2019 IL App (1st) 190220-U

FIFTH DIVISION
Order filed: June 28, 2019

Nos. 1-19-0220 and 1-19-0308, cons.

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

In re L.A., a Minor	)	Appeal from the
(THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
	)	Cook County.
Petitioner-Appellee,	)	
	)	No. 18 JA 110
v.	)	
	)	
VALERIE R., ILIANA A.,	)	Honorable
	)	Nicholas Geanopoulos,
Respondents-Appellants.)	)	Judge, presiding.

JUSTICE HOFFMAN delivered the judgment of the court.
Presiding Justice Rochford and Justice Hall concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm the judgment of the circuit court over the respondents' contentions that (1) it admitted impermissible hearsay; (2) its finding of neglect was against the manifest weight of the evidence; and (3) its finding that the guardian was unable and unwilling to parent the minor was against the manifest weight of the evidence.

¶ 2 The respondents, Valerie R. (Valerie) (the biological mother) and Iliana A. (Iliana) (the short-term guardian and paternal aunt), bring the instant consolidated appeal from the orders of

the circuit court of Cook County, finding that the infant L.A. is a neglected minor; adjudicating her a ward of the court; and placing her in the custody of the Department of Children and Family Services (DCFS). Diego A. (Diego), L.A.'s biological father, has not contested the circuit court's orders and is not a party to this appeal. For the following reasons, we affirm.

¶ 3 L.A. was born on January 27, 2018. On February 2, 2018, the State filed a petition for adjudication of wardship, alleging that L.A. was both a neglected minor pursuant to section 2-3(1)(a) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b) (West 2016)) and an abused minor pursuant to section 2-3(2)(ii) of the Act (705 ILCS 405/2-3(2)(ii) (West 2016)). The State alleged the following facts in support of their petition:

> "Mother has two prior indicated reports for inadequate supervision and substantial risk of physical injury/environment injuries to health/welfare by neglect. Mother has one minor not in her care. Mother has two other minors who are in DCFS custody with findings of abuse and/or neglect and/or dependency having been entered. Putative father is the named parent of one of these minors. Parents are non-compliant with offered and recommended reunification services. There is an issue of domestic violence between parents. Mother failed to disclose the birth of this minor to her current worker. Mother made statements about wanting to elope with this minor after she was born. Mother appointed a short-term guardian for this minor prior to her birth. The short-term guardian had previously been ruled out for placement of minor's sibling. Paternity has not been established."

¶ 4 Following a temporary custody hearing that same day, the circuit court entered an order granting temporary custody of L.A. to DCFS and permitting visitation at the discretion of DCFS.

¶ 5 Prior to the adjudication hearing on the petition for wardship, the State filed a motion requesting that the circuit court take judicial notice of all non-hearsay sworn testimony from the February 5, 2018, temporary custody hearing pursuant to section 405/2-18(6) of the Act. 705 ILCS 405/2-18(6) (West 2016). The State prepared a redacted transcript of the February 5, 2015 hearing. The respondents filed objections to several portions of the redacted transcript on the grounds of hearsay. Relevant to this appeal, the respondents objected to testimony from Juan Vargas, Valerie's ChildLink case manager, which discussed statements contained within the medical records of D.A., Valerie and Diego's other child. The State responded that the testimony was being used to show Vargas's course of conduct, not to prove the truth of the matter asserted. The circuit court admitted the testimony for the non-hearsay purpose and took judicial notice of the redacted transcript.

¶ 6 On January 6, 2019, the circuit court conducted an adjudication hearing. At that hearing, two DCFS child protection specialists testified on behalf of the State: Mary Marban and Tanya Simpson. Their testimony is summarized below.

¶ 7 On January 27, 2018, Marban was assigned to investigate L.A.'s case due to allegations that L.A. was at risk of harm. That day, Marban arrived at St. Anthony's Hospital, where she met with Valerie and observed the newborn L.A., who was born healthy. Valerie told Marban that L.A.'s father, Diego, and his sister, Iliana, were both present for the birth. Valerie acknowledged that she was "involved" with DCFS, claiming it was due to a past suicide attempt, and, as a result, was required to complete certain services. Valerie told Marban that she had completed some of the required services but needed to take the domestic violence class again because Diego is L.A.'s father. She acknowledged a previous "incident" between her and Diego, but she insisted

that it was an argument and "that's it." Valerie also told Marban that she was no longer in a relationship with Diego.

¶ 8 After further conversation, Marban learned that Valerie had signed a document appointing Iliana as L.A.'s short-term guardian. Valerie provided Marban with a copy of the document, which showed that Valerie and Iliana signed the document and had it notarized on January 22, 2018. When Marban asked if Valerie had informed Vargas, her ChildLink case manager, of her plan to appoint Iliana as L.A.'s short-term guardian, Valerie told her she had not because Vargas was "making things worse." Valerie also acknowledged to Marban that she did not inform Vargas that L.A. had been born, even though she should have. On January 28, 2018, L.A.'s case was transferred from Marban to Simpson.

¶ 9 Simpson testified that Valerie had two prior indicated reports: The first was from 2015 for inadequate supervision of a minor and the second was in 2016 for a substantial risk of harm to a minor. On January 29, 2018, Simpson contacted Iliana and scheduled a home visit that occurred later that day. There were no concerns regarding Iliana's home, and a criminal background check of all persons living in the home produced no results that would bar placement of the minor with Iliana. That same day, Simpson met with Valerie at the hospital. Simpson conducted a domestic violence assessment, during which Valerie stated that Diego had "pushed her around in the past," but she denied the allegation that he "beat" her all night and forced her to drink bleach.

¶ 10 On January 31, 2018, L.A. was taken into protective custody by DCFS. Simpson testified that she and her supervisor determined that allowing L.A. to be discharged into the care of her parents or her short-term guardian would pose a safety risk. Simpson stated that the

determination was made after reviewing the information gathered during her current investigation, the prior investigations in 2015 and 2016, and conversations with Vargas. Simpson confirmed that L.A. was born healthy and without any illicit substances in her system.

¶ 11 The State entered the following exhibits into evidence: the signed short-term guardianship form; a redacted transcript of the temporary custody hearing held on February 5, 2018; D.A.'s certified and delegated medical records from Advocate Christ Hospital; disposition and adjudication orders for D.A.'s case; L.A.'s medical records; Valerie's medical records pertaining to L.A.'s birth; and Valerie's medical records from the University of Illinois Hospital dated on or about August 12, 2016. Valerie objected to the relevance of D.A.'s certified and delegated medical records but the circuit court overruled her objection.

¶ 12 The following testimony relevant to this appeal was derived from the February 5, 2018 redacted transcript. Vargas testified that he was the ChildLink caseworker assigned to Valerie's family for the past three years. Vargas explained that Valerie had made prior allegations of domestic violence against Diego. Prior to L.A., Vargas was the caseworker for two of Valerie's other children, including D.A., her other child with Diego. Valerie was recommended for individual therapy, family therapy, parenting coaching, and individual domestic violence therapy. According to Vargas, Valerie had completed her parenting coaching and domestic violence services, but she was unsuccessfully discharged from individual therapy for lack of participation. Vargas testified that Valerie was asked several times throughout her services if she was still in a relationship with Diego, and she insisted that she was not. Then, in June of 2017, Valerie informed Vargas via text message that she was two months pregnant and that Diego was

the father. As a result, Vargas made a new referral for domestic violence services that Valerie has yet to complete.

¶ 13 According to Vargas, the agency spoke with Valerie multiple times to create a birth plan for L.A. and at no time did she inform them of her intention to place L.A. into the care of a short-term guardian. Vargas further testified that he spoke with Iliana three days prior to L.A.'s birth and she too did not disclose the short-term guardianship agreement. Vargas informed Valerie that she was to notify him when she determined the hospital where she was going to give birth, which she never did. At about 10 a.m., on January 27, 2018, Vargas sent a text message to Valerie and Diego, inquiring as to the status of L.A.'s birth. At 11:30 a.m., Valerie responded: "Like I said, I'll let you know; I'm not rushing to have this baby." Vargas also sent Iliana a message, asking if Valerie had given birth, but she did not respond. Vargas and his supervisor began contacting hospitals and learned that Valerie had given birth to L.A. that morning at approximately 1:50 a.m.

¶ 14 Vargas further testified that Iliana was considered a possible placement for D.A. until he reviewed D.A.'s medical records and learned that members of the hospital staff were concerned about placing D.A. with Iliana. He further noted that the "DCP packet" indicated that there had been past altercations between Iliana and Diego. Vargas testified that, as a result, he had concerns about the efficacy of the safety plan should L.A. be placed with Iliana because he did not know the status of her relationship with Diego, or whether she was aware of Diego's history of violence against Valerie.

¶ 15 The State published from D.A.'s certified and delegated Advocate Christ Hospital medical records. The records contain several notations from nurses detailing communications

with hospital staff and DCFS employees regarding the discharge plan for D.A. A November 13, 2016 note, authored by Registered Nurse Nancy Bochenek, states: "I spoke with DCFS case worker Pamela Gibson and her supervisor, Patricia Young. I explained that Dr[.] Arroyo refused to discharge infant due to concerns for his safety based on alleged assault on his mother and Hx of fear from Aunt who is taking custody of infant." Stacey Roberson states the following in a November 14, 2016 entry:

> "Received call from DCSF investigator stating d/c plan needs to be investigated more thoroughly. Father beat mother throughout the night, attempting to force her to drink bleach. As a result of his violence DCFS is concerned about placing pt where father has access. DFCS is exploring an alternative placement with a family member whom neither parent has an address [*sic*]. Pt is NOT to be d/c home with paternal aunt per earlier plan. Father not to have access to pt due to violence."

¶ 16 Also relevant to this appeal are the following facts derived from Valerie's medical records from University of Illinois Hospital. On August 30, 2016, an ambulance was called for Valerie, who was six months pregnant with D.A. at the time. The report stated that Valerie had been assaulted by her "boyfriend." According to the report, Valerie stated that her boyfriend punched her in the arm, back, and head. Emergency room notes from that incident indicate that Valerie reported that her "ex boyfriend" punched her face, head, left shoulder, and in the right abdomen. Valerie reported to a social worker at the hospital that Diego was the perpetrator and that he also followed her to a public aid office, forced her to go into his house, and refused to allow her to leave until her mother came for her the next morning. The note further indicated that Valerie called the police, made a police report, and was planning to obtain an order of protection.

¶ 17 Following the publication of its exhibits, the State rested. Valerie introduced into evidence a copy of Iliana's registered nursing license and then rested.

¶ 18 Iliana, L.A.'s paternal aunt, testified that she is 15 years older than her brother, Diego, and that she is a registered nurse with three children of her own. As a registered nurse, Iliana is also a mandated reporter of abuse. She explained that she agreed to care for L.A. until Valerie was in a position to care for her own children. She told Valerie that neither she nor Diego could be near L.A. until "the court" found them suitable. Iliana stated that she is capable of providing L.A. with "everything that a child would need."

¶ 19 On cross-examination, Iliana described both Diego and Valerie as "a bit immature," but she denied ever witnessing physical violence or abuse. She testified that she never feared that her brother would be physically violent towards her or his children. Iliana acknowledged that she did not respond to Vargas's text asking if Valerie had given birth and that she instead informed Valerie that Vargas was looking for her. Iliana testified that she had contacted Vargas in the past and that his number was saved in her phone's contact list. When confronted with her prior testimony taken during the February 5, 2018 temporary custody hearing, Iliana acknowledged that she had previously denied having Vargas's number saved in her contact list.

¶ 20 After reviewing the aforementioned evidence and hearing the arguments of the parties, the circuit court concluded that L.A. was a neglected minor due to an injurious environment on the theory of anticipatory neglect. In so holding, the circuit court found that there is a history of domestic violence with L.A.'s parents that had yet to be addressed. The circuit court further found that Iliana was aware of the allegations of domestic violence but has chosen not to believe them. The circuit court stated that the evidence supported a finding that the short-term

guardianship was "designed to affect the ability of DCFS to take the child into care." It noted that the short-term guardianship can be "revoked at a moment's notice," which influenced its decision as to whether "this was an adequate safety plan ***." The circuit court further noted Iliana's failure to inform Vargas about significant events and the impeachment regarding whether she had Vargas's number saved. The circuit court ultimately determined that Iliana's failure to acknowledge the history of domestic violence was "problematic" and the care plan was not appropriate.

¶ 21 Later that same day, a dispositional hearing was held to determine whether L.A. should be made a ward of the court. Reyna Sandoval, the ChildLink case manager who took over for Vargas, testified that L.A. was placed in a relative placement with her sibling D.A. and that the home was safe and appropriate. Valerie visited with L.A. once per week at the agency offices and Sandoval stated that the visits were "good."

¶ 22 With regard to Iliana, Sandoval testified that Vargas had referred Iliana for individual therapy, which she failed to do. In July of 2018, Sandoval issued Iliana a new referral for individual therapy, but Iliana had yet to participate. According to Sandoval, Iliana cited her son's health issues as the reason she did not attend the therapy. Sandoval testified that Iliana is entitled to weekly visits with L.A. Sandoval stated that these visits were "inconsistent," estimating that Iliana visited L.A. once per month. Sometimes, Iliana would confirm a visit with L.A. and then not attend, blaming the missed visits on car trouble and a recent hand surgery. Sandoval explained that when these missed visits occur, L.A. is transported from her foster home to the agency and then transported back. The visits that Sandoval has been able to observe between Iliana and L.A. have been safe and appropriate.

¶ 23 The State introduced three exhibits into evidence, including a DCFS integrated assessment report dated March 22, 2018. The report indicated that DCFS was told that Valerie was going to go on the run with L.A. The report also stated that Diego's family is believed to be "covering for him" and quoted Valerie as saying that she would hide L.A. or give her to Diego's family.

¶ 24 Regarding Iliana, the report indicated that an interview with her was conducted on February 23, 2018. The report stated that the "major concern" with respect to Iliana's ability to parent L.A. was her "lack of knowledge" of Diego's history of domestic violence and gang involvement. According to the report, a witness reported that there was an altercation between Iliana, Valerie, and Diego; however, Iliana denied that any such altercation occurred. The assessment stated that "if [Iliana] is unable to recognize the violence perpetrated by her brother, she may be unable to keep [L.A.] safe if she were placed in her care." The report therefore recommended that Iliana engage in individual therapy to address "the violence that is prevalent within her family that she has denied knowledge of" and how her denial "impacts her ability to keep [L.A.] safe."

¶ 25 The circuit court concluded that it was in the best interests of L.A. that she be made a ward of the court. The circuit court noted that, although Valerie completed parenting classes and had consistently visited L.A., she did not complete the individual therapy service required of her as a result of D.A.'s case. As such, the circuit court found that she is unable, for some reason other than financial circumstance alone, to care for, protect, train, or discipline L.A. Regarding Iliana, the circuit court noted that she had failed to complete the one service required of her—individual therapy. The circuit court also noted Iliana's infrequent visits with L.A. and the

evidence that she has confirmed visits in the past, resulting in L.A. being transported to the agency, only to then not arrive. The circuit court concluded that Iliana was both unwilling and unable, for reasons other than financial circumstances, to care for, protect, train, or discipline L.A. The circuit court ordered temporary custody terminated and placed L.A. in the custody of DCFS. This appeal followed.

¶ 26 The respondents make several arguments on appeal. First, they contend that the circuit court erred when it admitted hearsay statements during the adjudicatory hearing. Next, they contend that the circuit court's adjudicatory finding of neglect was against the manifest weight of the evidence. Lastly, Iliana argues that the circuit court's dispositional finding that she was both unable and unwilling to care for, protect, train, or discipline L.A. was against the manifest weight of the evidence. We address each argument in turn.

¶ 27 The respondents first contend that the circuit court improperly admitted into evidence D.A.'s certified and delegated medical records because certain statements within the records contain multi-level hearsay—that is, hearsay within hearsay. The respondents also contend that the testimony contained within the February 5, 2018 redacted transcript was improperly admitted as it too contained hearsay statements.

¶ 28 As a threshold matter, the respondents acknowledged that they failed to object to the admission of the complained of evidence on hearsay grounds during the adjudicatory hearing. Accordingly, the respondents have forfeited their right to review of this argument. *In re S.J.*, 407 Ill. App. 3d 63, 66 (2011) (argument forfeited when the respondent failed to object at an evidentiary hearing and raised the issue for the first time on appeal). Nevertheless, because the circuit court's findings affect the respondents' fundamental liberty interest (*In re Haley D.*, 2011

IL 110886, ¶ 90), we will apply plain-error review and consider this issue. See *In re Andrea D.*, 342 Ill. App. 3d 233, 242 (2003) (citing *In re J.J.*, 201 Ill. 2d 236, 243 (2002) (the termination of parental rights affects a fundamental liberty interest). However, the first step in conducting plain-error review is to determine whether an error occurred at all. *People v. Walker*, 232 Ill. 2d 113, 124 (2009).

¶ 29 Turning first to D.A.'s certified and delegated medical records, the respondents agree that the records themselves are admissible pursuant to section 2–18(4)(a) of the Act (705 ILCS 405/2–18(4)(a) (West 2016)). Although hearsay is generally prohibited at adjudicatory hearings under the Act, (see 705 ILCS 405/2-18(1) (West 2016); see also Illinois Rule of Evidence 802 (eff. Jan. 1, 2011)), section 2-18(4)(a) of the Act, provides a statutory exception to the hearsay prohibition. However, the respondents contend, "[T]hat does not mean that every hearsay statement contained in those records is also admissible." As such, the respondents now object to several statements published from the records. Specifically, the respondents object to the portions of D.A.'s medical record that reference DCFS's concern about placing D.A. with Iliana because Diego would have "access" to L.A. and he had a history of violence. The respondents also object to the portion of D.A.'s records stating that Dr. Arroyo "refused" to discharge D.A. due to concerns for D.A.'s safety based on an "alleged assault on his mother and Hx of fear from Aunt ***."

¶ 30 Section 405/2-18(4)(a) of the Act provides as follows:

> "Any writing, record, photograph or x-ray of any hospital or public or private agency *** made as a memorandum or record of any condition, act, transaction, occurrence or event relating to a minor in an abuse, neglect or dependency proceeding,

> shall be admissible in evidence as proof of that condition, act, transaction, occurrence or event, if the court finds that the document was made in the regular course of the business of the hospital or agency and that it was in the regular course of such business to make it, at the time of the act, transaction, occurrence or event, or within a reasonable time thereafter. A certification by the head or responsible employee of the hospital or agency that the writing, record, photograph or x-ray is the full and complete record of the condition, act, transaction, occurrence or event and that it satisfies the conditions of this paragraph shall be prima facie evidence of the facts contained in such certification. *** *All other circumstances of the making of the memorandum, record, photograph or x-ray, including lack of personal knowledge of the maker, may be proved to affect the weight to be accorded such evidence, but shall not affect its admissibility*." (Emphasis added.) 720 ILCS 405/2-18(4)(a) (West 2016).

¶ 31 The respondents' arguments fail because, as the statute clearly provides, "lack of personal" knowledge of the information by the author of the record may affect the weight, but not the admissibility, of the record. We note that the records in question contain the hospital's certification, in compliance with the statute, that the attached documents were true, correct, full, and complete copies of the records made in its regular course of business. Thus, the circuit court could properly consider the exhibits, along with any statements contained therein, and attribute to them whatever weight it determined they were due.

¶ 32 The respondents also argue that the transcript of Vargas's testimony from the temporary custody hearing contains hearsay. Specifically, the respondents highlight Vargas's testimony that

a report indicated that there was an altercation between Iliana and Diego and that D.A.'s medical records show that the hospital staff expressed concern over discharging D.A. to Iliana.

¶ 33 To begin, we note that the circuit court stated in response to an objection from Valerie's counsel that it would not consider Vargas's statement regarding what he learned from D.A.'s medical records for the truth of the matter asserted. *People v. Williams*, 181 Ill. 2d 297, 313 (1998) ("[T]estimony about an out-of-court statement which is used for a purpose other than to prove the truth of the matter asserted in the statement is not hearsay."). Moreover, Vargas's statement is cumulative of information contained within D.A.'s medical records, which, as mentioned above, were admitted in full. There was, therefore, no error with regard to the circuit court admitting that testimony.

¶ 34 As to the two remaining statements from Vargas, both of which reference a report that there was a physical altercation between Iliana and Diego, we note that the respondents, once again, failed to object to these statements during the hearing. However, as mentioned above, we have excused their forfeiture because a substantial right is impacted. That said, the circuit court made no reference to any such altercation when announcing its decision, instead noting its concern about Iliana's judgment and her failure to acknowledge Diego's history of abusing Valerie. As such, even if it was error to admit that testimony, the error had no prejudicial effect and was harmless. *In re J.Y.*, 2011 IL App (3d) 100727, ¶ 15 ("An evidentiary ruling in error by the trial court requires reversal only where the error played a substantial part in the verdict.").

¶ 35 We turn next to the respondents' argument that the circuit court's finding of neglect was against the manifest weight of the evidence.

¶ 36 A circuit court's ruling regarding neglect or abuse will not be disturbed unless it is against the manifest weight of the evidence. *In re Zion M.*, 2015 IL App (1st) 151119, ¶ 27. A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident. *In re Zion M.*, 2015 IL App (1st) 151119, ¶ 27.

¶ 37 Under the manifest weight of the evidence standard, the reviewing court gives deference to the circuit court as the finder of fact since it is in the best position to observe the conduct and the demeanor of the parties and the witnesses and has a degree of familiarity with evidence that a reviewing court cannot possibly obtain. *In re A.W.*, 231 Ill. 2d 92, 102 (2008). As the reviewing court, we must not substitute our judgment for that of the circuit court regarding the credibility of the witnesses, the weight to be given the evidence, or the inferences to be drawn. *In re A.W.*, 231 Ill. 2d at 102.

¶ 38 Here, L.A. was found to be a neglected minor based on an injurious environment. While neglect has been defined as the failure to exercise the care that circumstances justly demand, our supreme court has recognized that the meaning of neglect is fluid, which takes in unintentional as well as intentional disregard of duty. *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004). Whether neglect exists depends on the circumstances. *In re Arthur H.*, 212 Ill. 2d at 463. Likewise, the term "injurious environment" 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 nurturing shelter for her children. *A.P.*, 2012 IL 113875, ¶ 22. Accordingly, "cases involving allegations of neglect and adjudication of wardship are *sui generis*, and must be decided on the basis of their unique facts." *Arthur H.*, 212 Ill. 2d at 463. The State bears the burden of proving a neglect

allegation by a preponderance of the evidence, which means it must show the allegations are more probably true than not. *A.P.*, 2012 IL 113875, ¶ 17.

¶ 39 In the present case, the circuit court's finding that L.A. was a neglected minor was premised on the theory of anticipatory neglect. "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 at 468. "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." *In re Zion M.*, 2015 IL App (1st) 151119, ¶ 30.

¶ 40 Here, the circuit court's finding of neglect was based on several factors. First, the circuit court noted that Diego had a history of domestic abuse and that neither Valerie nor Diego had completed the required services to address that abuse. Additionally, Valerie was not forthcoming with Vargas as to her relationship with Diego. With respect to Iliana, the circuit court concluded that the care plan for L.A., including the short-term guardianship, was an attempt to circumvent DCFS oversight and potentially place L.A. in a position where her parents had access to her. It noted that the guardianship was revocable at will and that Iliana refused to acknowledge Diego's history of abuse. The circuit court further questioned Iliana's judgment and credibility, noting that she was not forthcoming with Vargas regarding the short-term guardianship and provided inconsistent answers as to why she did not respond to his text message on the day L.A. was born.

¶ 41 The respondents both contest the circuit court's findings. Valerie argues that there is no evidence that the short-term guardianship was a "sham" and that it is pure speculation on the part

of the circuit court that L.A. could be harmed in Iliana's care. Iliana likewise argues that the circuit court was incorrect to fault her for being unaware of Diego's abuse because siblings sometimes do not share their private lives with their other siblings. She further argues that Valerie's decision to appoint her as guardian showed "good judgment" because her home was suitable and Valerie was attempting to keep L.A. "out of the nightmare of DCFS custody."

¶ 42 The respondents' arguments are essentially asking us to reweigh the evidence in their favor and overturn the credibility determinations of the circuit court. This we cannot do. *In re An.W.*, 2014 IL App (3d) 130526, ¶ 55. The evidence elicited at the adjudicatory hearing showed the following: Diego had a history of abuse toward Valerie; Valerie was dishonest about her relationship with Diego and L.A.'s birth; and Valerie failed to complete the services required of her by DCFS. Moreover, there is evidence to support the inference that Iliana also intended to withhold information from Vargas and DCFS regarding L.A.'s birth and the guardianship agreement.

¶ 43 In short, after careful consideration of the evidence, we conclude that the circuit court's determination that L.A. was a neglected minor due to her injurious environment was not against the weight of the evidence. As the opposite conclusion is not clearly evident, the circuit court's finding of neglect is affirmed.

¶ 44 Lastly, Iliana argues that the circuit court's finding that she was unable and unwilling to care for, protect, train, or discipline L.A. was against the manifest weight of the evidence.

¶ 45 At the dispositional hearing, the circuit court may commit the minor to wardship upon a finding that the minor's parents are unable or unwilling or unfit, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor and that the

health, safety, and best interests of the minor will be jeopardized if she remains in the custody of her parents. 705 ILCS 405/2–27(1) (West 2016); *In re Harriett L.–B.*, 2016 IL App (1st) 152034, ¶ 30. A finding on any one of the grounds alone—unfit, unable or unwilling—is a sufficient basis for removing the minor. *In re Harriett L.–B.*, 2016 IL App (1st) 152034, ¶ 30. The decision must be supported by a preponderance of the evidence. *In re Charles W.*, 2014 IL App (1st) 131281, ¶ 56. The circuit court's decision may only be reversed if its factual findings are against the manifest weight of the evidence or it abused its discretion by choosing an inappropriate dispositional order. *In re Harriett L.–B.*, 2016 IL App (1st) 152034, ¶ 30.

¶ 46 The circuit court concluded that Iliana was unable and unwilling to care for L.A., citing her failure to complete the recommended individual therapy and her inconsistent visits with L.A. Iliana does not dispute the facts; rather, she maintains that the facts are insufficient to support the circuit court's finding. Specifically, she argues that her failure to complete the recommended individual therapy is insufficient because there was no evidence indicating why she needed to complete the therapy. She also contends that her visits with L.A. were always safe and appropriate and she provided uncontradicted explanations for her missed visits. She maintains that she is able and willing to parent L.A.

¶ 47 We are not persuaded by Iliana's arguments. First, Iliana is incorrect that there was no reason provided for why she was recommended individual therapy. According to the DCFS integrated assessment introduced at the disposition hearing, Iliana was recommended to engage in individual therapy to address "the violence that is prevalent within her family that she has denied knowledge of" and how her denial "impacts her ability to keep [L.A.] safe." Her remaining argument regarding the evidence surrounding her visits with L.A. amounts to nothing

more than asking us to reweigh the evidence in her favor, which is beyond our ability to do. *In re An.W.*, 2014 IL App (3d) 130526, ¶ 55. Accordingly, we conclude that the circuit court's determination that the State had proved by a preponderance of the evidence that Iliana was unable and unwilling to parent L.A. was not against the manifest weight of the evidence.

¶ 48 For the foregoing reasons, the judgment of the circuit court is affirmed.

¶ 49 Affirmed.