2026 IL App (1st) 252194-U
No. 1-25-2194
Order filed November 2, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23 and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

FIRST DIVISION

In re H.R., Minor-Appellee,

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

v.

M.S., Respondent-Appellant).

Appeal from the Circuit Court of Cook County.
Honorable Debjani Desai, Judge, Presiding.
No. 25 JA 212

JUSTICE COBBS delivered the judgment of the court.
Presiding Justice Ellis and Justice Smith concurred in the judgment.

ORDER

¶ 1 *Held*: The integrated assessment was properly admitted as a business record, and the trial court's adjudicatory and disposition orders are affirmed where the findings were not against the manifest weight of the evidence.

¶ 2 Respondent-Appellant M.S. is the biological mother of minor-appellee, H.R., born March 2025, as well as two older children, B.G. and Hu. R. A few days after H.R. was born, the State filed a petition for adjudication of wardship pursuant to the Juvenile Court Act of 1987 (Act) (705 ILCS 405/1-1 *et seq.* (West 2024)). On August 7, 2025, following an adjudicatory hearing, the trial

court found H.R. neglected due to an injurious environment and abused due to a substantial risk of physical injury. On September 29, 2025, following a dispositional hearing, the court found respondent unable to parent H.R. and placed H.R. under the guardianship of the Department of Children and Family Services (DCFS). H.R.'s father, T.J. (also the father of Hu. R.), appeared in the trial court in these proceedings but is not a party to this appeal. Respondent now appeals from the trial court's adjudicatory and disposition orders, arguing that: (1) the State failed to prove H.R. was neglected or abused; (2) the trial court erroneously admitted and relied on an exhibit that was not properly established as a business record; and (3) the trial court's dispositional finding that respondent was unable to care for, protect, train, or discipline H.R. was against the manifest weight of the evidence. For the reasons that follow, we affirm.[1]

¶ 3 I. BACKGROUND

¶ 4 On March 21, 2025, the State filed a petition for adjudication of wardship, alleging that H.R. was neglected and abused pursuant to the Act. 705 ILCS 405/2-3(1)(b), (2)(ii) (West 2024). Specifically, the petition alleged:

> "Mother has three prior indicated reports for inadequate supervision and substantial risk of physical injury/environment injurious to health/welfare by neglect. Putative father has one prior indicated report for substantial risk of physical injury/environment injurious

[1]This is an accelerated appeal pursuant to Illinois Supreme Court Rule 311(a) (eff. July 1, 2018), requiring that this court issue its decision within 150 days after the filing of the notice of appeal "[e]xcept for good cause shown." Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2018). The 150-day period should have expired on March 27, 2026. However, all parties to this appeal requested multiple extensions of time to file their respective briefs and multiple supplements to the record were required. As such, good cause has been shown to issue our decision later than required.

> to health/welfare by neglect. Mother has two other minors who are in DCFS custody with findings having been entered. Putative father is the parent of one of those minors. Offered and recommended reunification services are ongoing. Mother was previously diagnosed with a mood disorder and general anxiety. Putative father is non-compliant with services. Putative father continues to abuse illegal substances. There is a history of domestic violence between mother and putative father. Parents reside together and paternity has not been established."

Attached was a DCFS affidavit prepared by Daisy Aguirre, which supported the allegations in the petition.

¶ 5 On the same day, the State filed a motion for temporary custody, which the court granted, and H.R. was taken into temporary custody of the DCFS. Respondent was granted supervised visits with H.R., at which T.J. could not be present. T.J. was limited to virtual visitation until he provided three negative toxicology screenings.

¶ 6 On April 3, 2025, respondent was granted unsupervised visits pending DCFS's review of her home. T.J.'s presence was still not permitted during those visitations. On June 27, 2025, the visitation order was again amended to grant T.J. supervised daytime visits. On July 9, 2025, the visitation order was amended, providing that once a DCFS caseworker had supervised three visits, T.J. was permitted unsupervised daytime visits.

¶ 7 On August 7, 2025, the circuit court held an adjudicatory hearing. At the hearing, the State submitted several exhibits, including: the July 30, 2024, certified adjudicatory and disposition orders for H.R.'s siblings, a March 2025 service plan, a March 2025 permanency order for Hu. R., and a certified visitation order for Hu. R. These exhibits provided the following information.

¶ 8 On July 30, 2024, the court adjudicated H.R.'s siblings, B.G. and Hu. R., neglected due to an injurious environment. The adjudication order for Hu. R., who is the child of T.J., stated: "Mom had prior indicated reports and intact. Mother reported DV in the home of [T.J.] and tested positive for cocaine in September 2023. DCP was refused access to the home." B.G.'s adjudication order was substantially the same. The siblings' dispositional orders entered the same day found the parents unable to parent and placed the children in DCFS's guardianship.

¶ 9 A DCFS service plan dated March 7, 2025, provided the reasoning for opening the case as follows: "a lot of domestic violence incidents in the home," concerns that respondent and T.J. were "using cocaine, ketamine, and marijuana in the home," respondent's hospitalization for bipolar disorder following "the last domestic violence incident and a suicide attempt," and respondent's inconsistency with taking medication as prescribed. Notably, the plan indicated that T.J. did not "acknowledge the reason the case came in but he is willing to do the services to be reunited with his child." The plan indicated that respondent had made satisfactory progress, but T.J.'s progress was rated unsatisfactory, noting that he was self-reporting his participation in services.

¶ 10 On March 21, 2025, the court entered a permanency order for Hu. R. with a goal of return home within 12 months and found that respondent had made substantial progress towards reunification, but T.J. had not made progress. The order stated that T.J. "needs to fully engage in services and currently only has virtual visits."

¶ 11 Also on March 21, 2025, a visitation order was entered granting unsupervised daytime visits for respondent as to H.R.'s siblings upon DCFS's assessment of the home. The order prohibited T.J. from having contact with the children during respondent's visits.

¶ 12 The State also sought to admit an integrated assessment (IA) that was "created when [the siblings] came into care." Relevant to disposition of this case, the State stated: "It does not have

an approval date on it, but the interview dates for the parties are in late October and early November of 2023." Respondent's counsel objected to the admission of the IA. The court overruled the objection and admitted the document as a business record. The court further stated that some of the information contained in the document may be "irrelevant" and the court would afford that information "the appropriate weight or not at all." The court also permitted respondent's counsel to request that the foundation be laid for the exhibit when the State seeks to admit it.

¶ 13 The State presented the testimony of several witnesses at the hearing.

¶ 14 Chicago police officer Thelma Rodriguez testified that, on June 27, 2024, at approximately 3 p.m., she and her partner responded to a dispatch call of a domestic battery involving H.R.'s parents at their apartment on the 5700 block of West Augusta Boulevard in Chicago, Illinois. Rodriguez confirmed that respondent made the 911 call. Upon arriving at the location, respondent informed Rodriguez that she and her boyfriend, T.J., had "an altercation, and he began to throw all her items out of the second floor window. And when he came down and she tried to go into her home, he forcefully – [t]hey had a verbal altercation, which became physical." She was further informed that T.J. "started to forcefully drag [respondent] out, causing scrapes on her knee and then a deep laceration on her finger. And they began to have a domestic altercation, which then he stole her items, some of her items, and then he left. So she called for some assistance." Rodriguez testified that T.J. was not at the scene upon her arrival. She personally observed a laceration on respondent's finger, injury to her knee, and a bite mark on her elbow and called emergency medical services to treat respondent. On cross-examination, Rodriguez affirmed that there were no children present when she arrived. Rodriguez also identified the body worn camera footage depicting her response to the 911 call and her conversation with respondent. Although both parties reference the

footage, a copy of the recording has not been made available to this court. Regardless, we do not believe its absence to be a hindrance to our review.

¶ 15 Khalia Ross, a DCFS "Child Protection Advanced Specialist," testified that she met respondent at the hospital the day H.R. was born. Respondent indicated to Ross that her other children were not in her care, but she was complying with services, and she hoped to reunify with the children. She denied being involved in a domestic violence relationship. Ross spoke with T.J. on the same day, and he indicated to her that he would complete his domestic violence class in 11 weeks, he had completed individual therapy, and he planned to enter a substance abuse program that week. He also denied domestic violence in his relationship with respondent. On cross-examination, Ross clarified that she only met with the parents one time at the hospital and they did not discuss reunification services at length. She also testified that the hospital staff did not report any concerns to her regarding H.R. and respondent. Finally, she confirmed that respondent provided her with certificates for her completed services.

¶ 16 Danielle Watson, a child welfare specialist with Lutheran Child and Family Services, testified that when H.R. was born, she was already assigned to the parents' existing case involving H.R.'s siblings. The earlier assignment to the siblings' case occurred in December 2024.

¶ 17 Watson testified that, by the time of H.R.'s birth, respondent had completed parenting and domestic violence classes, but she still needed to complete parenting coaching and continue individual therapy. Watson described respondent as very cooperative, and she had no safety concerns as to respondent. At that time, T.J. needed to complete parenting classes and coaching, domestic violence classes, substance abuse treatment, and individual therapy. She stated that they had completed couples counseling. T.J. was also required to complete biweekly random drug tests, but Watson stated that he had not been complying with this service despite her reminders and her

admonition that missed drug tests would constitute evidence of drug use. Prior to H.R.'s birth, T.J.'s visitation with Hu. R. was limited to virtual visitation because he needed three consecutive clean drug tests, and there was a prior allegation of firearm possession requiring any in-person visitation to take place at the courthouse. As of H.R.'s birth, T.J. had not provided a single clean drug test, and he had not been permitted in-person visitation between December 2024 and her birth. Watson further testified that both parents were informed that their progress towards reunification with B.G. and Hu. R. would be measured by the least "productive" parent and that, prior to H.R.'s birth, their progress, or lack thereof, could affect whether they were permitted custody of H.R.

¶ 18 After H.R.'s birth, Watson had a "staffing" with her supervisor, and it was determined that DCFS's recommendation would be to take protective custody of H.R., and T.J. would need to show progress with his services for visitation or return home for H.R. According to Watson, DCFS was concerned with T.J.'s lack of progress, his history of substance abuse, and the history of domestic violence between respondent and T.J. After H.R.'s birth, DCFS had difficulty in confirming T.J.'s engagement with services because he failed to complete a consent form. However, according to Watson, DCFS did eventually confirm in April 2025 that T.J. was engaged only in individual therapy and couples counseling. Watson did not have any domestic violence concerns for the parents from December 2024 to March 2025 because respondent had not expressed any concerns and Watson had not seen anything that was cause for concern.

¶ 19 Finally, Watson explained that an IA is "an assessment of the parent's background history," and confirmed that it is prepared in the same manner for every family that has a child who comes into care. She also noted that each IA has the same basic structure. Finally, she confirmed that the

IA is stored in "SACWIS," which is the database DCFS uses to store client's information, and an IA becomes "locked" and cannot be modified after it is uploaded to SACWIS.

¶ 20 Respondent's counsel objected to the foundation of the IA, stating that the document did not contain an approval or completion date. The court overruled the objection, stating that the IA was "properly authenticated" and that it was "clear from the testimony that it was made at or near the time of the events that were described in it" because "[a]s [Watson] stated, they are made when cases come into care."

¶ 21 The IA, which is missing both a "Completed IA Report Date" and an "Approved Date" on the first page, provided the following information. Respondent and T.J. had been interviewed on October 30, 2023, and November 1, 2023, respectively. Like the service plan, the IA reported that DCFS became involved in the family due to domestic violence exposure, respondent's mental health concerns, and reports that respondent and T.J. "misused substances, including cocaine and marijuana, in the home." The IA indicated that DCFS was granted temporary custody of H.R.'s siblings on September 22, 2023.

¶ 22 Additionally, the IA summarized an interview with respondent in which she characterized T.J. as a supportive partner and denied any domestic violence in the relationship, despite reports from her recent psychiatric hospitalization in which she admitted to T.J. abusing her. She admitted that her prior romantic relationships involved domestic violence. Respondent confirmed that she and T.J. were living together and they planned to marry at some point. She reported that she had been diagnosed with borderline personality disorder, but she was not prescribed any medication. The IA also included information from other DCFS documentation, which indicated that respondent was diagnosed with bipolar disorder and prescribed medication for it, she was psychiatrically hospitalized in September 2023, she believed T.J. was denying her access to her

psychotropic medications, she tested positive for marijuana in the past and, during her hospitalization, she tested positive for cocaine. Finally, it was reported that T.J. had brought the cocaine into their home, respondent used it, and she experienced symptoms of mania as a result. The IA recommended that respondent continue individual therapy, complete substance abuse treatment, continue psychiatric treatment, complete domestic violence services, complete parenting coaching, comply with any recommended toxicology screenings, and engage in couples counseling once both parties had completed domestic violence services.

¶ 23 As the State's last witness, Daisy Aguirre, a DCFS investigator, testified that she was assigned to H.R.'s case following her birth. At the time of the assignment, Aguirre was aware that respondent had at least one prior indicated report for domestic violence. On March 18, 2025, she spoke with respondent and explained that DCFS would be taking protective custody of H.R. due to the open cases related to her other children. She learned that respondent and T.J. continued to reside together. She observed respondent with H.R. at the hospital and stated that she saw "some positive attachment" with respondent. No safety concerns were reported to her from hospital staff. She also spoke with T.J., who informed her that he was compliant with services, specifically confirming that he was in substance abuse treatment. Aguirre did not recall specifically asking about domestic violence services. After speaking with Watson, Aguirre had a "staffing" with her supervisor, and it was advised that DCFS should take protective custody of H.R. due to the discrepancies regarding T.J.'s involvement in services and T.J.'s documented noncompliance with services.

¶ 24 After hearing arguments from the parties, the court found that the State had met its burden that H.R. was neglected due to an injurious environment and abused due to a substantial risk of

physical injury. The court's written adjudicatory order stated that its findings were based on the following:

> "[A]t the time of [H.R.'s] birth she had siblings in care. DCP[S] and the case worker corroborated each other re: status of the parents' outstanding services. Father had not made substantial progress in his services and visits. Parents created a real and significant danger of physical injury. There was a significant DV incident in June 2024 and the CPD officer testified about observing injuries on the mother. The officer and case worker confirmed the parents resided together. A home with unaddressed DV is an injurious environment. It rises to the level of abuse and places a newborn at substantial risk. Services were offered to address these issues but father's engagement was minimal, he could not drop clean. Mother chose to reside with and co-parent with father."

¶ 25 On September 29, 2025, a dispositional hearing was held. The court took judicial notice of the adjudicatory findings and the evidence presented at the adjudicatory hearing, as well as the findings and testimony from the related permanency proceedings involving H.R.'s siblings that occurred earlier that day.

¶ 26 Before proceeding with our review of the evidence presented at H.R.'s dispositional hearing, we first summarize the evidence presented at the permanency hearing involving her siblings. Gail Adams, the family's caseworker, testified that the only service respondent was currently engaged in was individual therapy, but otherwise respondent had completed all other services. Adams had not observed any of respondent's unsupervised visits with B.G. and Hu. R., but she testified that the visits have been consistent and she had received reports that respondent was very engaged with the children. Adams had not been able to conduct a safety assessment of respondent and T.J.'s new home. Adams attempted to assess the home a few days prior to the

hearing, but the parents were still moving in. She stated that she planned to visit the home that week. As to T.J.'s services, Adams testified that he was in individual therapy, had completed domestic violence services, had a sobriety sponsor, and had completed an outpatient substance abuse program during the summer. T.J. was permitted weekly supervised visitation with Hu. R. at that time.

¶ 27 Adams further testified that, in August 2025, both parents missed one drug test due to work, and she was waiting for the results of another test completed by both parents. She testified, however, that both parents had tested negative for drugs at some point in August 2025. Finally, she recommended a permanency goal of return home within 12 months for B.G. and Hu. R., noting that T.J. still needed to continue individual therapy and drug testing. She specifically stated that she was not recommending a goal of five months because she did not want to give the parents false hope and she wanted to see stability in their new home first.

¶ 28 Subsequently, the court found that both parents had made substantial progress towards return home and entered a permanency goal of return home within 12 months for both siblings. The court directed the caseworker to speak with the parents' therapists, to assess the home, to observe visits, and requested additional drug testing. The court indicated that it expected "some aggressive case management from this agency" and it did not want the parties to regress. The court also stated:

> "Finally, as a judge, I am weighing credibility of the evidence. I hear of things going on outside of my presence, but I'm also closely watching what's happening here in court before my eyes. And I have to admonish you, [T.J.], on your demeanor, your action, laughing, eating, getting visibly upset, teasing, and so on, it's concerning. It gives me pause

to send young children back to your home, especially given the reasons this case came into care."

¶ 29 Turning to H.R.'s dispositional hearing, Adams testified she has been H.R.'s caseworker since August 2025 and the parents had weekly unsupervised visitation with H.R., which they now attended together. She had not been present for any of these visits. The foster parent reported to Adams that the visits were going well and H.R. is a happy baby. Adams also confirmed that the foster home was safe and appropriate and there were no recommendations for services for H.R. Adams stated that, at the next court date, she could report on the visits with H.R. from firsthand knowledge. The following exchange then occurred:

"Q. What would you need to see from the mother, [M.S.], in order to recommend overnight?

A. I think [respondent] is doing a wonderful job. As far as safety and just parenting, I think they're doing a good job. I definitely would like to observe that for myself. I will try to observe as much as I can, so when we come back next court date, I will have more information on what I observe.

Q. Do you have any new service referrals for mother based on the findings from adjudication for [H.R.]?

A. No.

Q. As to the father, [T.J.], what would the agency need to see from him to be able to recommend unsupervised overnights?

A. The same, just ensuring that their drops are clean, that they are safe and appropriate with the kids. Again, [respondent] does really well. I heard nothing but good about [respondent] as it pertains to the kids.

Q. And with regard to [T.J.], is he in need of any further service referrals based on the adjudication findings for [H.R.]?

A. No."

Finally, Adams testified that DCFS was recommending that H.R. be adjudged a ward of the court and that wardship was in H.R.'s best interests. The basis for the recommendation was completion of drug drops, allow time to investigate the home, and "just make sure that they are ready to be able to parent the kids to the best of their ability." She further testified that DCFS recommended a goal of return home within 12 months.

¶ 30 On cross-examination, Adams confirmed that T.J. was permitted unsupervised visitation with H.R. as of July 2025, but all of his visits had been with respondent. Adams also explained that, prior to recommending overnight visitation, DCFS would need to see five consecutive clean drug drops and a successful assessment of the new home.

¶ 31 At the end of H.R.'s dispositional hearing, the State and the public guardian both requested that the court find both parents unable to parent H.R. and set a permanency goal of return home within 12 months. The court adjudged H.R. a ward of the court and found both parents "unable" to care for, protect, train, or discipline her. The court placed H.R. in DCFS guardianship.[2] In the court's permanency order entered the same day, the court set a permanency goal of return home within five months and granted the agency discretion to begin overnight visitation.

¶ 32 Respondent timely filed her notice of appeal on October 28, 2025.

[2]The disposition order for H.R. is not included in the record on appeal, but there is no dispute that the court entered a finding that respondent was unable to care for, protect, train, or discipline H.R.

¶ 33 II. ANALYSIS

¶ 34 On appeal, respondent argues: (1) the State failed to prove H.R. was neglected or abused; (2) the trial court erroneously admitted and relied on an exhibit that was not properly established as a business record; and (3) the trial court's dispositional finding that respondent was unable to care for, protect, train, or discipline H.R. was against the manifest weight of the evidence.

¶ 35 A. The Act

¶ 36 The Act, which governs the rights of parties in child protection proceedings, sets forth the bifurcated process the circuit court must follow in determining whether a minor should be removed from their parents' custody and made a ward of the court. *In re Z.L.*, 2021 IL 126931, ¶ 58. The first step is the adjudicatory hearing on the State's petition for adjudication of wardship, at which the circuit court "shall first consider only" whether the minor is abused, neglected, or dependent as alleged in the petition. *Id.* ¶ 59; 705 ILCS 405/2-18(1) (West 2024). If the court does not find that the minor is abused, neglected, or dependent, the petition shall be dismissed and the minor discharged. *Id.* § 2-21(1). If, however, the State does satisfy its burden of proof, the court moves to the second step, which is a dispositional hearing. *Id.* § 2-21(2). At the dispositional hearing, "the court shall determine whether it is consistent with the health, safety and best interests of the minor and the public that the minor be made a ward of the court." *Id.*

¶ 37 "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 State is required to prove the allegations of neglect and abuse by a preponderance of the evidence, meaning the allegations are more probably true than not. *Id.* at 463-64. "Cases involving neglect and abuse are *sui generis* and should be decided on their own unique facts." *In re Zoey L.*, 2021 IL App (1st)

210063, ¶ 31; *Arthur H.*, 212 Ill. 2d at 463. In any proceeding under the Act, "the paramount consideration is the best interests of the child." *In re A.P.*, 2012 IL 113875, ¶ 18.

¶ 38 Adjudicatory and dispositional findings are reviewed under the manifest weight of the evidence standard, and the trial court's findings will not be disturbed unless the record clearly demonstrates that the court should have reached the opposite result or the determination was unreasonable, arbitrary, and not based on evidence. *Zoey L.*, 2021 IL App (1st) 210063, ¶ 32. Under this standard, a trial court's decision is subject to "considerable deference." *Z.L.*, 2021 IL 126931, ¶ 82. This deference is owed because the trial court is in "the best position to observe the conduct and demeanor of the parties and the witnesses and has a degree of familiarity with the evidence that a reviewing court cannot possibly obtain." *In re D.F.*, 201 Ill. 2d 476, 498-99 (2002).

¶ 39 B. Business Record

¶ 40 Respondent contends on appeal that the trial court's admission, over her objection, of the IA as an exhibit at the adjudicatory hearing was erroneous. Because consideration of that exhibit is relevant to our review of her challenges to the adjudicatory and dispositional findings, we first address that claim.

¶ 41 According to respondent, the admission was erroneous because the evidence presented did not support the court's finding that the IA was made near the time of events described therein and the error was prejudicial because the court explicitly relied on the IA to corroborate the testimony of the caseworker and DCFS investigators. Respondent requests that we remand for a new trial without the erroneously admitted evidence.

¶ 42 We first reject out of hand the State's assertion that this argument is forfeited because respondent did not specifically raise an objection to the lack of a date on the IA. During Watson's testimony, the State elicited testimony from Watson for purposes of providing the foundation for

the IA. Subsequently, respondent's counsel renewed the objection to the document's foundation as a business record, specifically pointing to the missing dates. The State's argument is therefore without merit, and the issue is not forfeited.

¶ 43 The rules of evidence in civil proceedings in Illinois are applicable to proceedings under the Act. 705 ILCS 405/2-18(1) (West 2024). Hearsay evidence may only be admitted in an adjudicatory hearing when it falls within the scope of one of the exceptions under the Act. Section 2-18(4)(a) of the Act, which contains a variation of the common law business records exception, provides:

> "Any writing, record, photograph or x-ray of any hospital or public or private agency, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any condition, act, transaction, occurrence or event relating to a minor in an abuse, neglect or dependency proceeding, shall be admissible in evidence as proof of that condition, act, transaction, occurrence or event, if the court finds that the document was made in the regular course of the business of the hospital or agency at the time of the act, transaction, occurrence or event, or within a reasonable time thereafter." 705 ILCS 405/2-18(4)(a) (West 2024).

¶ 44 Effectively, to be admissible as a business record, the proponent must establish that "the writing was (1) made as a memorandum or record of the event, (2) made in the ordinary course of business, and (3) made at the time of the event or within a reasonable time thereafter." *In re A.B.*, 308 Ill. App. 3d 227, 235 (1999). A circuit court's admission of business records in adjudication proceedings is reviewed under an abuse of discretion standard. *In re Z.I.*, 2026 IL App (1st) 250207, ¶ 62. A court's ruling constitutes an abuse of discretion where it is "arbitrary, fanciful, or

unreasonable, or when no reasonable person would take the same view." *In re D.M.*, 2020 IL App (1st) 200103, ¶ 20.

¶ 45 Under the circumstances before us, we conclude that the trial court's decision to admit the IA was not an abuse of discretion. Most significantly we point out that, at the end of the IA, a "Prognosis" section is set forth as to the children and their reunification with each parent. Each of those four paragraphs begins with the following clause: "As of the 12/15/23 IA[.]" Although missing the dates on the front page, the end of the IA clearly signifies that it was created on December 15, 2023. Because the IA stated that the parents were interviewed in late October and early November of 2023, the IA was created within two months of the interviews. This conclusion is supported by the multiple references within the IA to "current placement notes" accompanied by various dates in November and December 2023.

¶ 46 None of the parties or the court recognized the internally listed date of creation. It was nonetheless not unreasonable for the court to infer from Watson's testimony that the assessment was created, approved, and locked in the database near in time to the interviews where Watson testified that IAs are created in the same manner and with the same structure for every family that has a child come into care and is locked once uploaded into DCFS's database.

¶ 47 We also cannot say that the court's decision was arbitrary or fanciful. Respondent raised an objection to the admission of the IA at the beginning of the hearing, the court stated that it would afford any "irrelevant" information "the appropriate weight or not at all." The court also permitted counsel to request that the foundation be laid for the exhibit when the State sought to admit it. After Watson was questioned regarding the exhibit's foundation, respondent objected again, both parties provided arguments for their positions, and the court concluded that a foundation was properly laid, stating: "While there's no date on it[, it] is clear from the testimony that it was made

at or near the time of the events that were described in it." The court's considered approach to the admission of the IA demonstrates that its decision was not arbitrary or fanciful.

¶ 48 Thus, the IA was properly admitted, and we will consider it in our review of the record.

¶ 49 C. Findings of Neglect and Abuse

¶ 50 Respondent contends that the State's case at the adjudicatory hearing was "entirely derivative and anticipatory[,]" relying on H.R.'s siblings' cases, a domestic violence incident nine months prior to H.R.'s birth, and the fact that H.R.'s father had not completed services that were not necessary. As such, respondent asserts that the State's case was based on mere speculation and requests that both findings of abuse and neglect be reversed.

¶ 51 According to the Act, a minor is abused where their parent "creates a substantial risk of physical injury to such minor by other than accidental means which would be likely to cause death, disfigurement, impairment of emotional health, or loss or impairment of any bodily function[.]" 705 ILCS 405/2-3(2)(ii) (West 2024). Actual injury is not required for this finding. *In re J.R.*, 2022 IL App (1st) 221109, ¶ 52. A minor is neglected where the "environment is injurious to the minor's welfare[.]" *Id.* § 2-3(1)(b). "[T]he term 'injurious environment' cannot be 'defined with particularity,' but it includes the breach of a parent's duty to ensure a safe and nurturing shelter for his or her children." *Z.L.*, 2021 IL 126931, ¶ 89 (quoting *Arthur H.*, 212 Ill. 2d at 463)). It has also been interpreted to include "failure to exercise the care that circumstances justly demand." *Arthur H.*, 212 Ill. 2d at 463. Further, at this stage, the court only needed to determine that H.R. was abused or neglected, not that either parent was abusive or neglectful. See *Zoey L.*, 2021 IL App (1st) 210063, ¶ 34.

¶ 52 Relevant here, it is not required for both parents to have engaged in specific acts or omissions of neglect in order for the court to find the minor neglected. *Z.L.*, 2021 IL 126931, ¶ 65

(citing *Arthur H.*, 212 Ill. 2d at 465). "Under the anticipatory neglect theory, the State seeks to protect not only children who are the direct victims of neglect or abuse, but also those who have a probability to be subject to neglect or abuse because they reside, or in the future may reside, with an individual who has been found to have neglected or abused another child." *Arthur H.*, 212 Ill. 2d at 468. To that end, "proof of abuse or neglect of one minor is admissible on the issue of abuse or neglect of other minors for whom the parents are responsible." *Z.L.*, 2021 IL 126931, ¶ 87 (citing 705 ILCS 405/2-18(3) (West 2018)). However, such evidence is not conclusive or "*per se*" proof of abuse or neglect of another minor. *Arthur H.*, 212 Ill. 2d at 468. Nonetheless, "when faced with evidence of prior neglect by parents, the juvenile court should not be forced to refrain from acting until another child is injured." *In re Zion M.*, 2015 IL App (1st) 151119, ¶ 30. Finally, the facts supporting a neglect due to injurious environment finding can also support an abuse due to substantial risk of injury finding. *J.R.*, 2022 IL App (1st) 221109, ¶ 57; *In re Tamesha T.*, 2014 IL App (1st) 132986, ¶ 44; *In re R.G.*, 2012 IL App (1st) 120193, ¶ 46.

¶ 53 In the case before us, there was ample evidence presented at the hearing to support the court's findings that the State satisfied its burden of showing, by a preponderance of the evidence, that H.R. was abused and neglected under a theory of anticipatory neglect. H.R.'s siblings, one of which is the child of T.J., were adjudicated neglected due to an injurious environment in July 2024. The adjudication order was based on respondent and T.J.'s history of domestic violence, including an incident in June 2024, and respondent's positive drug test for cocaine in September 2023. It was also reported that T.J. provided the cocaine to respondent, and there were reports that T.J. also abused substances. Additional concerns included respondent's mental health as she had been psychiatrically hospitalized in September 2023, and she reported during that hospitalization that T.J. prevented her from taking her medication for bipolar disorder. At the adjudicatory hearing,

Officer Rodriguez provided the specific facts of the June 2024 incident. According to Rodriguez, respondent informed her that she and T.J. had a verbal altercation, T.J. dragged her out of her apartment, and she suffered several injuries, which Rodriguez personally observed. The IA created in late 2023 ultimately directed the parents to engage in the following services: individual therapy, substance abuse treatment (including toxicology screening as necessary), parenting education, domestic violence services, and couples counseling (once domestic violence services had been completed).

¶ 54 According to the testimony at the adjudicatory hearing, at the time of H.R.'s birth, respondent had completed parenting classes and domestic violence services but still needed to complete parenting coaching and continue individual therapy. T.J., on the other hand, had only engaged in couples counseling, and he had 11 weeks of domestic violence classes remaining. He reported to Ross that he would be starting treatment that week and he reported to Aguirre that he had begun substance abuse treatment. However, Watson confirmed that, as of April 2025, T.J. had not attended any substance abuse classes. Significantly, Watson testified that T.J. was required to submit to random drug testing, but he was not in compliance. This was evidenced by the fact that, at the time of H.R.'s birth, he was only permitted virtual visitation with Hu. R., as he needed three consecutive clean drug tests before he could have in-person visitation. This evidence was further corroborated by the siblings' permanency orders, which stated that respondent had made substantial progress, but T.J. needed "to fully engage in services" and was only permitted virtual visits at the time. The testimony also made clear that respondent and T.J. continued to live together, and there was no suggestion from either party that this would change in the future.

¶ 55 Considering the totality of the evidence, we conclude that the State showed that it was more likely than not that H.R. was at substantial risk of injury and would be in an injurious environment

were respondent permitted to have custody of her upon her birth. The concerns which required the case to be opened in 2023 are serious (*i.e.*, drug use, untreated mental illness, and domestic violence exposure) and had not been resolved at the time of her birth, according to the witnesses' testimony. Although respondent's progress in services was acknowledged by the witnesses and the court at the hearing, she had not completed parenting coaching and needed to continue individual therapy and consistently provide negative toxicology screenings to DCFS's satisfaction. Additionally, respondent and T.J. had been informed that custody of H.R. would depend upon the parent with the least progress in reunification services, meaning T.J. They were also informed that a missed drug test constituted evidence of drug use in DCFS's view. Nonetheless, T.J. failed to complete domestic violence services, despite that service being recommended in the IA following T.J. and respondent's 2023 interviews. He also failed to complete three consecutive negative drug drops prior to H.R.'s birth, as evidenced by his restriction to virtual visitation with his other child. In fact, Watson testified that he had not provided a clean drug test since her assignment to the case in December 2024. Further, although there was testimony that respondent and T.J. had engaged in couples counseling, the IA clearly indicated that couples counseling should not occur until after they each had completed domestic violence services, which T.J. had not yet done. It is also worth noting that, according to Ross, at the time of H.R.'s birth, respondent and T.J. continued to deny any domestic violence in their relationship.

¶ 56 The continued existence of DCFS's concerns, even as a result of T.J.'s unsatisfactory progress, represents respondent's disregard of her duty to ensure a safe and nurturing shelter for H.R. upon her birth. Because respondent and T.J. continued to reside together, it was therefore not against the manifest weight of the evidence for the court to find H.R. abused and neglected where respondent's custody of H.R. would put her at risk of injury. Stated another way, it is not clearly

evident that respondent's household provided a safe and nurturing environment or that substantial risk of injury to H.R. was absent from respondent's care.

¶ 57 The crux of respondent's argument before this court, however, is that the abuse and neglect findings were based on T.J.'s unsatisfactory progress with services, which she argued were not even necessary. She contends that there was no evidence of T.J.'s active drug use. However, respondent has presented nothing to contradict DCFS's legitimate concerns of drug use and domestic violence in their household. We have not been provided any basis for questioning DCFS's decision as to what services are necessary for the parties. Rather, the IA indicated that there were reports of abuse of cocaine, ketamine, and marijuana in the household. According to the IA, there was also documentation from respondent's psychiatric hospitalization indicating that T.J. provided cocaine to respondent, which resulted in her positive drug test in 2023. He also admitted to his use of marijuana, and respondent admitted to her prior drug use. Thus, we do not find the recommended services unwarranted under these circumstances. Additionally, Watson specifically testified that she informed the parents, prior to H.R.'s birth, that custody the child would be based on *both* parents' progress in services and whether H.R. was neglected or abused would be adjudged based on the least productive parent. Thus, we reject respondent's argument that T.J.'s services were not necessary and that she should not be held accountable for his lack of progress.

¶ 58 Respondent additionally argues that the domestic violence incident was "isolated," "remote in time," and did not occur in the presence of children. We disagree with this argument. Although there was only testimony presented as to the July 2024 domestic violence incident, there was additional evidence contained in the IA that the domestic violence concerns were not isolated to a single event. Respondent reported during her hospitalization that T.J. was abusive and that he withheld her psychiatric medications from her. And, even were we to agree that the specific

incident was "remote in time" and nothing else had occurred since, T.J.'s lack of participation in substance abuse treatment, domestic violence classes (still 11 weeks remaining), and toxicology screening would not provide the trial court with confidence that the domestic violence and substance abuse concerns had dissipated in the nine months since the incident. We also find it imperative to point out that, at the time of the domestic violence incident, respondent and T.J. did not have custody of B.G. and Hu. R.; thus, it would be unlikely for any children to have been present.

¶ 59 Respondent relies on several cases in support of her arguments that the abuse and neglect findings should be reversed. We reiterate that "each case involving abuse and neglect allegations must be decided on its own unique facts." *J.R.*, 2022 IL App (1st) 221109, ¶ 52. We nonetheless explain why these cases are not helpful to respondent.

¶ 60 First, in *In re D.A.*, 2022 IL App (2d) 210676, ¶ 3, DCFS took protective custody of the minor a week after his birth based on an allegation that the minor tested positive for THC at birth and past adjudications of the mother's other children. The trial court found that the minor was neglected due to an injurious environment. *Id.* ¶ 9. On appeal, the Second District of this court reversed because the State did not provide any medical documentation that the minor had tested positive for THC at birth; rather, that allegation was based on the mother's admission that she used cannabis often and her statement that "the only thing that showed" on the minor's drug test was "pot." *Id.* ¶ 15. The court also noted that the parents had taken the minor to two pediatrician appointments while he was still in their care and the pediatricians had no concerns regarding his health, and further, the State did not prove that the use of marijuana during pregnancy posed risks to the unborn child. *Id.* The court declined to uphold the trial court's findings solely on the evidence of the prior adjudications of neglect of the minor's siblings, stating that "sufficient time had

passed[,]" particularly where the evidence showed that the minor was "cared for and healthy." *Id.* ¶ 21.

¶ 61 The facts here, however, are distinguishable from those in *D.A.* In particular, it does not appear that "sufficient time" has passed since H.R.'s siblings' adjudications, which were entered eight months prior to her birth and were based, in part, on a recent domestic violence incident. Less than a year had passed, and during that time, the parents continued to deny the existence of domestic violence in their relationship. The concerns were, therefore, very much still present at the time DCFS took protective custody of H.R. Additionally, the facts of the domestic violence incident were reported by the police officer who responded to respondent's 911 call and visibly observed respondent's injuries from the physical altercation with T.J. Thus, the evidence regarding that incident was not speculative, as compared to the allegation of the minor testing positive for THC was in *D.A.* Thus, we do not find *D.A.* instructive.

¶ 62 Second, in *In re Edricka C.*, 276 Ill. App. 3d 18, 20 (1995), two infants were removed from their mother's custody based on allegations that the mother neglected to seek medical treatment for a blood disorder for one of the infants. It was later learned that the infant did not suffer from that blood disorder, and the State moved to amend its petition, adding allegations of abuse due to substantial risk of injury. *Id.* At the trial, the State offered evidence relating to two encounters with DCFS that occurred five and three years prior, respectively: one in which it was alleged that the parents severely beat their oldest child and the other in which a fire broke out in the apartment building and the mother's other five children were left unsupervised. *Id.* at 20-21. Notably, the more recent incident occurred two years before the birth of the older infant. *Id.* The DCFS employee, who had been involved with the family for three years, testified that the two infants had resided with the mother without incident from birth, and the employee had not brought the infants

to the court's attention because she did not believe they were at risk of harm. *Id.* at 21. There was also testimony that the mother completed some reunification services and had ongoing visitation with the children involved in the prior abuse and neglect cases. *Id.* In finding the infants neglected, the trial court stated that "even though these minors were originally brought before it on medical neglect allegations, 'the court cannot ignore the prior history of this mother and father with their children and dismiss petitions on these two infants.' " *Id.* at 25. On appeal, the findings of neglect were reversed because the past siblings' abuse, while admissible, was insufficient to show that abuse and neglect of the infants, who had been in the parent's custody for multiple years already without incident, was imminent. *Id.* at 29-30.

¶ 63 We do not see parallels between *Edricka C.* and this case. In *Edricka C.*, the incidents that brought the case into care seemed to *actually* be remote in time and isolated, as there had been no incidents for several years. Had DCFS become involved at the time of the infants' birth, like in the case before us, there may have been a different outcome. Moreover, in *Edricka C.*, there was testimony presented that DCFS was not concerned about the infants in the parents' care. These facts render *Edricka C.* inapposite.

¶ 64 Next, respondent cites *In re S.S.*, 313 Ill. App. 3d 121 (2000). In *S.S.*, the State sought an adjudication of neglect of the child who was born 20 months after the neglect and abuse of an older sibling by the father, who ultimately caused the death of that sibling. *Id.* at 127-28. The trial court determined that the minor was neglected, as related to his mother, based on a history of domestic violence between his parents. *Id.* at 129-30. The finding was based on the State's evidence that five months prior to the adjudicatory hearing, there was a dispute between the parents, wherein the father pulled the mother out of the car, and the mother also informed a social worker that the father had hit her in the past. *Id*. at 130. On appeal, the Second District reversed the neglect finding as to

the mother, noting that the child had not witnessed the single incident, the parents did not live together and had no plans to reunite, the parents had attended domestic violence counseling, and there was no evidence that the mother was involved in the abuse of the sibling or that she failed to complete a DCFS service plan. *Id.* at 130-32.

¶ 65 A major difference between *S.S.* and this case is that the parents in *S.S.* were no longer living together, rendering it unlikely that the child would be exposed to domestic violence. Here, the parents continued to reside together with no intent to separate and continued to deny the existence of domestic violence in their relationship. Additionally, respondent had not completed a DCFS service plan, the parents in this case had not completed domestic violence services, and there are concerns of substance abuse. Notably, the court's decision in *S.S.* also appeared to focus on whether each parent was separately neglectful, an approach that was later disavowed in *Arthur H.*, 212 Ill. 2d at 467, where the supreme court held that for adjudicatory findings, the court must determine "whether the child is neglected, and not whether the parents are neglectful[.]"

¶ 66 Finally, respondent cites *In re G.T.*, 2025 IL App (4th) 241586-U, an unpublished Rule 23 order. The facts of *G.T.* are also remarkably different from the circumstances here. There, the State sought an adjudication of neglect due to an injurious environment based on allegations that the parents had a domestically violent relationship and the father struggled with alcohol abuse. *Id.* ¶ 4. In particular, there was a recent incident where the father had attempted to break into the mother's residence and loudly banged on the door while she and the child were sleeping. *Id.* ¶ 5. The responding officer believed that the father was under the influence of alcohol, and he was later arrested for criminal damage to property and illegal consumption of alcohol by a minor (the father was 18 years old at the time of the hearing). *Id.* ¶ 6. The trial court found that the State met its burden of proving the child neglected. *Id.* ¶ 12. On appeal, the Fourth District reversed because

the single incident did not present a danger to the child who was not in the father's care and who did not witness any of the father's actions. *Id.* ¶ 28. The court concluded: "Although the evidence presented at the adjudicatory hearing was sufficient to show [the father] behaved inappropriately during the June 2024 incident, it fell short of establishing—based upon that incident alone—that [the child's] environment was injurious to her welfare[.]" *Id.* ¶ 29.

¶ 67 In *G.T.*, the evidence showed that the father was not in a caregiver role and did not live with the mother, and there was no evidence of any other domestic violence between the parents. *Id.* ¶ 22. This is quite contrary to the circumstances here where respondent and T.J. live together and intend to coparent H.R., and there was specific evidence presented of a physical altercation between the parents in the past. As such, *G.T.* is not applicable at all.

¶ 68 We do not find any of respondent's case citations persuasive, and thus, our conclusion that the State proved H.R. was abused and neglected by a preponderance of the evidence stands. We therefore affirm the trial court's adjudicatory findings.

¶ 69 D. Dispositional Finding

¶ 70 Finally, respondent contends that the finding of her present inability to care for H.R. was against the manifest weight of the evidence, and she requests that this court reverse the disposition order. Specifically, she points to her completion of services and her unsupervised visitation of H.R. to support her argument that she should not have been found unable to care for H.R.

¶ 71 As stated above, at this stage, the trial court determines whether it is consistent with the health, safety, and best interests of the minor and the public for the minor to become a ward of the court. *A.P.*, 2012 IL 113875, ¶ 21; 705 ILCS 405/2-21(2) (West 2024). The court may not place a minor in the custody of DCFS without first finding that a parent is unable, unwilling, or unfit, for some reason other than financial circumstances alone, to care for, protect, train, or discipline the

minor. *In re M.M.*, 2016 IL 119932, ¶¶ 21, 24, 31. The State must establish a parent's inability by a preponderance of the evidence. *In re H.B.-H.*, 2025 IL App (1st) 242275, ¶ 82. A dispositional determination will only be reversed if the factual findings are against the manifest weight of the evidence or if the court abused its discretion by choosing an inappropriate disposition order. *In re Harriet L.-B.*, 2016 IL App (1st) 152034, ¶ 30.

¶ 72 Here, the State met its burden in showing that respondent did not have the present ability to care for H.R. Evidence was presented that respondent had completed many of her services but not all as individual therapy was still an ongoing service. She also did not have unsupervised overnight visitation privileges, largely because DCFS had not yet been able to observe their visits with the children or assess their new home. Additionally, there was testimony that respondent and T.J. had recently missed a toxicology screening due to work, and the test results from their most recent screening were not yet available. Thus, neither parent had satisfied the requirement of consistent negative toxicology screening results. It is reasonable for the trial court to first observe completion of services prior to return home. See *In re H.B.-H.*, 2025 IL App (1st) 242275, ¶ 83; see also *In re A.U.*, 2024 IL App (1st) 231727 (collecting cases where dispositions have been affirmed when there are outstanding services). On these facts (missing drug screenings and no safety assessment of the home), the court simply could not find that respondent had the present ability to care for H.R.

¶ 73 Moreover, the court's decision was clearly well-reasoned and was based on the aforementioned evidence. The court acknowledged the parents' substantial progress towards reunification but was concerned about the noncompliance and inconsistency with the random toxicology screenings. The court specifically sought to provide DCFS with additional time to conduct a safety assessment of their new home, observe visits with H.R., and speak with the

parents' therapists, and the court wished to see consistent negative drug tests at the next proceeding. The court, however, seemingly recognized that return home was imminent, which is why it chose a permanency goal of five months, contrary to the recommendation of a 12-month goal. Additionally, the court requested "aggressive case management" at the siblings' permanency hearing. From this, we infer that the court was properly acting " 'in a just and speedy manner' " to reunify H.R. with her mother as soon as possible (*In re D.F.*, 2024 IL App (1st) 241566, ¶ 64 (quoting 705 ILCS 405/2-14(a) (West 2024))), and we do not discern any lack of expediency under these circumstances.

¶ 74 Nonetheless, respondent contends that the lack of assessments or reports is a gap in the proof that should be borne by the State, not her. Although we recognize that the caseworker's lack of firsthand observation of the parties' visits with H.R. may be attributed to DCFS, the lack of a safety assessment of the home and the inconsistent drug drops cannot be attributed to the agency. See *In re Marianna F.-M.*, 2015 IL App (1st) 142897, ¶ 36 (where the father could not complete services through no fault of his own but that did not negate that they were recommended for safe reunification with his child). A safety assessment could not be conducted because the parents were still in the process of moving into the home. T.J.'s inconsistency with toxicology screening has been documented in the record, and respondent had missed a drug drop as well between the adjudicatory and dispositional hearings. These are all issues that compelled a finding that respondent was presently unable to parent H.R.

¶ 75 Respondent also contends that the court could have ordered T.J. to vacate the home in order to allow H.R. to return to respondent's care pursuant to section 2-21(1) of the Act (705 ILCS 405/2-25(1) (West 2024)). However, respondent did not request this relief. Respondent was well aware of the repercussions related to her decision to reside with T.J., who she had married during these

proceedings, and the court chose to respect that decision. In any case, based on their steadfast desire to remain coparents, we believe that had the court, *sua sponte*, ordered that T.J. vacate the home, we would instead be reviewing a different claim of error.

¶ 76 We also are not persuaded by respondent's citation to New York authority. Respondent invites our attention to *In re Matter of R.A.*, 239 N.Y.S. 3d 139 (2025), in which the child welfare agency requested the court issue an order directing the father to stay away from the mother and the child, and *Nicholson v. Scoppetta*, 3 N.Y. 3d 357 (2004), which purportedly approved the practice of "remov[ing] the abuser" rather than the child from the home. First, we are not bound to follow decisional law from other states, but we may look to it as persuasive authority. *Perik v. JPMorgan Chase Bank, N.A.*, 2015 IL App (1st) 132245, ¶ 25. Neither case is persuasive. *R.A.* is inapposite because, in that case, the child welfare agency requested the protection order. *R.A.*, 239 N.Y.S. 3d at 141. No such request by any party or agency was made in this case. *Scoppetta* is also inapplicable because the court's analysis regarding the removal of the abusive parent relied on interpretation of New York's own child protection statutory scheme and the legislative history for that statute. *Scoppetta*, 3 N.Y. 3d at 379.

¶ 77 In conclusion, the court's determination that respondent was unable to care for H.R. was not against the manifest weight of the evidence presented at the hearing and was in H.R.'s best interests, which is "superior to all other factors[.]" *In re Curtis W.*, 2015 IL App (1st) 143860, ¶ 52. We therefore affirm the court's disposition order.

¶ 78 III. CONCLUSION

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

¶ 80 Affirmed.