

NOTICE

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FILED

August 1, 2017
Carla Bender
4th District Appellate
Court, IL

2017 IL App (4th) 170264-U

NOS. 4-17-0264, 4-17-0267 cons.

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

<i>In re: Ju. T., a Minor</i>)	Appeal from
(The People of the State of Illinois,)	Circuit Court of
Petitioner-Appellee,)	Vermilion County
v. (No. 4-17-0264))	No. 16JA98
Casean Tatum,)	
Respondent-Appellant).)	
_____)	
)	
<i>In re: Ja. T., a Minor</i>)	No. 16JA99
(The People of the State of Illinois,)	
Petitioner-Appellee,)	
v. (No. 4-17-0267))	Honorable
Casean Tatum,)	Craig H. DeArmond,
Respondent-Appellant).)	Judge Presiding.

PRESIDING JUSTICE TURNER delivered the judgment of the court.
Justices Harris and Knecht concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, finding the trial court’s neglect finding was not against the manifest weight of the evidence.

¶ 2 In November 2016, the State filed petitions for adjudication of wardship with respect to Ju. T. and Ja. T., the minor children of respondent, Casean Tatum. In March 2017, the trial court adjudicated the minors neglected, made them wards of the court, and placed custody and guardianship with the Department of Children and Family Services (DCFS).

¶ 3 On appeal, respondent argues the trial court erred in finding the minors neglected.

We affirm.

¶ 4 I. BACKGROUND

¶ 5 In November 2016, the State filed petitions for adjudication of wardship with respect to Ja. T., born in 2013, and Ju. T., born in 2016, the minor children of respondent and Amanda Keegan. The petitions alleged the minors were neglected pursuant to section 2-3 of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(b), (d) (West 2016)) because (1) their parents left them without supervision for an unreasonable period of time; (2) their environment was injurious to their welfare due to their parents leaving them with inappropriate caregivers; and (3) their environment was injurious to their welfare because their parents engaged in domestic violence in front of them. The State also alleged Ju. T. was neglected because she was not receiving the proper or necessary medical or other remedial care as necessary for her well-being. Following a shelter-care hearing, the trial court entered an order granting temporary custody to DCFS.

¶ 6 In February 2017, the trial court conducted the adjudicatory hearing. Danville police officer Kevin Atkinson testified he was dispatched on November 1, 2016, to a home containing minors with no adult supervision. Upon arriving at the residence, he spoke to a school district liaison, who had brought E.T. home because she did not have her required vaccinations. Atkinson observed D.T., a seven-year-old male, along with Ju. T. and Ja. T. E.T. told Atkinson she had gone to school and D.T. had remained at the residence to watch the children. D.T. told Atkinson his parents left “a little while ago” to buy groceries. Atkinson tried contacting respondent and Keegan with no success. He then called DCFS. Approximately six hours later, Atkinson was notified that respondent and Keegan had arrived at the public safety building asking about the whereabouts of their children. The parents claimed they had left the children with a neighbor, but they could not give Atkinson the neighbor’s name, address, or telephone number.

¶ 7 Ann Kapella, a DCFS caseworker, testified she arrived at respondent's residence at approximately 11 a.m. on November 1, 2016, and was told three children had been found in the home without adult supervision. After taking the children to the DCFS field office, Kapella attempted to contact the parents but was unable to do so. At approximately 4 p.m., Kapella was notified by the police that the parents were at the police station. Kapella spoke to respondent the next day, and he stated he had left the residence before Keegan. Keegan stated she left the residence to pay bills, believing she had to take advantage of her friend's offer of a ride because she did not have a vehicle. Keegan stated she left the children with a friend. Kapella also learned respondent had pending charges of domestic violence against Keegan. E.T. and D.T. told Kapella that this was not the first time the four children had been left home alone.

¶ 8 Respondent testified he is the father of Ju. T. and Ja. T. He stated he had taken E.T. to school on November 1, 2016, and Keegan was still at the residence with the minors. Thereafter, respondent looked for a job and did not return until after 2 p.m. He later learned the police had taken the children from the residence.

¶ 9 The trial court found the minors neglected due to a lack of adequate supervision for an extended period of time. In its March 2017 dispositional order, the court found respondent and Keegan unfit, unable, and unwilling to care for, protect, train, educate, supervise, or discipline the minors and placement with them would be contrary to the health, safety, and best interests of the minors. The court adjudicated the minors neglected, made them wards of the court, and placed custody and guardianship with DCFS. This appeal followed.

¶ 10 II. ANALYSIS

¶ 11 Respondent argues the trial court erred in finding the minors neglected. We disagree.

¶ 12 When deciding whether a minor should be made a ward of the court, the trial court must conduct an adjudicatory hearing to determine whether the minor is abused, neglected, or dependent. *In re A.P.*, 2012 IL 113875, ¶¶ 18-19, 981 N.E.2d 336 (citing 705 ILCS 405/2-18(1) (West 2010)). The Juvenile Court Act states, in part, that a minor is neglected when his parent leaves him without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of the minor. 705 ILCS 405/2-3(d) (West 2016). Our supreme court has noted “neglect” has been generally defined as “the ‘failure to exercise the care that circumstances justly demand.’” [Citations.]” *In re Arthur H.*, 212 Ill. 2d 441, 463, 819 N.E.2d 734, 746 (2004); see also *In re K.T.*, 361 Ill. App. 3d 187, 200, 836 N.E.2d 769, 779 (2005) (stating neglect “encompasses both willful and unintentional disregard of parental duty”). “[C]ases involving allegations of neglect and adjudication of wardship are *sui generis*, and must be decided on the basis of their unique circumstances.” *Arthur H.*, 212 Ill. 2d at 463, 819 N.E.2d at 747.

¶ 13 The State has the burden of proving the allegations of neglect by a preponderance of the evidence. *Arthur H.*, 212 Ill. 2d at 463-64, 819 N.E.2d at 747. On appeal, this court will not reverse a trial court’s finding of neglect unless it is against the manifest weight of the evidence. *Arthur H.*, 212 Ill. 2d at 464, 819 N.E.2d at 747. “A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident.” *Arthur H.*, 212 Ill. 2d at 464, 819 N.E.2d at 747.

¶ 14 In the case *sub judice*, respondent contends the trial court erred in finding the children neglected because the State failed to demonstrate he was responsible for the neglect. However, at the adjudicatory hearing, the trial court determines “whether the child is neglected, and not whether the parents are neglectful.” *Arthur H.*, 212 Ill. 2d at 467, 819 N.E.2d at 749.

The evidence indicates Ju. T. and Ja. T. were found in the care of their seven-year-old brother, D.T., who stated he had been watching them. D.T. stated he had last seen Keegan “a while ago,” when she left to buy groceries with respondent and another individual. D.T. and E.T. told Kapella it was not the first time the four children had been left home alone. Attempts to contact respondent and Keegan were unsuccessful. Not until nearly six hours later did respondent and Keegan come to the police station to ask the whereabouts of their children. When asked where they had been, respondent and Keegan claimed they had left the children with a neighbor, but they could not provide the neighbor’s name, address, or telephone number. We find the trial court’s finding that the minors were neglected due to inadequate supervision was not against the manifest weight of the evidence.

¶ 15

III. CONCLUSION

¶ 16

For the reasons stated, we affirm the trial court’s judgment.

¶ 17

Affirmed.