported the room J.S. would be in would be dark. M.M. also disclosed respondent hit J.S. According to M.M., respondent drank alcohol almost every day and told M.M. not to tell anyone. M.M. had seen respondent drink while driving with her in the car. M.M. maintained respondent also smoked marijuana around her and J.S. M.M. described the May 24, 2025, incident and said she did not want to talk to DCFS anymore because she would get in trouble. M.M. stated the last time a DCFS worker told respondent what M.M. said, respondent hit her and sent her to her room.

¶ 16 In his interview, J.S. said he felt safe at home. J.S. stated respondent was nice, and he denied ever getting in trouble. J.S. reported witnessing a domestic violence incident between respondent and his father. J.S. disclosed he had seen respondent pull M.M.'s hair and said that it happened "a lot." J.S. also described respondent locking him in his room. Specifically, the interviewer asked J.S. if he had ever been shut in his room and could not get out. J.S. said he pulled the door handle and got out. When asked if there was ever a time when he could not get out, J.S. said, "It was locked, but I used my hands and the door opened." J.S. explained respondent locked the door, and he was stuck in the dark, which made him mad. J.S. denied knowing what drugs or alcohol were or ever feeling scared around respondent.

¶ 17 Norman testified she observed the children's forensic interviews. Norman acknowledged there had been allegations of abuse in the past that the children recanted. She testified children often recant when they are fearful of retaliation by their parent. Norman indicated M.M. had been punished in the past for talking to DCFS. Norman noted that, in the current interviews, the children independently corroborated what the other said. Norman stated,

"[T]he two children were able to both describe confinement as well as physical abuse independently that corroborated each other. So [M.M.] disclosed that [J.S.] was being locked in his room and [J.S.] confirmed that he was locked in his room.

[M.M.] stated that she often had her hair pulled by her ponytail or just by—just being the back of her head grabbed and her hair pulled that way. [J.S.] confirmed that, yes, [M.M.’s] hair gets pulled often.”

Copies of orders of protection against respondent were also admitted into evidence.

¶ 18 The trial court found the children neglected under all counts alleged in the petitions. The court noted the children had been living in “an extraordinarily abusive and traumatic environment,” and respondent had a “severe issue with alcohol.”

¶ 19 In March 2026, the trial court held a dispositional hearing. The State asked the court to take judicial notice of all exhibits and evidence presented at the adjudicatory hearing, a December 2025 service plan, an integrated assessment, a social history, the most recent reports and prior reports of DCFS, orders of protection, pending criminal cases against respondent, and other documents. Respondent’s counsel specifically stated there was no objection.

¶ 20 A March 13, 2026, report to the trial court recited the details of the May 24, 2025, incident and noted a later incident in which J.S.’s father was arrested for DUI when J.S. was in his vehicle. The report noted respondent shared her home with an adult son. The report stated respondent was asked to (1) cooperate with DCFS and its recommendations, (2) remain drug and alcohol free, (3) participate in mental health treatment, (4) attend parenting classes, and (5) complete a domestic violence assessment and follow any recommendations.

¶ 21 The report indicated respondent had recently obtained employment but had not disclosed her employer. She reported participating in individual therapy, but DCFS had been unable to obtain records and wanted to see a treatment plan. Respondent had completed a parenting class and reported being enrolled in alcohol outpatient treatment and anger management classes. She also completed a domestic violence assessment, which qualified her for services.

¶ 22 The report stated respondent refused to acknowledge the role she played in the children coming into DCFS's care. The report noted, "She continues to blame the fathers for negatively influencing the children." The report also revealed "[respondent] struggles to take accountability for the DCFS involvement, often blaming the fathers." The record shows respondent routinely tested positive for THC. As of March 2025, she had two criminal charges pending.

¶ 23 Regarding visitation, the report indicated respondent only had about nine visits with J.S. in about five months and was insistent that her adult son attend the visits with her. DCFS had explained to respondent that that she needed to take the time to bond with J.S. before adding another person to the visit. The report noted respondent began having regular visits with J.S. in January 2026. The visits went well, and respondent's interactions with J.S. were appropriate. Only one visit had been missed since the last trial court date, and that was due to J.S. becoming sick on the way to the visit. The report revealed J.S. was doing well in foster care and was participating in individual therapy. Respondent did not have visitation with M.M. because there was an order of protection in place.

¶ 24 The most recent service plan listed M.M.'s goal to remain with her father. The goal for J.S. was to return home within 12 months. The service plan noted satisfactory progress by respondent on some goals but found unsatisfactory progress on (1) use of substances because she used marijuana daily, (2) continuing in therapy, because DCFS had not received treatment plans, (3) participating in recommendations made by counselors or assessments, (4) addressing reasons why her family became involved with DCFS, (5) visitation because respondent did not visit with J.S. from November 2025 to January 2026, and (6) cooperating with a domestic violence assessment because respondent did not disclose issues such as withholding the children from their

fathers, and respondent recently reported she was not going to participate because she did not believe she had any domestic violence concerns.

¶ 25 The service plan noted, “While [respondent] is participating in trauma therapy, there is concern regarding accountability and acknowledging the reasons why the children were removed from her care.” The report stated the caseworker had reached out to respondent’s counselor to gain more insight into what was being addressed but had not yet received any treatment plans or progress reports. When the caseworker requested this information from respondent, the service plan indicates respondent told the caseworker it was not respondent’s responsibility to provide DCFS with a treatment plan.

¶ 26 Respondent provided documents at the hearing showing her participation in services. She also provided a letter offering employment, but it was not signed by the employer. She further provided a letter written to the trial court outlining her progress and what she had learned. She stated she was committed to continuing her personal growth and applying what she had learned, and that it helped her develop healthier communication with her children.

¶ 27 Before presenting its argument, the State told the trial court it believed respondent was unfit and unable to parent but said, “I am asking to exclude unwilling. I think she is willing to parent.” The State then argued respondent blamed the children’s father for the reasons the children were removed from her care. The State also noted there was still an order of protection in place regarding M.M. The children’s guardian *ad litem* (GAL) also remarked respondent had not taken accountability for her actions. Noting respondent’s letter, the GAL observed respondent described her personal growth but failed to acknowledge what the children had experienced. The GAL also argued the letter was disingenuous because respondent spoke about developing healthier communication with her children when she had not communicated with M.M. at all due to the

order of protection.

¶ 28 After the arguments concluded, the trial court took the matter under advisement. After the hearing but before the court rendered its ruling, respondent filed two *pro se* motions. The first sought to compel production of video evidence. The second sought dismissal of the adjudication of wardship.

¶ 29 In late April 2026, the trial court found respondent “clearly not fit, willing, or able” to parent. The court stated, “It’s clear that from the beginning of this case that [respondent] has denied her involvement or any responsibility for these children coming into care, and that will be a major stumbling block to reunification.” The court found M.M.’s father fit, willing, and able to care for M.M. The court made the children wards of the court and placed guardianship and custody of M.M. with her father and guardianship and custody of J.S. with DCFS. The court stated visitation with M.M. would have to be under a plan if M.M. agreed to participate. The court noted respondent’s *pro se* motions, and respondent’s counsel stated he did not adopt them. The court held it would not consider the *pro se* motions since they were filed while respondent was represented by counsel.

¶ 30 This appeal followed.

¶ 31 II. ANALYSIS

¶ 32 On appeal, respondent contends (1) the State failed to prove the children were abused or neglected because the evidence was based on uncorroborated hearsay statements of the children, who were not subject to cross-examination, (2) the trial court’s finding respondent was unfit was against the manifest weight of the evidence, and (3) the court abused its discretion when it placed J.S. with DCFS and M.M. with her father.

¶ 33 The Act sets forth a two-step process to determine whether a minor should be

removed from his or her parents' care and made a ward of the court. *In re Z.L.*, 2021 IL 126931, ¶ 58. The first step is the adjudicatory hearing, at which the trial court is to determine whether the minor is abused, neglected, or dependent, as alleged in the petition for adjudication of wardship. 705 ILCS 405/2-18(1) (West 2024); *In re A.P.*, 2012 IL 113875, ¶ 19. If, at the adjudicatory hearing, the alleged neglect, abuse, or dependency is proven by a preponderance of the evidence, the proceedings then advance to the second step, the dispositional hearing. 705 ILCS 405/2-21(2) (West 2024); *A.P.*, 2012 IL 113875, ¶ 21. At the dispositional hearing, the court must determine whether it is in the best interests of the minor and the public that the minor be made a ward of the court and, if so, the court then must decide the appropriate disposition for the minor. *In re Daniel G.*, 2021 IL App (1st) 210640, ¶ 52; see 705 ILCS 405/2-21(2) (West 2024). "The overriding concern in determining the appropriate disposition is the minor's best interest." *Daniel G.*, 2021 IL App (1st) 210640, ¶ 52.

¶ 34 A. Abuse and Neglect Determinations

¶ 35 Respondent first argues the State failed to prove the children were abused or neglected because the evidence was based on uncorroborated hearsay statements of the children, who were not subject to cross-examination.

¶ 36 A neglected minor includes "any minor under 18 years of age *** whose environment is injurious to the minor's welfare." 705 ILCS 405/2-3(1)(b) (West 2024); *A.P.*, 2012 IL 113875, ¶ 22. Neglect is defined as "the failure to exercise the care that circumstances justly demand" and encompasses both willful and unintentional disregard of parental duty. (Internal quotation marks omitted.) *A.P.*, 2012 IL 113875, ¶ 22. The term "neglect" "takes its content always from specific circumstances, and its meaning varies as the context of surrounding circumstances changes." (Internal quotation marks omitted.) *Id.* Similarly, the term "injurious environment" has

been recognized as an “amorphous concept that cannot be defined with particularity,” but includes the “breach of a parent’s duty to ensure a safe and nurturing shelter for his or her children.” (Internal quotation marks omitted.) *Id.*

¶ 37 An abused minor under section 2-3(2)(i) includes one whose parent or other person responsible for the child’s welfare “inflicts, causes to be inflicted, or allows to be inflicted upon such minor physical injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function.” 705 ILCS 405/2-3(2)(i) (West 2024). Section 2-3(2)(ii) includes a minor whose parent or other person responsible for the child’s welfare “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.” *Id.* § 2-3(2)(ii). Actual injury under section 2-3(2)(ii) is not required, and it is sufficient if there is substantial risk of physical injury. *In re A.S.*, 2020 IL App (1st) 200560, ¶ 35. “[B]y including the language ‘impairment of emotional health’ into the statute, the legislature has clearly signaled that emotional and mental health of children is of paramount concern and on the same level as physical injury.” *In re J.R.*, 2022 IL App (1st) 221109, ¶ 60. The same allegations supporting the finding of neglect due to injurious environment can also support the finding of abuse due to substantial risk of physical injury. *Id.* ¶ 57. Inflicting excessive corporal punishment is also abuse under the Act. See 705 ILCS 405/2-3(2)(v) (West 2024).

¶ 38 At the adjudicatory hearing, the State must prove the allegations of abuse or neglect by a preponderance of the evidence, meaning the allegations are more probably true than not. *Z.L.*, 2021 IL 126931, ¶ 61. “We will not disturb the trial court’s finding of abuse or neglect unless it is against the manifest weight of the evidence.” *Id.* “A finding is against the manifest weight of the

evidence only if the opposite conclusion is clearly evident.” *Id.* Only a single ground for neglect need be proven, and thus, when the trial court has found a minor neglected on several grounds, we may affirm if any of the trial court’s bases of neglect may be upheld. *In re Faith B.*, 216 Ill. 2d 1, 14 (2005).

¶ 39 We note respondent did not object to the presentation of the children’s hearsay statements at the adjudicatory hearing or otherwise argue to the trial court that the hearsay was insufficient to prove abuse or neglect by a preponderance of the evidence. Thus, respondent arguably forfeited the matter. Normally, “[a]ny objection a party failed to make in the proceedings below is regarded, on appeal, as procedurally forfeited.” *In re K.B.*, 2019 IL App (4th) 190496, ¶ 59; see *In re M.W.*, 232 Ill. 2d 408, 430 (2009) (holding the principles of forfeiture apply in proceedings under the Act). However, the State also does not raise the issue of forfeiture. The rules of forfeiture also apply to the State and, where the State fails to argue forfeiture of an issue, it forfeits the issue of the forfeiture. See *People v. Bridgeforth*, 2017 IL App (1st) 143637, ¶ 46; *In re Z.D.*, 2023 IL App (4th) 230288-U, ¶ 54. Here, since the State has not argued the matter is forfeited, we address the merits.

¶ 40 Under the Act, “[p]revious statements made by the minor relating to any allegations of abuse or neglect shall be admissible in evidence. However, no such statement, if uncorroborated and not subject to cross-examination, shall be sufficient in itself to support a finding of abuse or neglect.” 705 ILCS 405/2-18(4)(c) (West 2024). Our supreme court has interpreted this section to require either cross-examination or corroboration, but not both. *In re A.P.*, 179 Ill. 2d 184, 196 (1997) “Although the Act does not define the term “ ‘corroboration,’ ” our supreme court has explained that there must be ‘independent evidence which would support a logical and reasonable inference that the act of abuse or neglect described in the hearsay statement occurred.’ ” *In re*

Jeh. R., 2023 IL App (1st) 230006, ¶ 64 (quoting *A.P.*, 179 Ill. 2d at 199). To corroborate means to add weight or credibility to an allegation of fact by additional and confirming facts or evidence. See *id.* “There is no requirement that corroborating evidence prove the abuse or neglect; the corroborating evidence need only to add weight or credibility to the out of court statements.” *Id.* “The precise form of corroboration depends upon the individual facts and circumstances of the case but can include physical or circumstantial evidence.” *Id.*

¶ 41 Witnesses testifying that a minor related claims of abuse or neglect to them is not considered sufficient corroboration. *A.P.*, 179 Ill. 2d at 198. However, out-of-court statements of one minor can corroborate the hearsay statements of another minor and, where two minors each provide substantially similar statements regarding abuse or neglect, a court may conclude sufficient corroboration has been provided to satisfy the provisions of the Act. *Jeh. R.*, 2023 IL App (1st) 230006, ¶ 65; see *In re K.R.*, 2024 IL App (4th) 230977-U, ¶ 35.

¶ 42 Here, as to J.S., respondent does not argue on appeal that the State failed to prove by a preponderance of the evidence that, under count III, respondent had a substance abuse issue which prevented her from properly parenting, thereby placing J.S. at risk of harm. Instead, respondent acknowledges she did not contest that count. The record contains substantial evidence concerning respondent’s alcohol use independent of any hearsay statement by the children. Since only a single ground for neglect need be proven, we may affirm the trial court’s finding of neglect on the basis of the uncontested finding of neglect on count III alone. See *Faith B.*, 216 Ill. 2d at 14.

¶ 43 However, we also note, beyond the finding of neglect on count III, M.M. corroborated the allegation in count II that respondent locked J.S. in his room, thereby placing him at risk of harm. M.M. told investigators that respondent would place J.S. in his room and tie the

door shut with a dog leash, J.S. would try to open the door, and the room was dark. This corroborated J.S.'s hearsay statement recounting a time he was "locked" in his room, he was able to turn the handle and get out, but he nevertheless was "locked" in the room and stuck in the dark. Thus, the two siblings each provided substantially similar statements regarding abuse or neglect, and the trial court could conclude sufficient corroboration was provided to satisfy the provisions of the Act.

¶ 44 As to the findings concerning M.M., respondent is correct that much of the evidence is based on M.M.'s hearsay. While there are multiple reports M.M. said the same things to multiple people, those statements were not corroboration because they all pertained to same hearsay from M.M. However, several allegations were corroborated by J.S.

¶ 45 First, count IV alleged M.M. was in an environment injurious to her welfare by respondent's acts of choking and hitting M.M. and pulling her hair. J.S. corroborated that respondent pulled M.M.'s hair "a lot," which we agree was sufficient to show M.M. was in an environment injurious to her welfare. Count III also alleged respondent abused M.M. by inflicting excessive corporal punishment by the same acts of choking and hitting M.M. and pulling her hair. We note respondent did not argue in the trial court or to this court on appeal that frequently pulling hair could not be considered excessive corporal punishment.

¶ 46 Moreover, count V alleged the environment was injurious to M.M.'s welfare in that J.S. was locked in a room by respondent, placing the minor at risk of harm. As previously discussed, M.M. corroborated that count concerning J.S. To the extent respondent argues M.M.'s statements are inadmissible hearsay as to count V involving neglect of M.M., J.S. corroborated the matter by stating he was "locked" in a room and, while he was able to open the door, he also said he was stuck in the dark. Each child corroborated the other's statements regarding J.S. being locked

in a room. Accordingly, there was sufficient evidence for the trial court to find abuse and neglect of M.M.

¶ 47 B. Dispositional Finding of Unfitness

¶ 48 Respondent next argues the trial court's finding respondent was unfit was against the manifest weight of the evidence, and the court abused its discretion when it placed the children outside of her home.

¶ 49 At the dispositional stage, the trial court must determine whether it is consistent with the health, safety, and best interests of the minor and the public that he or she be made a ward of the court. 705 ILCS 405/2-27(1) (West 2024); *In re Audrey B.*, 2015 IL App (1st) 142909, ¶ 31. The court also determines whether the parent is unfit, unable, or unwilling, for reasons other than financial circumstances alone, to care for, protect, train, or discipline the minor. 705 ILCS 405/2-27(1) (West 2024). "In contrast to the adjudicatory hearing, where the court determines only whether the child is abused or neglected, the wardship determination at the dispositional hearing 'is based on the best interest to the child when considering the totality of the circumstances surrounding the child's life.' " (Emphasis omitted.) *In re M.D.*, 2022 IL App (4th) 210288, ¶ 64 (quoting *In re D.S.*, 2018 IL App (3d) 170319, ¶ 15). Because of this, "[t]he court may consider evidence of parental deficiencies in the child's environment beyond those alleged in the petition." *Id.* ¶ 65. "The court's decision will be reversed only if the findings of fact are against the manifest weight of the evidence or the court committed an abuse of discretion by selecting an inappropriate dispositional order" *In re J.W.*, 386 Ill. App. 3d 847, 856 (2008).

¶ 50 Here, the most recent service plan and report to the trial court showed that, while respondent had made progress in some areas, her progress was unsatisfactory in others. Respondent had not consistently visited with J.S. until January 2026, and she wished to bring her

adult son along against DCFS advice. She continued to use marijuana, although the stated goal in her service plan was to abstain from all drugs and alcohol. Respondent had not provided proof of her employment to DCFS or information about treatment plans, and she refused to attend domestic violence services despite being qualified to do so after an assessment. DCFS also noted concerns respondent would not acknowledge or accept responsibility for the reasons the children came into DCFS care. Respondent was further prevented from parenting M.M. at all because of an order of protection. Thus, there was ample evidence for the court to find respondent unfit or unable to parent.

¶ 51 Respondent argues the trial court only took into account her lack of accountability, which she maintains is an impermissible basis for finding her unfit or unable to parent. We disagree. The court may validly consider a respondent's lack of accountability. See *In re Jennifer W.*, 2014 IL App (1st) 140984, ¶ 45; *In re A.R.*, 2025 IL App (4th) 250869-U, ¶ 33. It is difficult to imagine how the children could be returned to respondent's care when they claim that she was neglectful or abusive to them but respondent denies such claims. See *Jennifer W.*, 2014 IL App (1st) 140984, ¶ 45. Further, while the court did not specifically discuss other facts, it found respondent "clearly not fit, willing, or able" to parent, which we agree is a finding supported by the record.

¶ 52 Respondent also argues the trial court's reasoning implicates her fifth amendment right against self-incrimination (see U.S. Const., amend. V). However, the court did not address respondent's lack of accountability in regard to a failure to admit to committing a crime. Instead, the record shows respondent had not provided evidence she was addressing, through counseling, the reasons the children entered DCFS care and she instead blamed the children's fathers. Respondent does not point to any instance where she was required to admit guilt to a criminal

charge or was compelled to incriminate herself during the proceedings. Where, as here, a respondent's argument that she might hypothetically have been compelled to incriminate herself if she had chosen to testify is speculative and insufficient. See *In re D.P.*, 327 Ill. App. 3d 153, 160 (2001).

¶ 53 As to the trial court's ultimate disposition, J.S. was doing well in foster care, and M.M. wished to remain with her father and could not see respondent under the order of protection. Respondent had not provided proof of employment or addressed domestic violence issues. Thus, it was not an abuse of discretion for the court to determine it was in the best interests of the children to place guardianship and custody of M.M. with her father and guardianship and custody of J.S. with DCFS.

¶ 54 III. CONCLUSION

¶ 55 For the reasons stated, we affirm the trial court's judgment.

¶ 56 Affirmed.