

Nos. 1-16-1729

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

<i>In re</i> KEYIRRA M., MAR'CO S., ALEXIS S., and MASON S.,	)	Appeal from the
	)	Circuit Court of
	)	Cook County.
Minors-Respondents-Appellees,	)	
	)	Nos. 15 JA 157
(The People of the State of Illinois, Petitioner-Appellee,	)	15 JA 158
v. Latasha M., Respondent-Appellant, and Antoine S.,	)	15 JA 159
Respondent).	)	15 JA 552
	)	
	)	Honorable
	)	Nicholas Geanopoulos,
	)	Judge Presiding.

PRESIDING JUSTICE ELLIS delivered the judgment of the court.  
Justice Howse and Justice Burke concurred in the judgment.

**ORDER**

¶ 1 *Held:* Juvenile court's decision adjudicating minors wards of court affirmed. Trial court's findings that it was in best interests of minors-respondents that they not be returned home to respondent-mother, until she made more progress towards that goal, was not against manifest weight of evidence.

¶ 2 In this appeal, respondent Latasha M., mother of the minors-respondents, Keyirra M., Alexis S., and Mason S., appeals the trial court's decision, after a dispositional hearing, adjudicating minors-respondents wards of the court, and the court's finding that it was in the best

interests of the minors-respondents that they not be returned home at this time. For the reasons that follow, we affirm.<sup>1</sup>

¶ 3

### I. BACKGROUND

¶ 4 This case came into the system when the minor-respondent, Mar'co S., who was eight years old at the time, was found wandering alone on the street, on the night of February 13, 2015. Mar'co was wearing only a shirt and underpants, but no coat, pants or shoes. A stranger took Mar'co to a fire station, where paramedics observed old and new bruises on Mar'co's legs, and bruises and scabs all over his back. Mar'co told the paramedics that his father had whipped him and he was afraid of getting hit. Mar'co was taken to Advocate Trinity Hospital with a complaint of hypothermia. He told the doctors that he was "scared of his dad and ran to the firehouse." An examination revealed that Mar'co had bruising, healing scabs, and old scars on his body including his right hip, both arms, both legs (upper and lower), buttocks, and back (upper, middle and lower). Mar'co was diagnosed with frostbite and suspected child abuse.

¶ 5 On February 20, 2015, the State filed petitions for adjudication of wardship for Mar'co, his older sister Keyirra M. (who was nine years old), and his younger sister, Alexis S (who was four years old). The juvenile court placed the three minors under the temporary custody of the Division of Children and Family Services (DCFS) on the same day.

¶ 6 The minors' sibling, Mason S., was born on May 19, 2015. The State filed a petition for adjudication of wardship, alleging he was at a substantial risk of physical injury and that his environment was injurious to his welfare. The court placed Mason under the temporary custody of DCFS on June 5, 2015.

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<sup>1</sup> The father, Antoine S., was a respondent in the proceedings, but he is not a party to this appeal. Also, Respondent-mother is not appealing any of the juvenile court's decisions as to the minor-respondent, Mar'co S.

¶ 7

#### A. Adjudication Hearing

¶ 8 The adjudication hearing was held on October 1, 2015. Both Respondents were present and represented by different counsel. The court heard testimony from four State witnesses: Lisa O'Quinn; Stacy Sims; Venus Cole; and Reginald White.

¶ 9 Lisa O'Quinn is employed as a social worker at the emergency foster care shelter where Mar'co, Keyirra, and Alexis stayed in February 2015. O'Quinn assisted Stacy Sims, a DCFS child protection investigator perform interviews of the children on February 19, 2015. She took the children to and from the interview room. While Sims interviewed each child, O'Quinn stayed in the playroom with the other two siblings. O'Quinn testified that, when she was taking Keyirra back to the playroom, O'Quinn heard Keyirra tell Mar'co that she "didn't mention anything about the hitting." Mar'co then told Keyirra that he hadn't said anything, either. O'Quinn told Sims what she had heard.

¶ 10 Stacy Sims testified that she was the investigator assigned to the three older siblings' case, which she took over from the previously-assigned mandate worker, Reginald White. On February 17, 2015, Sims interviewed the minors' father, Respondent Antoine S., in her office. Also present were Respondent-mother and Respondent-father's brother, who is the children's uncle. Respondent-father told Sims that Mar'co had a behavioral problem and they had been reaching out to the school for help, which "just kept blowing him off." He told Sims that, on February 13, 2015, Mar'co was being punished for acting out in school. Mar'co had come home from school with candy from a Valentine's Day party and told his parents that the teacher gave it to him for being good. But when Respondent-father talked to the teacher, she denied giving Mar'co candy and said that he probably took it from one of the other children. To punish Mar'co, the Respondent-father made Mar'co clean up Respondent-father's music studio. According to

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Respondent-father, Mar'co refused to do it and "dropped his pants for some reason." The next thing he knew, Mar'co was out of the house.

¶ 11 Respondent-father told Sims that he had never "whooped" or "beat" Mar'co. He told her that he had generally disciplined Mar'co by punching him in the chest, but said that it was "something soft, nothing hard" because he knew that a man of his stature could not hit Mar'co hard.

¶ 12 Sims showed both Respondents photos of Marco's injuries (these photos were admitted into evidence and are included in the record on appeal). Respondent-father told Sims that he thought Mar'co may have received them from crawling under a fence, but not from any "whooping." Respondent-mother agreed with Respondent-father but added that Mar'co imitates stunts from television shows he watches and that this might have caused a lot of the marks.

¶ 13 On cross-examination (by Respondent-father's attorney), Sims testified that Respondent-father had showed her a video on his cell phone showing a "contraption" or "ramp" that Mar'co would make when he performed these stunts. Respondent-father told Sims that he thought that that was how Mar'co got his injuries.

¶ 14 Also on cross-examination (by Respondent-mother's attorney), Sims testified that, when she showed Respondent-mother the photos of Marco's injuries, Respondent-mother cried. She told Sims that she did not know how the injuries occurred.

¶ 15 As part of her investigation, Sims also spoke to the individual who had discovered Mar'co wandering half-dressed in the streets in the cold and who then took Mar'co to the fire station on February 13, 2015; the treating physician at the hospital; school personnel including

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the principal, assistant principal, a special education teacher, and Marco's teacher; and O'Quinn. Sims also spoke to Detective O'Brien who was assigned to the criminal case.<sup>2</sup>

¶ 16 On February 18 or 19, 2015, Sims conducted interviews of the three children at the shelter. Sims testified that she asked Mar'co why he was there. Mar'co told her that his parents had had an altercation, the police were called, and his father was arrested for not having a driver's license. When she asked Mar'co about the marks on his body, he told her he did not want to talk about it. He denied being abused and told her that nobody hit him. But his demeanor was "standoffish" and he would not make eye contact with her. Mar'co would not let Sims touch him or look at his injuries. Sims, however, was able to see some of the marks on Mar'co's body and stated that they were serious and showed that Mar'co had been harmed by somebody. Regarding the incident with the candy, Mar'co said that he got the candy for being good in school. But, when she asked him how he ended up on the street without any pants, he told her he got in trouble because of the incident with the candy at school, and that his father told him he was going to take a shower. Mar'co told his father he did not want to take a shower and ran out of the house. At the end of the interview, Mar'co asked Sims if he could talk to Keyirra, but Sims refused to let him because she believed he was trying to give Keyirra information about the interview.

¶ 17 Sims also spoke to Keyirra at the shelter that day. Keyirra told her that Mar'co was in trouble for having candy he was not supposed to have. Keyirra said that she was in the kitchen when Mar'co came out of the bathroom wearing only a shirt, told her he was sorry, and ran out of the house. Keyirra said that she and her siblings never got a "whooping" and instead were

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<sup>2</sup> Sims testified that the children had victim sensitive interviews (VSIs) in relation to the criminal case. According to the State, these were admitted into evidence but were not included in the record on appeal.

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disciplined by having a time-out and staying in their room for a couple of hours. She told Sims that she did not know how Mar'co got his injuries.

¶ 18 Sims also spoke to Alexis. Although Alexis has a slight speech impediment, Sims could understand her. Alexis told her that she and Keyirra were disciplined by having to go in their room or by having candy and toys taken away, but that Mar'co was disciplined by getting a "whooping." She also said that Respondent-father gave Mar'co the "whoopings" but that sometimes Respondent-mother did.

¶ 19 The State's next witness was Venus Cole, a child protection specialist for DCFS, who was assigned the minor-respondent Mason's case, pursuant to a May 13, 2015 hotline call. The allegation was for risk of harm based on the family's prior February 2015 reports for cuts, welts, bruises, inadequate supervision, and inadequate clothing.

¶ 20 Cole testified that she spent two weeks trying to locate Respondent-mother, whom she found living at her godmother's home. Respondent-mother told Cole that her other children had been taken into DCFS custody, she was receiving services, and she was visiting her children in Joliet. Regarding why the case had come into the system, Respondent-mother told Cole that she was not at home at the time of the incident and was at the store. She told Cole that her son had received a spanking for misbehaving. She was told about the incident when she got home and then the police arrived. Cole testified that Mason was taken into custody based on a substantial risk of harm.

¶ 21 Cole testified that she later spoke to Respondent-father who told her his son was being disobedient and he spanked him. He told Cole that he had "no clue" why his son ran out of the house.

¶ 22 The State called Reginald White as its next witness. White, also a child protective investigator for DCFS, was assigned to the case when the hotline call came in at February 13, 2015 and began his investigation within the 24-hour mandated time.

¶ 23 Accompanied by two police officers, White went to the family's home. When he arrived, Respondent-mother was there with Keyirra and Alexis. She told White that she knew her son was in the hospital but she did not have any way to get there. She said she was not aware of Mar'co having any bruises or marks. White asked Respondent-mother where the father was and she told White that Respondent-father was not there and that he did not live there. She further claimed that Respondent-father lived with his mother and gave White the mother's address.

¶ 24 White had previously been instructed to take protective custody of Keyirra and Alexis. He took the girls to Advocate Trinity Hospital, where Mar'co was being treated.

¶ 25 While at the hospital, later in the morning, White spoke to Respondent-father. He told White that he did not hit Mar'co, that Mar'co was "bad," and that Mar'co was "lying." He told White that if he did not believe him, he could call the school teacher.

¶ 26 White asked Respondent-father about Mar'co's bruises and he told White that Mar'co got them from crawling under a fence. When White told Respondent-father that some of the marks were loop-shaped, Respondent-father said that the bottom of the fence was loop-shaped.

¶ 27 White testified that he had concerns about Respondent-father's explanation of why Mar'co had the marks on his back. White did not believe that Mar'co could have crawled under the fence because it was winter and there was a lot of snow. White expressed his concerns about the explanation for the marks and told Respondent-father that Mar'co would have at least had to have a coat on and, if so, he probably would not have sustained those marks crawling under a fence. Respondent-father had no other explanation. White took Mar'co into protective custody.

¶ 28 White also spoke to Mar'co at the hospital. Mar'co told White that he ran out of the house because his father had beaten him with a computer cord. Mar'co said that he was tired of his father beating him and did not feel safe at home. Mar'co told White that his father takes him upstairs to his studio, turns on the music and beats him with the cord. Mar'co also said that his mother would stop his father from doing it.<sup>3</sup>

¶ 29 White observed the marks on Mar'co's body which White described as old, new and healed marks, as well as loop-shaped marks, on Mar'co's back, right hip and buttocks. White took photographs of these injuries and included them as part of his "DCP packet." White took all three minors-respondents to the DCFS office.<sup>4</sup>

¶ 30 In addition to the testimony, the trial court considered documentary evidence which included Mar'co's medical records from Advocate Trinity Hospital and the photographs of Mar'co's injuries. The court also admitted into evidence a certified complaint and conviction of Respondent-father on charges of contributing to the dependency of a minor (720 ILCS 5/12C-25 (West 2014)) and endangering the life or health of a child (minor (720 ILCS 5/12C-5 (West 2014))). After the State rested, all other parties rested without presenting any testimony or other evidence.

¶ 31 The trial court found, as to Mar'co, that the State proved the allegations of neglect, injurious environment and substantial risk of injury. The court further found that Mar'co had been the victim of physical abuse. The court found that the injuries depicted in the photos were perpetrated on him by Respondent-father and constituted excessive corporal punishment.

Although the court did not find credible Respondent-mother's various statements to DCFS, the

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<sup>3</sup> Both the State and counsel for the minors-respondents state that White testified that Mar'co told him the mother would *not* stop the beatings, but that is not what the transcript says.

<sup>4</sup> We understand that "DCP" refers to the Division of Child Protection. See *In re J.L.*, 2016 IL App (1st) 152479, ¶ 18 n.3.



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court did not find her to be the perpetrator of any abuse. The court also discussed Respondent-father's convictions and noted that they were not for aggravated battery and did not state he inflicted injury on the children; the court clarified that the convictions were not the basis of the court's decision.

¶ 32 As to how Mar'co purportedly sustained his injuries, the court did not find credible Respondent-father's or Respondent-mother's testimony. The court commented on the photo of Mar'co's injuries, specifically the "very new, open flesh wound on Mar'co's lower back" and found that Mar'co could not have sustained that injury in the winter going under a chain link fence unless he had been naked, which the court found made no sense at all. The court noted that White also did not find that story about the fence to be credible; the trial court concurred with White's assessment. The court found White credible and considered as relevant the fact that Mar'co had told White that he had been whipped with a cord.

¶ 33 The court also explained that, although there was no evidence that Keyirra or Alexis had been hit, that did not mean that they were not at substantial risk of injury, as they were living in that environment. The court found that the State proved the allegations as to Keyirra and Alexis of neglect, injurious environment and substantial risk of injury.

¶ 34 As to Mason, the infant, who came into the system months after the other three minors did, the court found it to be a case of anticipatory neglect, based on what was going on at that time and what had occurred with the other children. The court found that Mason was in an injurious environment.

¶ 35 **B. Dispositional Hearing**

¶ 36 On March 23, 2016, and May 13, 2016, the court held the dispositional hearing. The State first introduced several exhibits including an integrated assessment, the current service plan, a

clinical staffing summary, a January 27, 2016 court report, and quarterly progress reports of the parents and minors. The court also took judicial notice of evaluations of Respondent-mother and Respondent-father from the Cook County Juvenile Court Clinic (CCJCC).

¶ 37 The CCJCC psychologist expressed concerns regarding Respondent-mother's acknowledgement of the physical abuse and stated that "she did not fully understand or accept her role of neglect." To decrease the risk factors and parenting weaknesses, the psychologist recommended that Respondent-mother needed "to develop a greater appreciation for, and acceptance of, the extent to which Mar'co's acting out may likely be associated with his experience of abuse."

¶ 38 Notably, Respondent-mother told the CCJCC clinician that she was living with Respondent-father and they did not intend to separate. The comprehensive evaluations detailed concerns as to both Respondents and, considering all factors, concluded:

"[T]he likelihood that [Respondents] will be able to adequately care for, parent and protect any or all of their children if they are returned home is low at this time. \*\*\* Given, [Respondent-father]'s denial of the physical abuse, it is uncertain if he is able to refrain from using physical punishment. Moreover, [Respondent-mother] claimed to have no knowledge of the physical abuse. If this is accurate, it calls into question the extent of [Respondent-mother]'s attentiveness to her children and that she was apparently unaware that [Respondent-father] struggled to manage his emotions in the moment. Despite her acknowledgement that she needs to be present and monitor the children if they return home, given her tendency to vacillate in regards to if the abuse actually occurred, it calls into question her ability to protect the children."

¶ 39 The State called Tyesa Dortch, a Lutheran Child and Family Services (LCFS) caseworker assigned to serve the parents and children. Dortch testified that Keyirra and Alexis had been placed with their paternal grandmother since June 2015, and that she had moved to DeKalb in December 2015. She testified that both girls were doing well and the placements were safe and appropriate. Keyirra had recently begun seeing a trauma therapist who was mentoring her. Alexis had been evaluated to begin in a Head Start program, and Dortch was still looking into getting the recommended speech therapy services for her.

¶ 40 Dortch testified that Mar'co was placed in a separate, non-relative foster home that was safe and appropriate. She stated that, at school, Mar'co's grades were good but he was experiencing behavioral issues and was in individual therapy. Mason, the infant, was also in a separate, non-relative foster home.

¶ 41 Dortch also testified that the siblings saw each other twice a week (Wednesday and Thursday) during their visits with Respondent-mother and Respondent-father. On Wednesday, the first hour was supervised by an LCFS staff member, and the second hour was unsupervised. On Thursday, the parents had two supervised hours with their children. The unsupervised visits began in February 2016. Dortch testified that her agency would monitor the current visitation schedule for six months before considering whether an increase in unsupervised visits was appropriate. She also testified that the unsupervised visits included all of the children except Mar'co.

¶ 42 Dortch stated that both parents had been assessed as needing parenting coaching, parenting classes, individual therapy, and random drug tests (drug drops). Respondent-mother's drug drops had been negative, and she was involved in parenting coaching and individual therapy. But concerns had been raised as to what the therapy reports had stated in terms of

treatment goals and progress; thus, Dortch and her supervisor held a staffing with the service provider, Arch Angels, to discuss the reason that the case had come into DCFS and the issues that Arch Angels needed to address. Dortch also testified that a referral had only recently been made for additional parenting services after she realized the parents had been receiving only parenting coaching, and not the recommended parent classes. Dortch later testified (at the continued hearing) that Respondent-mother had started the parenting classes.

¶ 43 Dortch testified that Respondent-mother and Respondent-father had moved to DeKalb, and they live together and plan to parent the children together. Accordingly, Dortch told them that they needed to make progress together in order to achieve the goal of return home of the children. Respondents were continuing to work in their services. Both parents are participating in individual therapy and making progress. Dortch also testified that family therapy would be needed for the parents and the children, once enough progress had been made in the individual services.

¶ 44 Dortch told the juvenile court that the agency recommended, because it was in the best interests of the minors, that all four children be adjudged wards of the court and that the court appoint a DCFS administrator as their guardian with the right to consent to placement. LCFS wanted to make sure that the children continued to get the services they needed. She also testified that the agency had discretion to increase the supervised visits. Dortch testified that she was not recommending return home for the children at that time.

¶ 45 After hearing arguments, the court found it was in the best interest and welfare of the minors and the public that Keyirra, Mar'co, Alexis, and Mason be adjudicated wards of the court. The court terminated the temporary custody, vacated the assignment, and placed the custody and guardianship of the minors in the DCFS guardianship administrator, with the right to

place the children. The court found that Respondents were unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the children. The court further found that reasonable efforts had been made to prevent or eliminate the need for the removal of the children from the home. The court entered a goal of return home within twelve months. The court explained that its decision was not based on the parents' lack of participation, noting they were participating and cooperative and had done everything they had been asked to do. But the court found that both parents and children needed many services to continue and that more progress was needed. Respondent-mother filed the instant appeal. Respondent-father did not file an appeal.

¶ 46

## II. ANALYSIS

¶ 47 Respondent-mother has not appealed from, nor challenged the results of, the adjudication hearing. Respondent-mother also does not appeal from the dispositional hearing results as to Mar'co S. She appeals only from the result of the dispositional hearing as to Keyirra M., Alexis S., and Mason S., (collectively, the minors).

¶ 48 Pursuant to the Juvenile Court Act of 1987, once a court determines that a minor is abused, neglected or dependent, the court must hold a dispositional hearing to “determine whether it is consistent with the health, safety and best interests of the minor and the public that he be made a ward of the court.” 705 ILCS 405/2-21(2) (West 2014). If, at the dispositional hearing, the minor is made a ward of the court, “the court shall determine the proper disposition best serving the health, safety and interests of the minor and the public.” 705 ILCS 405/2-22(1) (West 2014). “The court also shall consider the permanency goal set for the minor, the nature of the service plan for the minor and the services delivered and to be delivered under the plan.” *Id.* A trial court’s decision after a dispositional hearing “will be reversed only if the factual findings

at the dispositional hearing are against the manifest weight of the evidence or if the court abused its discretion by selecting an inappropriate dispositional order.” *In re Harriett L.-B.*, 2016 IL App (1st) 152034, ¶ 30. A finding is against the manifest weight of the evidence only if the opposite result is clearly evident. *In re A. W., Jr.*, 231 Ill. 2d 241, 254 (2008).

¶ 49 Respondent-mother argues that the trial court’s dispositional order making the minors wards of the court was not in their best interests. She contends that both she and Respondent-father have fully engaged in reunification services including parenting classes, parenting coaching, individual therapy, and drug drops. She states “that the court made no factual distinctions regarding why [all three minors] should be made wards of the court.” She argues that Mar’co’s siblings were not “direct victims.” As to Mason, she notes that the incident of abuse that brought the family into the system occurred in February 2015, but Mason was not born until May 2015. As to Keyirra M. and Alexis S., she argues that it is relevant that neither showed evidence of abuse or neglect.

¶ 50 Respondent-mother does not contest the trial court’s findings of neglect based on an injurious environment but contends that the trial court failed to recognize that, at the time of disposition, the environment had substantially changed based on the fact that both parents had successfully engaged in the reunification services and the agency was very satisfied with their progress.

¶ 51 Our supreme court has explained that “[t]he term ‘injurious environment’ is a broad and amorphous concept that cannot be defined specifically, but it includes the breach of a parent’s duty to ensure a safe and nurturing shelter for the children.” *In re A. W., Jr.*, 231 Ill. 2d at 254. “Cases involving allegations of neglect are *sui generis*, and they must be decided on the basis of their unique circumstances.” *Id.* “This principle underscores the fact-driven nature of neglect and

injurious environment rulings.” (Internal quotation marks omitted.) *Id.*, (quoting *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004), quoting *In re N.B.*, 191 Ill. 2d 338, 346 (2000)).

¶ 52 In the instant case, the court expressly found that both Respondents were not credible witnesses. The record shows that the minors’ sibling, Mar’co was severely and repeatedly physically abused by Respondent-father. Mar’co gave statements that his father had whipped him and this was corroborated by the other evidence including the medical evidence and photographs showing Mar’co had been whipped and beaten so severely that his body was covered with scars, scabs, and bruises. The photographs also showed a recent open wound. Mar’co was so afraid of his father that he fled his house on a cold winter night wearing nothing but a shirt and underpants.

¶ 53 The evidence also showed that Respondent-mother vacillated as to whether the abuse actually occurred. As noted, the CCJCC psychologist expressed concerns regarding Respondent-mother’s parenting skills and ability to protect her children, stating that Respondent-mother “did not fully understand or accept her role of neglect” and that she needed “to develop a greater appreciation for, and acceptance of, the extent to which Mar’co’s acting out may likely be associated with his experience of abuse.” Although Respondent-mother was not found to be a perpetrator of the physical abuse, she claimed to have no knowledge of that physical abuse which, if true, called into question the extent of her attentiveness to her children and her ability to protect the children.

¶ 54 And although only Respondent-mother has appealed, requesting that the minors be returned home to *her*, as the State correctly notes, Respondent-mother and Respondent-father live together and plan to parent the children together. They are required to progress in services

together in order to achieve return home of the children, but the court found that neither Respondent had made adequate progress towards that goal.

¶ 55 Respondent-mother argues that the juvenile court made no factual distinctions regarding the siblings and claims that the siblings were not “direct victims” of the abuse and “showed no evidence of abuse or neglect.” But, as was noted in the CCJCC evaluations, “the likelihood that [Respondent-father] and [Respondent-mother] will be able to adequately care for, parent and protect *any or all of their children* if they are returned home is low at this time.” (Emphasis added.) We agree with the State that Respondent-mother’s argument ignores the finding of the juvenile court that Keyirra and Alexis were direct victims of because they “were at substantial risk of physical injury” and that all three minors were neglected because their environment was injurious to their health and welfare. Respondent-mother does not challenge any of the juvenile court’s adjudication findings. And, as the court stated at the adjudication hearing:

“I am aware of the point [Respondent-mother’s counsel] made that there is no indication that the girls were injured. Mr. White didn’t indicate that he saw the girls injured. But, in terms of them living in that environment where one of the siblings was being clearly whipped or beaten, whatever verb you want to attach to it, it’s clear to me that *they were in an injurious environment*. And again, the mere fact that they hadn’t been hit doesn’t mean that they weren’t at substantial risk of injury.” (Emphasis added).

¶ 56 From the concept of an “injurious environment” flows the theory of anticipatory neglect. *In re Arthur H.*, 212 Ill. 2d 441, 468 (2004). Under a theory of anticipatory neglect, the court can make a finding of abuse or neglect as to the other children and does not have to wait until those other children are actually injured. As our supreme court explained: “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.” *Id.* Thus, the fact that Mason had not been born at the time the abuse had occurred does not mean he should be returned to an injurious environment. Respondent-mother claims that the environment is substantially changed now that she and Respondent-father are receiving services and have made progress. But without *adequate* progress in the clinically recommended services, it cannot be said that the children’s home environment is any different from the environment that endangered Mar’co, Keyirra, and Alexis in February 2015, and was injurious to Mason when he was born two months later.

¶ 57 Under the facts of this case, the juvenile court properly recognized that Respondent-mother remained unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the children. By not allowing the children to return home to the mother at this time, the trial court did not abuse its discretion by selecting an inappropriate dispositional order. *In re Harriett L.-B.*, 2016 IL App (1st) 152034, ¶ 30. The court’s finding that it would be in the minors’ best interest that they be adjudged wards of the court was not against the manifest weight of the evidence.

¶ 58

### III. CONCLUSION

¶ 59 For the reasons stated, we affirm the trial court's decision.

¶ 60 Affirmed.