

**NOTICE**  
Decision filed 11/15/22. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2022 IL App (5th) 220444-U

NO. 5-22-0444

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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

|   |   |                   |
|---|---|-------------------|
| <i>In re</i> J.L., C.L., D.L., Co. L., and G.L., Minors | ) | Appeal from the   |
|   | ) | Circuit Court of  |
| (The People of the State of Illinois,                   | ) | Champaign County. |
|   | ) |                   |
| Petitioner-Appellee,                                    | ) | No. 21-JA-88      |
|   | ) |                   |
| v.  | ) |                   |
|   | ) |                   |
| Eddie L.,   | ) | Honorable         |
|   | ) | Matthew D. Lee,   |
| Respondent-Appellant).                                  | ) | Judge, presiding. |

JUSTICE VAUGHAN delivered the judgment of the court.  
Justices Welch and Barberis concurred in the judgment.

**ORDER**

¶ 1 *Held:* Neither the circuit court’s adjudicatory order finding the minor children neglected nor the circuit court’s dispositional order finding father was unfit, was against the manifest weight of the evidence.

¶ 2 The respondent father, Eddie L., appeals the Champaign County circuit court’s adjudicatory order finding the minor children neglected and the dispositional order finding that Eddie was unfit. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Melisa J. and Eddie are the biological parents of J.L. (born April 13, 2005), C.L. (born January 1, 2007), D.L. (born March 27, 2009), G.L. (born September 6, 2010), and Co. L. (born December 29, 2011). Melisa and Eddie do not live in the same house. Melisa is not a party to this

appeal and will only be discussed as necessary to provide relevant background for the issues presented.

¶ 5 On May 16, 2021, the Illinois Department of Children and Family Services (DCFS) became involved following a report that C.L. was battered by Melisa and her paramour, Ra'Shan. The source stated Ra'Shan was choking C.L., holding him up in the air, and C.L. could not breathe at the time of the source's arrival to Melisa's home. The source further stated that Ra'Shan was threatening to kill C.L. and at the time the source was leaving with the children, Ra'Shan was threatening to kill everyone. DCFS observed red marks on C.L.'s neck upon the agency's arrival, but no medical attention was deemed necessary.

¶ 6 Upon further investigation, DCFS was advised that J.L. walked in on C.L. who was alone in the dark with G.L. and Co. L. When J.L. asked what was going on, everyone scattered, and no one would speak about it. After finding a bottle of lotion, J.L. advised Melisa of his findings. Melisa began spanking C.L. with a paddle. When Ra'Shan found out what C.L. had done, he initially held C.L. down on the couch and later held C.L. in the air by his neck against the wall. DCFS spoke with C.L. who admitted that he made Co. L. perform oral sex on him. G.L. was in the room when it happened but just watched. C.L. stated that no other touching was involved.

¶ 7 On December 27, 2021, the State filed a two-count petition for adjudication of abuse, neglect, or dependency, pursuant to section 2-3 of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3 (West 2020)), claiming the children's environment was injurious when they resided with Eddie because the environment (a) exposed the minors to a risk of sexual abuse and (b) exposed the minors to inadequate supervision. The admonition hearing was held on February 8, 2022, and counsel was appointed for each parent. At the March 15, 2022, pre-

adjudicatory hearing, Melisa advised the court that she was waiving her right to contest the State's petition. Following admonitions by the court, Melisa's waiver was granted.

¶ 8 Eddie's adjudicatory hearing was held on May 9, 2022. The State called Brad Wakefield, a detective with the Champaign County Sheriff's Office assigned to investigate the family following the battery claim. He testified about the sexual abuse between C.L. and Co. L., stating that when Co. L. was interviewed, he stated that C.L. coerced him into performing oral sex on C.L. in exchange for a vape pen. Melisa advised the detective that she and Eddie live in different homes and the children spend one week at her house and the next week at Eddie's house. She confirmed the incident occurred in C.L.'s bedroom at her house. When Melisa confronted C.L. and Co. L. on the day of the incident, Co. L. was "hesitant and appeared very scared." Melisa told the detective that C.L. admitted what happened and she then "beat his ass with a paddle." When Eddie arrived, he began yelling at C.L. and then proceeded to "whoop" Co. L.'s "ass after he learned of the incident." The detective could not recall if he asked Eddie why he punished Co. L.

¶ 9 Detective Wakefield also testified that on June 7, 2021, he again spoke with Melisa. At that time, she provided C.L.'s iPod which contained a video of two individuals that Melisa identified as C.L. and Co. L. in which Co. L. was performing oral sex on C.L. The detective stated the video recording was taken about a month prior to DCFS's involvement and was dated April 25, 2021. The detective reviewed the video and testified that he was only able to identify Co. L. because the other person was seen only from the waist down and the video lasted only 22 seconds.

¶ 10 Detective Wakefield testified that he spoke with Eddie on June 18, 2021. He advised Eddie of the evidence obtained during the investigation. Prior to the meeting with Eddie, the detective learned that C.L. was admitted to The Pavilion for counseling but was no longer there. Eddie informed the detective that he removed C.L. from counseling and thought it was best for C.L. to

be at home with his family. He entered C.L. in online counseling instead. Eddie also advised the officer that the incidents may not have started with C.L. and Co. L., because J.L. and Co. L. had also been found in the shower together.

¶ 11 The detective testified that Melisa advised him of another prior incident of sexual behavior involving one of Eddie's other children and J.L. As a result of that incident, Melisa advised the detective that she placed J.L. in counseling. However, due to J.L.'s disclosures in counseling, Eddie was investigated for battery against the children. The detective stated that Melisa further advised him that thereafter, Eddie decided J.L. could no longer attend counseling.

¶ 12 The State also called Elsa Bielser who was the intact family caseworker at Center for Youth and Family Solutions (CYFS) assigned to the family in September 2021. She explained that an intact family was one where the parents retain custody of the children. She stated that DCFS referred the case to CYFS due to the May 2021 incident. Ms. Bielser testified that she was aware of the facts provided by Detective Wakefield and confirmed that additional incidents of sexual abuse were discovered during the investigation. Ms. Bielser stated that she worked with both parents when she began the case. Melisa completed all of her services prior to Ms. Bielser's involvement and remained in counseling.

¶ 13 Ms. Bielser stated that a supervision plan was initiated stating "that [C.L.] and [J.L.]— [C.L.] specifically, could not be left unattended with the younger boys." When Ms. Bielser took over the case, C.L. and J.L. were not residing with Melisa at all; they were residing with Eddie full-time. Aside from the supervision plan, with respect to C.L., Melisa advised Ms. Bielser that she admitted C.L. to The Pavilion but Eddie removed C.L. from the facility shortly thereafter. Ms. Bielser stated that Melisa could not seek any further treatment for C.L. because he was now living at Eddie's and refused to go to Melisa's house. Ms. Bielser confirmed the supervision plan also

applied at Eddie's house. She spoke with him about the plan frequently in September and October of 2021 but saw him less frequently thereafter. She stated the supervision plan was geared more toward C.L. because there was evidence to suggest he was sexually abusing his younger siblings on multiple occasions. The prohibition did not include J.L.

¶ 14 Ms. Bielser testified that she transported G.L. and Co. L. to and from counseling every Thursday during Eddie's visitation weeks because Eddie refused. She stated Eddie did not have a driver's license; however, he still drove a vehicle to get to work but would not take his children to counseling. She stated that she had been transporting G.L. and Co. L. to counseling since September 2021, and typically, Eddie would not be at home when she would bring the children back from counseling. Because C.L. and J.L. were inside Eddie's house, Ms. Bielser would sit and wait outside with the children in her car until she could reach Eddie for him to meet her at his house to adequately supervise the children. Ms. Bielser stated that under the supervision plan, an adult was required to supervise the children and J.L. could not do it. Ms. Bielser testified that she returned the boys to Eddie's house approximately eight times when Eddie was not home.

¶ 15 Ms. Bielser testified that C.L. returned to counseling in December 2021. She stated Eddie did not take C.L. to his counseling either. Therefore, she would transport C.L. every Monday to his counseling appointments when she was available.

¶ 16 Ms. Bielser also testified that she had concerns about compliance with the supervision plan at Eddie's house and did not believe the plan was being enforced. On October 21, 2021, the children told Ms. Bielser that C.L. was not at Eddie's house, but Ms. Bielser could hear them talking through the door stating C.L. needed to "go hide." Subsequent to that incident, the children admitted to Ms. Bielser that they had been covering for Eddie by stating that C.L. was not in

Eddie's house, when, in fact, he was. She stated there was also at least one hotline report of physical abuse at Eddie's house between Eddie and C.L. in the spring of 2022.

¶ 17 The State requested the court take judicial notice of the filings in case No. 21-JD-67, as well as the no contact orders issued on November 3, 2021, and May 4, 2022. Eddie's counsel objected to the May 4, 2022, order, and the court sustained the objection stating it would only take judicial notice of the November 3, 2021, order which prohibited C.L. from having any contact with Co. L., G.L., and any other minor under the age of 13. Thereafter, the State rested, and the remaining parties declined the opportunity to present evidence.

¶ 18 Following arguments by the parties, the circuit court considered the testimony of Detective Wakefield and Ms. Bielser, the contents of case No. 21-JD-67, and the November 3, 2021, order to address the State's allegations that the minors were neglected when they resided with Eddie because the environment exposed them to (1) risk of sexual abuse and (2) inadequate supervision. The court noted Detective Wakefield's testimony about what was revealed during the course of the investigation and that both parents were aware of the very concerning behavior between their children that predated incidents in April and May of 2021. The court clarified that the acts on those dates included criminal sexual abuse on May 16, 2021, and the earlier incident captured on video which identified Co. L. as the victim and C.L. as the perpetrator on April 25, 2021. Thereafter, an intact case was opened by DCFS and a supervision plan was initiated. The DCFS plan also recommended counseling for C.L. and the younger children.

¶ 19 The court found undisputed evidence revealed that virtually every time Ms. Bielser brought the children back from counseling, Eddie was absent. Basically, if she left them at Eddie's house, it was a direct violation of the supervision order which revealed "no compliance" with the order because as soon as the children were in that home, they were "not being supervised by anybody."

¶ 20 Addressing Eddie’s argument that the abuse did not occur at his house, the court stated, “[T]o suggest that we have to wait until another incident of sexual abuse occurs for it to not be a problem, I think is, frankly, unconvincing[,] and unpersuasive to the Court given the history, given the video footage that is uncontroverted. \*\*\* [Eddie] has clearly chosen not to abide by the terms of the supervision arrangement and is not doing what he needs to do and, frankly, doesn’t seem to care that [C.L.] is gonna potentially be around his other [children] without any supervision \*\*\*.” “[A]t this point, obviously, we need to think about [Co. L.] and [G. L.] and the boys who are at risk of being abused in the future. And so[,] the State has proven, frankly, by clear and convincing evidence[,] Counts 1 and 2.”

¶ 21 Following the hearing, the court issued an adjudicatory order finding the minors were abused or neglected as defined by section 2-3 of the Juvenile Court Act (705 ILCS 405/2-3 (West 2020)) due to being in an environment injurious to their welfare as defined by section 2-3(1)(b) of the Juvenile Court Act (*id.* § 2-3(1)(b)). The basis for the court’s findings stated:

“[Eddie] was not compliant with the Supervision plan put into place by DCFS after overwhelming evidence of [C.L.] sexually abusing [Co. L.] was discovered in May 2021. Specifically, [C.L.] was prohibited from being alone unsupervised with [Co. L.] and the other minor children while living with [Eddie,] who failed to abide by this condition on numerous occasions while also showing no interest or effort in facilitating counseling for the minors as recommended by DCFS. [Eddie’s] clear disregard for the supervision plan exposed the minors to risk of sexual abuse and constitutes inadequate supervision.”

¶ 22 On June 6, 2022, the dispositional report was filed. The report reiterated the events from May 16, 2021, which brought the children into care. The report noted that Eddie hung up during his interview and despite multiple attempts to re-engage Eddie to complete the interview, Eddie never completed it.

¶ 23 The report indicated that the oldest child, J.L., participated in the interview and was currently living with his girlfriend's family and his girlfriend was pregnant. He disputed Eddie's version of events involving Ra'Shan stating Eddie did not like Ra'Shan. J.L. further advised that Eddie did not think C.L.'s actions were a problem. J.L. explained that C.L. had a history of forcing others younger than him to perform oral sex on him and stated, "[Eddie] also has a history of similar behaviors." C.L. did not participate in any interview. However, the report noted that C.L. returned to counseling on December 6, 2021, but was discharged on March 21, 2022, for having too many absences "that were no fault of his own." The caseworker took C.L. to every counseling session she could, but when the worker was unavailable, Eddie refused to arrange transportation. The report further indicated that due to his discharge, C.L. was returned to a waiting list for counseling.

¶ 24 The report indicated that D.L. lived with both parents, spending one week with each, and would "occasionally get angry with Eddie." G.L. had the same living arrangement, was hotheaded, hated school, and had an ADHD diagnosis. Co. L. had the same living arrangement and enjoyed school but had reading issues. The report further noted that Co. L. had both healthy and unhealthy coping mechanisms and did not appear to recognize the difference between appropriate and inappropriate behavior by his parents or his brothers. All three of the children were in counseling. The agency recommended leaving custody of the children with Melisa and removing the children from Eddie until a risk assessment could be completed.



¶ 25 The dispositional hearing was held on June 29, 2022. The parties stipulated to the dispositional report except Eddie’s counsel disputed language in the report, stating that Eddie refused to transport his children to counseling. Counsel stated that Eddie did not have a driver’s license and was basically unable to arrange transportation to the children’s counseling.

¶ 26 During closing arguments, the parties agreed guardianship was necessary. The State requested a finding that Melisa was fit, but Eddie was not. The State further requested that custody remain with Melisa and Eddie’s visitation be supervised. The guardian *ad litem* requested a finding that both parents were unfit, provide DCFS with both custody and guardianship, and allow Melisa full visitation and Eddie supervised visitation. Melisa’s counsel requested the court find her fit and retain custody with her. Eddie’s counsel requested a finding that both parents were fit and able to exercise custody; in the alternative, Eddie’s counsel requested full visitation for Eddie.

¶ 27 Following argument, the circuit court found:

“[T]his is a home that has been unfortunately fraught with some dysfunction, and I certainly recognize that, most significantly regarding the acts that C.L. committed against Co. L. and the bottom line is this: Certainly, there are numerous services that these [children] to varying degrees would benefit from so that they can grow up to become well-adjusted adults at the appropriate time. So[,] I do find that it is in the best interest of the minors and the public that they be adjudicated neglected and be made wards of the Court.

With respect to the issue of custody and guardianship, I’ll start with [Melisa],  
\*\*\* I do find [Melisa] is fit, willing, and able to exercise custody of these children to care for, protect, train, and discipline them.

Now with respect to [Eddie], I recognize the representation that's been made by his attorney that he's been refusing to provide transportation, it's that he doesn't have a driver's license. I'm not disputing that at this point. But, on the other hand, you know, that's—that is a representation that has a certain amount of weight, but I'm gonna go ahead and go back to the adjudicatory hearing of the testimony under oath that, from my perspective, established more definitively that what's been stated here that Eddie does have a problem with respect to having insight into the importance of these minors getting help. I think the testimony was pretty clear at the trial that it wasn't just about [Eddie] not having a driver's license and that's the only reason why he hasn't been particularly helpful in getting these [children] into treatment or counseling. It doesn't explain why he hung up on the interviewer during the integrative assessment. It doesn't explain why he hasn't been particularly responsive to the agency when it comes to getting into services.

And so[,] for those reasons, I do find that, again, [Eddie] does by refusal to participate in service or assist his children proactively in receiving services shows a deficit in parental instincts and for those reasons find that he is currently unfit for reasons other than financial circumstances alone to protect, care for, train, or discipline the children. Custody and guardianship are removed from [Eddie].”

¶ 28 The court gave DCFS discretion to determine whether visitation should be supervised or unsupervised. After admonishing the parents of their ordered services, a permanency hearing date was scheduled. A written order containing the court's findings was filed on June 29, 2022, and a dispositional order was entered on June 30, 2022. Eddie timely appealed.

¶ 29

## II. ANALYSIS

¶ 30 On appeal, Eddie argues that the circuit court’s findings of neglect and unfitness were against the manifest weight of the evidence. In response, the State urges affirmation of the circuit court’s findings and orders.

¶ 31

### Neglect

¶ 32 “A proceeding for adjudication of wardship ‘represents a significant intrusion into the sanctity of the family which should not be undertaken lightly.’ ” *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004) (quoting *In re Harpman*, 134 Ill. App. 3d 393, 396-97 (1985)). The Juvenile Court Act (705 ILCS 405/1-1 *et seq.* (West 2020)) provides the two-step procedure utilized to determine whether a minor should be made a ward of the court. *In re Z.L.*, 2021 IL 126931, ¶ 58. The first step, which occurs during the adjudicatory hearing, addresses only whether the child is abused, neglected, or dependent. 705 ILCS 405/2-18(1) (West 2020). The State must prove the allegations in the petition are “more probably true than not.” *In re Z.L.*, 2021 IL 126931, ¶ 61. On review, we consider whether the circuit court’s finding of neglect was 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.” *Arthur H.*, 212 Ill. 2d at 464.

¶ 33 On appeal, Eddie argues that none of the acts of sexual abuse occurred at his house and there was no evidence that the acts repeated after May 2021. He further claims that it is possible to reach the goal envisioned by DCFS without following DCFS’s directives, suggesting that Eddie’s use of corporal punishment is one such possibility. Eddie further argues that the supervision plan was not needed because there were no more reports of sexual abuse.

¶ 34 First, the location of the past sexual abuse occurred is irrelevant, as neither count alleged by the State was based on the previous locations of the incidents but was instead based on concern

for future acts of sexual abuse. A finding of neglect may be based solely on a risk of harm; actual harm is not required. However, both may be factors for consideration “when assessing the degree of neglect.” *In re D.F.*, 201 Ill. 2d 476, 497 (2002). Eddie’s arguments are also contrary to DCFS regulations addressing reports of child abuse and neglect in which a “neglected child” is defined as one “who is subjected to an environment that is injurious insofar as: the child’s environment creates a *likelihood of harm* as to the child’s health, physical well-being, or welfare; and *the likely harm* to the child is the result of a blatant disregard of parent or caretaker responsibilities.” (Emphases added.) 89 Ill. Adm. Code 300.20 (eff. Jan. 17, 2018). “ ‘Blatant disregard’ means an incident where the real, significant, and imminent *risk of harm* would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm.” (Emphasis added.) *Id.*

¶ 35 Here, the issues were whether the children were neglected because the environment at Eddie’s home exposed them to the possibility of additional sexual abuse and a lack of supervision. The evidence revealed that sexual abuse occurred on more than one occasion. Further, the evidence revealed that the children admitted covering for Eddie by stating that C.L. was not at Eddie’s house when he was present at Eddie’s house. This evidence was bolstered by Ms. Bielser’s testimony which revealed on October 21, 2021, the children stated that C.L. was not in Eddie’s house, but she could hear them talking through the door stating that C.L. needed to “go hide.” Ms. Bielser also testified that Eddie was not at home on at least eight occasions when she returned the younger children to Eddie’s house after counseling. Given the seriousness of the underlying risk, as well as the evidence supporting the allegation that the children were left unsupervised around C.L. at

Eddie's home, we find no merit to Eddie's argument regarding the lack of subsequent incident at his home.

¶ 36 Equally unconvincing is Eddie's argument claiming a lack of necessity for any supervision plan and instead promoting reliance on Eddie's preferred method of deterrence, *i.e.*, corporal punishment. In support, Eddie relies on *In re S.J.*, 233 Ill. App. 3d 88, 120 (1992), in which the court stated, "A parent might succeed at reaching a goal envisioned by DCFS without following DCFS' specific directives." *In re S.J.* involved a finding of neglect due to the parent's past drug usage. *Id.* at 119. DCFS's service plan included, *inter alia*, an inpatient drug treatment program, which the parent did not attend; however, the evidence revealed that the parent successfully ceased her use of cocaine. *Id.* at 119-20. Here, unlike drug testing, which can easily and reliably confirm whether a parent continued or ceased their drug use, Eddie's contention that his authoritative actions eliminated the sexual abuse, cannot be verified. This is especially true when no adult is present to ensure the inappropriate behavior is not repeated.

¶ 37 Each case involving allegations of neglect is unique and must be decided on the basis of its specific circumstances. *In re Arthur H.*, 212 Ill. 2d at 463. " 'Neglect' is the failure to exercise the care that circumstances justly demand, and it encompasses both willful and unintentional disregard of parental duty." *In re Ivan H.*, 382 Ill. App. 3d 1093, 1100 (2008) (citing *In re Gabriel E.*, 372 Ill. App. 3d 817, 822 (2007)). Here, the evidence revealed repeated instances of a lack of adult supervision at Eddie's home despite the agency's implementation of a supervision plan to ensure the safety of the minor children. The evidence further revealed that the minor children were at risk of additional sexual abuse. As no opposite conclusion is clearly apparent, we affirm the circuit court's finding of neglect.

¶ 38

Unfitness

¶ 39 After the circuit court determines a minor is neglected, the court moves to the second step, which is the dispositional hearing. 705 ILCS 405/2-21(2) (West 2020). At this hearing, the court determines “what further actions are in the best interests of a minor, and the hearing and ruling on whether to make a minor a ward of the court gives the parents ‘fair notice of what they must do to retain their rights to their child’ in the face of any future termination proceedings.” *In re April C.*, 326 Ill. App. 3d 225, 237 (2001) (quoting *In re P.F.*, 265 Ill. App. 3d 1092, 1101 (1994)). The court’s ruling must “determine the proper disposition best serving the health, safety[,] and interests of the minor[s] and the public.” 705 ILCS 405/2-22(1) (West 2020). A proper disposition may include removal of the minors from the custody of the parents if the court determines that “the parents \*\*\* are unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train[,] or discipline the minor[s] or are unwilling to do so, and that the health, safety, and best interest of the minor[s] will be jeopardized” if the minors remain in the custody of the parents. *Id.* § 2-27(1). A finding on any one of these grounds—unfit, unable, or unwilling—provides a proper basis for removal. *In re Lakita B.*, 297 Ill. App. 3d 985, 992 (1998).

¶ 40 The circuit court’s ruling following the 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). The manifest weight of the evidence standard requires the record to clearly demonstrate that an opposite result is apparent. *In re T.B.*, 215 Ill. App. 3d 1059, 1062 (1991). This standard of review recognizes that the circuit court “is in a much better position than is this court to observe the witnesses, assess credibility, and weigh the evidence.” *Id.*

¶ 41 On appeal, Eddie does not dispute the dispositional order granting the guardianship, Eddie’s sole contention lies with the circuit court’s finding him unfit. Eddie argues that the circuit

court's finding of unfitness was against the manifest weight of the evidence because none of the sexual abuse occurred at Eddie's home. He further contends that his reaction to the event was "understandable and lawful" and his termination of the DCFS interview had "no bearing on his fitness."

¶ 42 We note, however, that the court's basis for finding Eddie unfit included neither the location of the sexual abuse nor Eddie's use of corporal punishment on either the perpetrator or the victim of the sexual abuse. Nor does it appear from the record that Eddie's termination of the DCFS interview was the primary basis of the circuit court's finding. Instead, it is readily apparent that the circuit court's finding of unfitness was based primarily on Eddie's failure to proactively take any steps to address through counseling, the children's mental health issues stemming from the incidents of sexual abuse, regardless of whether the child was the perpetrator or the victim.

¶ 43 The circuit court initially noted Eddie's failure to ensure that the minor children attended counseling, finding that "Eddie does have a problem with respect to having insight into the importance of these minors getting help." The court referenced the testimony provided at the adjudicatory hearing, provided by both Detective Wakefield and Ms. Bielser, revealing that Eddie removed C.L. from counseling at The Pavilion, and would not assist with either personally transporting, or finding alternative transportation, that would allow C.L. to participate in the subsequent counseling program at ABC Counseling. Testimony further revealed that Eddie would not personally transport, or find alternative transportation, that would allow Co. L., D.L., or G.L. to participate in counseling. It was only through Ms. Bielser's ability to transport the children to counseling that they could attend. However, even Ms. Bielser's efforts could not mitigate Eddie's inaction, as the dispositional report revealed that C.L. was subsequently discharged from ABC Counseling for "having too many absences" and was back on a waiting list.

¶ 44 Unlike Eddie's prior argument, contending that his discipline was sufficient to end the sexual abuse, no argument was presented why the children, whether the perpetrator or the victims, would not benefit from counseling. Nor was any argument presented to explain why Eddie was unable to obtain transportation of his children to and from counseling, even if he could not personally perform the act. The court specifically found that Eddie, by refusing to participate in services or assist his children proactively in receiving services, showed a deficit in parental instinct. We find no evidence in the record that would support a conclusion that such deficit would not jeopardize the health, safety, and best interests of all the minor children, given the sexual abuse seen in this case. As such, we affirm the circuit court's finding that Eddie was unfit.

¶ 45 **III. CONCLUSION**

¶ 46 For the reasons stated herein, we affirm the circuit court's adjudicatory and dispositional orders.

¶ 47 Affirmed.