

SUPREME COURT OF ILLINOIS

In re A.P. and J.P., Minors (The People of the State of Illinois v. Lisa P.)

2012 IL 113875 (Ill. 2012) · No. 113875 · Decided November 29, 2012

SUMMARY

The Illinois Supreme Court affirmed the appellate court’s reversal of a finding that A.P. and J.P. were neglected because their environment was injurious to their welfare. The court held that, where a parent leaves children with a caregiver, a neglect finding based on the caregiver’s conduct requires some indication that the parent knew or should have known the caregiver was unsuitable. The court declined to address the admissibility of Pediatric Resource Center records because the trial court did not rely on them in making its neglect determination.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Theis; Chief Justice Kilbride; Justice Freeman; Justice Thomas; Justice Garman; Justice Karmeier; Justice Burke
JURISDICTION	Illinois
DECIDED	November 29, 2012
DOCKET	113875
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State petitioned for leave to appeal from the appellate court's reversal of the circuit court's adjudication that A.P. and J.P. were neglected minors. The State challenged both the neglect determination and the admission of Pediatric Resource Center records.
STANDARD OF REVIEW	A trial court's finding of neglect is reviewed under the manifest-weight-of-the-evidence standard and will not be reversed unless the opposite conclusion is clearly evident. Evidentiary rulings are generally reviewed for abuse of discretion, but the court declined to reach the admissibility issue because any error had no impact on the neglect finding.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; precedential
PARTIES	The People of the State of Illinois v. Lisa P.

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QUESTIONS PRESENTED

1. Whether the evidence supported a finding that A.P. and J.P. were neglected because their environment was injurious to their welfare when Lisa P. left them with a caregiver without prior indication that he was unsuitable.
2. Whether the Illinois Supreme Court needed to decide whether Pediatric Resource Center records were properly admitted under section 2-18(4)(a) of the Juvenile Court Act.

HOLDINGS

1. To establish neglect based on an injurious environment under these circumstances, the State had to present some indication that the parent knew or should have known that the selected caregiver was unsuitable. Because there was no such indication, the trial court's neglect finding was against the manifest weight of the evidence.
2. The court did not need to decide whether the Pediatric Resource Center records were properly admitted because the trial court expressly rejected the physician's conclusions and based its neglect determination on other evidence.

KEY QUOTATIONS

“Our holding that the Act instructs the circuit court during the adjudicatory hearing to determine whether the child is neglected, and not whether the parents are neglectful, furthers the purpose and policy of the Juvenile Court Act, which is to ensure the best interests and safety of the child.” (¶ 20)

“Simply put, in order to support the trial court’s neglect findings in this case, there had to be some indication that respondent knew or should have known that McLee was an unsuitable caregiver.” (¶ 25)

FACTUAL BACKGROUND

Lisa P. left her two children, A.P. and J.P., with her boyfriend, Chad McLee, at his home while she attended a doctor's appointment. When she returned, she saw that A.P. had suffered scald burns to the face and immediately took him to the emergency room. There was no evidence that McLee had previously injured the children or that Lisa knew or should have known he was an unsuitable caregiver. The trial court found an injurious environment based on McLee's neglectful supervision, but the Illinois Supreme Court held that the evidence did not support that finding.

PROCEDURAL HISTORY

The Peoria County circuit court found A.P. and J.P. neglected because their environment was injurious to their welfare, although it later found Lisa P. to be a fit parent and closed the cases. The appellate court reversed, holding that the neglect finding was against the manifest weight of the evidence and that the Pediatric Resource Center records were improperly admitted. The Illinois Supreme Court affirmed the appellate court's judgment reversing the neglect finding.

DISPOSITION

affirmed

CASES CITED

- In re Arthur H., 212 Ill. 2d 441 (2004)
- In re N.B., 191 Ill. 2d 338 (2000)
- In re D.S., 217 Ill. 2d 306 (2005)
- In re Harpman, 134 Ill. App. 3d 393 (1985)
- In re A.W., 231 Ill. 2d 241 (2008)
- In re Jay H., 395 Ill. App. 3d 1063 (2009)
- In re M.K., 271 Ill. App. 3d 820 (1995)
- People ex rel. Wallace v. Labrenz, 411 Ill. 618 (1952)
- In re M.Z., 294 Ill. App. 3d 581 (1998)

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