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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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In re FAITH L., HOPE L., and KAEDRIC L., Minors	)	Appeal from the Circuit Court of Winnebago County.
	)	
	)	Nos. 12-JA-75
	)	12-JA-76
	)	12-JA-77
	)	
(The People of the State of Illinois, Petitioner-Appellee, v. Reynold L., Respondent-Appellant).	)	Honorable Mary Linn Green, Judge, Presiding.

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JUSTICE SPENCE delivered the judgment of the court.  
Justices Hutchinson and Schostok concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court's finding that respondent's children were neglected in that their environment was injurious to their welfare was not against the manifest weight of the evidence. Therefore, we affirmed.

¶ 2 Respondent, Reynold L., appeals from the trial court's ruling adjudicating respondent's three children, Faith L. (born March 18, 1996), Hope L. (born August 24, 1998), and Kaedric L. (born January 6, 2007), neglected. We affirm.

¶ 3 I. BACKGROUND

¶ 4 The State initially filed petitions on March 14, 2012, alleging that the minors were

neglected under section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2012)). It filed amended neglect petitions on July 11, 2012. The amended petitions alleged that the minors were neglected under section 2-3(1)(b) because they were under 18 years of age and their environment was injurious to their welfare, in that respondent committed an inappropriate sexual act in the home on another minor when his children were present, thereby placing them at risk of harm.

¶ 5 The adjudicatory hearing began on January 10, 2013. N.C., age 15, testified in chambers. Her victim advocate was allowed to be present, over respondent's objection. N.C. provided the following testimony. She was born on September 4, 1997. N.C. and Hope began hanging out at each other's house during the summer after they completed seventh grade, in 2011. They had a lot of sleepovers that summer. Hope lived with her sister Faith, her brother "Kaeden,"<sup>1</sup> and respondent. They lived in a three-story condominium. Hope and Faith shared a bedroom in the basement, the first floor was a living area with a kitchen and living room, and the second floor had respondent's room and Kaedric's room. A relative, Tanya, who may have been an aunt, had a room on the third floor as well.

¶ 6 The first or second time N.C. stayed over, respondent asked her and the girls to watch a movie in his room. The television there was larger than the one downstairs, and everyone, including Kaedric, sat on the bed and watched the movie. N.C., Hope, Kaedric, and defendant ended up falling asleep on the bed, while Faith went down to her room to sleep. N.C. woke up around 5 or 6 a.m. and saw that respondent had his arm around her waist, over her clothes.

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<sup>1</sup> N.C. later testified that she thought "Kaedric" was the boy's real name but that the family called him "Kaeden." N.C. referred to him as "Kaeden" throughout her testimony, but we use "Kaedric" for consistency.

Respondent woke up when N.C. tried to move his arm, and they talked for about an hour, though N.C. could not remember what they talked about. Respondent then went to work.

¶ 7 N.C. spent a lot of time at the house and began feeling like she had “another dad or another family.” Another time that N.C. spent the night, respondent allowed the girls and another friend, M.F., to have “B&Js,” which was an alcoholic drink. N.C., M.F., Hope, and Kaedric went to respondent’s room, and he showed them his high school yearbooks, which included a picture of N.C.’s mom. He said that he really liked her mother in high school and that N.C. was beautiful like her. Everyone went to sleep on the bed. N.C. woke up and saw that Hope was still sleeping on the bed. Respondent said that Hope was adopted, but N.C. should not tell her. At that time, N.C. “had feelings for” respondent and wanted to have a relationship with him, meaning that she wanted him as a boyfriend. They kissed for about three seconds while respondent rubbed her leg. Respondent then went to work. Later, N.C. told Hope that they had kissed. Hope apologized and said that her father had kissed a lot of her friends. Hope did not want N.C. to tell anyone because she was “scared to lose her dad[.]”

¶ 8 Another time, when N.C. got dropped off at the house, respondent said to come upstairs because he wanted to show her something. He gently pushed her on the bed and started kissing her and rubbing her stomach. He said that he wanted to teach her how to kiss in other ways. N.C. said that Faith was calling her, and they went downstairs. Later, the girls decided to go swimming. Hope asked respondent if he wanted to join them, and he agreed. They all went to change. N.C. could not tie her bikini top, and because Hope and Faith were already outside, she went upstairs to ask respondent to tie it. Instead, respondent untied the top and one of the sides of the bottom piece; the bathing suit still covered N.C. He kissed her and tried to get on top of her. At this time, Tanya was in her room and Hope and Faith “were downstairs already.” N.C.

pushed respondent off, and they all went into the pool. When either Hope or Faith returned inside to get towels, respondent whispered in N.C.'s ear that he had already told Faith about them, and Faith knew that N.C. was going to be her "future mom[.]" N.C. agreed that Faith was older than she was.

¶ 9 The fifth or sixth time N.C. came over, she and Hope went upstairs because Hope wanted to talk to respondent. He told Hope to wait outside the door because he had something to tell N.C. in private. Respondent then took off his pants, grabbed N.C.'s hand, and made her touch his penis. He assured her that she would not hurt him. N.C. was scared because she had never seen a penis. N.C. hugged him to try to get him to stop, and he ended up getting dressed. Respondent put his finger inside N.C.'s vagina, saying to "[j]ust let it happen" and "it won't hurt as much[.]" It felt uncomfortable. N.C. testified that respondent let Hope back into the room, though she also testified that when she (N.C.) left the room, Hope was downstairs talking to Faith. N.C. felt "[s]cared and intimidated[.]"

¶ 10 That was the last time N.C. went over to the house before her parents ended up finding out about the relationship; N.C.'s stepfather saw texts between her and respondent. One text from him said " 'I have yet to find out how many licks it takes to get to the center of your Tootsie Pop.' " N.C. had also asked respondent to buy her some journals with animals on them, and he bought her three. N.C. texted respondent, " 'Thanks again for the puppy and kitten journals. I love them just as much as I love you.' " Respondent replied in text, " 'Miss you too my sweet angel.' " Another time, respondent texted, " 'Angel, I love you so much but got to get to work. Please text me after 8:30 if you can.' " He also texted, " 'It's your heart I love the most because I love you loving me.' "

¶ 11 N.C. sometimes texted Hope on respondent's phone. However, on those occasions, she

would have respondent give his phone to Hope to text, and afterwards respondent would text that he was back. The messages N.C. and respondent texted to each other were not ones she and Hope would send to each other to joke around. She only texted Hope once or twice, whereas she was texting respondent on a daily basis. N.C. agreed that she could not see who was texting her back from respondent's phone. N.C. also agreed that she had a crush on respondent, to the extent where she took some of his clothes. Around that time, N.C. additionally had a crush on her uncle's best friend.

¶ 12 When Hope first came over to N.C.'s house, respondent told N.C.'s mother that he remembered her from high school. N.C.'s mother did not remember him and felt like he stayed around too long. N.C.'s mother told her family that she was "creeped out" by respondent and "had weird vibes from him."

¶ 13 During eighth grade, when N.C. and Hope were talking at a "cheerleading game," Hope asked N.C. if she could tell her something. N.C. replied in the affirmative, and Hope said, " 'My dad did it to me, too.' " Hope did not elaborate on what she meant. Hope and N.C. had initially stayed friends after N.C. spoke to the police, but they no longer were friends after N.C. warned another girl against going over to Hope's house, and that girl started telling kids at school that respondent was a child molester.

¶ 14 N.C. wrote a statement for Detective Shalene Eagleson on August 30, 2011. The next day, she met with an investigator from Department of Children and Family Service (DCFS). N.C. was truthful when she wrote the statement and talked to them, and she agreed that she recalled the events better in August 2011 than she currently did.

¶ 15 Patrick Mekeel, a child protection supervisor with DCFS, testified that the DCFS hotline received a sexual abuse allegation report against respondent on August 30, 2011. Respondent

was eventually “indicated” for sexual exploitation, sexual molestation, and sexual penetration to N.C. He was also “indicated” for a substantial risk of sexual harm to his three biological children. Jessica L., the mother of Faith and Hope, and Jacqueline L., the mother of Kaedric, were not “indicated” for anything. DCFS records on the case were admitted into evidence.

¶ 16 Detective Shalene Eagleson testified as follows. She was assigned to investigate N.C.’s claim that respondent sexually assaulted her. Detective Eagleson met with Faith in October 2011. Faith said that every Friday night they had a family movie night. She said that there were also several times where the family and N.C. were all in respondent’s bed watching movies together. N.C. told Faith that respondent had touched her, but Faith never observed him do so and did not believe N.C. Faith also said that nothing “untorrid” had ever happened between herself and respondent, meaning that there had not been any sexual exploitation, molestation, or penetration. Faith said that her family told her that she did not have to give the police any information, and Faith did not want to give any information. She further related that she did not believe there was any risk to her living with her father.

¶ 17 A few weeks later, Detective Eagleson spoke to Hope, who immediately stated that she was not going to tell her anything. Hope said that she could not answer any questions because she did not want Kaedric to go into foster care and did not want respondent to go to prison. Hope cried a lot during the interview. Eagleson also spoke to respondent’s girlfriend, who did not believe N.C.’s allegations.

¶ 18 Detective Eagleson’s reports of the interviews she conducted, N.C.’s written statement, and a written statement by M.F.<sup>2</sup> were admitted into evidence.

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<sup>2</sup> As stated, N.C. testified that M.F. was a friend of Hope and herself and that M.F. was present when respondent allowed them to have alcohol. According to the testimony of other

¶ 19 After the State rested, the hearing was continued to allow respondent to provide a list of witnesses to the other parties. On the next court date, the trial court stated that respondent had not timely disclosed witnesses, so only respondent would be allowed to testify that day. The trial court also barred respondent's grandfather, with whom Faith and Hope were currently living, from testifying because he had been in the courtroom during the other witnesses' testimony despite a motion to exclude.

¶ 20 Respondent testified as follows. In the summer of 2011 he lived in one side of a duplex. Each of the duplex's units had a basement, downstairs, and upstairs. Respondent's aunt, Diana L., lived in the other unit of the duplex. Respondent had full custody of Faith and Hope. Respondent was not divorced from Jacqueline L., but they agreed to have Kaedric live with respondent. Tanya M., respondent's "babysitter," also lived with them, as did Tanya's daughter Stephanie. Tanya would look after the children while respondent was at work. Respondent worked for Speedy Delivery Service, which was like UPS, Monday through Friday, from 7:30 a.m. to between 5 and 7:30 p.m. Respondent had a company cell phone on which he could only dial preprogrammed work-related numbers. Respondent was not allowed to have his private cell phone with him at work, or he would be fired.

¶ 21 Kaedric, who was four at the time, had a bedroom upstairs, but he normally slept with respondent because Kaedric had trouble falling asleep. No one else stayed in respondent's bed overnight; Hope and Faith had beds in the basement.

¶ 22 N.C. came over three or four times in 2011, always on the weekends. Respondent did not allow visitors on weekdays because he wanted to have time with his children. Whenever N.C. or  

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witnesses, which we summarize later, M.F. attended a birthday sleepover for Hope at respondent's house.

M.F. came over, they would always sleep in the basement, where the family had a third bed for guests.

¶ 23 Respondent would watch movies in his room with his children. The girls' friends who were visiting would also sometimes watch movies. He would sit at the head of the bed and have Kaedric laying down next to him. They would watch until either Kaedric fell asleep or the movie ended. He would then tell the girls do go downstairs. Respondent never had N.C. or M.F. spend the night in his bed.

¶ 24 During the summer of 2011, respondent was romantically interested in Valerie C., N.C.'s mother. Valerie, who lived with her husband, reciprocated. Valerie had a cell phone but asked that respondent text her on N.C.'s phone. Respondent did so, always after work, and Valerie texted back. They set up dates to meet, but Valerie "never came through." During the day, respondent's personal phone was at home with his children, and they were allowed to use it. The house had a landline, but the girls did not have their own cell phones.

¶ 25 Respondent attended a hearing in response to an order of protection brought on behalf of N.C. At that hearing, N.C. produced a shirt of his that he had put in a "rag bag"; he had never given N.C. the shirt. Respondent had bought journals for N.C., but those were school supplies Valerie had asked him to buy N.C.

¶ 26 N.C. spent the night three or four times in the summer of 2011. He never saw N.C. behave as though she had a crush on him, but she thought that he would make a good match with her mother and be a good dad. Respondent never kissed N.C. or put his hands on her body in a sexual nature, and she never asked him to tie her bathing suit top. He had shown high school yearbooks to his daughters and N.C., and they wanted to see pictures of N.C.'s mother, too. He never had wine coolers at the house.

¶ 27 Respondent's aunt had a swimming pool in the back yard, with about an eight-foot diameter. Respondent had gone swimming in the pool with his daughters and M.F. and N.C., though he was never alone in the pool with either of the friends. Respondent never indicated to M.F. or N.C. that he was interested in them, and there was no truth in the allegations against him.

¶ 28 Faith L., age 17 at the time of proceedings, testified as follows. During the summer of 2011, Faith slept on her bed or the couch in the living room. Kaedric would fall asleep in respondent's bed, and then respondent would put him in his room. The family would watch movies on family movie nights, and once in a while they would watch movies when their friends were over. They would normally watch the movies in respondent's room because the VCR and DVD player were hooked up there.

¶ 29 N.C. came over four or five times during the summer of 2011, and Faith hung out with her and Hope. N.C. had watched movies with them in respondent's room only one time. As soon as anyone started to doze off, respondent would make that person go to their own room. N.C., Hope, and Faith all left the room together and slept in the basement. They swam in the pool twice, and both times respondent was in the pool, too. Nothing unusual took place between respondent and N.C. in the pool. Once, respondent showed them and N.C. his old yearbook.

¶ 30 M.F. came to Hope's birthday sleepover during the summer of 2011. They watched a movie in the living room., and no one slept upstairs with respondent. Faith had never seen respondent make any advances toward Hope or her friends.

¶ 31 Faith was interviewed by the Rockford police. One of her friends had told her that she did not have to talk to the police if she did not want to, but to otherwise just answer the questions. Faith really missed living with her father.

¶ 32 Hope provided the following testimony. N.C. stayed overnight at the house about three

times during the summer of 2011. She and Hope would either sleep in the basement or on the living room couch. N.C. once swam in the pool in the yard, along with Hope, Faith, and Kaedric. Respondent came in the pool at the very end.

¶ 33 N.C. and M.F. stayed over one night after Hope's birthday party. They all slept in the basement. N.C. also slept over one other time. Respondent never made any advances toward N.C., M.F., or herself.

¶ 34 During one of N.C.'s visits, they watched a movie in respondent's room. Hope, Faith, and N.C. all slept in the basement that night. There was never a time that respondent gave them alcohol. She remembered him showing them old yearbooks of his. Hope never told N.C. that respondent had done things to her friends, nor did she tell her that respondent had done anything to her.

¶ 35 When respondent was at work, he left the phone on a high shelf in the living room so Kaedric would not touch it. Hope did not have a cell phone but had permission to use respondent's phone. Hope would text her friends "and joke around about a lot of dumb stuff," some of which was sexual in nature. Hope sent such texts to N.C. Hope said she "sent like weird sexual texts to her all the time" but could not remember any examples of the language she used and that she did not "really remember a lot of stuff from 2011."

¶ 36 Hope was still friends with M.F. but was not friends with N.C. anymore because N.C. "lost [her] trust." Hope really missed her father. She and Faith sometimes talked about how they could not wait for "it" to be all over so they could finally go home, where they belonged. Hope was testifying honestly and truthfully.

¶ 37 Tanya was the last witness to testify for respondent, and we summarize her testimony. She was the mother of Jessica and Jacqueline (and therefore the grandmother of Faith, Hope, and

Kaedric).<sup>3</sup> During the summer of 2011, she lived with respondent and the children as a live-in nanny. Her daughter, Stephanie, who was one year younger than Kaedric, also lived with them. Tanya would do the housework, grocery shopping, meal planning, and take care of the kids.

¶ 38 N.C. stayed overnight at the house “[a] lot of times,” and there were several times when N.C. went swimming with the girls. The kids were not allowed to be in the pool without adult supervision, so Tanya would sit on the porch to watch them, and sometimes respondent would supervise them. There was never a weekend that Faith and Hope were home that Tanya was not home. She never saw respondent act inappropriately with Faith, Hope, or their friends.

¶ 39 It was common for respondent to watch movies in his bedroom with Faith and Hope. Kaedric would have trouble sleeping, and if he was left in his own room, he would be playing with toys at 2 or 3 a.m. They started having Kaedric watch movies in respondent’s bed and sleep with him, and he slept better.

¶ 40 Respondent was not supposed to have his cell phone at work, and he would leave it at home. The girls were allowed to use it, but Tanya was supposed to limit their time to 15 minutes because otherwise Hope would be on the phone all day. Hope liked to text on the phone, but Faith was too lazy and would just call people.

¶ 41 Tanya agreed that she was convicted of attempted forgery in 2009.

¶ 42 Valerie C. was called as a rebuttal witness by the State. She testified as follows. Her daughter, N.C., was friends with both Hope and Faith. Once, respondent was dropping Hope off and said that they went to school together and that he knew whom she dated in high school. Valerie did not remember him. Valerie was not attracted to respondent in the summer of 2011,

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<sup>3</sup> Tanya testified that respondent “married one of [her] daughters, and then he divorced her and married another one[.]”

never had a romantic attachment to him, and never set up a meeting for the two of them. She also never communicated with him through text messages. Both Valerie and N.C. had their own cell phones in the summer of 2011. N.C. would get grounded from using the phone a lot, and Valerie would put the phone in a drawer. Valerie never used N.C.'s phone. She also never asked respondent to buy N.C. school supplies or journals.

¶ 43 Valerie took N.C. over to respondent's home to visit Faith and Hope three or four times. Faith and Hope came over more than ten times, and respondent always brought them. Respondent would stay for 30 or 45 minutes rather than drop them off and leave. After the first time, Valerie demanded that either her son or husband be present when respondent came, or she would leave and go across street. Valerie found it "kind of creepy that someone knows a lot of information about you, but you have no recollection of him," and he would stick around. Valerie agreed that she did not ask respondent to leave.

¶ 44 On January 2, 2014, the trial court found that the State had met its burden of proof by a preponderance of the evidence, and it adjudicated the minors neglected. The trial court stated that it found N.C. a credible witness, especially for someone her age on a subject that was very difficult to talk about. M.F. also gave a statement to police, and there were many similarities to N.C.'s description about respondent's actions. The evidence showed that respondent committed an inappropriate sexual act with at least two friends of his daughters.

¶ 45 Pursuant to the parties' agreement, the trial court ordered that guardianship and custody of Kaedric be with his mother, Jacqueline. The trial court discharged DCFS as his guardian and custodian and terminated the wardship. The trial court granted guardianship and custody of Faith and Hope to DCFS, with the discretion to place them with a responsible relative, traditional foster care, or with their mother, if appropriate. It ordered that visitation between the children

and respondent be at DCFS's discretion and subject to court orders.

¶ 46

## II. ANALYSIS

¶ 47 Respondent appeals from the trial court's rulings finding Faith, Hope, and Kaedric to be neglected minors based on an injurious environment. In cases involving neglect and the adjudication of wardship, the State has the burden of proving the neglect allegations by a preponderance of the evidence. *In re A.P.*, 2012 IL 113875, ¶ 17. Such cases are *sui generis*, meaning that they must be decided based on their unique circumstances. *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004). A reviewing court will not reverse a trial court's finding of neglect unless it is against the manifest weight of the evidence, meaning that the opposite conclusion is clearly evident. *In re A.P.*, 2012 IL 113875, ¶ 17. We apply the same standard to the factual findings a trial court makes in determining that a minor is neglected. See *In re S.R.*, 349 Ill. App. 3d 1017, 1020 (2004). Under the manifest weight standard, the reviewing court gives deference to the trial court as the finder of fact because it is in the best position to observe the witnesses' conduct and demeanor, and we will not substitute our judgment regarding witness credibility, the weight to be given to the evidence, or the inferences to be drawn. *In re A.W.*, 231 Ill. 2d 92, 102 (2008). A judgment is against the manifest weight of the evidence only where the opposite conclusion is clearly evident. *In re Abel C.*, 2013 IL App (2d) 130263, ¶ 19. If the trial court determines that a minor is neglected, it must then proceed to the second adjudicatory stage in which it determines whether it is in the minor's best interest to be made a ward of the court. *In re Arthur H.*, 212 Ill. 2d at 464.

¶ 48 Here, the minors were alleged to be neglected because they were under 18 and their environment was injurious to their welfare. See 705 ILCS 405/2-3(1)(b) (West 2012). Neglect is generally defined as the failure to exercise the care that circumstances demand. *In re Arthur*

*H.*, 212 Ill. 2d at 463. Neglect includes both unintentional and willful disregard of duty, and its meaning varies depending on the circumstances. *Id.* The term “injurious environment” also cannot be precisely defined. *Id.* However, it has generally been interpreted as a parent’s breach of his or her duty to ensure a safe and nurturing shelter for his or her children. *Id.*

¶ 49 Respondent argues that the State’s evidence of his alleged commission of a sexual act on another minor was primarily based on N.C.’s testimony, but her testimony was “heavily flawed.” Respondent argues that N.C. testified that she spent the night four times, but she later contradicted herself by testifying that respondent put his finger inside her vagina on her fifth or sixth visit.

¶ 50 The State argues that respondent has forfeited this issue by failing to cite the record and authority for his argument. See *In re J.P.*, 331 Ill. App. 3d 220, 237 (2002). We decline to find the argument forfeited, as respondent cited the record throughout his statement of facts and cites the basic applicable legal principles.

¶ 51 The State alternatively argues that N.C.’s inexact count of the number of times she slept over at respondent’s house 1½ years prior was easily explained given the passage of time and the sheer amount of time she spent at the house, and it was at most a small inconsistency that did not go to the heart of the allegations. We agree. According to the testimony of all witnesses, Hope and N.C. spent a lot of time together during the summer of 2011. The exact amount of time was not consistent even among respondent and his own witnesses, as respondent testified that N.C. came over three or four times, Faith testified that she came over four or five times, Hope testified that she stayed over two or three times, and Tanya testified that she stayed overnight “[a] lot of times.” Further, N.C. was only 13 years old when the events occurred, she testified at the

hearing over one year later, and the exact number of times she was at the house did not directly impact her testimony about respondent's actions toward her.

¶ 52 Respondent also argues that N.C. incorrectly referred to Kaedric as "Kaeden," which shows she could not have spent much time at the home. N.C. testified that the boy's name was Kaedric, but she thought they called him Kaeden. Given that respondent and Tanya referred to Kaedric as "Kaed" at times during their testimony, N.C.'s confusion about his name is understandable. Moreover, all witnesses testified that N.C. came over several times over the summer, and the precise amount of time she spent is not critical to the case.

¶ 53 Respondent maintains that N.C.'s testimony was patently inconsistent in that "she testified Faith and Hope were by the door of the bedroom" but then testified that they were "in the bedroom downstairs or outside." Respondent contends that in "the critical incident" N.C. said that Tanya "was down the hall, not down the hall, then down the hall but unavailable" to help since N.C. did not know her well. Respondent argues that while N.C. said that she would or did open up to Faith and Hope, she did not explain why she did not call out to them.

¶ 54 While not clear, it appears from respondent's description of the girls outside the door that the first incident he is referring to is the one in which he allegedly had N.C. touch his penis, and he put his finger in her vagina. N.C. testified that Hope was outside the door but also testified that when she left the room, Hope was downstairs. Similarly, when N.C. was testifying about having respondent tie her bathing suit, she testified that Faith and Hope were outside, and also that they "were downstairs already." While we recognize these inconsistencies, it was up to the trial court as the trier of fact to resolve inconsistencies, and they do not render N.C.'s testimony about the incidents incredible, especially considering her age and the amount of time that had

passed. In both situations, it was clear that Hope and Faith were both home but not in the same room as N.C. and respondent.

¶ 55 Regarding N.C.'s alleged inconsistencies in her testimony about Tanya, N.C. testified that when she asked respondent to tie her swimsuit, she believed Tanya was in her room, and she also testified that she did not remember if Tanya was in her room. In either scenario, however, N.C. did not know if Tanya was in her room. N.C. testified that in the later incident when respondent had her touch his penis, Tanya was down the hall. Thus, this testimony is not inconsistent, as it relates to a different occasion. N.C. testified that she did not call out for Tanya because they were not close, and if she had called out to anyone, it would have been Faith or Hope because she was closer to them. Given N.C.'s age, her testimony that she felt "scared and intimidated" and "lost" as a result of respondent's escalating actions, and the fact that she had admittedly wanted respondent as a boyfriend before, it is not surprising that she did not immediately call out to anyone. Further, N.C. testified that she previously told Hope that respondent had kissed her, and Detective Eagleson testified that Faith said that N.C. had told her that respondent had touched her. Thus, there is evidence that N.C. told Hope and Faith about some of respondent's behavior towards her.

¶ 56 Respondent argues that there was no medical evidence presented substantiating any allegations against him and that the only corroborating evidence the State offered was a "convoluted discussion" about cell phone use. Respondent argues that according to the evidence presented, his phone was mostly on a high living room shelf at home while N.C.'s phone was in a drawer due to her constant grounding.

¶ 57 The lack of medical evidence in this case is not problematic, as even criminal sexual assault convictions can be sustained without physical or medical evidence. *People v. Le*, 346 Ill.

App. 3d 41, 50 (2004). Regarding the cell phones, it is undisputed that respondent claimed to have texted Valerie C. on N.C.'s phone, Hope testified that she texted N.C., and N.C. testified that she texted respondent's phone and received texts from that phone during the summer of 2011. Therefore, the amount of time the phones were inaccessible does not impact the State's case.

¶ 58 Respondent also argues that the location of the phones allowed more than one person to use them for texts and to see what texts had been sent. Respondent also argues that he testified that Valerie C. told him to send messages to her on N.C.'s cell phone to keep the communications secret from her husband.

¶ 59 As respondent recognizes in his brief, Valerie C. denied having a romantic interest in him and denied telling him to text her on N.C.'s phone. To the contrary, Valerie C. testified that she did not even want to talk to respondent when he dropped N.C. off because she did not remember him from high school whereas he remembered a lot about her, which she found "creepy." As the trier of fact, the trial court was in the best position to judge the witnesses' credibility (see *In re A.W.*, 231 Ill. 2d at 102), and it did not find respondent's testimony credible. There is no reason to disturb this credibility determination, especially considering that Hope testified that she could not remember any language she used in the texts, and it would also be unusual for a mother to want texts from her own romantic interest to be sent to her 13-year-old daughter's phone, especially when Valerie C. had a personal cell phone.

¶ 60 In his last paragraph arguing that the trial court erred in finding that he had committed an inappropriate sexual act with N.C., respondent states that: (1) the trial court could not see the witnesses testifying in chambers; (2) it was "somewhat troubling" to have a victim advocate in a civil case, and present in chambers; (3) it was "troubling" that the trial court stated, towards the

end of respondent's cross-examination of N.C. to "please make it snappy"; and (4) it was "troubling" that the trial court allowed the guardian *ad litem* to cross-examine N.C. last, thereby allowing her to serve as the State's "clean up person[.]"

¶ 61 As the State points out, there is no support in the record for the proposition that the trial court could not see the witnesses. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984) (the appellant has the burden to provide a sufficiently complete record of trial proceedings to support his claims of error, and the reviewing court will resolve any doubts that arise from the incompleteness of the record against him). Further, respondent did not object in the trial court to the seating arrangement of the witnesses in chambers, thereby forfeiting the issue for review. See *Steiner v. Eckert*, 2013 IL App (2d) 121290, ¶ 15 (party may not acquiesce in procedure and then complain on appeal). Finally, respondent has forfeited any claim that these actions constituted error, much less reversible error, as he has not cited any authority in support of his argument. Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013); see *In re Addison R.*, 2013 IL App (2d) 121318, ¶ 31 (argument raised on appeal not supported by citation to relevant authority is forfeited).

¶ 62 In sum, we conclude that the trial court's finding that respondent committed an inappropriate sexual act on N.C. was not against the manifest weight of the evidence.

¶ 63 Respondent next argues that the trial court erred in finding that his children were neglected and placed at risk of harm. Respondent cites *In re Arthur H.* for the propositions that neglect does not automatically flow from one minor child to another, and that there are cases where minor children who had witnessed abuse or neglect were found to not be neglected. Respondent argues that the testimony of Faith and Hope showed that they were well cared for and provided for, and that they were better off with him.

¶ 64 In *Arthur H.*, the supreme court held that the trial court's ruling that the minor was neglected under a theory of anticipatory neglect was against the manifest weight of the evidence. *In re Arthur H.*, 212 Ill. 2d at 470. "Under the anticipatory neglect theory, the State seeks to protect not only children who are the direct victims of neglect or abuse, but also those who have a probability to be subject to neglect or abuse because they reside, or in the future may reside, with an individual who has been found to have neglected or abused another child." *Id.* at 468. In determining that the trial court erred, the supreme court relied on evidence that Arthur lived in another state with his father and was not present when the neglectful acts towards other siblings took place in the mother's home. *Id.* at 476.

¶ 65 The *Arthur H.* court also discussed *In re Edricka C.*, 276 Ill. App. 3d 18 (1995), where the trial court adjudicated two minors neglected under a theory of anticipatory neglect. *In re Arthur H.*, 212 Ill. 2d at 474. The children were initially alleged to be neglected from lack of medical care to one child. *Id.* The State also introduced evidence that six years earlier, the parents had severely beat an older sibling, and that one year after that, other siblings were at home alone when a fire broke out in their apartment building. *Id.* The appellate court reversed the finding of neglect. It found that the evidence showed that the children at issue were healthy and that the evidence of past sibling abuse alone was insufficient to show that these children were subjected to a risk of harm. *Id.* at 475. The *Arthur H.* court commented that as in *Edricka C.*, the State presented no evidence that Arthur has witnessed any abuse or harm, nor was there any evidence that he was medically neglected. *Id.* at 476. The court stated that it was not criticizing the theory of anticipatory neglect, but rather holding the State to its burden of proof. *Id.* at 477.

¶ 66 We conclude that the trial court’s finding that Faith, Hope, and Kaedric were neglected because their environment was injurious to their welfare was not against the manifest weight of the evidence. N.C. testified to inappropriate sexual contact with respondent, all of which took place while respondent’s children were home and some of which occurred while some of them were sleeping nearby. N.C. testified that when she told Hope that respondent had kissed her, Hope had said that he had kissed a lot of her friends and did not want N.C. to tell anyone because she was “scared to lose her dad[.]” Hope also expressed to Detective Eagleson that she feared that Kaedric would be put into foster care and that her dad would go to prison. Putting his daughters in a situation where they were aware of inappropriate sexual contact between their friends and their father but scared to talk about what was happening can be categorized as a breach of respondent’s duty to ensure a safe and nurturing shelter for his children, in addition to committing the acts when the children were home. In this manner, this case is readily distinguishable from *Arthur H.* and *Edricka C.*, because there the children at issue were not home or even living in the home when the actions of abuse or neglect took place. Finally, under the theory of anticipatory neglect, respondent’s children were at risk of improper sexual contact from respondent, especially considering N.C.’s testimony that Hope confided in her that “ ‘My dad did it to me, too.’ ” Considering all of these factors in conjunction, we find no basis to disturb the trial court’s finding of neglect.

¶ 67

### III. CONCLUSION

¶ 68 For the reasons stated, we affirm the judgment of the Winnebago County circuit court.

¶ 69 Affirmed.