

SECOND DIVISION

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

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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IN THE INTEREST MESSIAH B., ISAAC M.B., and	)	
PAUL J.,	)	
Minors-Respondents-Appellees,	)	
	)	Appeal from the
	)	Court Circuit of
(THE PEOPLE OF THE STATE OF ILLINOIS,	)	Cook County.
	)	
Petitioner-Appellee,	)	13 JA 00004
	)	13 JA 00006
v.	)	13 JA 00387
	)	
TALEE B.-B.,	)	The Honorable
	)	Marilyn Johnson,
Mother-Respondent-Appellant).	)	Judge Presiding.

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

**ORDER**

¶ 1 *Held:* Evidence of domestic violence and domestic sexual abuse warranted adjudication of a newborn as a neglected minor under the theory of anticipatory neglect.

¶ 2 The trial court adjudicated Paul J., Jr., a neglected minor and made him a ward of the court. Paul J., Jr.'s mother, Talee B.-B. appeals. We find that the theory of anticipatory neglect applies and justifies the finding of neglect. Accordingly, we affirm.

¶ 3

## BACKGROUND

¶ 4

By 2011, when Talee began a relationship with Paul J., Sr., she had four children: S.M., a 15-year-old girl; I.M., a 14-year-old boy; F.B., an 11-year-old girl; and M.B., a 3-year-old boy. In December 2011, police reported that they found Paul Sr., with his pants unzipped, in a car with S.M. S.M. told police that Paul Sr. had asked her to put a condom on his penis. Police reported finding an unwrapped condom in the car. Talee did not believe the police report or S.M.'s account of the incident. Talee married Paul Sr.

¶ 5

In October 2012, Talee and Paul Sr. lost the apartment they rented and moved into a shelter with Talee's children. Paul Sr. and I.M. had several loud fights. By the end of 2012, the shelter required Talee and her family to sign an agreement stating that they would leave the shelter if they had another altercation.

¶ 6

On January 1, 2013, I.M. again had loud words with Paul Sr. in a shared area in the shelter. I.M. obtained a pair of scissors. Talee restrained I.M. and got him to drop the scissors. Personnel from the shelter intervened and got Talee's hands off I.M. I.M. attacked Paul Sr. and they hit each other. Shelter personnel called police, who took both I.M. and Talee to a hospital. Both of I.M.'s eyes were swollen. He had fresh bruises on his face, a swollen and bloody lip, and fresh abrasions on his neck. Talee, about eight months pregnant, had contractions after I.M. hit her in the stomach.

¶ 7

On January 4, 2013, the Department of Children and Family Services took Talee's four children into custody and placed the children in foster care. The State prosecuted Talee on charges that she beat I.M. The criminal court acquitted Talee.

¶ 8

Talee gave birth to Paul J., Jr., on January 24, 2013. Paul Jr. lived with Talee and Paul Sr. in the home of Paul Sr.'s mother, Brenda M. On April 22, 2013, DCFS took Paul Jr. into

protective custody and placed him in Brenda's care. Talee and Paul Sr. moved out of Brenda's home. The State filed petitions to make all five of Talee's children wards of the court.

¶ 9 In May 2013, police arrested Paul Sr. on a charge of armed robbery. The court sentenced Paul Sr. to a term of 30 years in prison. Talee moved to Kankakee.

¶ 10 The trial court held hearings on the State's petitions for wardships, beginning in September 2013. Because S.M. turned 18 before the court completed the hearings, the court found that it lost jurisdiction to adjudicate S.M. a ward of the court. F.B.'s father took custody of her. After finding that F.B.'s father provided her a safe and appropriate home, DCFS asked the court to close the case concerning her.

¶ 11 Regarding the three boys, the court heard testimony from Talee and several caseworkers. All of the caseworkers testified that Brenda provided a safe and appropriate home for Paul Jr., and they saw no signs of abuse. Talee visited Paul Jr. regularly until October 2013. The court entered an order barring contact between Talee and Paul Jr. At a hearing in November 2014, the court rescinded the no contact order.

¶ 12 The court allowed into evidence a transcript of Talee's trial on charges that she beat I.M. Shelter personnel testified that, on January 1, 2013, they saw Talee strike I.M. several times. Talee admitted that she held I.M. by the throat to restrain him. I.M. testified that Paul Sr. hit him and caused his bloody lip and swollen eyes. But a shelter employee said that after the fight, I.M. said his mother hit him and made his eyes swell.

¶ 13 At the conclusion of the adjudication hearing, the court found that I.M., M.B. and Paul Jr. all were neglected and abused in that they were exposed to an injurious environment and placed at a substantial risk of physical injury. See 705 ILCS 405/2-3(1)(b); 405/2-3(2)(ii)

(West 2012). The court held a dispositional hearing, at which it decided to place I.M., M.B. and Paul Jr. under the guardianship of the DCFS guardianship administrator. The court specifically found Talee unable to care for, protect, train or discipline her three sons. Talee now appeals.

¶ 14

#### ANALYSIS

¶ 15

Talee filed notices of appeal to challenge the rulings concerning I.M., M.B. and Paul Jr. However, in her brief on appeal she addresses only the case of Paul Jr. And in Paul Jr.'s case, she raises no issue concerning the dispositional order. She challenges only the adjudication of Paul Jr. as a neglected and abused minor. We will overturn the trial court's findings of neglect and abuse only if they are against the manifest weight of the evidence. *In re Faith B.*, 216 Ill. 2d 1, 13-14 (2005).

¶ 16

For purposes of an adjudication of wardship, courts must focus "exclusively upon the status of the child, and g[i]ve no consideration to an evaluation of the acts and/or omissions of the child's parents, or any other individual responsible for the welfare of the child, in arriving at a determination of neglect." *In re Arthur H., Jr.*, 212 Ill. 2d 441, 466 (2004). An injurious environment, within the meaning of the Juvenile Court Act (705 ILCS 405/2-3(1)(b) (West 2012)), "is an amorphous concept that cannot be defined with particularity, but has been interpreted to include the breach of a parent's duty to ensure a safe and nurturing shelter for her children." *In re Kenneth D.*, 364 Ill. App. 3d 797, 801 (2006).

¶ 17

The State admits that it presented no evidence that harm had directly befallen Paul Jr. The trial court relied on a theory of anticipatory neglect to justify the finding that Paul Jr. suffered neglect. "Under the theory of 'anticipatory neglect,' the State seeks to protect not only children who are the direct victims of neglect or abuse, but also those who have a

probability to be subject to neglect or abuse because they reside, or in the future may reside, with an individual who has been found to have neglected or abused another child. [Citation.] Although the neglect of one child does not conclusively show the neglect of another child, the neglect of one minor is admissible as evidence of the neglect of another minor under a respondent's care." *Kenneth D.*, 364 Ill. App. 3d at 801. "[W]hen faced with evidence of prior neglect by parents, the juvenile court should not be forced to refrain from acting until another child is injured." *In re Kamesha J.*, 364 Ill. App. 3d 785, 793 (2006).

¶ 18 We find this case similar to *Kamesha J.* In *Kamesha J.*, Kamesha's mother, Amy, married Cornell. In September 2004, Cornell beat Kamesha, then 10 years old, and the State petitioned to make Kamesha a ward of the court. The State presented evidence that Amy "sat in the living room and ignored Kamesha's pleas for help while Cornell beat her." *Kamesha J.*, 364 Ill. App. 3d at 794. The State also presented evidence that a family friend had sexually abused Kamesha. Amy gave birth to Kayla on December 27, 2004. A caseworker testified that Amy acted appropriately with Kayla, and Kayla showed no signs of abuse. DCFS took custody of Kayla in January 2005, less than a month after her birth. Cornell lived at a different address, but he visited Amy and Kayla daily. The trial court found that Kayla was neglected and abused in that she lived in an injurious environment and faced a substantial risk of physical injury.

¶ 19 The *Kamesha J.* court affirmed the adjudication of neglect and abuse, finding that the evidence supported the conclusion that Amy failed to protect Kamesha. The *Kamesha J.* court concluded, "there is a probability that Kayla would be subject to neglect or abuse because she would reside with respondent, who had been found to have neglected Kayla's sibling." *Kamesha J.*, 364 Ill. App. 3d at 794.

¶ 20 Here, the evidence shows that Talee failed to protect S.M. from sexual abuse by Paul Sr., and her household became a scene of domestic violence, with multiple violent confrontations between Paul Sr. and I.M. during a four month period. The fight on January 1, 2013, resulted in multiple injuries to I.M. Some evidence indicates that Talee struck and injured I.M. Paul Jr., like Kayla, was born after the last serious incident of domestic violence, and lived only a short time with his parents before the State took custody of him. Here, as in *Kamesha J.*, the court need not wait for violence to harm the new child before declaring that the child does not have a safe home.

¶ 21 We find that the evidence sufficiently supports the conclusion that, from the time of his birth until DCFS took custody of him, Paul Jr. lived in an injurious environment, with a substantial risk of physical injury. Accordingly, we affirm the trial court's adjudication of Paul Jr. as a neglected and abused minor.

¶ 22 Affirmed.