2016 IL App (2d) 160580-U
Nos. 2-16-0580
Order filed November 9, 2016

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re L.C., a Minor	)	Appeal from the Circuit Court
	)	of Winnebago County.
	)	
	)	No. 16-JA-13
	)	
(The People of the State of Illinois, Petitioner-Appellee v. Branden C., Respondent-Appellant).	)	Honorable
	)	Mary Linn Green,
	)	Judge, Presiding.

JUSTICE HUDSON delivered the judgment of the court.
Justices McLaren and Birkett concurred in the judgment.

ORDER

¶ 1 *Held*: (1) The trial court's finding that the State proved by a preponderance of the evidence that the minor was neglected based on an injurious environment was not against the manifest weight of the evidence; (2) the trial court's finding that the State proved by a preponderance of the evidence that respondent was unfit and unable to care for the minor was not against the manifest weight of the evidence; and (3) the trial court's dispositional order, which made the minor a ward of the court and appointed the Department of Children and Family Services as her legal guardian, did not constitute an abuse of discretion.

¶ 2 Respondent, Branden C., appeals from the judgment of the circuit court of Winnebago County adjudicating his daughter, L.C., a neglected minor pursuant to section 2-3(1)(b) of the

Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b) (West 2014)), finding him unfit and unable to care for the minor, and declaring the minor a ward of the court.[1] We affirm.

¶ 3 I. BACKGROUND

¶ 4 L.C. was born to Stephanie R. and respondent on April 26, 2011. The Illinois Department of Children and Family Services (Department) received a report of domestic violence occurring on December 25, 2015, between respondent and Karoline H., respondent's mother. Karoline provided a written statement to the Winnebago County sheriff's office regarding the incident. Karoline's statement asserted as follows:

> "Around 9:30 a.m. I was sitting on the couch drinking coffee. [Respondent] approached me and was upset because I wouldn't clean his house. He called me a bunch of bad names and picked me up by my neck and threw me back down on the couch. I got up and tried to call the police. He grabbed my phone and put it in his pocket to prevent me from calling 911. I ran to grab another phone and [respondent] grabbed my hair and pulled me back. [Respondent] slammed my face against the wall while he was trying to get the phone. He was telling me he was going to kill me. [Respondent] kept my phone until he dropped me off at my apartment. He also threatened to punch me dead in the face the whole ride back to my apartment."

On January 4, 2016, Karoline filed a verified petition for an order of protection against respondent based on the incident of December 25. Karoline's description of the incident in the petition is substantially similar to the one she provided to police. The description in the petition also noted that L.C. and Christina Symons (respondent's girlfriend) were in another room of the home at the time of the altercation and that the altercation on December 25 was not the first

[1] On the court's own motion, we will use initials to refer to the minor.

incident of domestic violence between her and respondent. Respondent was eventually arrested on charges of domestic violence as a result of the incident of December 25, and a juvenile custody warrant was issued for L.C.

¶ 5 Meanwhile, on January 6, 2016, the State filed a three-count petition alleging that L.C. was neglected based on an injurious environment, thereby placing her at risk of harm. See 705 ILCS 405/2-3(1)(b) (West 2014). In particular, count I alleged that L.C.'s environment is injurious to her welfare in that respondent "engaged in domestic violence while [L.C.] was in the same home." Count II alleged that L.C.'s environment is injurious to her welfare based on an act of domestic violence by Stephanie while L.C. was in her home. Count III alleged that L.C.'s environment is injurious to her welfare in that respondent and Stephanie "have a prior abuse/neglect case which closed in March 2015, guardianship and custody of [L.C.] was not returned to [respondent] in the prior abuse/neglect case for lack of engagement in services, since closure of the prior abuse/neglect case [respondent] obtained guardianship and custody of [L.C.] and both parents have engaged in domestic violence while the minor was in the same home on separate occasions, and [L.C.'s] whereabouts are currently unknown."[2] L.C. was taken into protective custody on January 21, 2016. On January 25, 2016, the trial court entered an emergency order granting temporary custody of L.C. to the Department, at which time she was placed in foster care.

¶ 6 A shelter-care hearing commenced on January 28, 2016. At that time, respondent opted to represent himself with a public defender acting as standby counsel. For its case-in-chief, the State requested the court take judicial notice of various documents related to a 2012 neglect case

[2] Stephanie participated in the proceedings, but has not filed an appeal challenging the trial court's finding of neglect or its dispositional order.

involving L.C. The State also introduced into evidence five exhibits: (1) the police report from the December 25 altercation; (2) a verified petition for an order of protection filed by Stephanie on May 26, 2015, against respondent; (3) a verified petition for an order of protection filed by respondent on December 4, 2015, against Stephanie; (4) the verified petition for an order of protection filed by Karoline against respondent; and (5) a report from the Beloit, Wisconsin police department dated December 2, 2015, regarding an incident of domestic violence between Stephanie and her boyfriend, Nicholas M. The State then rested.

¶ 7 Respondent introduced into evidence a verified petition for an order of protection filed by him on L.C.'s behalf in May 2015 against Nicholas. He also asked the court to take judicial notice of two "family cases." Respondent then called Symons to testify. Symons recounted that L.C. came to live with her and respondent after respondent filed an order of protection against Stephanie. At that time, L.C. appeared malnourished and exhibited behavioral issues. Symons admitted that, despite L.C.'s condition, neither she nor respondent sought medical attention for the minor. Nevertheless, Symons testified that during the time L.C. resided with her and respondent, the minor's health and behavior improved. Regarding the incident at respondent's home on December 25, 2015, Symons recalled that respondent asked Karoline to clean the house. Karoline became upset and threw coffee in respondent's face. According to Symons, respondent never grabbed Karoline by the neck or hair and he never pinned her against the wall. Symons further testified that she did not observe any injuries to Karoline and that L.C. was not in the room during the incident.

¶ 8 Following Symons' testimony, the shelter-care hearing was continued to February 9, 2016. However, respondent did not appear promptly at the time of hearing, so the court allowed the State to present in rebuttal three exhibits: (1) a grand jury indictment charging respondent

with domestic battery (720 ILCS 5/12-3.2(a)(2) (West 2014)) and interfering with the reporting of domestic violence (720 ILCS 5/12-3.5 (West 2014)) for his conduct on December 25, 2015; (2) Karoline's written statement to the police regarding the incident on December 25; and (3) a bail bond sheet showing that Symons bailed respondent out of jail. Thereafter, the court closed the proofs. Following argument, the court determined that the State had established probable cause to believe that L.C. is neglected and that it is a matter of urgent and immediate necessity that L.C. be placed in shelter care for her own protection. The court placed L.C. in the temporary guardianship and custody of the Department.

¶ 9 The matter proceeded to an adjudicatory hearing on May 4, 2016. At the outset, several exhibits were entered into evidence at the State's request, including the indicated packet, an amended neglect petition from a previous case (12 JA 27) involving L.C., the order of adjudication from case 12 JA 27, the order of discharge in case 12 JA 27, and the petitions for order of protection filed by Stephanie, respondent, and Karoline. The State then called Samuel Patek of the Beloit, Wisconsin, police department to testify.

¶ 10 Patek related that on December 2, 2015, he was dispatched to 2056 Liberty Avenue in Beloit in response to a "physical disturbance" between Stephanie and Nicholas. Upon Patek's arrival, Stephanie reported that she and Nicholas had a verbal argument regarding living arrangements. The argument eventually turned into a physical altercation involving pushing and shoving. During the altercation, Stephanie knocked Nicholas' glasses off his face. Patek observed some scratches on Nicholas' face when he spoke to him. Stephanie informed Patek that her daughter was at the residence during the incident. The child was taken into police custody but later released to Stephanie's brother.

¶ 11 Teraza Stacy was an investigator with the Department at the time L.C. came into care. Stacy took protective custody of L.C. from respondent's residence in January 2016. Stacy stated that between December 2015 (when the investigation involving Stephanie began) and the date she took protective custody of L.C., she was unaware of L.C.'s whereabouts.

¶ 12 Senior Winnebago County Deputy Sheriff Charles Parrovecchio testified that at 11:23 a.m. on December 25, 2015, he was dispatched to Karoline's residence. Karoline told Parrovecchio that she had been "battered" by respondent earlier that day while she was at respondent's home. Karoline reported that L.C. was in the home at the time of the altercation. Parrovecchio observed small marks near Karoline's left eye. Parrovecchio photographed the injuries and took a written statement from Karoline. Karoline reviewed her written statement, initialed the beginning and the end of the statement, and signed the statement. Parrovecchio then attempted to contact respondent at his home, but no one answered the door. On cross-examination, Parrovecchio acknowledged that he did not observe any marks on Karoline's neck and that she refused medical treatment. Following Parrovecchio's testimony, the State rested.

¶ 13 Respondent then called Lakeyda Eason, a child welfare specialist for the Department. Eason went to respondent's residence on January 17, 2016, to investigate a report of domestic violence between respondent and his mother. Eason testified that she saw L.C. at that time and that the minor appeared safe, clean, and cared for. Eason noted that L.C. did not express any concerns to her. However, Eason was unable to interview L.C. alone because respondent would not allow it. Eason also felt that L.C. seemed hesitant to talk to her because she was a stranger. According to Eason, respondent admitted that he had been diagnosed as being bi-polar and having attention-deficit hyperactivity disorder. Respondent told Eason that he had stopped taking medications for these illnesses after his arrest. Further, respondent admitted that

previously he had only supervised visitation with L.C. and that the minor was not attending school.

¶ 14 Karoline testified that on December 24, 2015, she went to respondent's home to visit L.C. She spent the night there. According to Karoline, on the morning of December 25, she was "instructed" to clean respondent's home. When she refused, an argument ensued. Karoline testified that she was the aggressor in the incident and had thrown hot coffee on respondent. Karoline then told respondent to take her home. During the ride home, respondent said some "nasty things" to her. Karoline stated that she was not using her "psych drugs" at the time and that she regretted calling the police. According to Karoline, respondent did not choke her or pick her up by her neck and at no time did the argument with respondent escalate beyond a verbal altercation. Karoline also denied sustaining any injuries that required medical attention.

¶ 15 On cross-examination, Karoline testified that she remembers little about the day at issue. She did not recall providing police with a written statement regarding the events of December 25. Further, Karoline denied telling the police that respondent picked her up by the neck and threw her on the couch. Karoline was shown a copy of the written statement provided to the police and acknowledged that her signature appears on the statement. She also acknowledged that she filed a petition for an order of protection against respondent early in January 2016. However, she could not recall what she stated in the petition other than that she "possibly" reported that respondent threatened her when he drove her home on December 25. Additionally, Karoline acknowledged that L.C. was in respondent's home on December 25, when the incident occurred.

¶ 16 Following Karoline's testimony, the adjudication hearing was continued to June 27, 2016. At that time, respondent testified on his own behalf. Respondent related that he obtained

custody of L.C. in December 2015, after he petitioned for an order of protection against Stephanie. With respect to the incident on December 25, 2015, respondent recalled that he woke up that morning to see his house in disarray. Respondent asked Karoline to help Symons clean up, and it led to a verbal disagreement. Shortly later, Karoline threw coffee in respondent's face. Karoline then grabbed Symons' cell phone and told respondent that she was going to break it. Respondent took Symons' phone from Karoline, picked up Karoline's own cell phone, and told Karoline that she needed to leave. After respondent took the phones, Karoline threatened to call the police. Respondent then drove Karoline home and returned her cell phone.

¶ 17 Respondent further testified that he, Symons, and L.C. were not home for the rest of the day as they went to visit members of Symons' family. Respondent was unable to recall how long they were gone or the places they visited. Respondent stated that he learned of the warrant for his arrest after receiving mail from attorneys offering to represent him. At that time, respondent turned himself in. During the course of his testimony, respondent stated that he spoke to Robert May, L.C.'s guardian *ad litem*, and agreed with May that L.C. was abused and neglected. Respondent then submitted into evidence a petition for an order of protection against Nicholas. In rebuttal, the State sought admission of a transcript of the shelter-care hearing into evidence. The trial court allowed the request.

¶ 18 Following closing arguments, the court found that the State had proven by a preponderance of the evidence that L.C. was a neglected minor pursuant to all three counts alleged in the petition. The trial court then set forth the factual bases for its findings. The court noted that on December 2, 2015, Officer Patek was called to a physical disturbance between Stephanie and Nicholas in the presence of L.C. The court further noted that following the incident between Stephanie and Nicholas, L.C.'s whereabouts were unknown until the minor was

found with respondent in January 2016. Meanwhile, on December 25, 2015, Deputy Sheriff Parrovecchio was dispatched to Karoline's home. Karoline reported that she had been "battered" by respondent at his home and that L.C. was present at the time of the altercation. Parrovecchio took a statement from Karoline. Although Karoline refused medical treatment, Parrovecchio noted small marks around Karoline's left eye. At the hearing, Karoline denied that respondent became physical with her. However, Karoline provided a different version of events in the written statement she provided to the police and in the petition for order of protection she filed against respondent. The court also pointed out that in his testimony, respondent agreed that L.C. was neglected.

¶ 19 The case then proceeded to a dispositional hearing on July 12, 2016. At the beginning of the hearing, the court took judicial notice of an adjudication report dated June 27, 2016, authored by Victoria Malinowski, the child welfare specialist assigned to the case. In the report Malinowski noted that she contacted respondent on February 18, 2016, to set up supervised visitation. At that time, respondent informed Malinowski that he was unwilling to sign a service plan. Malinowski told respondent that she had not even established a service plan and that she only wanted to set up supervised visitation. Respondent stated that he did not think he needed to have supervised visitation and that he did not want anyone from the agency supervising his visits. Respondent added that he would only agree to supervised visits if his girlfriend acted as the supervisor. Malinowski declined respondent's request, citing concerns that the safety of L.C. could not be guaranteed if Symons supervised respondent's visits given respondent's history of domestic violence. Malinowski also felt that Symons would be loyal to respondent and therefore not look out for L.C.'s best interests.

¶ 20 Malinowski further wrote that on March 3, 2016, she asked respondent to complete an integrated assessment. Respondent told Malinowski that he was unwilling to comply with any services until the case goes to trial. Respondent also told Malinowski that he thought the case would be closed at disposition because "the charges are against Stephanie *** and not him." Malinowski reminded respondent that the case also involved allegations of violence between him and his mother. Respondent then asked the caseworker if his girlfriend would be allowed to supervise his visits with L.C. Malinowski reiterated that she would not allow Symons to be the supervisor as she is not a "neutral party that would have [L.C.'s] best interest in mind." Malinowski also related in the report that on May 2, 2016, she contacted respondent to update him on L.C.'s living situation. At that time, respondent became aggravated with Malinowski because she would not discuss issues regarding Stephanie with him. Respondent then told Malinowski that he would not complete any tasks set forth in a service plan. Respondent also told Malinowski not to call him again.

¶ 21 At the disposition hearing, the State sought admission of an eviction order pertaining to respondent and two pretrial-services-violation documents. After the court admitted the documents, the State rested. Respondent then testified on his own behalf.

¶ 22 Respondent acknowledged that he was the subject of eviction proceedings. According to respondent, however, the eviction proceedings were not the result of his failure to pay rent. Rather, respondent explained, the residence had "severe issues," including a leaking roof. The landlord wanted respondent to vacate the premises so the property could be repaired, and respondent did not contest the eviction. Respondent represented that at the time of the dispositional hearing, he had stable housing and all of his bills were paid. Respondent also explained that the pretrial-services violations were due to his lack of transportation. On cross-

examination, respondent admitted that he never signed any service plan. He stated that he currently resides with his girlfriend. He testified that he and Symons have been together for over two years without any allegations of domestic violence. He noted, however, that someone blew up Symons' van because of problems with her prior marriage. Respondent admitted that he has not given his new address to Malinowski and that the Department has not conducted a safety inspection of his new residence. Respondent also admitted that he is not engaged in any services, such as anger management or domestic violence counseling. He noted, however, that he had previously completed a parenting class. Respondent testified that he last visited L.C. six or seven months earlier. In the year preceding that visit, respondent had seen L.C. only once. Following respondent's testimony, the attorney for the Department requested that the court take judicial notice of the evidence and testimony presented at the adjudication hearing. The court granted the request.

¶ 23 At the conclusion of the hearing, the court found that although respondent was willing to care for L.C., he was unfit and unable to do so. In support of its decision, the court explained that respondent's ability to house and care for the child was questionable. The court cited the fact that respondent's new residence had not been inspected by the Department and that respondent had not engaged in any services. The court also found troubling the fact that respondent had not seen L.C. in six or seven months. The court made the minor a ward of the court and appointed the Department as legal guardian with discretion to place the minor with a responsible relative or in traditional foster care. This appeal followed.

¶ 24 II. ANALYSIS

¶ 25 On appeal, respondent challenges the trial court's findings that: (1) L.C. is a neglected minor; and (2) he is unfit and unable to care for L.C. We address each contention in turn.

¶ 26 A. Finding of Neglect

¶ 27 We first address respondent's claim that the trial court's finding that L.C. is a neglected minor is against the manifest weight of the evidence. Neglect occurs when a parent "fail[s] to exercise the care that circumstances justly demand." *In re Ivan H.*, 382 Ill. App. 3d 1093, 1100 (2008). It includes both willful and unintentional disregard of parental duty. *In re Ivan H.*, 382 Ill. App. 3d at 1100. We note that all three counts in the petition at issue allege that L.C. is neglected in that her environment is injurious to her welfare. 705 ILCS 405/2-3(1)(b) (West 2014). The term "injurious environment" has been interpreted to include the breach of a parent's duty to provide a safe and nurturing environment for his or her child. *In re K.L.S.-P.*, 383 Ill. App. 3d 287, 292 (2008). Each case alleging neglect based on an injurious environment is *sui generis* and must be decided on the basis of its unique circumstances. *In re K.L.S.-P.*, 383 Ill. App. 3d at 292. It is the State's burden to prove allegations of neglect by a preponderance of the evidence. *In re Faith B.*, 216 Ill. 2d 1, 13 (2005). Under this standard, the State is required to demonstrate that the allegations of neglect are more probably true than not. *In re R.S.*, 382 Ill. App. 3d 453, 459 (2008). At the adjudicatory hearing, it is the duty of the trial court to determine whether the child is neglected, and not whether the parents are neglectful. *In re Arthur H.*, 212 Ill. 2d 441, 467 (2004). On appeal, a trial court's finding of neglect is entitled to great deference and will be disturbed only if it is against the manifest weight of the evidence. *In re K.T.*, 361 Ill. App. 3d 187, 201 (2005). A decision is against the manifest weight of the evidence only if an opposite conclusion is clearly apparent. *In re Faith B.*, 216 Ill. 2d at 13-14.

¶ 28 Here, the trial court found that the State had proven by a preponderance of the evidence all three counts of neglect alleged in the petition. Count I of the neglect petition alleged that L.C.'s environment is injurious to her welfare in that respondent "engaged in domestic violence while [L.C.] was in the same home, thereby placing the minor at risk of harm." This allegation was based on the incident between respondent and Karoline on December 25, 2015. Respondent contends that the State did not meet its burden as to this count. In particular, he asserts that the evidence does not support a finding that an incident of domestic violence occurred between him and Karoline on December 25, 2015, such that L.C. was neglected. In support of this claim, respondent contends that both he and Karoline testified consistently at the adjudicatory hearing that their argument amounted to nothing more than a verbal altercation during which Karoline merely threw coffee at him. We disagree and find that the trial court's ruling that L.C. was neglected under count I of the neglect petition is not against the manifest weight of the evidence.

¶ 29 Respondent's position is based on a selective reading of the evidence. Significantly, it ignores the testimony of Deputy Sheriff Parrovecchio, the statement Karoline gave to the Winnebago County sheriff's department shortly after the altercation, and the history set forth in the petition for an order of protection Karoline filed against respondent. At the adjudicatory hearing, Parrovecchio testified that he was dispatched to Karoline's home on the morning of December 25, 2015. At that time, Karoline told him that she had been "battered" by respondent earlier that day while she was at respondent's home. Karoline reported that L.C. was in the home at the time of the altercation. Parrovecchio observed small marks near Karoline's left eye. Parrovecchio took a written statement from Karoline regarding the incident.[3] According to

[3] Although Karoline's written statement was admitted at the adjudication hearing, it is missing from the package of exhibits from that proceeding. We note, however, that the

Karoline's written statement, respondent became upset because she would not clean his house. Respondent then berated Karoline, picked her up by the neck, and threw her down. When Karoline attempted to call the police, respondent grabbed the phone. Respondent then grabbed Karoline by the hair and slammed her face against the wall. Karoline's statement also provides that respondent physically threatened her as he drove her home. Karoline provided a consistent history in the petition for an order of protection she filed against respondent less than two weeks after the altercation. Karoline also noted in the petition that there is a history of domestic violence between her and respondent. We acknowledge that both Karoline and respondent testified to a different version of events at the adjudicatory hearing. However, as the trier of fact, it was the duty of the trial court to resolve conflicts in the evidence. *In re Kr. K.*, 258 Ill. App. 3d 270, 278 (1994). The court found more persuasive the version of facts based on the testimony of Deputy Sheriff Parrovecchio, the history set forth in Karoline's written statement to police, and the history set forth in the petition for an order of protection Karoline filed against respondent. Given the conflicting evidence, and in light of the deference we must give to the trial court's credibility findings, we cannot say that an opposite conclusion is clearly apparent.[4] Clearly, L.C. was in an injurious environment that placed her at risk of harm on the day of the events described above. Accordingly, we hold that this evidence was sufficient to prove by the preponderance of the evidence that L.C. was a neglected minor under count I. Having found L.C. neglected on one

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statement was also admitted at the shelter-care hearing and that copy of Karoline's statement is included in the record on appeal.

[4] We note that even if we accept as true respondent's version of events, the evidence still shows an incident of domestic violence between respondent and Karoline, including hot coffee being thrown, at a time when L.C. was present.

of the three grounds alleged in the petition, we need not address the remaining grounds. See *In re Faith B.*, 216 Ill. 2d at 14 (noting that when the trial court has found a minor neglected on more than one ground, a court of review may affirm if there is sufficient evidence in the record to support any one of the bases of neglect).

¶ 30 B. Dispositional Order

¶ 31 Respondent also challenges the trial court's dispositional order, arguing that the court erred in finding him unfit and unable to care for L.C. Dispositional orders focus on whether it is in the best interests of the minor and the public that the minor be made a ward of the court. 705 ILCS 405/2-22 (West 2014). Pursuant to section 2-27(1) of the Act (705 ILCS 405/2-27(1) (West 2014)), the trial court may declare a minor a ward of the court if it determines that the parents are "unfit or *** unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or are unwilling to do so, and that the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of his or her parents." The State has the burden of proving by a preponderance of the evidence that a parent is unfit, unable, or unwilling to care for the minor pursuant to section 2-27(1) of the Act. See *In re April C.*, 326 Ill. App. 3d 245, 256-57 (2001). The trial court's dispositional finding will be reversed on appeal only if the findings of fact are against the manifest weight of the evidence or the trial court committed an abuse of discretion by selecting an inappropriate disposition. *In re April C.*, 326 Ill. App. 3d at 257 (quoting *In re T.B.*, 215 Ill. App. 3d 1059, 1062 (1991)). As noted above, a decision is against the manifest weight of the evidence only if an opposite conclusion is clearly apparent. *In re Faith B.*, 216 Ill. 2d at 13-14. An abuse of discretion occurs when the trial court's decision is arbitrary, fanciful, or unreasonable, or where

no reasonable person would agree with the position adopted by the trial court. *In re D.M.*, 2016 IL App (1st) 152608, ¶ 15 (quoting *People v. Taylor*, 2011 IL 110067, ¶ 27).

¶ 32 Here, the trial court made the minor a ward of the court and appointed the Department as her legal guardian with discretion to place L.C. with a responsible relative or in foster care. Respondent argues that the trial court abused its discretion in not placing L.C. with him. We disagree. The trial court found that although respondent was willing to care for L.C., he was unfit and unable to do so. The court explained that respondent's ability to house and care for the child was questionable. The court cited the fact that respondent's new residence had not been inspected by the Department and that respondent had not engaged in any services. The court also found troubling the fact that respondent had not exercised visitation with L.C. in more than six months. The trial court's findings were based upon the evidence in the record. As such, its finding that respondent was unfit and unable to care for L.C. is not against the manifest weight of the evidence and its disposition did not constitute an abuse of discretion.

¶ 33 Respondent asserts that the trial court's findings were wrong as L.C.'s health and behavior improved while she resided with him. However, the trial court could have reasonably concluded that this testimony was dubious given that it came from respondent's girlfriend, who, as Malinowski noted was likely to be loyal to respondent instead of acting in L.C.'s best interests. Respondent also notes that Eason testified that L.C. seemed clean when she visited respondent's home and that L.C. did not express any concerns to Eason. While true, Eason also noted that she could not speak to L.C. alone as respondent would not allow it.

¶ 34 Respondent asserts that he was seeking visitation, but his choice of supervisor was rejected, keeping him from maintaining contact with L.C. However, according to the adjudication report dated June 27, 2016, of which the trial court took judicial notice, Malinowski

called respondent to set up supervised visitation. Respondent told Malinowski that he did not think supervised visitation was necessary, that he would not agree to a Department representative supervising visits, and that he would only agree to supervised visits if his girlfriend acted as the supervisor. Malinowski felt that L.C.'s safety could not be assured with respondent's girlfriend supervising the visits. The caseworker also felt that, given the girlfriend's limited relationship with L.C., she would show loyalty to respondent over L.C.'s best interests. We find Malinowski's concerns reasonable given respondent's history with domestic violence.

¶ 35 Respondent also contends that there is no evidence that his current residence is unsafe. However, there is also no evidence that the residence is safe. In this regard, the record shows that respondent had not provided Malinowski with his new address, thereby denying the Department the opportunity to inspect the premises. Respondent further complains that the court did not specify which services were not done and why the lack of services necessitates L.C. residing with someone other than him. We disagree. As noted above, the June 27, 2016, adjudication report clearly indicates that respondent refused to cooperate in setting up supervised visitation between him and L.C. The same report also indicates that respondent refused to sign a service plan or participate in an integrated assessment.

¶ 36 In short, there is ample evidence in the record to support the trial court's finding that respondent was unfit and unable to care for L.C. and its decision to make the minor a ward of the court and appoint the Department as her legal guardian. Significantly, respondent visited the minor only sporadically and he refused to cooperate with the Department's efforts to ensure that he could provide a safe, stable home for L.C. Accordingly, we conclude that the trial court's finding that respondent is unfit and unable to care for L.C. is not against the manifest weight of the evidence. Moreover, based on the trial court's findings, we cannot say that the court's

dispositional order is arbitrary, fanciful, or unreasonable, or that no reasonable person would agree with the position adopted by the trial court. Accordingly, the disposition did not constitute an abuse of discretion.

¶ 37 III. CONCLUSION

¶ 38 For the reasons set forth above, we affirm the judgment of the circuit court of Winnebago County.

¶ 39 Affirmed.