

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

NO. 4-26-0707

OF ILLINOIS

FILED

October 2, 2026

Carla Bender

4<sup>th</sup> District Appellate

Court, IL

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Judge Presiding.

Justices Knecht and Grischow concurred in the judgment.

## ¶ 4

## I. BACKGROUND

¶ 5 On October 23, 2025, an investigator with DCFS filed a shelter care petition alleging that H.C. was a neglected minor in that she was in an environment that was injurious to her welfare. See 705 ILCS 405/2-3(1)(b) (West 2024). The petition alleged that DCFS received a hotline report stating that H.C.'s mother, Mercedes C., was allowing her paramour, Aaron P., a registered sex offender, to reside with her and have access to H.C. According to the petition, this same allegation had previously been investigated in January 2025, along with allegations concerning drugs and weapons in Mercedes's home. At that time, Mercedes insisted that Aaron did not live in the home, and she was generally uncooperative with DCFS.

¶ 6 The petition also alleged that on October 20, 2025, a DCFS investigator interviewed H.C. and her sister at the home of Thomas and Mary Ann B., H.C.'s temporary guardians. H.C. told the investigator that she visited Mercedes every weekend, and Aaron was sometimes present in the home when she did. The DCFS investigator also searched the sex offender registry and discovered that Aaron's home was listed as Mercedes's address. Mercedes admitted to the investigator that Aaron stayed with her and that she knew of his status as a sex offender, but she denied that he was ever left alone with either minor. She stated that she asked Mary Ann to help with the minors, in part, because Aaron was in her home.

¶ 7 The petition also alleged that, on August 6, 2025, a warrant was executed at Mercedes's home. At the time of the warrant, H.C. and her sister lived with Mercedes. Police found two bags of methamphetamine and one bag of cocaine in Mercedes's room and another bag of methamphetamine in a kitchen cabinet.

¶ 8 The petition noted that Mercedes had previously been indicated by DCFS on three separate occasions, twice in 2020 and once in 2024. Respondent had been indicated by DCFS in 2019 and had a criminal history, including theft, battery, manufacture/delivery of cannabis, and

criminal damage to property. The most recent offense was disorderly conduct, which took place in 2024.

¶ 9 The petition concluded that it was in the best interest of H.C. and the public that she be made a ward of the court and placed into shelter care.

¶ 10 On the same day the petition was filed, the trial court found probable cause existed for filing the petition and placed H.C. in the temporary care of DCFS.

¶ 11 On January 23, 2026, respondent filed an answer to the petition. He stipulated to the allegations concerning his criminal history and prior involvement with DCFS. For the rest of the allegations, he stated that he lacked personal knowledge of them but did not demand strict proof.

¶ 12 A dispositional hearing report was filed by Lutheran Social Services of Illinois on April 27, 2026. The report noted that respondent did not have a strong relationship with H.C. prior to the case's opening, and placement with him would not have been in H.C.'s best interest. At the time of the report, H.C. refused to visit with him. The report stated that respondent had been "sporadic with cooperation" since the case was opened but had recently begun to show an interest in services. The report recommended that respondent complete a substance abuse assessment, engage in individual counseling, and complete parenting classes.

¶ 13 Additionally, DCFS filed an integrated assessment report. This report stated that respondent had refused to participate in an interview for the integrated assessment. The report noted that respondent had previously been involved with DCFS regarding another of his children and had performed unsatisfactorily in that case with respect to counseling, meeting with caseworkers, completing random toxicology screenings, and applying material learned in his domestic violence classes. The report discussed respondent's past inability "to control his

impulsivity when talking to people,” citing incidents in which he yelled at caseworkers and spoke inappropriately with service providers. According to the report, respondent had a history of “perpetrating domestic violence,” and his “unstable mental health” was a “significant concern” in his past DCFS case. In her interview for the integrated assessment, H.C. stated that she did not like being around respondent, and he said “ ‘stuff that [made] [her] not want to be around him.’ ” However, she felt very comfortable with her substitute caregiver.

¶ 14 On May 19, 2026, an addendum to the dispositional report was filed. The addendum stated that respondent had been arrested for aggravated battery on February 28, 2026. A police report provided that respondent had attended a birthday party with a female friend on that day. After an hour at the party, the female friend called another man for a ride home. Once the man arrived at the party, respondent allegedly got into his vehicle and “pressed the gas, causing the female friend to be [run] over.” She suffered a broken tibia and fibula and road rash on her back. She stated that she and respondent were not romantically involved, but it was possible that respondent became upset when another man offered to pick her up from the party. Respondent fled from the scene and was later apprehended and transferred for medical care. He refused to complete a urine or blood sample for suspected alcohol use and admitted to drinking and driving to the party. Marijuana was found in the vehicle, along with an open liquor bottle. Respondent had since reported that all charges in the case had been dropped.

¶ 15 At the time of the addendum, H.C. still refused to visit her father, stating she was uninterested due to respondent’s inconsistency throughout her life.

¶ 16 An adjudicatory and dispositional hearing was held on May 29, 2026. The trial court began by confirming with respondent that his January 2026 answer to the shelter care petition was knowingly and voluntarily made. The State then offered a factual basis for the petition’s

allegations, stating that it would call members of DCFS and police officers to testify to certain allegations and would enter into evidence documents, including copies of Aaron's sex offender registration, the DCFS indications, and certified copies of the parties' criminal convictions to prove other allegations. The State additionally proffered that it would provide the temporary guardianship agreement between Mercedes and Mary Ann, which would show that the document did not have the father's consent and therefore was not valid.

¶ 17 The trial court found that respondent's answer, in conjunction with the State's proffer, proved by a preponderance of the evidence that H.C. was neglected in that she was exposed to an injurious environment.

¶ 18 The trial court immediately proceeded to a dispositional hearing. It first noted that it had reviewed the dispositional report, addendum, and integrated assessment. The State asked the court to take judicial notice of two cases pending against respondent. One case appeared to stem from the incident at the birthday party and contained charges of aggravated driving under the influence of alcohol or drugs, great bodily harm, aggravated eluding or attempting to elude a peace officer, and leaving the scene of a motor vehicle accident involving personal injuries. The second case contained charges related to driving under the influence of alcohol, leaving the scene, unlawful possession of cannabis by the driver, and "transport and carry alcohol liquor by a driver." The court asked counsel for respondent if he objected, and counsel stated he did not. Respondent then stated, "That was dismissed. What do you mean no objection?" The court told respondent to allow his attorney speak for him. Counsel repeated that there was no objection he could make but noted that his client was presumed innocent and asked that the court "let that play out."

¶ 19 The State then called respondent as a witness. The State asked respondent if he had pending felony charges in Tazewell County related to the birthday party incident. Respondent

repeated that the case had been dismissed and asserted his fifth amendment (U.S. Const., amend. V) right to remain silent, stating, “I don’t have to talk about none of this stuff to be quite honest.” When the State resumed questioning respondent, his attorney objected on the grounds that the questioning would implicate a pending case. The trial court then asked, “Well, is it pending or is it not? [Respondent] says it’s dismissed.” Respondent replied, “The traffic is still pending. The criminal side has been dismissed. There. That’s the discrepancy.” The State clarified that there were two cases related to the birthday party incident, and while one had been dismissed, the one the State had asked the court to take judicial notice of remained pending.

¶ 20 The State continued its questioning, asking respondent what he had been drinking in the early morning hours of February 26, 2026. Counsel for respondent renewed his objection, and respondent stated that he had already stated he did not want to talk about the case, and the State “just [kept] going on.” The trial court stated that, because it was not a criminal hearing, respondent’s assertion of his fifth amendment right could be used “as a negative inference on anything as it relates to civil matters.” Based on the negative inference, the State ended its questioning. According to the transcript of the proceedings, respondent then stated something inaudible, leading the court to chastise him:

“And—and please stop; okay? This is a courtroom. I’ve been pretty generous. Don’t—just stop talking unless a question has been posed to you. Do you understand?”

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This is a civil courtroom, okay, in the sense of civility. We take turns. There is an orderly procedure that we must follow, and this free-for-all discussion is not it.”

¶ 21 The guardian *ad litem* (GAL) reported that he had met with H.C. and observed her to be very comfortable in her foster home. She was in good health and properly dressed. Her memories of respondent were “primarily negative.” The GAL also noted that he was previously the GAL in a past case concerning another of respondent’s children. The GAL stated that, in that case, respondent’s courtroom behavior had a negative impact on the trial court granting unsupervised visits between him and his child.

¶ 22 Later in the proceedings, respondent again interrupted the trial court, apparently to state that the GAL’s report was biased, and he “wasn’t all truthful.” The court again admonished him, stating, “So this will be your second warning. No further outbursts or I’m gonna ask you to leave the courtroom. Off your phone. Off your phone. Put your phone down.” When respondent continued to argue, the court asked for deputies to be on standby. It told respondent that if he had another outburst, he would be removed from the courtroom.

¶ 23 After argument from the parties, the trial court found that it was in H.C.’s best interest to be made a ward of the court. The court noted that respondent was unfit for several reasons, emphasizing that the behavior he exhibited in court was consistent with his behavior historically and indicated he had not improved, despite his prior engagement in services in past cases. It also noted that H.C. had no bond with respondent and that his pending cases raised concerns as to possible substance abuse. In the middle of the court’s ruling, respondent left the courtroom, stating that people were telling lies about him and he had been punished for standing up for himself. The court made H.C. a ward of the court and named DCFS as guardian and custodian.

¶ 24 This appeal followed.

¶ 25 II. ANALYSIS

¶ 26 Appellate counsel has moved to withdraw, arguing that her review of the record on appeal shows no arguably meritorious issues for review. Specifically, counsel has flagged the following issues and concluded they are meritless: (1) whether the trial court erred in adjudicating H.C. neglected, (2) whether the court erred in finding it was in H.C.’s best interest to be made a ward of the court and placed with DCFS, and (3) whether respondent received ineffective assistance of trial counsel.

¶ 27 We agree that respondent’s appeal presents no meritorious issues for review. Accordingly, we grant appellate counsel’s motion to withdraw.

¶ 28 A. The Juvenile Court Act of 1987

¶ 29 The Juvenile Court Act of 1987 (Act) (705 ILCS 405/1-1 *et seq.* (West 2024)) sets forth a two-step process by which a child may be removed from her parents and made a ward of the court. *In re A.P.*, 2012 IL 113875, ¶ 18. Upon the filing of a petition for adjudication of wardship, the trial court must first hold an adjudicatory hearing. *Id.* ¶ 19. At this hearing, the court must determine if the State has proven, by a preponderance of the evidence, that the minor is abused, neglected, or dependent. *Id.* In other words, the State must prove that the allegations in the petition for adjudication are more probably true than not. *In re Arthur H.*, 212 Ill. 2d 441, 464 (2004). “Neglect” is generally defined as the failure to exercise the care that circumstances justly demand. *A.P.*, 2012 IL 113875, ¶ 22. The term “injurious environment” is generally interpreted to include the breach of a parent’s duty to ensure a safe and nurturing shelter for his children. *Id.* If the State fails to prove the allegations of abuse or neglect by a preponderance of the evidence, the court must dismiss the petition. *Arthur H.*, 212 Ill. 2d at 464.

¶ 30 If a minor is found to be abused or neglected at the adjudicatory hearing, the matter then proceeds to the second step in wardship proceedings, the dispositional hearing. *A.P.*, 2012 IL

113875, ¶ 21. At the dispositional hearing, the trial court must determine if it is consistent with the health, safety, and best interest of the minor and the public that the minor be made a ward of the court. *Id.* Further, if the court determines that the minor's parent is unfit or unable, for reasons other than financial circumstances alone, to care for, protect, train, or discipline the minor, and the best interest of the minor will be jeopardized if the minor remains in the custody of the parent, it may place the minor in another suitable placement, including with DCFS. See 705 ILCS 405/2-27(1)(d) (West 2024).

¶ 31 We will not reverse a trial court's finding of neglect at the adjudicatory hearing unless it is against the manifest weight of the evidence or the opposite conclusion is clearly evident. *Arthur H.*, 212 Ill. 2d at 464. A trial court's decision at a dispositional hearing 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).

¶ 32 *1. Adjudicatory Hearing*

¶ 33 The trial court's finding at the adjudicatory hearing that H.C. was neglected by reason of being in an environment injurious to her welfare was not against the manifest weight of the evidence. The petition for adjudication of wardship alleged that H.C. was frequently put into contact with a registered sex offender who was dating and apparently living with her mother. Additionally, a search warrant executed on the mother's home in August 2025 revealed the presence of multiple drugs throughout the home. At least some of the drugs were stored in the kitchen, and there was nothing to indicate that they were kept out of reach of the minors. Respondent stipulated to these allegations, as well as allegations concerning his own criminal history and past experiences with DCFS. It was not against the manifest weight of the evidence

for the court to determine that these facts showed H.C. was not being provided a safe and nurturing environment. We agree with appellate counsel that any argument to the contrary would be frivolous.

¶ 34

## *2. Dispositional Hearing*

¶ 35

At the dispositional hearing, the trial court determined it was in H.C.'s best interest to be made a ward of the court and placed with DCFS. In reaching this conclusion, it found respondent to be unfit. This conclusion was not against the manifest weight of the evidence. Evidence showed that respondent had a criminal history, refused to participate in an interview for the integrated assessment, and was absent for the majority of H.C.'s life, leading H.C. to be uninterested in having a relationship with him. Further, respondent had recent charges related to driving while intoxicated, which might have indicated a problem with substance abuse, and exhibited behavior at the dispositional hearing suggesting he was not in control of his anger and was prone to aggressive outbursts. Indeed, the GAL informed the court that respondent's behavior had been a long-standing issue, going back even before the instant DCFS case and negatively impacting his ability to attend visitation with another one of his children. Despite apparently engaging in certain services in his past DCFS case, respondent's behavior remained unchanged. Based on all of this information, the court reasonably concluded that respondent was currently unfit to care for H.C. and it was in her best interest to be placed outside of his care. This was not against the manifest weight of the evidence. Further, having found respondent unfit, it was not an abuse of discretion for the court to place H.C. in the care of DCFS. Accordingly, we agree with appellate counsel that any argument that the trial court's dispositional decisions were in error would be frivolous.

¶ 36

## *B. Trial Counsel's Effectiveness*

¶ 37 Appellate counsel finally asserts that any claims of ineffective assistance of counsel would be without merit. We evaluate claims of ineffective assistance of counsel in proceedings under the Act using the two-pronged test set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). *In re A.R.*, 2025 IL App (4th) 250668, ¶ 72. Under this test, a respondent must establish (1) that counsel’s representation fell below an objective standard of reasonableness and (2) there exists a reasonable probability that the result of the proceeding would have been different but for the deficient representation. *Id.* Failure to satisfy either prong precludes a finding of ineffective assistance. *Id.*

¶ 38 Trial counsel here was not ineffective. Counsel was an active participant in the proceedings at the dispositional hearing, objected to certain lines of questioning, and argued to the extent possible that respondent was a fit parent who was eager to rebuild his relationship with H.C. We find no basis to conclude that counsel rendered deficient performance.

¶ 39 III. CONCLUSION

¶ 40 For the reasons stated, we grant appellate counsel’s motion to withdraw and affirm the trial court’s judgment.

¶ 41 Affirmed.