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THIRD DIVISION
November 23, 2016

NO. 1-16-1002

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

IN THE INTEREST OF:)	Appeal from the
)	Circuit Court
JAIDA L. and JACADI M.,)	of Cook County,
)	Illinois.
)	
Minors/Respondents- Appellees,)	Nos. 14 JA 868-869
)	
(The People of the State of Illinois,)	The Honorable
)	Andrea Buford,
Petitioner-Appellee,)	Judge Presiding.
)	
v.)	
)	
Jessica L,)	
)	
Mother/Respondent-Appellant).)	

PRESIDING JUSTICE FITZGERALD SMITH delivered the judgment of the court.
Justices Lavin and Pucinski concur in the judgment.

ORDER

¶ 1 Held: Trial court's adjudication order finding that minor children were neglected due to injurious environment was proper based on the evidence presented, including testimony regarding a child's corroborated statements to a child protection investigator, demonstrated that the State met its burden of proof in this cause.

¶ 2 Mother/respondent-appellant Jessica L. appeals from an order entered by the trial court finding that her children, Jaida L. and Jacadi M., were neglected. She contends that the trial court erred in its determination because the evidence presented was insufficient to support the finding. She asks that we reverse the trial court's determination of neglect and vacate the adjudication orders and subsequent disposition orders. The State and the minors' public guardian have filed appellees' briefs. For the following reasons, we affirm.

¶ 3 **BACKGROUND**

¶ 4 Jaida is a girl born to respondent on September 8, 2011, and Jacadi is a girl born to respondent on April 20, 2008. On August 12, 2014, the Department of Children and Family Services (DCFS) took emergency temporary custody of the minors. This action by DCFS was initiated by an anonymous hotline call.

¶ 5 On August 14, 2014, the State filed two petitions for adjudication of wardship for Jaida and Jacadi. The petition for Jacadi alleged that Jacadi was (a) neglected based on an injurious environment; (b) abused based on physical abuse; (c) abused based on substantial risk of harm; and (d) abused based on excessive corporal punishment.¹ See 705 ILCS 405/2-3 (West 2014). In support, the State alleged, in part:

"[5] Medical personnel state that mother has a volatile temper, suggestive of mental illness and/or substance abuse. Mother has a chronic history of physical violence with her family members, including threats of arson, and including an August 2014 incident of domestic violence between mother and mother's paramour in front of minor and minor's sibling. Minor states that mother hit her

¹ The State later withdrew the allegation of abuse based on infliction of physical injury, and opted not to proceed on the allegation regarding excessive corporal punishment.

and her head hit against the wall and that mother scratched her neck because she was mad. Medical personnel state the minor and minor's sibling's exposure to violence places them at risk for depression, PTSD, school, and behavior problems. Minor and minor's sibling, as well as maternal grandmother, fear mother. Medical personnel opine that fingernail marks on minor's neck are consistent with her being grabbed by the mother. Putative father states he last saw minor and minor's sibling in May or June 2014. Paternity has not been established."

¶ 6 The petition for adjudication of wardship for Jaida alleged that she was neglected due to an injurious environment and abused due to substantial risk of injury. It was based on the same allegations as those in Jacadi's petition.

¶ 7 On that same date, the State filed motions for temporary custody of both Jaida and Jacadi, supported by the same factual scenario.

¶ 8 A temporary custody hearing was held on August 19, 2014. At that hearing, Damien M. admitted to paternity of both minors.² The parties stipulated to the facts alleged in the State's petition in the neglect-injurious environment count (quoted above). At the time of stipulation, the court specifically explained to respondent that to say "I stipulate" means "that if this case were to go to a hearing, the State would present evidence pretty much consistent with what's contained in Paragraph 5 * * * [a]nd that's what the evidence would be, and that's the evidence that I would take into consideration when I make my determinations as to probable cause and whether or not the girls should go into temporary custody. You understand that? That's the only evidence I'll receive." Respondent agreed, and so

² After court-ordered paternity testing, the court made a specific finding in October 2014 that Damien M. was the father of both minors. Damien M. is not a party to this appeal.

stipulated. Following the stipulation, the court found probable cause to believe that the girls were neglected minors, found there was urgent and immediate necessity to take the children into care, and found that reasonable efforts by DCFS could not prevent or eliminate the need to take them into temporary custody under DCFS guardianship. The juvenile court placed both girls under the temporary custody of DCFS and placed them with their maternal grandmother.

¶ 9 An integrated assessment report is included in the record on appeal. This report states respondent's family members reported that in the months preceding the removal of the children from the home, respondent had been demonstrating erratic, angry behavior and was unable to establish a stable living situation for herself and her children.

¶ 10 An adjudication hearing was held on November 17, 2014. Respondent and DCFS child protection investigator Marla Courts testified at the hearing.

¶ 11 Initially, respondent testified that this case was her first involvement with DCFS. She then admitted that this is her second case, but that the first case was "unfounded." Respondent's attorney objected to questions regarding the prior involvement with DCFS, arguing that information regarding an "unfounded" report was not relevant. The State responded that the characterization of the first case as unfounded was inaccurate, as "there was a previous indicated report. Mother was not the indicated perpetrator. The facts and circumstances surrounding that report are relevant to the history of this case." The trial court overruled the objection. Respondent was then asked if she recalled what brought DCFS into her life during the early summer of 2014, and she responded, "Actually, no, I don't know."

¶ 12 The State then elicited testimony from respondent that DCFS was involved in a domestic violence incident between respondent and a former boyfriend in early summer

2014. Jaida was present during this incident. At the time, respondent, Jaida and Jacadi lived with the boyfriend in Oak Park, Illinois. Respondent denied she was in a violent relationship, describing it instead as an isolated incident. She said, "I wasn't in a real violent relationship. I encountered a domestic violence incident once." Respondent testified that, following this incident, she and her children moved in to her father's home for two months.

¶ 13 Respondent agreed that Jaida was afraid during the incident with her boyfriend. She testified that she talked with Jaida afterward to try to ease her fears, and said Jaida "was fine long as she knew we wasn't back in that house again."

¶ 14 Respondent then described that she, Jaida and Jacadi were living with her father and stepmother in August 2014 when "there was an incident at my father's house with his wife." Respondent described it as "a disagreement, argument." When asked if it was physical, respondent responded, "On her part, yes, it was." She acknowledged that both children were scared during the incident with the stepmother, but testified that, afterwards, she spoke to both daughters so they would no longer be afraid. She moved herself and her children from her father's house to her mother's house after the incident with her stepmother. When asked if the incident prompted the move, she said, "I wouldn't say prompt, because I didn't go to my mother immediately," but agreed that she moved due to the incident with her stepmother.

¶ 15 DCFS investigator Courts testified that she was assigned to investigate allegations of substantial risk of harm to Jaida and Jacadi on August 11, 2014. She explained that the reporter was anonymous, and that she never learned the identity of the reporter. She was familiar with the family because she had previously been assigned to investigate following the incident with the boyfriend in the early summer 2014. On August 12, Courts was informed that respondent and the children were likely at the maternal grandmother's house in

Maywood, Illinois. She asked the police to go to the home to do a well-being check and to see whether the children were there. The police instructed her to meet them there. Courts did so, and found respondent and the children at the home. She spoke with respondent about the allegations, and testified that respondent, who was upset, "basically denied [the allegations]." Courts was unable to complete a full interview with respondent due to the "tension in the home."

¶ 16 While she was at the grandmother's home, she asked the grandmother and six-year old Jacadi to go out to the porch with her. She interviewed Jacadi at that time. She explained that Jacadi was initially reluctant to say anything about respondent harming her, but that she spoke freely once she was only in the presence of Courts and the grandmother. Respondent's attorney then asked, "And, to your knowledge, she has not ever, outside the presence of the maternal grandmother, claimed to have been hurt by her mother?" Courts responded, "Incorrect," and explained that Jacadi also spoke to a doctor.

¶ 17 Jacadi, who remembered Courts from the previous investigation, told Courts "her head was being banged in the wall." Courts testified:

"[DCFS INVESTIGATOR COURTS:] The minor explained that her mother does whip her. And she was nervous. The minor said that, you know, even though she gets whooping, it doesn't hurt. She did explain that her mother did hit her head against the wall because she wouldn't stop messing with her little sister. She did express to me that she did not feel safe. She was scared to be with her mom."

¶ 18 Courts did not observe any bruises on Jacadi's head, but did see a scratch on Jacadi's shoulder. When asked, Jacadi told her the scratch came from respondent's fingernail. Courts testified Jacadi did not indicate whether the scratch was intentional or accidental. Based on

her observations, Courts then recommended the children have physical examinations. Respondent and the grandmother then brought the children to Stroger Hospital for exams.

¶ 19 Courts spoke with respondent at Stroger Hospital that day. The August hotline call included two allegations: respondent's altercation with her stepmother and the report regarding Jacadi's head. Courts testified they discussed the allegations:

"[DCFS INVESTIGATOR COURTS:] [Respondent] explained that she was attacked by the stepmother and that the stepmother, like, drug her down off the couch. And she did not attack the stepmother. And she explained that none of the kids got hurt."

Respondent told her both children were in the house during the altercation with the stepmother, and Courts believes one of the children was present for the altercation itself. Respondent denied having banged Jacadi's head against the wall.

¶ 20 After interviewing Stroger Hospital medical personnel, the maternal grandmother, the maternal grandfather, the stepmother, respondent, and the children, Courts determined Jaida and Jacadi could not remain safely with respondent. In making this determination, she relied on all of her "collateral contacts," as well as on interviews with the parties. She indicated the case for substantial risk against the mother. She was directed to take protective custody of the girls.

¶ 21 The State asked for a continuance so that testimony from Dr. Marjorie Fujara, the examining physician at Stroger Hospital, could be presented. Dr. Fujara was on medical leave. In February 2015, respondent's counsel filed a motion *in limine* seeking to bar the admission of the medical records from Stroger Hospital, arguing they were not prepared in the ordinary course of business, but in anticipation of litigation. Also in February, the State

reported that Dr. Fujara was still unavailable for medical reasons. The case was continued. Ultimately, the court ruled that the medical records were inadmissible. Following several more continuances, the State withdrew the physical abuse allegation and conceded the excessive corporal punishment count.

¶ 22

On March 10, 2016, after arguments by the parties, the court found by a preponderance of the evidence that the minors were neglected, injurious environment only.

The court found:

"THE COURT: *** The Court finds, by a preponderance of the evidence, that the minor was neglected, injurious environment only.

The mom testified to an incident with her boyfriend where her daughter was present. After the incident, she immediately moved from the home.

There was a second incident during the same period of time where the mother alleges the stepmother attacked her. The children were in the home, but we are unsure if they were actually - - if they actually witnessed the incident or were in their room at the time.

The DCP investigator testified she interviewed Jacadi, who said that her mom whips her but that it doesn't hurt. She also said her mom hit her head against the wall because she wouldn't stop messing with her sister.

She said she did not feel safe and was scared. The mother denied banging her head against the wall.

The investigator observed a scratch on Jacadi's shoulder, allegedly, from her mother's nail. However, she did not observe any injury to the head.

Generally, hearsay statements are not admissible. There is a specific exception for statements made by a minor relating to abuse or neglect.

The statement does not need to be corroborated by another witness, by a doctor or by some other form of corroboration. On the other hand, the DCP worker credibly testified that the minor was scared and she did not feel safe with her mom.

I'd rather err - - it's a hard case for me, but I'd rather err on the side of protecting the minor in this case. And for those reasons, the State has met its burden."

The court entered adjudication orders dated March 10, 2016, finding Jacadi and Jaida neglected based on an injurious environment. As a factual basis, the court entered "because mother has a history of tumultuous relationship[s] resulting in minor(s) not feeling safe." The court specified that the neglect was inflicted by a parent.

¶ 23 Universal Family Connection case manager Patricia Vaughn testified at the subsequent dispositional hearing that she was assigned to work on respondent's case in August of 2014. Vaughn indicated that she understood the case came to the attention of DCFS after it was reported that respondent hit Jacadi's head against a wall and dragged her across a room. She testified that respondent was assessed for services and it was determined that respondent needed drug and alcohol treatment, parenting classes, completion of a nurturing parenting program, random urine drops, individual therapy, and drug therapy in order to be reunited with her children. She noted that, although respondent reported she never used drugs or alcohol, her urinalysis tested positive for alcohol and marijuana. According to Vaughn, respondent began outpatient substance abuse treatment in December 2014, but did not go

consistently, and was discharged without successfully completing treatment. At the time of the hearing, respondent still had not completed substance abuse treatment.

¶ 24 Vaughn also testified that respondent failed to complete the parenting skills class to which she was referred, as well as the nurturing parent program. She specifically told respondent that completion of the parenting programs was necessary for reunification with Jacadi and Jaida.

¶ 25 Vaughn also testified that respondent was referred for random urine drops on several occasions, but did not comply. Respondent was also referred for individual therapy to address anger management. Although she began a therapy program, she did not complete it. Vaughn told respondent on numerous occasions that completion of therapy was required for reunification.

¶ 26 Vaughn testified that respondent, who is entitled to weekly supervised visits with the children in their foster home, visits them consistently. The visits usually go well. Vaughn reported that there are occasions in which respondent will leave the home to "cool off" after a disagreement, but then returns. Vaughn said there have not been any concerns about the safety or well-being of the children during these supervised visits. Vaughn recommended increased supervised visits.

¶ 27 Regarding the father, Damien M., Vaughn testified that he also was assessed for services and was not willing to participate in services. According to Vaughn, the father told her the mother was the reason the case came in, so only the mother should do the services. The father, although he is allowed to visit in person, only talks to the children on the telephone. Vaughn agreed that she would make the necessary referrals if the father changes his mind about participating in services.

¶ 28 At the end of the hearing, respondent's attorney argued that respondent was a loving mother who was "not getting [the substance abuse treatment] done." He argued that there is no evidence that respondent is unwilling to care for her children, and asked the court to make a finding of unable only.

¶ 29 The court found that respondent was unable, for reasons other than financial circumstances alone, to care for, protect, train, or discipline the minors and adjudicated Jaida and Jacadi wards of the court. The court stated:

"THE COURT: *** The minors will be adjudged wards of the court. It is in their best interest and welfare.

The father in this case is unable and unwilling, the mother is unable only. Reasonable efforts cannot at this time prevent or eliminate the need for removal of the minor from the home.

Appropriate services aimed at family preservation and reunification have been unsuccessful. It is in their best interest to remove them from the home at this time."

The court admonished respondent:

"THE COURT: Ms. Little, I was so hoping that the testimony would be that you completed all your services. I was just pulling for you to have completed your services.

It's a huge disappointment that you haven't completed any of them, nothing. And you have to start with that substance abuse treatment.

You have to do these things. I see you have a very good relationship with your daughters, I know they love you, I know you love them. They're being safely cared for by their grandmother right now.

You're spending a lot of time with them, and that's good. But you have got to complete those services.

* * *

Please, if you want them back - - because if you don't do that, you risk having your rights terminated. You risk losing them altogether.

And if you don't want that to happen, you need to do those services, cooperate with the department and do what you have to do. Don't make any more excuses."

¶ 30 Following a permanency hearing, the trial court set a goal of "return home within 12 months." According to the permanency order, the reasons for selecting the goal of return home within 12 months are: "the mother needs to complete services, including substance abuse and parenting classes, in order to facilitate a successful reunification. Father has not participated or cooperated with DCFS."

¶ 31 Respondent appeals.

¶ 32 ANALYSIS

¶ 33 On appeal, respondent's only contention is that the evidence was insufficient to support the trial court's determination following the adjudicatory hearing that Jaida and Jacadi were neglected due to injurious environment. Specifically, respondent claims that the findings of neglect are against the manifest weight of the evidence because Jacadi's

statements to the child protection investigator, Ms. Courts, were neither corroborated nor subject to cross-examination. For the following reasons, we disagree.

¶ 34 When a petition for adjudication of wardship is brought under the Juvenile Court Act, the best interests of the child are the paramount consideration. *In re A.P.*, 2012 IL 113875, ¶ 18. At the adjudicatory hearing which follows the filing of a petition for wardship, the State must prove abuse or neglect by a preponderance of the evidence. 705 ILCS 405/1-3(1), 2-21 (West 2014); *In re A.P.*, 2012 IL 113875, ¶ 17; see also *In re Arthur H.*, 212 Ill. 2d 441, 465 (2004) ("The legislature has stated that the purpose of an adjudicatory hearing is 'to determine whether the allegations of a petition *** that a minor under 18 years of age is *** neglected *** are supported by a preponderance of the evidence.'") (quoting 705 ILCS 405/1-3(1) (West 2000))). Accordingly, the State must establish that the allegations of neglect are more probably true than not. *In re A.P.*, 2012 IL 113875, ¶ 17; see also *In re K.G.*, 288 Ill. App. 3d 728, 735 (1997) ("Preponderance of the evidence is that amount of evidence that leads a trier of fact to find that the fact at issue is more probable than not").

¶ 35 "Any case involving an adjudication of neglect, abuse and wardship must be decided on the basis of its own distinct set of facts and circumstances. *In re Malik B.*, 2012 IL App (1st) 121706, ¶ 35; see also *In re J.P.*, 294 Ill. App. 3d 991, 1002 (1998) ("cases involving the adjudication of abuse, neglect, and wardship are *sui generis*; that is, each case must be decided on its own distinct set of facts and circumstances [citation] and, given the varying circumstances in these types of cases, courts must have 'broad discretion to reach a just determination.' "). The trial court, then, is afforded broad discretion when determining whether a child has been abused or neglected within the meaning of the Act, and this court will not disturb the trial court's findings unless they are against the manifest weight of the

evidence. *In re A.P.*, 2012 IL 113875, ¶ 17. A trial court's finding is against the manifest weight of the evidence only if "the opposite conclusion is clearly evident." *In re A.P.*, 2012 IL 113875, ¶ 17. "Because the trial court has the best opportunity to observe the demeanor and conduct of the parties and witnesses, it is in the best position to determine the credibility and weight to be given to the witnesses' testimony." *In re F.S.*, 347 Ill. App. 3d 55, 62-63 (204). Given the delicacy and difficulty of child custody determinations, the discretion vested with the trial court is even greater than in an ordinary appeal applying the manifest weight of the evidence standard of review. *In re A.L.*, 2012 IL App (2d) 110992, ¶ 13; *In re R.S.*, 382 Ill. App. 3d 453, 459-60 (2008).

¶ 36 The Act defines neglected minors, in relevant part, as follows:

"(1) Those who are neglected include:

(b) any minor under 18 years of age whose environment is injurious to his or her welfare; ***" 705 ILCS 405/2-3(1) (West 2014).

¶ 37 "The concept of 'neglect' is not static; it has no fixed and measured meaning, but draws its definition from the individual circumstances presented in each case." *In re J.P.*, 331 Ill. App. 3d 220, 234 (2002). "Neglect," then is the failure to exercise the care that circumstances justly demand, and it encompasses both willful and unintentional disregard of parental duty. See *In re Sharena H.*, 366 Ill. App. 3d 405, 415 (2006). An "injurious environment" is "an amorphous concept that cannot be defined with particularity, but has been interpreted to include the breach of a parent's duty to ensure a safe and nurturing shelter" for her children. *In re Kamesha J.*, 364 Ill. App. 3d 785, 793 (2006). Our courts have consistently recognized that a parent has a duty to keep her children free from harm,

and her refusal to do so clearly amounts to neglect under the statute. See *In re Kamesha J.*, 364 Ill. App. 3d at 793.

¶ 38 On review, a trial court's findings in regards to neglect will not be reversed unless they are against the manifest weight of the evidence. See *In re Sharena H.*, 366 Ill. App. 3d at 415-16 (reviewing court is to give deference to trial court's findings of fact, as trial court is in the best position to observe the conduct and demeanor of the parties and witnesses, assess credibility, and weigh evidence presented at the adjudicatory hearing). A trial court's findings are against the manifest weight of the evidence only when the opposite conclusion is clearly apparent. See *In re Faith B.*, 359 Ill. App. 3d 571, 573 (2005). The trial court "has broad discretion in determining the existence of neglect and abuse (*In the Interest of B.W. and R.W.*, 216 Ill. App. 3d 410, 414 (1991)), and there is a "strong and compelling presumption in favor of the result reached by the trial court" in such child custody cases (*Connor v. Velinda C.*, 356 Ill. App. 3d 315, 323 (2005)).

¶ 39 Here, respondent contends that the court's findings of neglect are against the manifest weight of the evidence because Jacadi's statements to child protection investigator Courts were insufficient to support a finding of neglect, as they were neither corroborated nor subject to cross-examination. We find no error, however, where these statements were admissible and sufficiently corroborated.

¶ 40 The Juvenile Court Act "creates an exception to the general rule against hearsay and allows a minor's out-of-court statements relating to allegations of abuse or neglect to be admitted into evidence at a civil adjudicatory hearing to determine whether the minor is abused or neglected." *In re An. W.*, 2014 IL App (3d) 130526, ¶ 61. The Act provides:

"Previous statements made by the minor relating to any allegations of abuse or neglect shall be admissible in evidence. However, no such statement, if uncorroborated and not subject to cross-examination, shall be sufficient in itself to support a finding of abuse or neglect." 705 ILCS 405/2-18(4)(c) (West 2014).

Corroboration for a finding of abuse and neglect, then, requires either cross-examination of the minor or corroboration by other evidence. *In re A.P.*, 179 Ill. 2d 184, 196 (1997) ("We therefore construe the section sentence of section 2-18(4)(c) as requiring either cross-examination of the minor who made the statement or corroboration of the minor's hearsay statement"); *In re An. W.*, 2014 IL App (3d) 130526, ¶ 64 ("Thus, under section 2-18(4)(c), a minor's hearsay statement is sufficient in itself to support a finding of abuse or neglect if either: (1) the minor is subject to cross-examination about the statement, or (2) the occurrence of the abuse or neglect is corroborated by other evidence"). The Third District of this court has explained:

"In situations where the minor will not be subject to cross-examination about the statement, corroboration of the occurrence of the abuse or neglect becomes very important. [Citation.] 'In essence, corroborating evidence is evidence that makes it more probable that a minor was abused or neglected.' The form of the corroborating evidence will vary depending upon the unique facts of each case. [Citation.] The corroboration need only be of the occurrence itself and not of the identity of the abuser. [Citation.] Corroboration of the occurrence of the abuse or neglect can be provided through circumstantial evidence, such as a medical report or examination indicating signs of sexual abuse, other physical evidence, eyewitness testimony, or an admission by the accused. [Citations.]

Whether there is sufficient corroboration under section 2-18(4)(c) is a determination that must be made by the trial court on a case-by-case basis. [Citation.] 'However, in all cases, sufficient corroboration of the abuse or neglect requires more than just witnesses testifying that a minor related claims of abuse or neglect to them.' [Citation.] Rather, to satisfy the corroboration requirement of section 2-18(4)(c), there must be independent evidence that would support a logical and reasonable inference that the act of abuse or neglect described in the hearsay statement occurred. [Citation.]" *In re An. W.*, 2014 IL App (3d) 130526, ¶ 63.

¶ 41 Sufficient corroboration exists here to support the juvenile court's findings of neglect where DCFS child protection investigator Courts testified that, when investigating the report of abuse in August 2014, she observed a scratch on Jacadi's shoulder area. She asked Jacadi how she got the scratch, and Jacadi told her it was from her mother's fingernail. Jacadi told Courts her mother whips her but that it does not hurt, and that her mother hit Jacadi's head against the wall because Jacadi "wouldn't stop messing with her little sister." Jacadi told Courts she did not feel safe and she "was scared to be with her mom." When making its finding of neglect due to injurious environment, the juvenile court specifically found that Courts "credibly testified that the minor was scared and she did not feel safe with her mom." Our supreme court has explained that corroborating evidence in the context of section 2-18(4)(c) is:

"evidence which would support a logical and reasonable inference that the act or abuse or neglect described in the hearsay statement occurred. In essence, corroborating evidence is evidence that makes it more probable that a minor was

abused or neglected. The form of corroboration will vary depending on the facts of each case and can include physical or circumstantial evidence." *In re A.P.*, 179 Ill. 2d at 199.

¶ 42 As noted above, the determination of whether there is sufficient corroboration under section 2-18(4)(c) is one that is made on a case-by-case basis. *In re An. W.*, 2014 IL App (3d) 130526, ¶ 63. Here, the observable scratch on Jacadi's shoulder, Jacadi's nervousness when talking with Courts, with whom she was already familiar, and Jacadi's minimizing of respondent's behavior all increase the probability of and support the logical and reasonable inference that the act of abuse, that is, that respondent whipped Jacadi and banged Jacadi's head against the wall, occurred. See *In re A.P.*, 179 Ill. 2d at 199; *In re An. W.*, 2014 IL App (3d) 130526, ¶ 63 ("to satisfy the corroboration requirement of section 2-18(4)(c), there must be independent evidence that would support a logical and reasonable inference that the act of abuse or neglect described in the hearsay statement occurred. [Citation.]").

¶ 43 The juvenile court properly determined that Jacadi's statements were sufficiently corroborated and adequately supported the allegation that Jacadi and Jaida were in an injurious environment. Acknowledging here that, as a reviewing court, we must give deference to the trial court's findings of fact because the trial court is in the best position to observe the conduct and demeanor of the parties and witnesses, assess witness credibility, and weigh the evidence presented at the adjudicatory hearing (*In re Sharena H.*, 366 Ill. App. 3d at 415-16), and that a trial court's findings in regards to neglect are not to be reversed unless they are against the manifest weight of the evidence (*In re Faith B.*, 359 Ill. App. 3d at 573), we find no error in the trial court's finding that Jacadi and Jaida were neglected due to an injurious environment.

¶ 44

Respondent also argues that her involvement in the two prior incidents of domestic violence should not be held against her, as neither were her fault and she reacted appropriately following each incident. The juvenile court's determination, however, did not rest only on these instances of domestic violence. Rather, the court acknowledged that respondent had testified regarding these incidents, stating:

"THE COURT: *** The mom testified to an incident with her boyfriend where her daughter was present. After the incident, she immediately moved from the home.

There was a second incident during the same period of time where the mother alleges the stepmother attacked her. The children were in the home, but we are unsure if they were actually - - if they actually witnessed the incident or were in their room at the time."

The court did not make a credibility finding regarding respondent's testimony of these altercations. The court then referred to the DCFS child protection investigator Court's testimony about Jacadi's statement regarding her mother whipping her and hitting her head against the wall, stating:

"THE COURT: *** The DCP investigator testified she interviewed Jacadi, who said that her mom whips her but that it doesn't hurt. She also said her mom hit her head against the wall because she wouldn't stop messing with her sister.

She said she did not feel safe and was scared. The mother denied banging her head against the wall.

The investigator observed a scratch on Jacadi's shoulder, allegedly, from her mother's nail. However, she did not observe any injury to the head."

The court then considered the corroboration element, as discussed above, and found sufficient corroboration to make a finding of neglect. The court stated:

"THE COURT: *** Generally, hearsay statements are not admissible. There is a specific exception for statements made by a minor relating to abuse or neglect.

The statement does not need to be corroborated by another witness, by a doctor or by some other form of corroboration. On the other hand, the DCP worker credibly testified that the minor was scared and she did not feel safe with her mom."

¶ 45 It does not appear that the juvenile court's findings of neglect were based on the two incidents of domestic violence, but were instead based in large part on the child protection worker's testimony that Jacadi said her mother whips her and hit her head against the wall, as well as on the child protection worker's testimony regarding the scratch on Jacadi's shoulder. As discussed, the court first noted that corroboration of a child's statement is required, then it found sufficient corroboration of Jacadi's statements, and then it properly found both Jacadi and Jaida to be neglected.

¶ 46 Nonetheless, even if we were to consider the issue of domestic violence here, domestic violence against a parent is among the factors that can be considered in determining whether a child is abused or neglected. *In re A.D.R.*, 186 Ill. App. 3d 386, 393-94 (1989); *In re Sharena H.*, 366 Ill. App. 3d at 417. The court watched respondent testify and heard respondent deny having been in a violent relationship, saying, "I wasn't in a real violent relationship. I encountered a domestic violence incident once." The court, which was in the best position to hear respondent testify, to observe her conduct and demeanor, and to assess

her credibility, was not required to believe her version of the domestic violence incidents. See *Sharena H.*, 366 Ill. App. 3d at 415-16. Instead, the court, which has broad discretion to determine the existence of neglect and abuse, did so here, relying primarily on the testimony of DCFS child protection investigator Courts. We cannot say here that "the opposite conclusion is clearly evident." See *in re A.P.*, 2012 IL 113875, ¶ 17, see also *In re A.L.*, 2012 IL App (2d) 110992, ¶ 13 (given the delicacy and difficulty of child custody determinations, the discretion vested with the trial court is even greater than in an ordinary appeal applying the manifest weight of the evidence standard of review). The trial court's finding of neglect based on injurious environment was not against the manifest weight of the evidence.

¶ 47 Finally, we note that the permanency order in this cause seeks a return home of both Jacadi and Jaida to respondent in 12 months. This gives respondent, who appears to be a loving and willing mother, the opportunity to come to terms with her issues of substance abuse and anger management, and to work toward completing the necessary services so that her children can be safely returned to her care. We hope she chooses to do so.

¶ 48 CONCLUSION

¶ 49 For all of the aforementioned reasons, we affirm the judgment of the circuit court of Cook County.

¶ 50 Affirmed.