



asking the trial court to find that A.A. and Z.A. were neglected minors. It alleged each minor was neglected for not "receiving the proper care and supervision necessary for her well being in that [respondent] failed to make a proper care plan for the minor." On November 15, 2012, the trial court conducted the adjudicatory hearing. Matthew Grey, a child protection investigator with the Illinois Department of Children and Family Services (DCFS), testified for the State. On August 31, 2012, Grey was assigned to investigate allegations that respondent left A.A. and Z.A. on her sister's doorstep the previous night at approximately 11 p.m. Grey testified he was aware that respondent was the children's mother but "didn't get an answer" regarding the identity of their father.

¶ 5 As part of his investigation, Grey went to the home of Sheree Andrews, respondent's sister. Sheree and her husband explained that respondent had been in their home and argued with Sheree's husband. Respondent left the home around 11 p.m. Shortly thereafter, Sheree and her husband looked outside and saw A.A. and Z.A. on the porch with respondent nowhere around. According to Sheree, respondent was homeless and "had burned her bridges." She reported to Grey that, about a month and a half before, respondent was investigated in Chicago after she left the children on the porch of a different family member.

¶ 6 Grey attempted to contact respondent and left her multiple voice mail messages. The following day, he received a return voice mail message from her and, ultimately, spoke with respondent on the phone. Grey expressed concern that respondent was homeless and that the children needed a safe environment. He suggested A.A. and Z.A. reside with Sheree while respondent engaged in services. Respondent agreed to leave the children at Sheree's house. Grey testified he provided supplies for the children after Sheree reported they had no food, formula, or

clothing.

¶ 7           Approximately a week later, Grey followed up at Sheree's home. He testified the children were not in the home and Sheree reported they were with respondent. Grey contacted respondent and, because she did not have a place to meet with Grey, they agreed to meet at a specific street corner in Springfield, Illinois. Grey testified respondent showed up with the children and Sheree also met them. Respondent told Grey she was homeless and reported that money she had received for the children had been stolen. They also discussed respondent's bipolar disorder and Grey testified he tried to engage respondent in services. At that time, respondent agreed the children needed to be with Sheree and Sheree returned them to her home.

¶ 8           On September 15, 2012, DCFS received a hotline call from respondent, who reported A.A. and Z.A. were with her but she was unable to care for them. She stated she did not have a place for the children to stay and was staying with a friend. Respondent also asserted she attempted to return the children to Sheree's home but Sheree would not accept respondent's phone calls. Following respondent's hotline call, the children were taken to Crisis Nursery where respondent agreed to leave them until Monday, September 17, 2012, at 3:30 p.m. Grey testified he needed time to figure out how to help the family. That Monday, Grey contacted Crisis Nursery and was informed about concerns that three-month-old Z.A. was congested and had no primary care physician. At approximately 11 a.m., Crisis Nursery contacted Grey and reported respondent had arrived early to pick up the children.

¶ 9           Grey testified he called Sheree to discuss the possibility of doing a formalized safety plan and having the children return to her home. He still wanted to engage respondent in services. Sheree agreed to cooperate with a safety plan. Grey then went to Crisis Nursery and

met with respondent. He took respondent and the children to the hospital to address Z.A.'s congestion. While at the hospital, Grey spoke with respondent about a safety plan. Respondent asserted she would not let the children return to Sheree's home and would not engage in any services. She reported that she was going to take the children out of state. Grey testified respondent refused to give him any information about where she was going or her other family members. When Grey inquired as to respondent's plans, she stated she did not have any plans and informed Grey that he could not tell her what to do with the children.

¶ 10 On cross-examination, Grey acknowledged Sheree's husband had an extensive criminal history and Grey needed to process waivers so that the husband could be in the home while the children were being cared for by Sheree. He reiterated that respondent informed him she was moving out of state but refused to tell him her specific plans, including names of individuals she would be with or where she was going. Grey acknowledged respondent provided him with a phone number but stated, when he called the number, the woman who answered did not know who he was asking for. Grey did not know whether the telephone number was an Illinois number.

¶ 11 Respondent testified on her own behalf. She stated she was living with a friend but acknowledged the home was unsuitable for her children, stating she "wouldn't want [her] children living there." Respondent testified she was staying with her friend until she could find permanent housing. Additionally, she identified Sheree's husband as Lester Barr and stated she and Barr did not like each other. Respondent testified Barr "put his hands on [her] before" and tried to sleep with her, resulting in respondent calling the police. Respondent believed her and Barr's dislike of one another motivated Barr to say things about her that were not true.

¶ 12 Respondent further testified that her plans to leave the state involved going to Ohio to live with her older sister, April Andrews. She planned to take the children and stay with April until she could get on her feet. Respondent stated April offered to pay for respondent's bus ticket to Ohio and the children could ride the bus for free. She admitted she refused to tell Grey her plans because "he was making [her] mad" and she "was kind of being rebellious." Respondent testified she still planned to go to Ohio with the children to "get out of Illinois."

¶ 13 Following the evidence, the trial court found A.A. and Z.A. neglected as alleged in the State's petitions. In so holding, it determined respondent's plan to go to Ohio with the children was not "substantiated by anything" and there was no reason to believe the children would have a place to stay in Ohio. Further, the court relied on respondent's testimony that she did not have a place for the children to stay in Illinois.

¶ 14 On December 13, 2012, the trial court conducted the dispositional hearing and entered its dispositional orders. It adjudicated A.A. and Z.A. wards of the court and placed their custody and guardianship with DCFS.

¶ 15 These appeals followed.

¶ 16 II. ANALYSIS

¶ 17 On appeal, respondent argues the trial court's neglect findings were against the manifest weight of the evidence. She contends that, contrary to the court's determination, the evidence showed she made proper care plans for A.A. and Z.A. Respondent notes, when she was homeless and unable to care for the children, she either left them in a place where she knew they would be safe or sought assistance from DCFS. She further maintains the evidence showed she had no intention of permanently leaving her children.

¶ 18 Pursuant to the Juvenile Court Act of 1987, a neglected minor includes any child "who is not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter." 705 ILCS 405/2-3(1)(a) (West 2010). The supreme court has "defined 'neglect' as the 'failure to exercise the care that circumstances justly demand.'" *In re N.B.*, 191 Ill. 2d 338, 346, 730 N.E.2d 1086, 1090 (2000) (quoting *People ex rel. Wallace v. Labrenz*, 411 Ill. 618, 624, 104 N.E.2d 769, 773 (1952)). It further stated as follows:

"[Neglect] embraces wilful as well as unintentional disregard of duty. It is not a term of fixed and measured meaning. It takes its content always from specific circumstances, and its meaning varies as the context of surrounding circumstances changes.'" *N.B.*, 191 Ill. 2d at 346, 730 N.E.2d at 1090 (quoting *Wallace*, 411 Ill. at 624, 104 N.E.2d at 773).

¶ 19 The State must prove neglect allegations by a preponderance of the evidence. *In re A.P.*, 2012 IL 113875, ¶ 17, 981 N.E.2d 336. "In other words, the State must establish that the allegations of neglect are more probably true than not." *A.P.*, 2012 IL 113875, ¶ 17, 981 N.E.2d 336. "On review, a trial court's finding of neglect will not be reversed unless it is against the manifest weight of the evidence" and "[a] finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident." *A.P.*, 2012 IL 113875, ¶ 17, 981 N.E.2d 336.

¶ 20 On appeal, respondent contends the record shows she "made a string of appropriate care plans for her children, understanding her limitations and circumstances." However, we

find the record actually reflects the opposite and supports the trial court's neglect findings.

¶ 21 The DCFS investigation into this matter began after respondent left her two small children on the porch of her sister's home late at night, alone, and without informing anyone of their presence. The record shows respondent was homeless and had no place for A.A. and Z.A. to stay. However, despite her circumstances, she repeatedly changed her mind about plans that had been made for the children's care, removed the children from situations where they had shelter and basic necessities, and refused to engage in services offered by the DCFS investigator. Finally, although respondent testified at the adjudicatory hearing that she planned to take the children to stay with her sister in Ohio, she had refused to provide such information to the DCFS investigator so that her plans could be verified. As the trial court noted, respondent's testimony regarding her plan to go to Ohio was not "substantiated by anything."

¶ 22 Here, the State's evidence was more than sufficient to support findings that respondent failed make a proper care plan for A.A. and Z.A. where it showed respondent was homeless, repeatedly disregarded plans that had been put in place to ensure the children had a safe place to stay, and refused to provide verifiable information to the DCFS investigator regarding her plans to take the children out of state. The trial court's neglect findings were not against the manifest weight of the evidence.

¶ 23 III. CONCLUSION

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

¶ 25 Affirmed.