2013 IL App (2d) 130732-U
No. 2-13-0732
Order filed October 17, 2013

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re OLIVIA H., a Minor,	)	Appeal from the Circuit Court
	)	of Lake County.
	)	
	)	No. 12-JD-70
	)	
	)	Honorable
(The People of the State of Illinois, Petitioner-Appellee v. Olivia H., Respondent-Appellant).	)	Sarah P. Lessman,
	)	Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Hudson and Birkett concurred in the judgment.

ORDER

¶ 1 *Held*: The judgment was affirmed where the evidence was sufficient to prove the minor guilty beyond a reasonable doubt of aggravated battery, where the failure to notify the minor's father was not plain error, and where the court did not abuse its discretion in adjudicating the minor a ward of the court and placing her on probation.

¶ 2 Respondent, Olivia H., was found to be a delinquent minor in that she committed the offense of aggravated battery of a school employee upon school grounds (720 ILCS 5/12-3.05(d)(3) (West 2010)). The trial court adjudicated her a ward of the court and sentenced her to one year's probation. She appeals, contending that the State did not prove her guilty beyond a reasonable doubt, that she was denied due process of law because her father was not served with notice of the petition for

adjudication of wardship pursuant to section 5-525 of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/5-525 West 2010)), and that the court abused its discretion in adjudicating her a ward of the court. For the following reasons, we affirm.

¶ 3 BACKGROUND

¶ 4 On February 8, 2012, the State filed a two-count petition for adjudication of wardship. Count I alleged that Olivia committed the offense of aggravated battery in that, on December 5, 2011, while on the grounds of Gages Lake School, she knowingly caused bodily harm to Christine Lawlor by pushing her, knowing Lawlor to be a school employee. Count II charged aggravated battery of another school employee, but the State dismissed count II prior to trial. The petition listed Amanda V. as Olivia's mother and gave Amanda's address. The petition listed Olivia's father as "Unknown." Summons was served upon Olivia and Amanda.

¶ 5 At the arraignment, both Olivia and Amanda were present. The court began by inquiring into the status of Olivia's father. Amanda informed the court that Olivia's father was Robert H. and that she received child support from him. Robert had recently moved to Bensenville, and Amanda did not have his new address. Olivia told the court that she had regular contact with her father. The court told Amanda, "You need to get his address. He is required to receive notice of these proceedings." Other than this exchange at the arraignment, there is no other mention of Robert in the record. He was never served with summons or by publication and never appeared at any hearings.

¶ 6 Lawlor was the State's only witness at trial. Lawlor testified that she was a special education teacher at Gages Lake School in Lake County, Illinois. She taught junior high students with behavioral and emotional disabilities. On December 5, 2011, Olivia was in Lawlor's class. Olivia

stood up and announced that she was going to leave the classroom. Olivia was talking loudly and had her fists clenched. She walked out of the classroom, and Lawlor followed her, because school policy was that no child should be left without adult supervision.

¶ 7 In the hallway, Olivia was three to four feet in front of Lawlor, walking toward the office. Once Olivia reached the office, someone told her that the office was closed and that she needed to return to her classroom. Olivia turned around and started walking back to class. Olivia then entered the "movement room," which was a room with mats and swings for students who needed motion. The occupational therapist in the movement room asked Olivia to leave. Olivia returned to the hallway and began "zigzagging back and forth." Lawlor employed a practice called "tracking," which entails following a student at a safe distance. The practice does not involve physical confrontation but may involve holding a hand up to make a "stop" sign. Lawlor instructed Olivia that she needed to return to class because school would be dismissed soon. A school therapist entered the hallway and called Olivia's name. Olivia spun around and pushed Lawlor in her chest. Lawlor fell, landing "[a] good three feet" from the point where she had been standing. She sustained a large bruise on her hip and a broken wrist, which required surgery. On cross-examination, Lawlor denied making any physical contact with Olivia but admitted that she may have held her "hand out *** to indicate not to go there."

¶ 8 Olivia testified in her defense that she was twelve years old at the time of the incident and that she attended Gages Lake School because of her "behavioral issues." She testified that she stood up and left the classroom after two boys had been calling her names. According to Olivia, she wanted to remove herself from the classroom so that she would not be in a "situation to *** aggressively hurt those students." Olivia went to the office but was turned away, then she went to

the movement room and was again turned away. Olivia tried to return to the office, but Lawlor "kept trying to turn [her] back around again." Lawlor put her arm on the wall and was "kind of pushing [Olivia] back a little bit." Olivia said, "Stop touching me," and then pushed Lawlor. Olivia was not trying to hurt Lawlor but explained that she "just had a lot of stuff on [her] mind." On cross-examination, Olivia testified that she was angry when she left the classroom. She became more angry when Lawlor tried to get her to return to the classroom and when she was turned away from the office and the movement room. She testified, "I was already really angry. I just couldn't control my anger, and I pushed her."

¶ 9 The court found Olivia guilty of the offense of aggravated battery and ordered a social investigation report prepared pursuant to section 5-701 of the Act (705 ILCS 405/5-701 (West 2010)). At the sentencing hearing, the parties presented no evidence and relied on the report. After "[t]aking all information into consideration and *** being familiar with the facts and circumstances that brought Olivia before the [c]ourt," the court concluded that it was in the best interests of Olivia and the public that she be made a ward of the court. The court then placed her on probation for one year. After the court denied her posttrial motion, Olivia timely appealed.

¶ 10 ANALYSIS

¶ 11 On appeal, Olivia raises three issues. She contends that (1) the State did not prove her guilty of aggravated battery beyond a reasonable doubt, (2) she was denied due process of law because her father was not served with notice of the petition for adjudication of wardship pursuant to section 5-525 of the Act, and (3) the court abused its discretion in adjudicating her a ward of the court.

¶ 12 Sufficiency of the Evidence

¶ 13 Olivia argues that the State failed to prove her guilty of aggravated battery beyond a reasonable doubt. The same reasonable doubt standard from criminal cases applies in juvenile delinquency proceedings. *In re Jonathon C.B.*, 2011 IL 107750, ¶ 47. "The reasonable doubt standard asks whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jonathon C.B.*, 2011 IL 107750, ¶ 47. In this case, Olivia was charged with aggravated battery in that Olivia knowingly caused bodily harm to Lawlor by pushing her, knowing that Lawlor was a school employee on school grounds (720 ILCS 5/12-3.05(d)(3) (West 2010)).

¶ 14 Olivia contends that, although she admitted to intentionally pushing Lawlor while angry, the evidence did not establish that she knowingly caused Lawlor bodily harm. She argues that the evidence showed that she was "simply trying to move the teacher aside or get past the teacher so that she could go to the school office and cool off." She maintains that the evidence did not prove beyond a reasonable doubt that she knew that bodily harm "was virtually certain to result from the one push during a heated moment." A person acts knowingly for purposes of battery premised on causing bodily harm when he or she is consciously aware that his or her conduct is practically certain to cause bodily harm. 720 ILCS 5/4-5(b) (West 2010); *People v. Phillips*, 392 Ill. App. 3d 243, 258 (2009); *People v. Psichalinos*, 229 Ill. App. 3d 1058, 1067 (1992). Where a defendant denies that he or she intentionally or knowingly caused bodily harm, the State must prove the defendant's mental state through circumstantial evidence. *Phillips*, 392 Ill. App. 3d at 259. For example, intent or knowledge may be inferred from the defendant's conduct surrounding the act or from the act itself. *Phillips*, 392 Ill. App. 3d at 259.

¶ 15 Olivia's argument is incredulous at best. A person who intentionally pushes another in anger with enough force to knock the victim off her feet and cause her to land "[a] good three feet" away is not innocent of battery simply because she claims she was ignorant of the likely consequences of her actions. It was the duty of the trier of fact to weigh the evidence, draw reasonable inferences from the evidence, and assess the witnesses' credibility. *People v. Jackson*, 232 Ill. 2d 246, 280-81 (2009). "[I]n weighing evidence, the trier of fact is not required to disregard inferences which flow normally from the evidence before it, nor need it search out all possible explanations consistent with innocence and raise them to a level of reasonable doubt." *Jackson*, 232 Ill. 2d at 281.

¶ 16 The trial court heard Olivia's testimony that she did not intend to harm Lawlor. However, the court was required to balance this testimony against the remainder of the evidence. Olivia testified that she left the classroom in anger after two boys were calling her names, so that she would not be in a "situation to *** aggressively hurt those students." Olivia's anger escalated because she was refused entry to the office and to the movement room. According to Olivia, just before the push, another school employee entered the hallway and Lawlor told Olivia that she should talk to her because she might be able to help Olivia. Olivia told Lawlor "no" because she wanted to go to the office so that she could "just get a break" from the boys. Olivia walked past Lawlor, who then said, "Olivia, please come back." When Olivia said "no," Lawlor placed herself in front of Olivia and put her arm on the wall, blocking Olivia's path. Olivia testified that Lawlor kept touching her and "pushing [her] back a little bit." Olivia then said, "Stop touching me," and pushed Lawlor. Olivia testified, "I was already really angry. I just couldn't control my anger, and I pushed her."

¶ 17 Lawlor testified that Olivia had her fists clenched when she walked out of the classroom, that Olivia was turned away from the office and the movement room, and that Olivia began "zigzagging"

in the hall. After one of the school's therapists entered the hallway, Lawlor expected Olivia to speak with her because Olivia and the therapist had a "solid therapist/student relationship." Instead, when the therapist called Olivia's name, Olivia "turned around *** in a pretty swift motion" and "came towards [Lawlor] with two hands and pushed [her]." Olivia pushed Lawlor in the chest with enough force to knock Lawlor off her feet and cause her to land "[a] good three feet" from the place she had been standing. It happened very quickly, and Lawlor felt pressure against her chest and loss of balance before she saw what was happening. She felt her hip and elbows slam into the ground and a sting in her hand.

¶ 18 Viewed in the light most favorable to the prosecution, the evidence does not support an inference of accidental harm. Rather, the evidence forms a clear picture of a frustrated minor whose escalating anger erupted into a forceful push. Olivia already was angry when she left the classroom. She became more angry when she could not enter the office or the movement room. According to Olivia, Lawlor was touching her and attempting to block her path to the office at the time of the push, and another school employee had just entered the hallway. The push itself immediately followed a verbal exchange between Lawlor and Olivia. From these circumstances and from the act of the push itself, which was strong enough to knock Lawlor off her feet and send her three feet down the hallway, the trier of fact reasonably drew the inference that Olivia knowingly caused bodily harm to Lawlor. See *Psichalinos*, 229 Ill. App. 3d at 1068 (where the defendant closed his hand, which contained a brush and comb, into a fist and swung it at the victim, the trial court could have reasonably concluded that the defendant was consciously aware that his conduct was practically certain to cause great bodily harm).

¶ 19 Olivia further argues: "The fact that the teacher sustained a serious injury does not mean that the 12-year-old special education student facing a stressful situation was consciously aware that harm to the teacher was certain to result from the spontaneous push." We disagree with the theory of innocence she asserts. Battery does not require premeditation, and the requisite mental state can be formed "spontaneously." See *People v. Clay*, 165 Ill. App. 3d 68, 70-71 (1987) (stating that battery encompasses unpremeditated acts as well as premeditated acts). Simply because Olivia pushed Lawlor in a burst of anger and frustration does not negate the inference that she was consciously aware that bodily harm was practically certain to result. After all, Olivia testified that she "just couldn't control [her] anger," which suggests that she was consciously aware of the need to control her anger and of the consequences of unleashing it.

¶ 20 Lack of Notice to Father

¶ 21 Olivia also argues that she was denied due process of law because her father was not served with notice of the petition for adjudication of wardship pursuant to section 5-525 of the Act. Due process requires that notice in juvenile delinquency proceedings be equivalent to that constitutionally required in civil and criminal cases. *In re Application of Gault*, 387 U.S. 1, 33 (1967); *In re Antwan L.*, 368 Ill. App. 3d 1119, 1124 (2006). Constitutionally adequate notice is notice, in writing, to both the minor and his or her parents of the specific charge or factual allegations to be considered at the adjudicatory hearing on delinquency. *Gault*, 387 U.S. at 33; *In re C.R.H.*, 163 Ill. 2d 263, 268-69 (1994), *overruled on other grounds by In re M.W.*, 232 Ill. 2d 408, 426 (2009). Where a court has determined that a minor's fundamental due process rights have been violated, the failure to provide notice to a minor's parents or legal guardian has been held to require a remand to the circuit court

so that the procedural requirements of the Act may be followed. See *In re Marcus W.*, 389 Ill. App. 3d 1113, 1128 (2009).

¶ 22 To protect both minors' and parents' constitutional right to adequate notice, the Act contains detailed notice requirements. Section 5-520 of the Act requires that any petition filed pursuant to the Act contain the names and residences of the minor and the minor's parents, guardian, or legal custodian. 705 ILCS 405/5-520(2)(b), (c), (d) (West 2010). Section 5-525 requires the clerk of the court, upon the filing of a petition under the Act, to issue summons directed to the minor's parents, guardian, or legal custodian and to each person named as a respondent in the petition. 705 ILCS 405/5-525(1)(a) (West 2010). Service of summons and the petition may be made by personal service or abode service, or by leaving a copy with the minor's guardian or custodian. 705 ILCS 405/5-525(1)(e) (West 2010). Under certain limited circumstances, service may be by certified mail or by publication. 705 ILCS 405/5-525(2) (West 2010). The only situation in which a parent need not be served with summons is when the parent does not reside with the minor, does not make regular child support payments, and has not communicated with the minor on a regular basis. 705 ILCS 405/5-525(1)(a)(ii) (West 2010). The State must exercise diligence in notifying a minor's parents, especially when the location of a parent is unknown. *In re Willie W.*, 355 Ill. App. 3d 297, 300 (2005).

¶ 23 Olivia contends that, because the State failed to notify her father of the delinquency proceedings and failed to exercise diligence in locating him, the order adjudicating her a delinquent minor and making her a ward of the court must be vacated, and the matter must be remanded so that both of her parents can receive adequate notice. She acknowledges that she forfeited this issue by failing to raise it before the trial court but contends that the lack of notice rises to the level of plain

error. The State concedes that it did not notify Robert of the adjudication proceedings but contends that Olivia has failed to establish plain error. Our review is *de novo*. *M.W.*, 232 Ill. 2d at 414.

¶ 24 *M.W.* is instructive. In *M.W.*, the State filed a petition for adjudication of wardship charging the minor with robbery. *M.W.*, 232 Ill. 2d at 413. Although neither the mother nor the father were served with summons, both parents were present at the detention hearing and received copies of the petition. *M.W.*, 232 Ill. 2d at 413. The mother continued to attend hearings, but the father did not. *M.W.*, 232 Ill. 2d at 413. At the adjudication hearing, the State was granted leave to file an amended petition, which added a count of aggravated battery. *M.W.*, 232 Ill. 2d at 413. Following trial, the court found the minor delinquent on both counts and placed her on five years' probation. *M.W.*, 232 Ill. 2d at 413. The minor never objected to the lack of notice to her absent father. *M.W.*, 232 Ill. 2d at 413. The appellate court reversed the adjudication of delinquency, but the supreme court reversed the appellate court. *M.W.*, 232 Ill. 2d at 441-42.

¶ 25 Regarding the State's failure to notify the minor's father of the amended petition, which was required pursuant to section 5-530 of the Act (705 ILCS 405/5-530 (West 2008)), the supreme court held that the lack of notice did not rise to the level of plain error. *M.W.*, 232 Ill. 2d at 440. The court explained that, to establish plain error, the minor had the burden of persuasion on the threshold question of whether there was "clear or obvious" error and on the question of whether she was entitled to relief as a result of the error. *M.W.*, 232 Ill. 2d at 431. If the minor established error, she would be entitled to relief if either (1) the evidence was so closely balanced that the error alone threatened to tip the scales of justice against her or (2) the error was so serious that it affected the fairness of the minor's trial and challenged the integrity of the judicial process, regardless of the closeness of the evidence. *M.W.*, 232 Ill. 2d at 431. Although the court concluded that the lack of

notice to the minor's father was "clear or obvious" error, the court determined that the evidence was not closely balanced and that the error was not so serious that it affected the fairness of the minor's trial. *M.W.*, 232 Ill. 2d at 431-40. In particular, the court reasoned that the minor had not shown how the fairness of the proceedings was undermined by the father's absence. *M.W.*, 232 Ill. 2d at 439. The minor had been represented by counsel, and her mother had been present. *M.W.*, 232 Ill. 2d at 439. Even had the minor's father been present, the outcome of the proceedings would not have been different. *M.W.*, 232 Ill. 2d at 439.

¶ 26 Here, the State concedes that there was error but contends that Olivia has failed to establish that she is entitled to relief. We agree. Olivia asserts that she is entitled to relief because the evidence was closely balanced, "particularly on the element of whether she knowingly caused bodily harm to her teacher." She refers the court to the reasonable doubt section of her brief. However, we have already rejected Olivia's reasonable doubt argument. As we discussed above, the evidence of Olivia's guilt was sufficient to prove her guilty beyond a reasonable doubt. We further conclude that the evidence that Olivia knowingly caused bodily harm to Lawlor was not closely balanced. As we elaborated above, the evidence established that Olivia pushed Lawlor following a sequence of events that caused Olivia's anger to escalate. Olivia was angry when she left the classroom and grew more angry when her attempts to escape the classroom were impeded. According to Olivia, just before the push, Lawlor placed herself in front of Olivia and put her arm on the wall, blocking Olivia's path. Lawlor kept touching her and "pushing [her] back a little bit." Olivia said, "Stop touching me," then pushed Lawlor with enough force to knock her off her feet and send her three feet down the hallway. Olivia testified, "I was already really angry. I just couldn't control my anger, and I pushed her." As

we stated above, Olivia's testimony suggests that she was consciously aware of the need to control her anger and of the consequences of unleashing it. The evidence was not closely balanced.

¶ 27 Olivia further asserts that, had Robert received notice of the petition, he "might have appeared and provided evidence in support of her attempt to avoid the adjudication of wardship and ensuing sentence." Like the minor's unpersuasive arguments in *M.W.*, Olivia's speculative comments fail to establish how her father's absence rose to the level of plain error. See *M.W.*, 232 Ill. 2d at 439. Olivia was represented by counsel throughout the proceedings, and her mother, who is the custodial parent, was present with Olivia at all of the hearings.

¶ 28 Olivia's reliance on *Marcus W.* is misplaced. In *Marcus W.*, the minor was adjudicated a delinquent and placed on probation until his twenty-first birthday after he admitted to committing aggravated criminal sexual abuse. *Marcus W.*, 389 Ill. App. 3d at 1115. His mother, father, and legal guardian each attended various hearings during the original adjudication proceedings. *Marcus W.*, 389 Ill. App. 3d at 1115. After the minor failed to report a change of address, the State filed a petition to revoke probation, which named the minor's mother and father but listed their addresses as unknown and did not name the minor's legal guardian. *Marcus W.*, 389 Ill. App. 3d at 1116. The minor's legal guardian received one phone call notifying her of a detention hearing to be held the following day. *Marcus W.*, 389 Ill. App. 3d at 1116. Neither of the minor's parents nor his legal guardian attended any of the hearings on the petition to revoke, and the minor was committed to the Department of Juvenile Justice for an indeterminate term of imprisonment not to exceed seven years or the minor's twenty-first birthday. *Marcus W.*, 389 Ill. App. 3d at 1117-18.

¶ 29 On appeal, the court reversed the revocation of the minor's probation and remanded for the State to give proper notice to the minor's parents and legal guardian. *Marcus W.*, 389 Ill. App. 3d

at 1128. The court held that the lack of notice to either of the minor's parents or to his legal guardian, combined with the lack of participation by any of those individuals, undermined the integrity of the proceedings on the petition to revoke. *Marcus W.*, 389 Ill. App. 3d at 1127. In support of its holding, the court emphasized that the State had argued, and the trial court had agreed, that the minor's lack of adult supervision required a term of imprisonment. *Marcus W.*, 389 Ill. App. 3d at 1127. The court further noted the "importance our supreme court has placed on a minor having *at least one person*, besides an attorney or court-appointed guardian, present during juvenile proceedings." (Emphasis added.) *Marcus W.*, 389 Ill. App. 3d at 1127.

¶ 30 The facts of Olivia's case bear little resemblance to the facts of *Marcus W.* Here, Olivia had her mother, the custodial parent, present with her at all hearings. In light of the mother's presence, her father's absence was not as consequential as the absence of any parent or guardian in *Marcus W.*, where the court sentenced the minor to imprisonment due in large part to his lack of adult supervision. Beyond her speculative comments, Olivia has not articulated any similar specific connection between her father's absence and her sentence of probation. Meeting her burden of establishing plain error requires more than unsupported assertions of what "might have" been had her father received proper notice.

¶ 31 Adjudicating Olivia a Ward of the Court

¶ 32 Olivia's final argument is that the court abused its discretion in adjudicating her a ward of the court and placing her on one year's probation. After a minor has stood trial and been found to be delinquent, the matter proceeds to a sentencing hearing. *In re Veronica C.*, 239 Ill. 2d 134, 145 (2010). The sentencing hearing begins with the adjudication phase, in which the court determines whether it is in the best interests of the minor and the public to make the minor a ward of the court.

Veronica C., 239 Ill. 2d at 145. If the minor is adjudicated a ward of the court, the sentencing hearing proceeds to the dispositional phase, in which the court imposes a sentence. *Veronica C.*, 239 Ill. 2d at 145. The possible sentences are listed in section 5-710 of the Act. 705 ILCS 405/5-710 (West 2010). If the minor is not adjudicated a ward of the court, the finding of delinquency remains, but no sentence is imposed. See *In re M.R.H.*, 326 Ill. App. 3d 565, 568 (2001) (holding that section 5-705 of the Act authorizes a court to decline to adjudge a minor a ward of the court); *People v. T.H.*, 70 Ill. App. 3d 522, 525 (1979) (holding that the trial court properly found the minor to be delinquent but erred in adjudging him a ward of the court because it was not in the minor's and the public's best interests). We review a trial court's adjudication of wardship for an abuse of discretion. *People v. J.R.*, 82 Ill. App. 3d 714, 717-18 (1980). A court abuses its discretion where its decision is fanciful, arbitrary, or unreasonable to the degree that no reasonable person would agree with it. *People v. Ortega*, 209 Ill. 2d 354, 359 (2004).

¶ 33 Initially, the State contends that Olivia forfeited this issue for review by failing to raise it in the trial court. Olivia argued at the sentencing hearing that the court should "dismiss this case today" and that "there would be no point in adjudicating her delinquent." She further argued in her posttrial motion that the court "erred in not dismissing the matter in lieu of adjudicating the minor delinquent and sentencing her to probation." While Olivia's argument before the trial court may not have been well developed or articulate, we cannot say that Olivia forfeited the issue for review.

¶ 34 In support of her contention that the trial court abused its discretion, Olivia points out that, by the time the matter proceeded to sentencing in January 2013, more than a year had passed since the offense occurred. During that time, she completed her seventh grade year in Lawlor's classroom without incident and earned mostly C's. She was promoted to eighth grade, where she earned B's

and B-'s during the first quarter. In an April 2012 annual review, she was recognized as capable of being sociable and of being well-liked by her peers. She continued to work on her interactions with others and on her anger management skills. Further, she had no criminal history. In light of these considerations, Olivia contends that the court should not have adjudicated her a ward of the court.

¶ 35 While Olivia may have exhibited good behavior in school following the incident, this consideration alone does not render the court's decision to adjudicate her a ward of the court an abuse of discretion. Olivia ignores the substantial evidence supporting the court's decision. The social investigation report described Olivia as having a history of emotional and behavioral problems. She was placed in Gages Lake School after her third grade year, during which she was verbally and physically inappropriate toward peers, adults, and herself. She pushed over desks, touched and hit other students, left the classroom without permission, and engaged in other inappropriate behaviors. She was diagnosed with bipolar disorder and prescribed medications, which she would go months without taking. The report indicated that, at the time of the offense at issue, she had not been taking her medications for several months. Following the offense, she received additional diagnoses of mood disorder, oppositional defiant disorder, attention deficit hyperactivity disorder, and anxiety disorder.

¶ 36 The report also listed as a risk factor Olivia's troubled family situation. Olivia's mother had a history of substance abuse and mental health problems. At the time the report was drafted, Olivia's mother was facing charges of driving under the influence of an intoxicating compound, driving under the influence of any amount of a drug, and possession of drug paraphernalia. She was participating in an intensive outpatient substance abuse program. She was also under investigation by the Department of Children and Family Services (DCFS) due to a raid of her home that led to the

discovery of drug paraphernalia, crack cocaine, razor blades, and prescription medication. The report also referenced the mother's hoarding. Furthermore, in September 2012, there was an indicated report by DCFS that Olivia's mother was leaving her children home alone at night while she went out and sold her food stamps for drugs.

¶ 37 Viewing the report as a whole, we cannot say that the trial court abused its discretion in adjudicating Olivia a ward of the court and sentencing her to one year's probation. The main purpose of the Act is not to punish, but to correct and rehabilitate. *In re J.G.*, 295 Ill. App. 3d 840, 842 (1998). In light of Olivia's history of emotional and behavioral problems, combined with her troubling family situation, it was reasonable for the court to conclude that it was in Olivia's and the public's best interests that she be adjudicated a ward of the court and placed on probation. Prior to the offense and the beginning of the court's involvement in Olivia's life, she would go months at a time without taking her medications. This had severe consequences, leading her to push a teacher in a burst of anger, causing serious injuries. It is well-established that the facts of the offense alone can support an adjudication of wardship. *J.R.*, 82 Ill. App. 3d at 718. Here, not only was the offense a serious one, the circumstances that led to the offense were readily apparent to the trial court. The offense stemmed from Olivia's uncontrolled emotional and behavioral problems. It was in the best interests of Olivia and the public that she be adjudicated a ward of the court and placed on probation, which provided her with structure and support that was lacking in her home life. The court's probation order included conditions designed to advance the goals of correcting and rehabilitating Olivia's behavior, including that she cooperate with juvenile court services and participate in individual and family counseling, an anger management program, and a medication management

program. The court did not abuse its discretion in adjudicating her a ward and placing her on probation.

¶ 38 Olivia's reliance on *T.H.* is misplaced. In that case, the appellate court reversed an adjudication of wardship that arose out of a minor's punching of another student. *T.H.*, 70 Ill. App. 3d at 525. The court reasoned that the incident was an isolated event and discussed the evidence of the minor's good character presented at the sentencing hearing. *T.H.*, 70 Ill. App. 3d at 524. In particular, the student was on the honor roll, had been elected co-captain of the wresting team, had a reputation for peacefulness, and was considered reliable and trustworthy. *T.H.*, 70 Ill. App. 3d at 524. Furthermore, the minor had a good family life, had obtained summer employment, and planned to attend college. *T.H.*, 70 Ill. App. 3d at 524. He had never before demonstrated aggressive or violent behavior and had punched the fellow student during a dispute over a mutual girlfriend. *T.H.*, 70 Ill. App. 3d at 523-24. The court concluded, "The record as a whole convinces this court that this was an isolated event rather than a course of conduct pursued by respondent and as such we fail to see how it could be in the public's best interest that respondent be adjudged a ward of the court." *T.H.*, 70 Ill. App. 3d at 525. Unlike the incident in *T.H.*, the offense at issue here was not an isolated event. In contrast to the record in *T.H.*, the record here suggests that Olivia was in need of rehabilitation and that her behavior would not be corrected in the absence of court involvement. Adjudicating her a ward of the court and placing her on probation was appropriate under the circumstances.

¶ 39 CONCLUSION

¶ 40 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 41 Affirmed.