

No. 2—11—0023  
Order filed June 3, 2011

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

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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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<i>In re</i> MYKEL J.C. and MAKAYLA J.C., Minors	)	Appeal from the Circuit Court of DeKalb County.
	)	
	)	Nos. 08—JA—85
	)	08—JA—86
	)	
	)	Honorable
(The People of the State of Illinois, Petitioner- Appellee, v. Brandy J., Respondent-Appellant).	)	Kurt P. Klein, Judge, Presiding.

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JUSTICE BOWMAN delivered the judgment of the court.  
Justices Schostok and Birkett concurred in the judgment.

**ORDER**

*Held:* Respondent's challenges to the neglect adjudication and dispositional order were not moot, even though the majority of arguments failed based on an incomplete record and/or forfeiture. However, two findings in the dispositional order regarding wardship and guardianship were reversed because the trial court was not authorized to find respondent fit and then make the minors wards of the court and grant guardianship to DCFS.

Respondent, Brandy J., appeals the trial court's adjudication of neglect as to her minor twins, Mykel and Makayla, born on February 23, 2003. She also appeals the findings in the dispositional order making the minors wards of the court and granting guardianship to the Department of Children

and Family Services (DCFS). We affirm the neglect adjudication but reverse the findings in the dispositional order as to wardship and guardianship.

### I. BACKGROUND

On December 30, 2008, the State filed a petition for adjudication of neglect for Mykel, pursuant to section 2—3(1)(a) of the Juvenile Court Act (Act) (705 ILCS 405/2—3(1)(a) (West 2008)). The State alleged that Mykel, who was five years old and in kindergarten at the time, was not receiving proper education as required by law in that he had “20.5 unexcused days of school since the beginning of the school year,” and that “the interventions and services offered had not had” an effect on his attendance. An identical petition for adjudication of neglect for Makayla appears in respondent’s appendix, but not in the record.

An order dated March 6, 2009, indicates that respondent and the minors appeared in court for “return on summons.” The case was continued to April 17, 2009, at which time the State filed an amended petition for adjudication of neglect that added the minors’ father, who is not a party in this appeal. Respondent and the minors were present in court on that date.

The record reflects that an adjudicatory hearing as to both Mykel and Makayla was held on July 31, 2009. No transcripts of that hearing appear in the record, and the adjudicatory order entered on that date indicates that respondent’s attorney, but not respondent, was present. The trial court found that the minors suffered from a lack of support, education, and remedial care as defined by section 2—3(1)(a) of the Act. The court specifically found that Mykel had missed 20.5 days of school, Makayla had missed 21.5 days of school, and that services were offered but did not rectify the situation. The order further stated that respondent was admonished that she must cooperate with the Illinois Regional Office of Education (ROE). Respondent was to comply with the terms of the

service plan and correct the conditions that required the minors to be “in care” or she would risk termination of her parental rights.

A dispositional hearing was scheduled for September 4, 2009. The day before, on September 3, 2009, the court appointed CASA as Mykel’s guardian ad litem (GAL).<sup>1</sup> On September 4, 2009, an order was entered stating no parties appeared, and that the case was continued to October 16, 2009. Respondent moved to continue that date to October 23, 2009, and this motion was granted. In an agreed order entered on October 23, 2009, the case was continued to November 6, 2009. On November 6, 2009, the parties agreed to another continuance to December 11, 2009, on which date a dispositional hearing was held. Before the hearing commenced, the court inquired whether the adjudicatory hearing had taken place within the last 30 days. The State responded that the adjudicatory hearing had not taken place within 30 days due to both sides’ continuances and due to other judges not wanting to conduct the hearing during the current judge’s absence.

Cathey Stoddard, who had been employed with ROE truancy intervention for 12 years, was the only witness to testify on behalf of the State at the dispositional hearing. She testified that the minors were currently seven years old<sup>2</sup> and in first grade. When Stoddard was asked if she remembered the adjudicatory hearing in which it was learned that each minor had missed over 20 days of school, she responded that the minors “were tardy.” The tardies occurred the year before. With respect to the current year, the minors continued to have issues with tardiness. At the previous

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<sup>1</sup>Although the record does not contain a similar document for Makayla, the parties do not dispute that CASA was appointed as her GAL as well.

<sup>2</sup>The minors’ date of birth was February 23, 2003, making them six years old at the time of the hearing.

October 2009 court date, Stoddard thought that there were “around six or seven tardies” despite having a bus driver. Stoddard recommended a psychological evaluation for respondent, because she did not have an appreciation of how the minors were performing in school. Although respondent claimed that the minors were doing well academically, Stoddard met with the teacher and found out that that was not the case; the minors were struggling. Stoddard also recommended parenting classes for respondent to help with the routine in the morning. Stoddard relayed that one day, the minors walked into school at 10 a.m. When the secretary asked where they had been, they did not answer but just “kind of shrugged.” If children were late to school, parents were supposed to walk into the school with them to sign them in.

On cross-examination, Stoddard was asked how many times the minors had missed school during the current year. Stoddard responded “seven or eight,” although she did not have the record with her. In order to be classified as a truant, a child had to miss 10%, or 18, of the last 180 school days. The policy in DeKalb was that two tardies equaled one unexcused absence. Stoddard admitted that the current year had been “much better” than the previous year. In addition, it was the tardies that counted as absences; the minors had no unexcused, full-day absences.

Respondent testified on her own behalf. Currently, Mykel and Makayla were doing much better in school than before. They were receiving special services, and respondent had been to meetings in relation to those services. The sign-in sheet showed her signature and her boyfriend’s signature; they were both involved and supportive. Respondent admitted that the minors had been late to school due to doctors’ appointments, but they had missed only one day of school that year.

The court took the matter under advisement for 60 days to think about Stoddard’s recommendations. Although the court did not see the need for respondent to receive a psychological

evaluation, it would consider the recommendation of parenting classes. The court was concerned with the scope of its role in this hearing:

“I’m just not sure if it’s appropriate for me at this stage of the proceedings to be entering those kind of orders, but in 60 days we’ll see how the children are doing, we’ll see how Mom is doing and maybe that will be a moot issue by that time.”

The court ordered the minors to remain with respondent. The next hearing was scheduled for February 26, 2010.

The next transcripts in the record relate to a December 17, 2010, hearing. We summarize the the relevant CASA reports and court orders that appear in the record up until that date.

A CASA report to the court, signed on February 25, 2010, indicated that both minors had 10 tardies during the period of August 27, 2009, to December 17, 2009. During the next semester, the minors had one excused absence for a doctor’s appointment. Other than that day, the minors had been “to school every day, on time.” A court order, dated February 26, 2010, indicated that respondent was present and that “attendance had improved greatly.” The matter was continued to May 28, 2010, for “status/ruling on dispositional hearing.”

A second CASA report, signed on May 26, 2010, stated that the minors had been tardy on March 1, 2, 10, April 9, and May 7, but that “some of the tardies could have been because of the bus driver.” In an order dated May 28, 2010, the court stated that respondent appeared, some tardies had continued, but there was improvement. Again, the case was continued to August 27, 2010, for status/ruling on the dispositional hearing.

In a third CASA report signed on August 25, 2010, there was no information regarding school attendance because it was summer. A court order, dated August 27, 2010, stated that respondent appeared and that the case was continued to September 24, 2010.

A fourth CASA report, signed on September 21, 2010, indicated that the minors had “no tardies or absences so far.” A September 24, 2010, order noted that respondent appeared and the minors were “going to school.” Once again, the case was continued to December 17, 2010.

A ROE report regarding school and attendance update, which was dated December 16, 2010, stated that since the beginning of the school year, Mykel had one and one-half unexcused absences; eight tardies occurring from September to December, which translated into four unexcused absences; and two and one-half excused absences. The CASA report, signed on December 15, 2010, indicated seven tardies and four absences.

The parties appeared in court on December 17, 2010, in front of a different judge than the one who had been handling the case. Stoddard of ROE stated that Mykel had one and one-half unexcused absences, and Makayla had one unexcused absence. The concern continued to be the tardies. Stoddard had spoken to the attendance secretary, who said the minors would come to school around 9 a.m. or after 9 a.m. even though school started at 8:45 a.m. Since the beginning of the school year, Mykel had had eight tardies and Makayla had had seven tardies. Ellen Hine of CASA stated that her conversation with the school had also revealed that tardies were still a concern. Another concern of CASA was a scheduled visit with respondent in which respondent was not home and the minors were locked out of the house. Mykel was upset and crying, and CASA called the DCFS hotline. At this point, respondent’s attorney interjected that she had just received this report and had not yet a chance to speak with respondent. When respondent’s attorney went on to say that

the case was up for status and ruling on the dispositional hearing, the State disagreed, stating it was up for “status and possible case closing” if the minors “were doing very well.” The court noted that the judge handling the case had held the dispositional hearing on December 11, 2009, and then had continued the case “on and on and on” to assess the minors’ school attendance. Both parties agreed that the case needed to be set for ruling on the dispositional hearing, and the court noted that the judge handling the case should be the one to make that ruling. The court entered an order stating that the minors’ attendance was not good. The case was continued to January 7, 2011.

The parties appeared in court for a ruling on the dispositional hearing on January 7, 2011. CASA advised the court about the incident in which respondent did not appear for a scheduled home visit, the minors were locked out of the house in the cold, and respondent did not arrive home until about 10 minutes later. In response, respondent’s attorney argued that the CASA visit had been scheduled that day, that respondent was on her way home to be with the children, who walked to and from school, and that they arrived at home a few minutes before she did. Although DCFS was called, there was no “indicated report from that that resulted.” CASA also advised the court that tardiness was still a problem at school, with one minor having seven tardies and one and one-half unexcused absences for the year, and the other minor having eight tardies and one unexcused absence. The State recommended that the minors remain with respondent but be made wards of the court, and that DCFS be ordered to provide services to the family. Respondent’s attorney argued that the minors should not be made wards of the court and that the case should be closed. The court then heard from Cynthia Brisbon of DCFS Legal. Brisbon stated that after listening to the reports, which she had not had a chance to review, DCFS was not requesting to take the case at that time. The minors were safe; there were no concerns about their care; and “the services that could be

provided to Mom should be provided through the school district.” Brisbon concluded that it was not appropriate for DCFS to be involved at that time.

After hearing this evidence, the court stated that the “State’s recommendation was reasonable under the circumstances.” The court continued: “ I find that there are immediate and urgent circumstances. The child [*sic*] will be placed in the custody of DCFS. Mother will remain custodial parent.” A dispositional order was entered the same day. In regard to fitness, the court checked the box indicating that respondent was “fit, able and willing to care for, protect, train, educate, supervise or discipline the minor and she will not endanger the health, safety or well-being of the minor.” With respect to whether “[r]easonable efforts and appropriate services aimed at family reunification” had been made, the court checked the box stating that they had “been made to keep the minor in the home and the health, welfare and safety of the minor is not compromised by leaving the minor in the home.” The court checked boxes showing that the service plan suggested by ROE was “appropriate,” as were the services to be delivered. In addition, the court checked boxes reflecting that the minors were adjudicated neglected; the minors were made wards of the court; custody of the minors was placed with respondent; and guardianship of the minors was placed with DCFS. The dispositional order further stated that respondent was to cooperate with CASA, ROE, DCFS, and the school, and she was to successfully complete parenting classes.

The parties next appeared in court on February 4, 2011, for a status date. In the meantime, respondent had filed a timely notice of appeal. Based on the vast improvement in the minors’ attendance, the State recommended that the case be dismissed, and representatives of CASA, DCFS, and ROE agreed. Over respondent’s attorney’s objection to the State’s motion, the court granted the State’s motion to dismiss the case.

## II. ANALYSIS

### A. Mootness Doctrine

On appeal, respondent challenges the neglect adjudication and the two findings in the subsequent dispositional order making the minors wards of the court and granting guardianship to DCFS. Before delving into respondent's claims, however, we must first address the State's argument that this case should be dismissed as moot. As the State points out, after respondent filed her notice of appeal, the State moved to dismiss this case based on the improvement in the minors' school attendance. The trial court granted this motion, and for this reason, the State argues that this court is unable to grant respondent any meaningful relief, rendering the appeal moot.

It is a basic tenet of justiciability that reviewing courts will not decide moot issues or render advisory opinions. *In re J.T.*, 221 Ill. 2d 338, 349 (2006). An appeal is considered moot where it presents no actual controversy or where the issues involved in the trial court no longer exist because intervening events have rendered it impossible for the reviewing court to grant effectual relief to the appealing party. *Id.* at 349-50. Still, reviewing courts recognize exceptions to the mootness doctrine, such as the collateral-consequences exception, which applies where the order could return to plague the respondent in some future proceedings or could affect other aspects of the respondent's life. *In re Gloria C.*, 401 Ill. App. 3d 271, 275 (2010). The collateral-consequences exception applies where the respondent could be negatively affected in the future by the adjudication at issue. *In re James H.*, 405 Ill. App. 3d 897, 902 (2010); see also *In re Alfred H.H.*, 233 Ill. 2d 345, 362 (2009) (the collateral-consequences exception to mootness allows for appellate review, even though a court order has ceased, because a plaintiff has suffered or is threatened with an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision).

We note that there are possible collateral legal consequences to respondent regarding the neglect adjudication and the dispositional order in the context of juvenile proceedings. On this point, *In re Chyna B.*, 331 Ill. App. 3d 591 (2002), is instructive. The respondent father in *In re Chyna B.* challenged the trial court's findings that his minor child was neglected; that he was unfit; that made the minor a ward of the court; and that placed the minor in the custody and guardianship of DCFS. *Id.* at 592. After the proceedings against the respondent father were terminated and custody and guardianship of the minor were returned to him, the fourth district appellate court issued a rule to show cause for the respondent father to demonstrate why the appeal should not be dismissed as moot. *Id.* at 592-93. Based on his response, the court determined that the respondent father's appeal should not be dismissed for mootness. *Id.* at 593. According to the court, there were possible collateral legal consequences to the respondent father such as the admissibility of a prior neglect adjudication in subsequent proceedings (see 705 ILCS 405/2—18(3) (West 2000)), and the possibility of a supplemental petition reinstating wardship and reopening the case (see 705 ILCS 405/2—33 (West 2000)).

Employing this logic, respondent argues that the minors' neglect adjudication and the wardship and guardianship findings in the dispositional order could ultimately harm her parental rights in the future if additional proceedings were brought with respect to Mykel or Makayla or with regard to her other child. Although the majority of respondent's arguments fail on other grounds, which we discuss below, we agree with respondent that her appeal should not be dismissed as moot. This is especially true where the dispositional contains incompatible findings regarding fitness, wardship, and guardianship. As we explain more fully below, the trial court was not authorized to find respondent fit and then make the minors wards of the court and grant guardianship to DCFS.

See *In re K.L.S.-P.*, 383 Ill. App. 3d 287, 295 (2008). While the State interprets this discrepancy as a scrivener's error, the State's position illustrates why this dispositional order could be problematic for respondent in the future should the case ever be reopened. Therefore, we decline to dismiss respondent's appeal as moot.

#### B. Neglect Adjudication

Turning to the merits, respondent's first argument on appeal is that the trial erred by adjudicating the minors neglected based on not receiving proper education as required by law under section 2—3(1)(a) of the Act. 705 ILCS 405/2—3(1)(a) (West 2008) (those who are neglected include any minor under 18 years of age who is not receiving the proper or necessary education as required by law). The record shows that an adjudicatory hearing as to both Mykel and Makayla was held on July 31, 2009. The court found that the minors were neglected in that Mykel and Makayla had 20.5 and 21.5 unexcused absences from school, respectively. Respondent argues that the trial court's neglect adjudication "was not supported by a preponderance of the evidence." While we have determined that this issue is not moot, respondent's argument fails on other grounds.

The supreme court has long held that in order to support an argument on appeal the appellant has the burden to present a sufficiently complete record. *Webster v. Hartman*, 195 Ill. 2d 426, 432 (2001), citing *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). From the very nature of an appeal, it is evident that the reviewing court must have before it the record to review in order to determine whether there was the error claimed by the appellant. *Id.* at 432. Where the issue on appeal relates to the conduct of a hearing or proceeding, this issue is not subject to review absent a report or record of the proceeding. *Id.* Absent a record, it is presumed that the order entered by the trial court is in conformity with the law and had a sufficient factual basis. *Id.* Moreover, any doubts that may arise

from the incompleteness of the record will be resolved against the appellant. *Dargis v. Paradise Park, Inc.*, 354 Ill. App. 3d 171, 176 (2004).

A report of proceedings of the July 31, 2009, hearing at which the minors were adjudicated neglected is not included in the record. In the event of the absence of a report of proceedings, Supreme Court Rule 323(c) authorizes a bystander's report, and Rule 323(d) authorizes an agreed statement of facts (Ill. S. Ct. R. 323(c), (d) (eff. Dec 13, 2005)). *Dargis*, 354 Ill. App. 3d at 176. Neither a bystander's report nor an agreed statement of facts appears in the record. Therefore, we presume that the court's neglect adjudication had a sufficient factual basis and was in conformity with the law, and we affirm that finding. See *id.* (without a transcript of the trial, there was no basis to hold that the trial court's finding was improper).

#### C. Facial and Procedural Challenges

Respondent also launches several challenges to the State's petition for adjudication of neglect, all of which fail based on an incomplete record and/or forfeiture. First, respondent argues that the petition did not allege sufficient facts of educational neglect under the Act (705 ILCS 405/2—13(2) (West 2008)) or under the School Code (105 ILCS 5/26—1 *et seq.* (West 2008)). However, this issue is forfeited as there is no transcript of the adjudicatory hearing and no evidence in the record that respondent raised this issue in the trial court. See *In re Kenneth J.*, 352 Ill. App. 3d 967, 974-75 (2004) (because the respondent failed to object to the State's petition to terminate parental rights in the trial court or request that the State provide specific dates, she forfeited review of this issue). We further note that, other than citing to various provisions of the Act and the School Code, respondent cites no case law applying the School Code to a petition alleging educational neglect.

Second, respondent argues that the court did not provide her with a notice of rights at or before the first hearing at which she appeared as required under section 1—5 of the Act. See 705 ILCS 405/1—5 (West 2008) (“Each adult respondent shall be furnished a written ‘Notice of Rights’ at or before the first hearing at which he or she appears”). Without a transcript of what transpired on the first date that respondent appeared in court, which was on March 6, 2009, it is impossible to know whether or not respondent received such a notice. Again, the burden is on respondent here to present a sufficiently complete record on appeal, and any doubts from the incompleteness of the record will be resolved against her. Third, respondent contends that the trial court failed to “immediately” appoint a GAL for the minors as required under section 2—17 of the Act. See 705 ILCS 405/2—17 (West 2008) (“Immediately upon the filing of a petition alleging that the minor is a person [neglected, abused, or dependent] as described in Sections 2—3 or 2—4 of this Article, the court shall appoint a guardian ad litem for the minor”). Once again, the record does not support respondent’s assertion, as the court appointed CASA as the GAL on September 3, 2009, and there is nothing to suggest that this appointment violated section 2—17 of the Act.

Finally, respondent argues that the adjudicatory hearing and the dispositional hearing did not occur within the time periods specified in the Act. The Act has a stated purpose to insure a just and speedy resolution of abuse and neglect cases. *In re Kenneth D.*, 364 Ill. App. 3d 797, 804-05 (2006). Indeed, within the Act the “legislature recognizes that serious delay in the adjudication of abuse, neglect, or dependency cases can cause grave harm to the minor and the family and that it frustrates the health, safety and best interests of the minor and the effort to establish permanent homes for children in need.” 705 ILCS 405/2—14(a) (West 2008). Accordingly, the Act requires that adjudicatory hearings shall be commenced within 90 days of the date of the service of process of a

petition (705 ILCS 405/2—14(b) (West 2008)), and then following a finding of neglect, the court shall set a time not later than 30 days after for a dispositional hearing (705 ILCS 405/2—21(2) (West 2008)).

In this case, the adjudicatory hearing was held on July 31, 2009, and the dispositional hearing was not held until December 11, 2009. Compounding matters further, the dispositional hearing was not ruled upon until January 7, 2011, over one year later. Though the Act allows the time limits of both hearings to be waived by consent of all parties and approval by the court (see 705 ILCS 405/2—14(d), 2—21(3) (West 2008)), we fail to see how such delays in resolving this case comport with the stated purpose of the Act in the just and speedy resolution of a neglect case. This case dragged on for nearly 17 months after the neglect adjudication only to end up in dismissal. Furthermore, we also are bothered by the lack of a service plan following the neglect adjudication (see 705 ILCS 405/2—21(1) (West 2008)), which either never existed or is simply not included in the record on appeal.

Unfortunately, the incompleteness of the record on appeal renders this court powerless to grant respondent any relief. Specifically, there is nothing in the record showing that respondent objected to the date of either hearing or to continuances of the hearing dates. Instead, the record shows that with respect to the dispositional hearing, respondent moved to continue one of the dates and agreed to two continuances after that date. Also, with respect to the adjudicatory hearing, there is nothing in the record showing that respondent moved to dismiss the petition on the basis of timeliness. See *In re John Paul J.*, 342 Ill. App. 3d 865, 878 (2003) (parents waived 90-day time requirement for an adjudicatory hearing by failing to move to dismiss petition). Accordingly, there is no basis in the record to afford respondent relief.

#### D. Dispositional Order

Respondent next argues that two findings in the dispositional order, the findings making the minors wards of the court and granting guardianship to DCFS, are against the manifest weight of the evidence. For the following reasons, we agree with respondent that those findings cannot stand.

In *In re K.L.S.-P.*, 383 Ill. App. 3d 287, the third district decided a case with very similar facts to the one at bar. In that case, the minor was found to be neglected, and a dispositional hearing followed. *Id.* at 293-94. See 705 ILCS 405/2—21(a) (West 2008) (once a trial court adjudicates a child to be neglected, the court shall hold a dispositional hearing). At the dispositional hearing, the trial court found the respondent fit. *Id.* at 295. After finding the respondent fit, however, the trial court went on to grant custody and guardianship of the minor to DCFS. *Id.* at 294. Relying on various sections of the Act, the third district in *In re K.L.S.-P.* held that once the trial court found the respondent to be fit, it “was not authorized to make the child a ward of the court and to grant custody and guardianship of the minor to DCFS.” *Id.* at 295. Under the Act, if a child is found neglected, the trial court shall *not* return the child to the custody of the parent until the court enters an order finding the parent to be fit to care for the child. *Id.* at 294; 705 ILCS 405/2—23(1)(a) (West 2008). Conversely, in order to make a child a ward of the court, the trial court must determine that the parent is unfit to care for the child. *Id.*; 705 ILCS 405/2—27(1) (West 2008). If the trial court determines that the parent is unfit, the court may commit the child to the care of DCFS. *Id.*; 705 ILCS 405/2—27(1)(d) (West 2008). Based on these provisions in the Act, the court in *In re K.L.S.-P.* held “that the trial court abused its discretion by committing the minor to the care of DCFS after having found the respondent to be dispositionally fit and without having found the respondent to

either unable or unwilling to care for the child.” *Id.* at 295. As a result, the court reversed the trial court’s order dispositional order granting custody and guardianship of the minor to DCFS.

As in *In re K.L.S.-P.*, the trial court in this case checked the box in the dispositional order indicating that respondent was fit, able, and willing to care for the minors. Once the court determined that respondent was fit, it was not authorized to make the minors wards of the court and to grant guardianship of the minors to DCFS. *Id.* at 294 (a trial court’s disposition that is not authorized by statute is void).

The State acknowledges the holding in *In re K.L.S.-P.* but attempts to avoid that result by arguing that the fitness finding in the dispositional order is “an anomaly and should be disregarded as a scrivener’s error,” and that the trial court’s oral pronouncement prevails. In addition, the State contends that the dispositional order in this case is more akin to a permanency order. None of these arguments are persuasive. The parties at all times referred to the hearing that was held as a dispositional hearing, and following that hearing, the parties at all times sought a ruling on that dispositional hearing. The order itself is a standard “DISPOSITIONAL ORDER” pursuant to “705 ILCS 405/2—23 - 2/27” of the Act. Moreover, there was no conflict between the trial court’s oral pronouncements and the dispositional order, because the trial court never commented on respondent’s fitness. Accordingly, we reverse the July 31, 2009, dispositional order making the minors wards of the court and granting guardianship to DCFS.

### III. CONCLUSION

For the aforementioned reasons, the DeKalb County circuit court order adjudicating the minors to be neglected is affirmed, and the dispositional order making the minors wards of the court and granting guardianship of the minors to DCFS is reversed.

Affirmed in part and reversed in part.

