

No. 1-13-1432, 1-13-1433, 1-13-1434 (Consolidated)

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 re VICTORIA V., CARLOS V., JR., and ROBERT V.,)	Appeal from the
)	Circuit Court of
Minors-Respondents-Appellees;)	Cook County
)	
(The People of the State of Illinois, Petitioner–Appellee, v.)	No. 12 JA 985
Carlos V., Respondent–Appellant).)	12 JA 986
)	12 JA 987
)	
)	Honorable
)	Maxwell Griffin, Jr.
)	Judge Presiding.

JUSTICE EPSTEIN delivered the judgment of the court.
Presiding Justice Howse and Justice Lavin concurred in the judgment.

ORDER

¶ 1 *Held:* Circuit court's findings that minors were abused and neglected was not against the manifest weight of the evidence. Court's decision to bar respondent's attorney from specific-act impeachment of witness was proper. After initial findings of abuse and neglect were made, circuit court properly proceeded to dispositional hearing. Respondent forfeited his argument that circuit court erred in deciding that minors be adjudicated wards of the court and that respondent was unable and unfit to care for, protect, train and discipline them. Circuit court judgment is affirmed.

¶ 2 Respondent Carlos V. (respondent), filed this appeal from the circuit court's findings of

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abuse and neglect of his children, the three minor-respondents, Victoria V., Carlos V., Jr., and Robert V., and the finding that he is unfit to care for his children. He contends that the trial court's findings of abuse and neglect were against the manifest weight of the evidence and, therefore, the cases should not have gone to a dispositional hearing. For the reasons that follow, we affirm.

¶ 3 At the outset, we note that this case is designated as “accelerated” pursuant to Illinois Supreme Court Rule 311 (eff. Feb. 26, 2010) because it involves a matter affecting the best interests of a child. Supreme Court Rule 311 states in relevant part that, “[e]xcept for good cause shown, the appellate court shall issue its decision within 150 days after the filing of the notice of appeal.” Supreme Court Rule 311(a)(5) (eff. Feb. 26, 2010). Here, respondent filed three separate notices of appeal on April 24, 2013, in the underlying cases. The three appeals were later consolidated. Thus, the 150–day period to issue our decision ended on September 21, 2013. However, we have good cause for issuing our decision after the 150–day deadline. Significantly, respondent's counsel requested an extension of time to file the appellant's brief, noting that the ten-volume record consisted of items including “voluminous hospital, mental health therapy and victim sensitive interviews” and that, despite diligent efforts, counsel would be unable to complete the appellant's brief by the deadline. We allowed respondent's counsel the 21-day requested extension. We also allowed respondent's counsel's request for an additional ten-day extension. The appellant's brief was filed on July 22, 2013. We subsequently granted the requests of both the Office of the Public Guardian, and the State, for extensions of time to file

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their briefs. Those briefs were filed on September 4, 2013, and September 11, 2013, respectively. Also on September 4, 2013, the Office of the Public Guardian, representing the three minors, filed a motion to revest limited jurisdiction in the trial court to allow the trial court to conduct permanency planning hearings; on September 10, 2013, respondent filed his objection. This court denied the motion on September 17, 2013. Respondent's reply brief was due on September 25, 2013, but he did not file one, nor did he ask for an extension of time to do so. The consolidated appeal became ready for disposition on October 1, 2013. Under these circumstances, there is good cause to issue this decision after the 150-day deadline. Accordingly, we now address the merits of the appeal.

¶ 4 BACKGROUND

¶ 5 Respondent is the father of the three minor-respondents, Carlos V., Jr. (Carlos, Jr.), Victoria V. (Victoria), and Robert V. (Robert). Rose C., the minor-respondents' mother, is not a party to this appeal. Carlos, Jr. was born on December 10, 1996. Victoria was born on November 7, 1997. Robert was born on May 10, 2001.

¶ 6 On October 2, 2012, the State filed separate petitions for adjudication of wardship for all three minors. The petition filed for Victoria alleged that the minor was in an injurious environment pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (the Juvenile Act) (705 ILCS 405/2-3(1)(b) (West 2010)), was subject to a substantial risk of physical injury pursuant to section 2-3(2)(ii) of the Juvenile Act, was sexually abused pursuant to section 2-3(2)(iii) of the Juvenile Act, and was dependent under section 2-4(1)(b) of the Juvenile Act. The

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factual support for the petition stated:

“Father has one prior indicated report for substantial risk of sexual injury, sexual molestation and sexual penetration. On or about April 15, 2012 this minor stated that her father has been sexually abusing her and her friend. This minor stated that her father has placed his penis in her mouth and has penetrated her vagina. This minor stated that the sex abuse had occurred on multiple occasions over the last few years. Father has been charged with predatory criminal sexual assault. This minor and her friends are the victims of father's criminal case. Father is currently incarcerated in Cook County Jail. Mother's whereabouts are unknown.”

The factual support for both Carlos Jr.'s and Robert's petitions was the same basis as that presented in Victoria's petition. Carlos's and Robert's petition alleged that they were in an injurious environment pursuant to section 2-3(1)(b), at substantial risk of physical injury pursuant to section 2-3(2)(ii), and were dependent under section 2-4(1)(b).

¶ 7 On October 2, 2012, the juvenile court conducted a temporary custody hearing for the minors. The court appointed the Public Guardian as attorney and guardian *ad litem* for the minors. The court found that the father was incarcerated and the mother could not be located following diligent search efforts, and took temporary custody of the children. The court entered a visitation order that denied respondent visits with the children. On October 11, 2012, the court entered the temporary custody order.

¶ 8 On January 10, 2013, the court held the adjudication hearing. After addressing several

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preliminary matters, the State presented its opening statement. The assistant public guardian and respondent's attorney waived opening statements. The State presented four witnesses: Victoria, Dr. Emily Sifferman, Ashley R., and Tom Plach.

¶ 9 Victoria testified as follows. At the time of the hearing, she was 15 years old and a freshman in high school. Her parents were divorced. Her father started to sexually abuse her in the summer of 2004 when she was six years old. She testified: "I was raped by my dad." The sex continued from the time she was six until she was fifteen years old.

¶ 10 Victoria said that the first time it happened, she remembered her mother coming into her room and telling her to go downstairs. Victoria went downstairs to the basement by herself, where her father was sitting on the couch watching "porn." She described "porn" as two adults having sex. Her father was wearing shorts and no shirt, and told Victoria to remove her clothes. He positioned her on the couch so that she was "bent over" on her knees. Her father took off his shorts and put his penis "in her butt." Victoria testified that her father moved back and forth until he pulled his penis out and white fluid came out on her back. Her father got a tissue and wiped it off.

¶ 11 Victoria testified that the same thing happened a week later and that her father continued to do this every other day. She stated that she did not think there was anything wrong with what he was doing until she turned nine or ten years old and her mother told her it was wrong.

¶ 12 Victoria also testified that her father raped her friend, (whom we shall refer to as G.U.), when the girls were in the second grade and both were eight years old. According to Victoria,

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G.U.'s grandmother had to go away and G.U. lived with Victoria's family for a "couple months."

By that time, Victoria's parents were divorced.

¶ 13 G.U. slept in Victoria's room. Victoria testified that she remembered the first time that her father had sex with G.U. and her. He asked them to come into his room so that he could speak to them. He told them to sit on his bed and he told G.U. he was having sex with Victoria.

¶ 14 After that, Victoria's father began to have sex with both girls. Victoria testified that her father would tell the two of them to go to his room because he needed to talk with them. She stated that this usually meant to go to his room and undress.

¶ 15 Victoria's brothers were at home when her father was having sex with her and G.U., but they were never in her father's room. Victoria's father always locked the door to his room, usually as soon as he entered the bedroom. He told the girls to undress and lay down on the bed. Victoria stated that her father put his head between G.U.'s legs "by her vagina" and then did the same to Victoria. She testified that he was "putting his tongue on [her] vagina." She stated he did the same to G.U. Respondent also told G.U. to lie on her stomach and "put his penis in her butt" and started to have sex with her. He stopped and did the same to Victoria. She testified that he pulled his penis out of "her butt" and white fluid came out which he cleaned up with a tissue. She testified that her father did this to her and G.U. every other day while G.U. was living there. Victoria did not tell any adults at the time because she was afraid.

¶ 16 Victoria also testified that her father had sex with her and another friend, Ashley R., who was her best friend in the fourth grade. Ashley was two years younger than Victoria, and she

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lived with her grandmother two houses down from Victoria. Victoria said that her father started having sex with Ashley about a year after they became friends. She stated that Ashley came to her house “all the time” which meant every day or every other day, including school nights and weekends. Victoria did not remember the first time that her father had sex with her and Ashley, but stated that he did so regularly between 2008 until 2012.

¶ 17 Victoria testified that when her father wanted to have sex with her and Ashley and wanted them to go into his room, he would tell them he needed to talk to them or he would use a code word “link.” They would then go into his room and wait. Respondent would come into the room, lock the door, and tell the girls to take off their clothes. After they had removed their clothes, he would tell them to lie on their backs under the blankets. Victoria testified that he would then go under the blankets and put his head near Ashley's “vagina”; he would then put his tongue on Victoria's “vagina.” Victoria stated she sometimes saw him put his tongue by Ashley's “vagina.” Respondent would also have the girls take turns putting their mouths on his penis. Victoria further testified that her father would tell Ashley to jump on his penis while Victoria sat on his face. When Victoria sat on his face, her father's mouth was on her “vagina.” Her father would next tell the girls to switch places. He would eventually tell them to get off and “white fluid came out on him.” He would tell Victoria to wipe it up which she would do using a sock.

¶ 18 Victoria stated that her father one time used a video camera to record them having sex. He held the camera at first and then told her and Ashley to each hold it while it was recording. Victoria testified that he had them watch it and he then erased it. She also stated that her father

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took pictures of her and Ashley naked but deleted them from his camera afterwards.

¶ 19 Victoria said that when she would say no to having sex with her father, he would threaten her that she could not be friends with Ashley or he would say Ashley “needs to go home.” When Victoria was eight years old, before she and Ashley were friends, Victoria would say no to having sex with her father. When she did, he locked her in the closet. She testified that he did this more than once. She also testified that he would slap her if she didn't have sex with him. She also testified that he called her names such as “[w]hore, slut and prostitute.”

¶ 20 Later, on cross-examination by the assistant public guardian, Victoria testified that she was brought to Loyola Hospital on May 3, 2008. She told a doctor that her father had raped her.

¶ 21 Victoria remembered going to the Proviso Children's Advocacy Center on May 4, 2008, and being interviewed by Tom Plach. She was in the fourth grade at the time. She stated that the reason for the interview was “[b]ecause I said my dad was raping me.” Victoria's mother took her to be interviewed. Victoria testified that her mother told her “someone should finally just say it because she's had enough. She can't stand to see it any more.” Victoria testified that nobody forced her to talk to Plach about the fact that her father was raping her.

¶ 22 Victoria testified that she told Plach that her father had raped her five days before the interview. She stated that she was napping and her father came into her room and “started putting his hands in my pants and rubbing my butt.” He next picked her up and carried her to his room where he undressed her and put her in different positions. She stated that she was on her hands and knees when her father “took spit from his mouth and put it on his penis and put it in

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my butt.” He then put her in different positions and tried to put his penis in Victoria's vagina, but it “didn't go in all the way.” He then “put it in through [her] butt again.” He next “pulled out his penis again and white fluid came out.” She testified that there was adult pornography playing on the television, and that before they had sex, her father told her “we should try this.”

¶ 23 Victoria testified that she was afraid of her father because he was always pressuring her “into stuff and yelling and screaming and hitting” her. Victoria also stated that she was afraid because, when her parents were married, she had seen her father hit, and yell at, her mother.

¶ 24 Victoria also stated that, at some point when she was in the fifth or fourth grade, she had spoken to someone at the Department of Children and Family Services (DCFS). She had told them that her father was raping her.

¶ 25 Victoria testified that, in September 2010, she had a meeting at the Chicago Children's Advocacy Center. She met with James Johnson of DCFS, and Detective James Brown. She told them that the sex was occurring with her father. She further testified that, and she did not remember when, she also told DCFS that the sex was not happening with her father.

¶ 26 Victoria testified that, while in the seventh grade, her father started to beat her because she “was hanging around and talking with boys.” After Victoria's father found a note that her friend Alex had written, he “got pissed off” and had told her she could not speak to any boys or be friends with them. She also stated that, on the day after her father found the note, he slapped her. After she fell to the floor, he kicked her. He told her to get up and pressed a broomstick against her neck while she was against the door frame. She testified that he also used a pool

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stick. She stated that it caused bruises and marks on her body but they were hidden by her clothes. Her father beat her the next day also, and he would beat her whenever he felt like it. She did not tell any adults because she was afraid of her father.

¶ 27 When Victoria was in the seventh grade (2010-2011), she lived for a few months with another family, (whom we shall refer to as the A. family). She testified that the reason she was living there was because she had told DCFS that her father was raping her. While living with the A. family, Victoria again talked to James Johnson of DCFS, but this time she told him that the sex was not happening. She testified during the hearing that the reason she told him this was because her family – grandmother, aunts, brothers, and “everybody” – was pressuring her.

¶ 28 On May 9, 2011, Victoria met a second time with Tom Plach at the Proviso Children's Advocacy Center. Mrs. A brought her. Victoria recanted her allegations of abuse. She stated that her mother had told her to make up the story about her father having sex with her. She told Plach that her mother had showed her things online, and had told her the terms and words to use. During the hearing, Victoria testified that what she told Plach on May 9, 2011 was not true. She stated that she had come up with the idea of blaming her mother from her father. Victoria testified that the reason she lied on May 9, 2011, was because her family “and everyone,” including her father, her paternal grandmother, and her grandmother's friend was pressuring” her, telling her she was a liar and that the situation was her fault. At the time of this recantation, her brothers were living with her at the A.'s and they wanted to go home and be with their father.

¶ 29 The State's exhibit (People's exhibit No. 1) was admitted into evidence and is a letter

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written by Victoria on May 9, 2011, in which she recants the allegations of sexual abuse, stating:

“So this is my second entry. I hope my dad doesn't go to jail, this all started for the wrong reasons, I mean my own mother said to find socks that my dad has that have sperm on it and try to get it halfway inside so they have evidence on him, both me and Ashley did, but now I feel guilty for ever listening to my mother. My dad never touched us like that, NEVER. I'm scared that they're gonna put me and my brothers in a foster care place, and I did this all for what? FOR NOTHING! I hope they let us go back with my dad. I regret listening to my mom. I regret it!”

During the hearing, Victoria testified that she believed that she gave the letter to Tom Plach or Laura, who worked at the Children's Advocacy Center. Victoria stated that the reason she wrote this letter was because respondent “told me to tell and make an impression that” his raping her was not true. Victoria testified that she returned home to live with her father a few months later.

¶ 30 Victoria testified that after she had this interview with Plach, and during the summer of 2011, Ashley did not come over to the A. family's house. After Victoria returned home, respondent resumed having sex with her every day, or every other day.

¶ 31 Ashley had reported to DCFS that Victoria's father was having sex with her and a report had been filed. Thereafter, Ashley had stopped coming over to Victoria's house. However, once Victoria returned home to live with respondent, he told her that Ashley could come to the house if they could convince her to change her mind and say it was not true. Victoria testified that her father asked her to make a video.

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¶ 32 In October 2011, respondent recorded a video of Ashley and Victoria. Victoria testified that her father told her and Ashley what to say. Victoria stated that, on the video, she stated that her father didn't rape her. She testified during the hearing that this was not true but she had said it because she wanted to be friends with Ashley again.

¶ 33 After Victoria and Ashley made the videotape, respondent allowed Ashley to come over again. Victoria testified that he continued to have sex with her and Ashley almost every day from the fall of 2011 through April 2012. Victoria also testified regarding an incident that occurred at some point in 2012 in which her father accused her of leaving her jewelry lying around. When she tried to explain, he yelled at her for talking back and “started pushing me on my shoulders and on my chest and eventually puts his hands around my neck and says, 'If you ever do it again, you're going to get it.' ”

¶ 34 On April 18, 2012, Victoria had another interview with Plach at Proviso Children's Advocacy Center to tell him that it was true that her father was having sex with her and Ashley. After Victoria talked to Plach, a caseworker from Casa Central, Lizette Arroyo, was assigned to her family case. Ms. Arroyo was the caseworker from April 2012 until October 2012. Victoria admitted that she told Ms. Arroyo that she wanted to go back home and that her father was not having sex with her. At the hearing, Victoria testified that what she told Ms. Arroyo was not true. Victoria testified that she was still afraid of her father. She stated that the reason she did not tell Ms. Arroyo the truth was that respondent “made [her] believe that no one else wanted [her]” and she did not trust Ms. Arroyo. Victoria believed that she and her brothers would “be

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put in foster care [and] that none of our family would get us.”

¶ 35 Also in April 2012, Victoria began to see a counselor named Maria Ramirez. Victoria testified that she did not tell Ms. Ramirez that her father was having sex with her because she felt guilty that she had put her brothers in this situation where they were not living with their father.

¶ 36 By August 2012, Victoria was having unsupervised visits with her father. She testified that her father had sex with her during every visit. Victoria did not tell her caseworker and testified that she did not think the caseworker was going to do anything about it.

¶ 37 On September 11, 2012, respondent recorded another video statement of Victoria and Ashley in which they again state that respondent was not raping them and that they had lied. The girls blamed Victoria's mother. Victoria testified at the hearing that what she said on that videotape was not the truth and she had agreed to make the videotape after her father told her “we can turn it all around and make everything go back to normal.” He also told her “Ashley could come around again” and that her brothers and the rest of the family would no longer hate her.

¶ 38 Victoria testified that her father did not allow her to have any friends other than Ashley because Ashley knew what was going on. Victoria testified that her father gave her a cell phone when she was fourteen on which he would text the word “link” to her. She stated that he had told her and Ashley that it meant they were to have sex. Victoria also testified that her mother gave Ashley a cell phone. She stated that her father took both phones away.

¶ 39 Victoria testified that she felt that her father never allowed her to be a normal child and

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that he “ruined most of [her] childhood” because she “was always in the house and [she] never really got to go out and have other friends” or “normal teenage things or kid stuff.”

¶ 40 On cross-examination by the assistant public guardian, Victoria also testified that during fall 2012 when she was having the unsupervised visits with her father, he discussed strategies with her about how to make what she had told Plach in April 2012 “go away.” Respondent told her he would bring a list of his prescriptions that included Viagra to show that he could not get an erection.

¶ 41 Respondent's attorney also questioned Victoria on cross-examination. She stated that her brothers have never seen their father have sex with her, Ashley, or G.U. She stated that her mother knew that her father was having sex with her after the first time it happened because she told her about it the next day. Her mother told her to just do what her father told her to do.

¶ 42 She testified that the first time her father penetrated her vagina she was eleven years old. She also stated that her father had no trouble getting an erection.

¶ 43 Victoria also testified that after her parents were divorced she had visitation with her mother but visitation was taken away. She stated her mother would then visit randomly. In April 2012, on the night when the sex between respondent and Ashley and Victoria was reported, Victoria talked to her mother who told her that if respondent was arrested, Ashley and Victoria could move to Texas with her. Victoria testified that prior to this discussion, her mother had sent her and Ashley cell phones, roses and gift cards.

¶ 44 Also on cross-examination, Victoria testified that when she had spoken to Plach in April

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2012, her godmother had brought her there. She stated that her mother had also brought her there at one time. She testified that her mother had told her to tell the truth.

¶ 45 Victoria testified that the reason she changed her story when she was living with the A. family was because her family called and pressured her to stop lying so that her father would stop being in trouble.

¶ 46 On redirect examination by the State, Victoria stated that she was removed from her father's home in April 2012 after she spoke to Plach. She initially stayed with her father's mother who always denied that her son had sex with Victoria. After staying with her paternal grandmother for a day or two, Victoria and her brothers next stayed with her godmother. Victoria stated that she told Plach the truth in April 2012 and that her mother's gifts and promises had no impact on what she told him.

¶ 47 The court also asked Victoria about the videotapes her father had made. He made a total of three videos. In addition to the two videos involving Ashley and Victoria, respondent had made an earlier video in 2011 in which only Ashley appeared and said that the sex had not happened. Victoria testified that her father wanted to have that videotape as a backup.

¶ 48 The State's next witness was Dr. Sifferman, a physician and an expert in pediatric child abuse. Dr. Sifferman worked for John Stroger Hospital in the Affiliate Clinic at Chicago Children's Advocacy Center and was part of the Child Protective Services Team in the Department of Pediatrics. During her career, Dr. Sifferman has assessed over 2000 cases of suspected child abuse.

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¶ 49 On May 14, 2008, Dr. Sifferman examined Victoria, who was accompanied by her paternal grandmother. Victoria was ten years old and told Dr. Sifferman that she was there because her father did something to her that he should not have done. Victoria said that her father touched her “down there and up here,” and pointed to her genital area and her chest and told the doctor that she called her genital area “her private.” Victoria stated that her father touched her butt with his hand and that he also touched her private and her butt with his private part and put it in her mouth. Victoria also told Dr. Sifferman that her father tried to insert his private into her private but it would not go in. Dr. Sifferman testified that Victoria said that “white stuff” came out of her father's private.

¶ 50 Dr. Sifferman stated that Victoria's statements were concerning because she was describing sexual abuse. She further opined that she found it significant that Victoria told her about the abuse in response to general, open-ended questions. Victoria said that the last time it had happened was a month prior. She told Dr. Sifferman that she felt like she was in trouble because her dad might get arrested. Victoria also told Dr. Sifferman that she would run away if she had to live with her father again.

¶ 51 Dr. Sifferman did a thorough physical examination which was normal. She diagnosed Victoria with sexual abuse based on what Victoria told her. According to Dr. Sifferman, Victoria's normal examination did not impact her diagnosis. Dr. Sifferman testified that she expected the examination to be normal because 90-95% of the time, the children she sees with a history of sexual abuse have a normal physical examination. According to Dr. Sifferman, the

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reason that the physical examination is normal is because the abuse did not cause an injury or, if it did, the injury had healed. She explained that the genital area can heal very quickly and can often heal without scarring.

¶ 52 Dr. Sifferman saw Victoria again on April 25, 2012, after she was referred again for a medical evaluation of possible sexual abuse. Victoria's godmother came with her this time. Victoria told Dr. Sifferman that she was living with her brothers, but her older brother was not talking to her and called her a “skank” because Victoria's father had said that only “whores” had a lot of male friends. Victoria told Dr. Sifferman that her father knew she had a lot of male friends and had found out that she had a boyfriend. A year earlier, he had kept her home and whipped her with a broken pool stick. He had held the stick to Victoria's neck and told her he would hold it there until she died. Victoria also said that her father always hit and slapped her.

¶ 53 Dr. Sifferman examined Victoria on April 25, 2012, and she had a normal examination. Dr. Sifferman diagnosed Victoria with sexual abuse, physical abuse, and emotional abuse based on Victoria's statements to her.

¶ 54 Dr. Sifferman was concerned that Victoria's abuse was repeated and that, on both occasions, the caregivers who had brought Victoria to the appointment had expressed their feelings that they did not think anything had happened. Dr. Sifferman stated that this was concerning because if they did not consider that possibility, they would not be able to protect her from abuse or seek the counseling she would recommend.

¶ 55 Dr. Sifferman testified that she examined Ashley on March 18, 2011, when she was

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eleven years old. Ashley told Dr. Sifferman that “somebody did something to her” and that his name was Carlos and he was her friend, Victoria's father. Ashley had a normal examination, and Dr. Sifferman diagnosed her with sexual abuse based on statements that Ashley had made in a forensic interview about having been sexually abused.

¶ 56 On cross-examination by respondent's attorney, Dr. Sifferman stated that if she knew that Victoria had made recantations between the time of the first diagnosis and the second diagnosis, it would not affect her second diagnosis. Dr. Sifferman testified that she examined Ashley in 2011 and had seen Victoria in 2008 and did not believe that she connected the two cases. Dr. Sifferman also stated that, when a patient comes to see her for a medical evaluation, she assumes that the patient tells her the truth unless something else comes up in the course of the history that makes her think otherwise.

¶ 57 On redirect by the State, Dr. Sifferman testified regarding her 2008 examination of Victoria and stated that it was unusual “for a ten-year old to have knowledge about what might come out of a private part and she referred to white stuff.” She also testified that nothing came up during any of the three interviews she had with Ashley and Victoria (Victoria's in 2008 and 2012, and Ashley's in 2011) that would lead her to believe that the two were not telling the truth.

¶ 58 The adjudicatory hearing was continued to March 21, 2013. When the proceedings started, the court admitted two of the State's exhibits: (1) People's exhibit No. 7, Victoria's certified and delegated medical records from Stroger Hospital; and (2) People's exhibit No. 8, Ashley's certified and delegated medical records from Chicago Children's Advocacy Center.

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¶ 59 The State published portions of these exhibits. Notably, from People's exhibit No. 7, the State published that Victoria said “my dad did something he wasn't supposed to do.” She said he “touched her butt and private with his private.” She said it had happened when she was five and continued until she was ten. She stated he “tried to put it in front *** but it wouldn't go in” and that he “put his private part in her mouth.” She said she was glad that she told but felt like she was in trouble because her dad might get arrested.”

¶ 60 The State also published portions of People's exhibit No. 8, Ashley's medical records. The author was Marjorie Fujara, M.D., who noted that a forensic interview had been conducted with Ashley and her paternal grandmother on April 19, 2012 at Proviso Children's Advocacy Center. Ashley's grandmother reported that, on April 14, 2012, Victoria, who was sleeping over with Ashley, reported that her father was sexually abusing both her and Ashley. Victoria asked the grandmother to call the police “because she was tired of it.” Ashley's grandmother had been at the center a year earlier for an allegation of sexual abuse against the same perpetrator. Dr. Fujara noted that “[a]pparently, both DCFS and police unfounded these cases because Victoria recanted.” Ashley and her grandmother moved to a different area, but Ashley still attended the same school as Victoria. Ashley's grandmother asked her why she went over to Victoria's house if this was happening again and why she never said anything. Ashley told her it was because she was trying to protect Victoria and that Victoria was her “only friend” and “like a sister” to her. Ashley stated during her interview that when Ashley was there at the house, Victoria's father was not mean to Victoria. Dr. Fujara's physical examination of Ashley revealed an abnormal

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anal/genital examination. The doctor concluded: "Hymenal finding is indicative of vaginal penetration and is consistent with a history of sexual abuse." Ashley told the doctor that she had told Tom Plach everything that had happened. She also stated that no one else had done anything like this with her.

¶ 61 The State next called Ashley who was 13 years old and in the seventh grade at the time of the hearing. Since the third grade, Ashley has lived with her grandmother because her parents have substance abuse problems. Ashley testified that she knew respondent because he raped her and her best friend, Victoria. He began to rape Ashley when she was nine years old and in the third grade, and he continued to rape her until she was in the sixth grade. Ashley testified that respondent raped her "every day I went over there, which was a lot." At the time, Ashley lived two houses away from Victoria's home and she went there often. She slept there on weekends and spent school vacations there.

¶ 62 Ashley testified about the first time respondent raped her. Respondent asked her and Victoria to go to his bedroom and told them to undress. Ashley described respondent's bedroom in detail. Respondent always locked the door to his room every time he raped them. She testified that respondent took video pictures of them once and he then deleted the tape. Victoria was always present and she saw what respondent did to Victoria.

¶ 63 Ashley described what respondent did to her and Victoria in his bedroom. Once she and Victoria were undressed and underneath the covers, he would go underneath the covers and lick both her and Victoria's "vagina." Respondent would next lay down and ask both girls to lick his

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penis. They took turns. Ashley testified: “After that I would go on, like, his face where his mouth was and he would lick my vagina, and Victoria would be on top of his penis and his penis would be going into her vagina.” While sitting on her father's penis, Victoria would be “jumping up and down.” The girls then switched positions. Ashley testified that when she was on respondent's penis, it went “all the way inside” her vagina.

¶ 64 Ashley was nine years old when respondent first put his penis inside her. She testified that she was scared, nervous and “didn't know what was happening.” She testified that nobody else had ever done that to her. She testified that respondent had tried to put his penis in her vagina in the past and “it didn't work” and “it hurt.” Ashley also testified that when respondent did put his penis inside her vagina, it hurt. Respondent also put his penis in her “butt” and it “hurt a lot.” Ashley testified that when she sat on respondent's penis, she would jump off and sperm would come out. Victoria would wipe the sperm off with a sock.

¶ 65 Ashley testified regarding her interview with Tom Plach on March 10, 2011, at the Proviso Children's Advocacy Center. Ashley stated that Victoria and respondent were upset with her for telling Plach that respondent had raped her. Ashley testified that Victoria had claimed it did not happen and that Victoria had not told the truth.

¶ 66 After Ashley's interview with Plach, she and Victoria were no longer friends and she did not see Victoria during the summer of 2011. However, when they returned to the same school, the two girls resumed their friendship. Ashley also resumed her visits to Victoria's home. Respondent raped Ashley a week after she began visiting.

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¶ 67 On October 2, 2011, respondent made a video of Ashley, telling her that if she lied on the video, she and Victoria could be friends again. Ashley testified that she lied on the video so that she and Victoria could be friends again. Afterwards, Ashley went to Victoria's house as much as three times a week. She spent weekends and winter break in Victoria's house. Ashley testified that respondent raped her every time she went to Victoria's house.

¶ 68 On April 19, 2012, Ashley spoke to Plach again, but could not remember the reason she had the interview. She testified that she remembered talking to Plach two times, between the third grade and sixth grade, and telling him both times that respondent had raped her. She testified that she was telling the truth both times.

¶ 69 On September 11, 2012, respondent asked Ashley to make another videotape. This time, respondent told Ashley and Victoria to blame the rapes on Victoria's mother. Ashley testified that she agreed to lie so that she could be friends with Victoria. She lied on the video and said that Victoria's mother had made her and Victoria say that respondent had raped them. When asked why she kept going to Victoria's house if she knew respondent kept raping her, Ashley stated that she did not want Victoria "to get hurt alone."

¶ 70 On cross examination, Ashley testified that she had accused her father of raping her. When the State objected to this line of inquiry, Ashley was excused and the court heard argument from the parties. The court told respondent's counsel not to proceed with that line of questioning until the court could review the case law. The court ultimately sustained the State's objection.

¶ 71 Ashley further testified on cross examination that, a year earlier, she and Victoria had

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discussed going to Texas with Victoria's mother. She testified that Victoria's mother sent them gifts – a phone for Victoria and gift cards to buy train tickets. Ashley testified that they did not buy tickets and that they had no plan to go to Texas.

¶ 72 The court granted the State's request to admit several video exhibits: (1) People's exhibit No. 10, the taped forensic interview of Victoria on April 18, 2012; (2) People's exhibit No. 11, the taped forensic interview of Ashley on April 19, 2012; (3) People's exhibit No. 12, the taped forensic interview of Ashley on March 10, 2011; and (4) People's exhibit No. 13, the taped forensic interview of G.U. on July 19, 2012. The court also granted respondent's request to admit the video, Father's exhibit no. 1, the taped forensic interview of Victoria on May 9, 2011.

¶ 73 The State's next witness was Tom Plach, the senior clinician for the Proviso Children's Advocacy Center. Plach conducts forensic interviews of children, which he explained was a process for gathering information in a child abuse investigation, including sex abuse. Plach conducted three forensic interviews of Victoria – on May 4, 2008, May 9, 2011, and April 18, 2012.

¶ 74 Plach testified that the 2008 interview was not taped because his agency did not begin videotaping interviews until March 2010. The subsequent two interviews of Victoria in 2011 and 2012 (previously admitted into evidence) were videotaped.

¶ 75 Plach identified People's exhibit No. 14 as a document he created in the regular course of his business as the director of the Proviso Children's Advocacy Center. He testified that it contained a brief one-page summary of an interview with Victoria's mother on May 4, 2008, and

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a five-page typed summary of Victoria's statements made during the forensic interview, as well as his handwritten notes taken during the interview. The exhibit was admitted into evidence.

¶ 76 Plach also conducted the forensic interviews of the two other minors, Ashley and G.U., involving allegations of sexual abuse by respondent. He interviewed Ashley on March 10, 2011, and April 19, 2012. Plach interviewed G.U. on July 19, 2012.

¶ 77 The court granted the State's request to admit several exhibits including a certified and delegated copy of a Supreme Court Rule 215(d) psychiatric evaluation of respondent, and certified and delegated records from The Way Back In for Rose C., the minor-respondents' mother. The State and the Public Guardian rested. The adjudicatory hearing was continued until the next day, March 22, 2013.

¶ 78 Minor-respondent, Carlos V., Jr. (Carlos Jr.), testified on behalf of respondent. Carlos Jr. was 16 years old, a sophomore in high school, and living with his paternal aunt at the time of the hearing.

¶ 79 Carlos Jr. has known Ashley since she became Victoria's friend in sixth grade. Ashley lived two doors down with her grandmother. Carlos Jr. testified that Ashley came over to his house because her grandmother "was getting on her nerves." She spent a lot of time at his house. At first, she spent a few hours but eventually she slept over in Victoria's room.

¶ 80 Carlos, Jr. testified that Ashley and Victoria would ask to go into her father's bedroom to watch the television in his room if Carlos Jr. and his brother were watching the television in the living room. Carlos Jr. said that his father was not in the bedroom when the girls were there

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watching television; he was in the dining room on the computer. Carlos Jr. also said that Victoria never went in her father's room when Ashley was not over; instead, Victoria would watch television with her brothers in the living room. Carlos Jr. testified that he only saw his father in his bedroom with Ashley and Victoria when he went in there to tell them to stop doing something, such as fighting. His father mediated the dispute. Carlos Jr. testified that he never saw his father in his bedroom with either Ashley or Victoria with the door shut. He testified that the door to his father's bedroom was closed only if his father “was talking to someone else, almost never, because he had never – he never talks to anyone in there usually.” Carlos Jr. testified that he never saw pornographic DVDs in his father's bedroom, had never seen his father touch Ashley or Victoria inappropriately, and never suspected his father had abused them in a sexual way.

¶ 81 Carlos Jr. remembered G.U., who had stayed with them for a few months when she was in the second grade. Carlos, Jr., who was in the third grade at the time, never witnessed G.U. in his father's bedroom with his father, or his father inappropriately touching G.U.

¶ 82 Carlos Jr. also testified that there was a pool stick in his house that his brother used as a toy but that he never saw his father use the pool stick to hit Victoria, Ashley, or G.U. He never saw his father hit Victoria with an object, or his hand.

¶ 83 Carlos Jr. was present when his father called Victoria names like “whore,” “slut,” and “skank.” He stated that this happened in 2007, because Victoria brought boys home without their father's permission. Carlos Jr. stated that he believed Victoria did this six or seven times during

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that year.

¶ 84 At the time of the hearing, Carlos Jr. testified that he had not spoken to Victoria in two to three months. He became aware of the allegations Victoria had made against his father a few months before the hearing. He testified that he was not surprised because Victoria had accused his father, “six times before,” of doing something inappropriate with her. Carlos Jr. also stated that neither Victoria, Ashley or G.U. had told him personally that his father had abused them, either physically or sexually.

¶ 85 He stated that the police had been at his home eight times but that he had never been interviewed by the police regarding the allegations his sister made against his father. He stated that half of the times the police came to his house, it was because Ashley had accused the father of sexual abuse. Specifically, he testified that he knew the reason that the police came to his house those times was because Ashley was “screaming” that his father had raped her. Carlos Jr. also testified that the police were there once when his father was playing his guitar and the neighbors complained because the speaker was loud. Carlos Jr. said that, three other times, someone – they did not know who – called the police and said that his father raped Victoria, but the police did not arrest his father.

¶ 86 Carlos Jr. believes Victoria is lying when she says their father raped her. He stated that he is angry at her for doing this and has stopped speaking to her.

¶ 87 At the conclusion of Carlos Jr.'s testimony, the court granted respondent's request to admit Father's exhibit No. 2 consisting of two videotapes of recantations made by Victoria and

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Ashley which were videotaped by respondent in his house in 2011 and 2012. The court allowed the State to file amended petitions for adjudication of wardship for all three minors.

¶ 88 On March 25, 2013, the juvenile court found that the minor Victoria V. was abused or neglected in that conduct toward her violated the Juvenile Act, specifically, section 2-3(1)(b) (that she was in an injurious environment), section 2-3(2)(ii) (she was subject to a substantial risk of physical injury), and section 2-3(2)(iii) (she was sexually abused). The court further found that the minors Carlos V., Jr. and Robert V. were abused or neglected in that conduct toward them violated the Juvenile Act, specifically, section 2-3(1)(b) (injurious environment) and section 2-3(2)(ii) (substantial risk of physical injury).

¶ 89 Also on March 25, 2013, after making its findings at adjudication, the court immediately proceeded to a dispositional hearing for all three minors. George Winters, the caseworker from DCFS who was assigned to the minors' cases on October 9, 2012, testified at the hearing. The court determined that each of the minors would be adjudged a ward of the court, it being in their best interest and welfare, and being in the best interest and welfare of the public. As to respondent, the court found he was unable, for some reason other than financial circumstances alone, to care for, protect, train, or discipline each of the minors and that respondent was unfit. The court terminated temporary custody, and placed the children in the guardianship of D. Jean Ortega-Piron with the right to place the children. The court allowed supervised visits with respondent for Carlos Jr. and Robert with the proviso that the visits be supervised by an individual who was trained and able to assess whether the visits were not merely lacking in a

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safety risk but, rather, whether the visits were “therapeutically appropriate” for the children. This appeal followed.

¶ 90

ANALYSIS

¶ 91 Respondent first argues that the trial court's finding of neglect and abuse was against the manifest weight of the evidence. Both the State and the Public Guardian disagree and contend that the court's finding that Victoria was sexually abused and that she and her brothers were at substantial risk of physical injury and in an injurious environment was consistent with the manifest weight of the evidence where it was supported by credible testimony and documentary evidence. Respondent did not file a reply brief and therefore makes no reply to the State's and Public Guardian's argument.

¶ 92 The purpose of the Juvenile Court Act of 1987 (the Act) is to ensure that the best interests of the minor, the minor's family, and the community are served. *Julie Q. v. Department of Children and Family Services*, 2013 WL 1163958. The Act “sets forth the procedures and criteria to be used in deciding whether a minor should be removed from his parents' custody and made a ward of the court.” *In re A.W., Jr.*, 231 Ill. 2d 241, 254 (2008) (citing 705 ILCS 405/1–1 *et seq.* (West 2004)). It is the burden of the State to prove allegations of neglect and abuse by a preponderance of the evidence. *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004). A preponderance of the evidence standard means that the State must establish that the allegations of neglect and abuse are more probably true than not. *In re Arthur H.*, 212 Ill. 2d at 463. “A finding of abuse, neglect or dependence is a necessary predicate to an adjudication of wardship of a child.” *In re*

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N.B., 191 Ill. 2d 338, 343 (2000). If the State fails to meet its burden of proving the allegations of abuse, neglect or dependence by a preponderance of the evidence, the court must dismiss the petition. *Id.*

¶ 93 We review a trial court's finding of abuse and neglect under the manifest weight of the evidence standard. *In re Alexis H.*, 401 Ill. App. 3d 543, 551 (2010). “A finding is against the manifest weight of the evidence only if the opposite result is clearly evident.” *In re A.W.*, 231 Ill. 2d 241, 254 (2008). An adjudication of neglect is reviewed based on the totality of the evidence and on the basis of its unique circumstances. *In re Alexis H.*, 401 Ill. App. 3d at 551 (citing *In re A.W.*, 231 Ill. 2d at 254, 261). “This principle underscores the fact-driven nature of neglect and injurious environment rulings. [Citation.]” (Internal quotation marks omitted.) *In re A.W.*, 231 Ill. 2d at 254.

¶ 94 Section 2–3(1)(b) of the Juvenile Court Act states that a neglected minor includes “any minor under 18 years of age whose environment is injurious to his or her welfare.” *Id.* (citing 705 ILCS 405/2–3(1)(b) (West 2004)). “The 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.” *Id.*

¶ 95 Respondent contends that it cannot be said that the allegations of abuse and neglect were more probably true than not because the evidence in this case was “riddled” with multiple recantations, inconsistencies, conflicting statements, and embellishments. The State and the Public Guardian argue that the trial court properly based its ultimate decision on the totality of

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the evidence which included the credible testimony of Victoria, Ashley, Dr. Emily Sifferman, medical records, and documentary material.

¶ 96 Section 2–18(4)(c) of the Juvenile Court Act governs the use of a minor's hearsay statements in a civil adjudicatory hearing to determine whether the minor is abused or neglected.

Section 2–18(4)(c) 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 2010).

Thus, section 2–18(4)(c) requires either corroboration of the minor's hearsay statement or cross-examination of the minor who made the statement in order for that statement to be considered sufficient in itself to support a finding of abuse or neglect. *In re A.P.*, 179 Ill. 2d 184, 196 (1997).

¶ 97 In the instant case, Victoria was subject to cross-examination and her statements were corroborated. Ample evidence corroborated Victoria's statements. As the court noted, it found both Victoria's and Ashley's in-court testimony to be convincing, as well as the victim sensitive interviews of all three girls - Victoria, Ashley, and G.U. - convincing. As the court stated: “The similarity of their stories is striking without appearing to be rehearsed or manufactured.” Not only did the girls corroborate each other's statement, but Dr. Sifferman's opinion that Victoria and Ashley were sexually abused corroborated Victoria's statements. Additionally, the court

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found further corroboration that the abuse occurred from the abnormal anal/genital examination findings by Dr. Fujara on Ashley.

¶ 98 With respect to her recantations, Victoria testified regarding her reasons for recanting. She testified that she recanted in 2010 because of family pressure. She changed her story in 2011 because her father told her to blame her mother. Also, Victoria's brothers had been removed from the home and wanted to return home. In 2011, after Victoria's best friend, Ashley reported to DCFS that respondent was raping her, respondent disrupted the girls' friendship. Victoria agreed to participate in a video with Ashley in 2011 only because she wanted to resume the friendship.

¶ 99 As the Public Guardian notes, the instant case is similar to that of *In re D.W.*, 386 Ill. App. 3d 124 (2008) in many respects. There, in spite of some inconsistencies in the minor's statements, the trial court found her "overall testimony" to be credible. *Id.* at 136. This court held that the trial court's ruling that the minors were abused and neglected was not against the manifest weight of the evidence. *Id.* at 138.

¶ 100 As the Illinois Supreme Court has explained:

"Under a manifest weight of the evidence standard, we give deference to the trial court as the finder of fact because it is in the best position to observe the conduct and demeanor of the parties and the witnesses and has a degree of familiarity with the evidence that a reviewing court cannot possibly obtain. A reviewing court, therefore, must not substitute its judgment for that of the trial court regarding the

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credibility of witnesses, the weight to be given to the evidence, or the inferences to be drawn.” (Internal quotation marks omitted.) *In re A.W.*, 231 Ill. 2d 92, 102 (2008) (quoting *In re D.F.*, 201 Ill. 2d 476, 499 (2002)).

¶ 101 In the instant case, the trial court found that Victoria was sexually abused after concluding that Victoria testified credibly and explained her recantations. She was subject to cross examination. The circuit court here had the benefit of abundant corroboration of Victoria's statements and the benefit of observing all of the witness's demeanor during their testimony at the hearing. The court found that the State had proved by a preponderance of the evidence that all three minors were abused and neglected. The evidence in the record clearly supports the findings of the circuit court. We conclude that the circuit court's decision that the minors were abused and neglected was not against the manifest weight of the evidence.

¶ 102 Respondent, however, also argues that the trial court erred in limiting his cross-examination of Ashley. Specifically, he contends he should have been permitted to cross-examine her regarding her previous allegation that her father sexually abused her. “On questions of the admissibility of evidence, we will not substitute our judgment for that of the trial court unless the record clearly shows the trial court abused its discretion.” *People v. Cookson*, 215 Ill. 2d 194 (2005) (citing *People v. Ward*, 101 Ill. 2d 443, 455 (1984)).

¶ 103 We first note that respondent never made an offer of proof as to how he would perfect his impeachment of Ashley and also conceded that he did not necessarily know if Ashley's accusation against her father had been a lie, and acknowledged that it could possibly be true.

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Regardless, in Illinois, specific instances of untruthfulness are not admissible to attack a witness's believability. *People v. West*, 158 Ill. 2d 155 (1994). The Illinois Supreme Court reaffirmed this principle in *People v. Cookson*, 215 Ill. 2d 194 (2005), a case involving sexual abuse allegations. As the *Cookson* court explained: “We have consistently held the proper procedure for impeaching a witness' reputation for truthfulness is through the use of reputation evidence and not through opinion evidence or evidence of specific past instances of untruthfulness. *Id.* at 213 (citing *People v. Kliner*, 185 Ill. 2d 81 (1998); *West*, 158 Ill. 2d at 162).

¶ 104 In *People v. Santos*, 211 Ill. 2d 395, 405 (2004), the court noted that the argument advanced in favor of admitting a particular instance of untruthfulness is that “if the jury knew that the witness had lied on a previous occasion, the jury would be more likely to believe she was lying in her testimony regarding the facts at issue in the case.” As the *Santos* court further noted: “Such cross-examination is simply not permitted, because it is overly prejudicial in relation to its probative value.” *Id.* (citing M. Graham, Cleary & Graham's Handbook of Illinois Evidence § 608.5, at 390 (8th ed. 2004)). The trial court here did not abuse its discretion and properly sustained the State's objection to respondent's cross-examination of Ashley. Assuming *arguendo* that Ashley had previously lied about her father raping her, this case presented no exceptions to the well-established rule barring specific-act impeachment. As the State also notes, respondent was permitted to cross-examine Ashley regarding any facts relevant to *this* case.

¶ 105 On appeal, respondent raises a new argument. He notes that the medical evidence showed that Ashley was sexually abused. The trial court found that Ashley's abnormal

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anal/genital examination performed by Dr. Fujara was further corroboration that abuse occurred.

Respondent now contends that he should have been allowed to question Ashley about her allegations that her father raped her because, *if true*, “that evidence could explain the abnormal exam” and “discredit Ashley’s testimony regarding the alleged abuse by [respondent].”

Respondent did not raise this argument in the trial court, nor has he cited any authority on appeal for this new argument. Moreover, as noted earlier, respondent’s counsel conceded that he did not know whether Ashley’s accusation against her father was true or not. Accordingly, the trial court properly ruled that respondent could not attempt to impeach Ashley by cross-examining her on a collateral matter.

¶ 106 Respondent next argues that the trial court’s finding that Carlos V., Jr. and Robert V. were neglected minors was manifest error. We disagree.

¶ 107 “It is well settled that the State may use the evidence of neglect and abuse of one child as evidence of abuse and neglect of another child who lives in the same household and for whom the same parent is also responsible.” *In re R.G.*, 2012 IL App (1st) 120193, ¶ 49. “Where an injurious environment has been found to exist, the trial court need not wait until the child becomes a victim or is emotionally damaged permanently in order to remove the child from the household.” (Internal quotation marks omitted.) *Id.* (quoting *In re D.W.*, 386 Ill. App. 3d 124, 139 (2008)). “Proof of neglect of one minor is admissible evidence on the issue of neglect to any other minor for whom the parent is responsible.” (Internal quotation marks omitted.) *Id.* (quoting *In re R.R.*, 409 Ill. App. 3d 1041, 1045 (2011); see also *In re Juan M.*, 2012 IL App (1st) 113096,

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¶ 66 (same); *In re K.O.*, 336 Ill. App. 3d 98, 108-09 (2002) (“a finding of abuse of one sibling establishes a *prima facie* case of neglect based upon an injurious environment to another”); *In re David D.*, 202 Ill. App. 3d 1090, 1094 (1990) (holding that the evidence of abuse of a sibling sufficient to establish a *prima facie* case of neglect based upon an injurious environment).

¶ 108 “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.” *In re Arthur H.*, 212 Ill. 2d 441, 468 (2004). “The theory of anticipatory neglect flows from the concept of an 'injurious environment' which is set forth in the Act.” *Id.* “Each case concerning the adjudication of minors, including those cases pursued under a theory of anticipatory neglect based upon the neglect of a child's sibling, must be reviewed according to its own facts.” *Id.* at 468-69.

¶ 109 In the present case, both Carlos Jr. and Robert were present in the home during the time respondent's abuse of Victoria, as well as respondent's abuse of Ashley and G.U., occurred. We agree with the Public Guardian that the fact that Carlos Jr. did not know about the sexual abuse does not make his and Robert's environment any less injurious. Here, the evidence supporting the neglect and abuse finding for Victoria supports the abuse and neglect finding for Carlos Jr. and Robert, who lived in the same home with respondent, and for whom respondent was responsible.

¶ 110 Respondent's final argument is that the trial court's finding, at the dispositional hearing,

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that he was unfit was reversible error. He raises a procedural argument only. Citing *In re Arthur H.*, 212 Ill. 2d at 464, he correctly notes that the trial court lacks jurisdiction to proceed to an adjudication of wardship absent an initial finding of abuse, neglect or dependency. Thus, he contends here that the court had no jurisdiction to proceed to an adjudication of wardship because the findings of abuse and neglect were reversible error. Having now rejected this latter argument, we conclude that the trial court properly proceeded to the second adjudicatory stage.

¶ 111 Respondent further contends, however, that “[e]ven if this Court finds that it was proper to move to dispositional hearing because of respondent father's incarceration and inability to provide the necessary care at that time because of his incarceration, the trial court's finding that respondent *** was unfit was error and should be reversed.” Respondent cites no authority – case or statute – nor does he present any reasoned argument to support this one-sentence contention. Thus, this issue is forfeited. See, e.g., *In re Dione J.*, 2013 IL App (1st) 110700, ¶ 63 (“This court has repeatedly held that a party waives a point by failing to provide supporting legal authority.”); *People v. Ward*, 215 Ill. 2d 317, 332 (2005) (“point raised in a brief but not supported by * * * citation to relevant authority * * * is therefore forfeited”); *In re Marriage of Bates*, 212 Ill. 2d 489, 517 (2004) (“A reviewing court is entitled to have issues clearly defined with relevant authority cited.”); *Lozman v. Putnam*, 379 Ill. App. 3d 807, 826 (2008); *Rosier v. Cascade Mountain, Inc.*, 367 Ill. App. 3d 559, 568 (2006) (by failing to offer supporting legal authority or “any reasoned argument,” plaintiffs waived consideration of their theory for asserting jurisdiction over defendant); *Ferguson v. Bill Berger, Associates, Inc.*, 302 Ill. App. 3d 61, 78

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(1998) (“it is not necessary to decide this question since the defendant has waived the issue” by failing to offer case citation or other support as Supreme Court Rule 341 (eff. Feb. 1, 1994) requires).

¶ 112 Also, respondent did not address the merits of the court's ultimate dispositional findings and has therefore forfeited review. Nonetheless, we agree with the argument set forth in the Public Guardian's brief that the court's dispositional ruling was appropriate because it was consistent with the manifest weight of the evidence and the children's best interest.

¶ 113 CONCLUSION

¶ 114 In view of the foregoing, we affirm the rulings of the circuit court in all respects. We conclude that the circuit court's findings that the minors were abused and neglected were not against the manifest weight of the evidence. The court's decision to bar respondent's attorney from specific-act impeachment of a witness was proper. We also conclude that the circuit court properly proceeded to the dispositional hearing after making the initial findings of abuse and neglect. Respondent forfeited his argument that the circuit court erred in deciding that the minors be adjudicated wards of the court and that respondent was unable and unfit to care for, protect, train and discipline them.

¶ 115 Affirmed.