

SECOND DIVISION

**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

---

IN THE INTEREST OF LOLA A.V.L. & JEAN L.,	)	Appeal from the
	)	Court Circuit of
Minors-Respondents-Appellees,	)	Cook County.
	)	
(THE PEOPLE OF THE STATE OF ILLINOIS,	)	15 JA 00138
	)	16 JA 00054
Petitioner-Appellee,	)	
	)	
v.	)	The Honorable
	)	Demetrios Kottaras,
JOHN A.V.,	)	Judge Presiding.
	)	
Respondent-Appellant).	)	

---

JUSTICE NEVILLE delivered the judgment of the court.  
Justices Pierce and Mason concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* Mother who refused treatment for her bipolar disorder subjected her child to an injurious environment and a substantial risk of harm when she prevented other persons concerned with the child's welfare from seeing the child and from finding out whether the child had come to harm. Father conceded he was unwilling and unable to care for his children.
- ¶ 2 John A.V. appeals from an order declaring his children, Lola A.V.L. and Jean L., wards of the court. We find that the evidence supported the trial court's findings of neglect, and

John admitted that he could not take care of the children. Therefore, we affirm the trial court's judgment.

¶ 3

### BACKGROUND

¶ 4

In March 2012, doctors at Northwest Community Hospital gave Amara L. lithium, but Amara stopped taking the lithium once the hospital discharged her. Amara returned to the hospital less than three weeks later. Northwest transferred her to Elgin Mental Health Center. Doctors at Elgin diagnosed Amara as bipolar, with cannabis dependence. According to Elgin's medical records, Amara had been "unable to care for her basic needs, \*\*\* not sleeping and eating \*\*\*[,] feeling sad, [with] racing [] thoughts, low energy and motivation." Doctors noted that Amara's "flight of ideas" left her "easily distracted," with poor concentration. Amara refused to take medication. A treating doctor wrote that Amara had "manic episodes \*\*\*, screaming[,] threatening towards family members." Doctors considered Amara's judgment "limited" and her insight "poor."

¶ 5

Elgin discharged Amara on April 19, 2012. Her doctors prescribed trazodone to help her sleep, citalopram for depression, hydroxyzine for anxiety, and divalproex to help stabilize her moods. A psychologist from the DuPage County Health Department found Amara's judgment impaired.

¶ 6

Amara's mother, Michelle L., who worked as a hospice nurse, brought Amara back to Elgin in August 2012. Amara said the medications made her symptoms worse, so she stopped taking them. Amara said that she suffered from "fatigue, decrease in appetite, racing thoughts, irritability, poor concentration, poor sleep, loss of interest and hopelessness."

¶ 7 Elgin restarted the medications, and Amara asked to be taken off the medications and discharged from the hospital. When Elgin discharged Amara on August 16, 2012, her doctor wrote that Amara's poor concentration impaired her cognition, and she showed poor judgment, as she acted impulsively at times.

¶ 8 In February 2013, Michelle called the DuPage County Health Department and reported that Amara was "isolating in her room, not eating and \*\*\* became somewhat aggressive with her mother \*\*\*. [Amara] was manic and driving at fast speeds." Michelle called again in May 2013 for advice about involuntary commitments. Michelle said that Amara was "holed up in her room, not taking showers, not eating" unless Michelle brought her food.

¶ 9 Amara gave birth to Lola A.V.L. on December 28, 2014. Less than a month later, on January 22, 2015, a call sent police to the home where Amara lived with John A.V., the father of her child. John said that he restrained Amara in a bear hug after she started breaking things. Amara admitted that she broke some items. She explained that John upset her when he went to the grocery store and failed to get the goods she had requested. Police made no arrests. Amara and Lola moved into Michelle's home.

¶ 10 The Department of Children and Family Services (DCFS) received a call related to the January 22 incident. Saji Mannamcheril took the assignment. He spoke to John, but Amara never met with Mannamcheril. John told him Amara threw John's computer at him, and started throwing other things before he restrained her. John showed Mannamcheril scratches and bite marks where Amara had scratched and bitten John.

¶ 11 Michelle left Lola in Amara's care when Michelle went to buy food on February 7, 2015. Amara sent Michelle a text message to let her know Amara had gone with Lola to a hotel.

She did not tell Michelle the name or location of the hotel. Amara also contacted John and showed him, by cell phone, that Lola was safe. Amara contacted Mannamcheril only once, to complain that his attempts to contact her amounted to harassment.

¶ 12 On February 13, 2015, the State filed a petition for adjudication of wardship, alleging that Amara subjected Lola to a substantial risk of harm. The trial court granted DCFS temporary custody of Lola, and issued a warrant for police to take custody of Lola. Amara continued to elude DCFS, and she kept Lola with her.

¶ 13 Amara returned with Lola to Michelle's home on February 28, 2015. Three police officers came to the home to execute the warrant for custody of Lola. Amara had Lola in a locked bathroom, and she refused to come out. One officer unscrewed the door knob. Amara blocked the door. Eventually the three officers pushed the door open and pulled Amara's arms off Lola. Police placed Lola in Michelle's care. Michelle and the police officers saw no signs of abuse or neglect. Amara did not stay with Michelle and Lola. Michelle hired a nanny to help her take care of Lola.

¶ 14 The trial court began hearings on the petition for adjudication of wardship in December 2015. Mannamcheril testified about his efforts to contact Amara and to arrange treatment plans for Amara and John. After Mannamcheril completed his testimony, the trial court continued the hearing to February 2016.

¶ 15 On January 15, 2016, John took Amara to St. Mary's Hospital in Madison, Wisconsin. Amara gave birth to Jean L. that day. John told treating physicians at the hospital that he and Amara, as Christian Scientists, did not want medications administered to either Amara or Jean. John and Amara refused laboratory tests, vaccines, antibiotics, vitamins, and routine

infant care. Amara admitted that she had not had any prenatal care during her second pregnancy. Hospital staff attached monitors to Amara before the delivery. Amara herself removed the monitors after 10 minutes.

¶ 16 Hospital personnel contacted DCFS. Wisconsin officials agreed to escort Amara, John, and Jean to the Illinois border, where DCFS would take custody of Jean. No one told Amara or John about the plan. DCFS brought Jean to Michelle.

¶ 17 The State filed a petition for adjudication of Jean as a ward of the court. The trial court granted DCFS temporary custody of Jean. At a hearing on January 26, 2016, Michelle Abernathy, a DCFS investigator, testified that she spoke with Melissa Garrett, an employee of St. Mary's Hospital, and Garrett said that Amara and John kept Jean in Amara's hospital room, and prevented hospital staff from entering the room. Abernathy admitted that she did not see any indication that Amara or John abused Jean.

¶ 18 The trial court consolidated the case concerning Jean with the case concerning Lola. The court admitted into evidence records from Northwest, Elgin, DuPage, and St. Mary's Hospital.

¶ 19 Michelle L. testified that after January 22, 2015, when Amara and Lola moved into Michelle's home, Amara "locked herself in her bedroom and really didn't come out while [Michelle] was around." Michelle asked Amara not to lock the door and to permit Michelle to check on Lola at least twice a day. Amara refused. Michelle removed the lock. Amara "barricaded herself in the room with boxes and her luggage." Michelle also testified about Amara's bipolar episodes in 2012 and 2013 that led to the hospitalizations at Northwest and Elgin. Michelle admitted that she saw no signs that Amara abused Lola or Jean.

¶ 20 Witnesses from DCFS testified that DCFS recommended for John individual therapy, parenting classes, a psychological assessment, a domestic violence assessment, and a substance abuse assessment. John refused all of the services except for the parenting class, which he started in June 2016. John even stopped visiting Lola for some months, waiting for the result of the hearing on the petition for adjudication of wardship.

¶ 21 During the hearing, the court said:

"Note for the record that approximately five minutes ago the mother, who has been next to her counsel, left her seated position in her chair, knelt down on the floor for several minutes, and has subsequently resumed her position in the chair. Mother's been gazing directly in front of her for the entire time, adjusting her hair from time to time."

¶ 22 The court found both Lola and Jean "abused or neglected" in that they had been subjected to an injurious environment that put them at substantial risk of physical injury.

¶ 23 At the dispositional hearing, counsel for Amara said:

"[M]y client \*\*\* has absolutely no ability to look out for her own self-interest.  
\*\*\* [I]t's not like there's real child endangerment here. \*\*\* My client needs help.  
\*\*\* I ask that she only be found unable because I really don't believe, at this point, she has control of what she does."

¶ 24 Counsel for John said:

"We would request [a finding of] unable only, [with] a finding of some progress.  
\*\*\*

\*\*\* [John] want[ed] an opportunity to litigate this matter fully for the trial, and then if \*\*\* that doesn't work, then [he]'ll participate in services. \*\*\*

\*\*\*

\*\*\* [H]e has participated in parenting classes and now is willing to address all the other issues that are outstanding from a clinical perspective.

So I would request a return home goal and some progress on behalf of the father."

¶ 25 The trial court entered an order making Lola and Jean wards of the court. The court found Amara unable, unwilling and unfit to parent her children. The court found John unable and unwilling to parent the children. John now appeals. Amara has not appealed.

¶ 26 ANALYSIS

¶ 27 John argues that the evidence does not support the finding of neglect and the finding that John was unable and unwilling to parent his children. The trial court found that Lola had been subjected to an injurious environment, and that she had faced a substantial risk of harm. The court apparently applied a theory of anticipatory neglect to Jean, finding her neglected based, in part, on Lola's injurious environment.

¶ 28 We defer to the trial court's finding of neglect, which we will reverse only if it is contrary to the manifest weight of the evidence. *In re A.W.*, 231 Ill. 2d 92, 102 (2008). We must focus "exclusively upon the status of the child, and g[i]ve no consideration to an evaluation of the acts and/or omissions of the child's parents, or any other individual responsible for the welfare of the child, in arriving at a determination of neglect." *In re Arthur H.*, 212 Ill. 2d 441, 466 (2004). An injurious environment, within the meaning of the Juvenile Court Act

(705 ILCS 405/2-3(1)(b) (West 2016)), "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 Kenneth D.*, 364 Ill. App. 3d 797, 801 (2006).

¶ 29 Michelle has provided a safe and nurturing home for Lola for most of Lola's life. For three weeks, from February 7, 2015, to February 28, 2015, Amara had sole custody of Lola and stayed with Lola in at least one hotel. When Amara resurfaced, Lola appeared healthy, with no signs of abuse or neglect.

¶ 30 Our supreme court has emphasized that an 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 at 463, quoting *In re Harpman*, 134 Ill. App. 3d 393, 396-97 (1985). But courts "need not wait until a child becomes a victim of physical abuse or permanent emotional damage" before intervening. *In re Jordyn L.*, 2016 IL App (1st) 150956 ¶ 39. The court may find that a child is subject to a substantial risk of harm or an injurious environment even if the child has never suffered a significant injury. *Jordyn L.*, 2016 IL App (1st) 150956, ¶¶ 38-39.

¶ 31 Hospital records show that Amara suffered from bipolar disorder, and she refused to take any of the medications doctors prescribed. She had manic episodes, she acted impulsively, and she exercised poor judgment. During the manic episodes, her racing thoughts and flights of ideas that detracted from her ability to take care of herself. At times she isolated herself and failed to clean herself or eat.

¶ 32 When a person who takes care of a child suffers from an untreated mental illness, the illness may create a substantial risk of harm. However, "it is not enough for the State to



show simply that the parent suffers from a mental illness. Rather, the State must also show that the mental illness 'places the children in an injurious environment.' " *In re Faith B.*, 216 Ill. 2d 1, 14 (2005), quoting *In re Faith B.*, 349 Ill. App. 3d 930, 933 (2004). "It cannot be presumed that a mother who is proven to be [mentally ill] will necessarily be detrimental to the mental or physical well-being of her offspring. There are innumerable eccentric parents whose behavior on certain occasions may be less th[a]n socially acceptable and yet they are loving and compassionate parents." *In re Jamie M.*, 134 Cal. App. 3d 530, 541-542 (1982).

¶ 33 Amara has at times shown her love for her children and her desire to take care of them. However, her impulsivity and poor judgment, especially during her manic episodes, together with her actions that prevented concerned persons from seeing Lola and making sure Lola had come to no harm, support the trial court's finding that Amara subjected Lola to an injurious environment and a substantial risk of harm. The nature of Amara's mental illness, along with her history of noncompliance with treatment and her occasionally aggressive and combative behavior while noncompliant, support the finding of neglect due to injurious environment. By secreting herself and Lola away from Michelle in February 2015, Amara breached the parental duty to ensure a safe and nurturing shelter for her child. The trial court's determination that Lola was a neglected minor due to an injurious environment was not against the manifest weight of the evidence. See *Faith B.*, 216 Ill. 2d at 14-15 (mother's untreated mental illness supported a finding that her child was subject to an injurious environment); *In re Tatiana C.*, 2013 IL App (1st) 131573, ¶ 33.

¶ 34 The trial court also found Jean neglected and made her a ward of the court. Personnel from St. Mary's Hospital notified Illinois authorities about the birth of Jean, and those

authorities oversaw the transfer of Jean to Michelle's care. John and Amara had exclusive care and custody of Jean for only a short period, when they prevented hospital personnel from entering Amara's hospital room. The trial court did not refer to that period in finding Jean neglected. The court apparently based the finding of neglect on the theory of anticipatory neglect.

¶ 35 "Under the theory of 'anticipatory neglect,' 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. [Citation.] Although the neglect of one child does not conclusively show the neglect of another child, the neglect of one minor is admissible as evidence of the neglect of another minor under a respondent's care." *Kenneth D.*, 364 Ill. App. 3d at 801.

¶ 36 In February 2015, Amara took Lola from her home with Michelle and hid her from persons concerned for Lola's welfare. Amara's actions left Lola in Amara's sole care while Amara suffered from an untreated mental illness that made her at times act impulsively, and left her at times unable to address even her own most basic needs. Because Jean may, in the future, reside with Amara while her mental illness remains untreated, the theory of anticipatory neglect applies, and warrants the adjudication of Jean also as a neglected minor. *In re K.T.*, 361 Ill. App. 3d 187, 205-06 (2005).

¶ 37 Finally, John objects to the finding that he was unable and unwilling to take care of his children. The State points out, correctly, that John admitted his inability to take care of his children when his attorney asked the court to enter a finding of inability. See *In re Lakita B.*,

297 Ill. App. 3d 985, 991-92 (1998). The finding of inability, standing alone, sufficiently supports the trial court's judgment, and moots the issue of whether the trial court correctly found John unwilling to parent the children. *Lakita B.*, 297 Ill. App. 3d 985, 992-93.

¶ 38

#### CONCLUSION

¶ 39

The evidence supports the trial court's finding that, at least for three weeks in February 2015, Lola was subjected to an injurious environment and a substantial risk of injury, because Amara, who had sole custody of Lola in a secret location, suffered from an untreated mental illness that rendered her largely incapable of caring for herself and Lola. The theory of anticipatory neglect supports the finding that Jean also was neglected. John conceded that the court should enter a dispositional order making Lola and Jean wards of the court when his attorney asked the court to enter a finding that John was unable to care for the children. Accordingly, we affirm the trial court's judgment.

¶ 40

Affirmed.