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2011 IL App (3d) 110263-U

Order filed December 21, 2011

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IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT

A.D., 2011

<i>In re</i> B.P., A.C. and H.C.,	)	Appeal from the Circuit Court
	)	of the 10 <sup>th</sup> Judicial Circuit
Minors	)	Peoria County, Illinois
	)	
(The People of the State of	)	
Illinois,	)	Appeal No. 3-11-0263
	)	Circuit Nos. 10-JA-309
Petitioner-Appellee	)	10-JA-310
	)	10-JA-311
v.	)	
	)	
Maria P.,	)	Honorable
	)	Mark E. Gilles
Respondent-Appellant).	)	Judge Presiding

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JUSTICE LYTTON delivered the judgment of the court.  
Justices Holdridge and Wright concurred in the judgment.

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**ORDER**

¶ 1 *Held:* Trial court's finding that mother was unfit was not against the manifest weight of the evidence where mother disregarded a court order prohibiting her ex-boyfriend and father of two of her children from having unsupervised contact with them.

¶ 2 The State filed a petition alleging that Maria P. neglected her three children, B.P., A.C. and H.C. After an evidentiary hearing, the trial court found that all three children were neglected.

Following a dispositional hearing, the trial court ruled that Maria P. was unfit and that her childrens' best interests required that they be placed in the custody of the Department of Children and Family Services (DCFS). Maria P. appeals the court's unfitness finding. We affirm.

¶ 3 Maria P. is the mother of B.P., A.C., and H.C. Rodney C. is the father of A.C. and H.C. Based on his conduct toward B.P., Rodney C. was indicated by DCFS for bone fractures and substantial risk of harm, as well as sexual penetration and sexual molestation in 2003. He was also indicated for substantial risk of harm/environmental injuries.

¶ 4 On July 27, 2006, the court ordered Maria P. not to allow Rodney C. to have any unsupervised contact with B.P., A.C. and H.C. and not to allow Rodney C. in her home. On August 21, 2007, Rodney C. was in Maria P.'s home, and a domestic violence incident occurred.

¶ 5 On October 27, 2010, the State filed petitions alleging that B.P., A.C. and H.C. were neglected in that their environment was injurious to their welfare because Maria P. allowed Rodney C. to live in her home since late August or early September 2010 and allowed Rodney C. to be alone with the minors. Maria P. stipulated that the State could prove the allegations contained in the petitions. The trial court ruled that B.P., A.C. and H.C. were neglected minors.

¶ 6 A dispositional hearing was held on March 24, 2011. At the hearing, the trial court considered a dispositional report prepared by foster care caseworker Megan High, as well as an integrated assessment and social history prepared by Peggi Hattaway, a clinical screener.

¶ 7 In her dispositional report, High recommended that Maria P. "remain fit." High believed the case "is going in a positive direction." High acknowledged that Maria P. disobeyed a court order but stated that Maria P. was "taking responsibility for her decisions." High found that Maria P.'s steady employment, housing and active participation in visitation with her children showed that

Maria P. "is able to provide a safe and stable living environment for her children."

¶ 8 In the integrated assessment and social history, Hattaway found that Maria P.'s ability to protect her children "is highly questionable" because she denied that Rodney C. ever abused B.P. and allowed Rodney C. to have unsupervised contact with the children. Maria P. told Hattaway that she did not know that Rodney C. could not be around her children unsupervised but admitted that she previously broke off her relationship with him because he was not cooperating with DCFS. Hattaway found that a primary area of concern was Maria P.'s "inability or unwillingness to protect her children." Hattaway recommended that Maria P. attend individual counseling, undergo a domestic violence assessment and perform random drug screenings.

¶ 9 At the dispositional hearing, the State asked the court to find Maria P. unfit because she allowed Rodney C. to be around the children when she was court-ordered not to do so. The State argued that Maria P. is unable to protect her children because she fails to admit that Rodney C. abused B.P. and "tries to shift the blame."

¶ 10 Maria P.'s attorney asked that Maria P. remain fit because she "meets minimum parenting standards with her job, her efforts, her housing, her stability." Maria P.'s attorney admitted that Maria P. made a bad decision in allowing Rodney C. to be around the children.

¶ 11 The guardian *ad litem* requested that Maria P. be found unfit. He argued that Maria P. made not just one bad decision, but "a series of continuing bad decisions." He explained that protecting her children should be of utmost importance to Maria P., but she "has shown time and time again with that series of bad decisions, that she's not willing to protect them, that she puts her relationship with [Rodney C.] above protecting her children."

¶ 12 At the conclusion of the dispositional hearing, the trial court ruled that Maria P. is unfit

because she allowed Rodney C. to be around the children even though she was ordered not to do so. The court made B.P., A.C. and H.C. wards of the court and granted guardianship of the children to DCFS. The court ordered Maria P. to participate in the services recommended by Hattaway in the integrated assessment.

¶ 13 "In determining whether a neglected minor's parent is fit to care for the minor, the court must consider whether the 'best interest of the minor will be jeopardized if the minor remains in the custody of his \*\*\* parent.'" *In re K.R.*, 356 Ill. App. 3d 517, 523 (2005) (quoting 705 ILCS 405/2-27(1) (West 2002)). "All evidence helpful \*\*\* including oral and written reports," may be admitted and relied upon in determining if a parent is fit. 705 ILCS 405/2-22(1) (West 2008). A trial court is not required to adopt a caseworker's recommendation that a parent be found fit. *In re R.R.*, 409 Ill. App. 3d 1041, 1046 (2011).

¶ 14 On appeal, a trial court's determination of unfitness will only be reversed if it is against the manifest weight of the evidence. *K.R.*, 356 Ill. App. 3d at 523. A finding is against the manifest weight of the evidence if a review of the record clearly demonstrates that the result opposite to the one reached by the trial court was the proper result. *In re T.B., C.B., R.B. & A.R.*, 215 Ill. App. 3d 1059, 1062 (1991).

¶ 15 Here, the evidence at the dispositional hearing established that Maria P. has qualities of a good parent, including steady employment, a stable home and good interaction with her children; however, she has made decisions that put her children at risk of harm. Rodney C. has been indicated for abusing B.P., and Maria P. was ordered not to allow him to have unsupervised contact with her children. Nevertheless, Maria P. fails to acknowledge that Rodney C. abused B.P. and continues to allow Rodney C. to be around B.P. and her other children. The most recent allegations in the

petitions, that she allowed Rodney C. to live with her and the children for over a month, show a continuing pattern of failing to protect her children.

¶ 16 Although High recommended that Maria P. be found fit, the trial court was not required to adopt that recommendation. See *R.R.*, 409 Ill. App. 3d at 1046. Hattaway found that Maria P.'s "ability to protect her children from [Rodney C.] was highly questionable." Additionally, the guardian *ad litem* found that Maria P. was "not willing" to protect her children and "puts her relationship with [Rodney C.] above protecting her children." In light of these concerns and Maria P.'s actions, the court's finding that Maria P. was unfit was not against the manifest weight of the evidence.

¶ 17 The order of the circuit court of Peoria County is affirmed.

¶ 18 Affirmed.