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No. 3--10--0248

Order filed April 26, 2011

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IN THE  
APPELLATE COURT OF ILLINOIS  
THIRD DISTRICT

A.D., 2011

*In re* A.S., S.S., and J.S., ) Appeal from the Circuit Court  
Minors ) of the 10th Judicial Circuit,  
) Peoria County, Illinois,  
)  
(The People of the State of )  
Illinois, ) Nos. 09--JA--269, 09--JA-270,  
) and 09--JA--271  
Petitioner-Appellee, )  
)  
v. )  
)  
Arisa G., ) Honorable  
) Richard D. McCoy,  
Respondent-Appellant). ) Judge, Presiding.

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PRESIDING JUSTICE CARTER delivered the judgment of the court.  
Justices Holdridge and Schmidt concurred in the judgment.

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**ORDER**

*Held:* A trial court finding that a mother was dispositionally unfit was upheld on appeal as not against the manifest weight of the evidence when the mother stipulated to various incidences of neglect and the record supported the finding that the mother was unable to meet the minors' medical needs.

The trial court adjudicated the minors, A.S., S.S., and

J.S., neglected pursuant to section 2--3 of the Juvenile Court Act of 1987 (705 ILCS 405/2--3 (West 2008)). At the dispositional hearing, the trial court found both parents to be unfit, made the minors wards of the court, and named the Department of Children and Family Services (DCFS) as guardian with the right to place. The respondent, Arissa G., appeals, arguing that the trial court's finding of unfitness was against the manifest weight of the evidence. We affirm.

#### FACTS

On October 29, 2009, the State filed petitions alleging that the minors, J.S. (born October 16, 2006), S.S. (born January 14, 2008), and A.S. (born April 23, 2009) were neglected because they were not receiving the proper medical care and their environment was injurious to their welfare. At the adjudicatory hearing, the State amended the petitions, and the respondent, the minors' 18-year-old mother, filed an amended answer that stipulated to most of the allegations in the amended petitions. The respondent stipulated that: (1) A.S. had sickle cell anemia and the respondent had not been consistent in giving A.S. her special formula; (2) the respondent had left the rail down on A.S.'s hospital bed on more than one occasion; (3) the respondent had not followed through with an initial screening appointment for S.S., who was suspected to have autism; (3) the respondent did not take J.S. to the doctor for treatment for burns because she

was afraid the children would be removed from her care; (4) the respondent had previously been indicated by DCFS for burns by neglect; (5) the minors' father had a criminal history for possession of cannabis; and (6) the minors' father threw the respondent off a bed and punched her in the face. The trial court found that the petitions were proven.

At the dispositional hearing, the State entered medical records, including a compilation of medical records that was prepared by a DCFS caseworker. In addition, the trial court had the exhibits from the adjudicatory hearing, which included, *inter alia*, the respondent's prior indicated report from DCFS, pediatric records, and health department records.

The current DCFS caseworker, Emily Janco, testified that she had no recommendation regarding fitness. Janco testified that the respondent took a parenting class, but that she did not pass the test at the end of the class. Thus, the respondent restarted the parenting class, with some modifications due to the respondent's reading difficulty. Janco also testified that the respondent stopped going to GED classes, but that she was involved in a Life Skills program. In response to the trial court's question as to why the minors were in day care for eight hours each weekday, when the services only took six hours a week, Janco indicated that it was to socialize the children and to not overwhelm the respondent. Janco testified that the respondent

was better about taking the minors to their doctor appointments, but the respondent had still missed appointments even though transportation was available from Bridgeway Rehabilitation Services.

Janco's report, prepared for the dispositional hearing, indicated that the respondent had made minimal progress with regard to cooperation with DCFS. However, the respondent was now giving A.S. the proper infant formula.

The medical records revealed that A.S. suffered from sickle cell anemia, and that the disease was potentially serious and required close medical follow-up. A.S. was prescribed a daily antibiotic that the respondent was not consistent in picking up or administering to A.S. The records also revealed nursing complaints that the respondent was feeding A.S. Twizzlers, Cheetos, and suckers, that she left J.S. unattended in A.S.'s hospital room, that she did not visit A.S. for long periods of time when she was hospitalized, and that she left the side rail down on A.S.'s hospital crib despite repeated reminders of the danger.

At the conclusion of the hearing, the trial court found that it was in the best interest of the minors to be made wards of the court, and it appointed DCFS as guardian. The trial court found both parents to be unfit; the respondent was found unfit due to her inability to meet the minors' medical needs and her inability

to minimally parent the minors in other respects. The respondent appeals.

#### ANALYSIS

The respondent argues that the trial court's finding that she was unfit was against the manifest weight of the evidence. She does not challenge the findings of neglect.

A trial court may make a child a ward of the court if the trial court finds that the parents are unfit, unwilling, or unable for some reason, other than financial circumstances alone, to care for, protect, train, or discipline the minor and that the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of the parents. 705 ILCS 405/2--27(1) (West 2006). At this stage, where a finding of unfitness will not result in a complete termination of parental rights, the State has the burden of proving unfitness by a preponderance of the evidence. *In re April C.*, 326 Ill. App. 3d 245 (2001). On review, the trial court's dispositional decision will be reversed only if the findings of fact are against the manifest weight of the evidence or the trial court committed an abuse of discretion by selecting an inappropriate disposition. *In re Ta.A.*, 384 Ill. App. 3d 303 (2008). A determination will be found to be against the manifest weight of the evidence only if the record shows that the opposite conclusion is clearly evident. *April C.*, 326 Ill. App. 3d 245.

In this case, we have carefully reviewed the record, including the petitions, the stipulations, the testimony at the dispositional hearing, and the medical records. We conclude that the trial court's finding of unfitness was supported by the record and not against the manifest weight of the evidence. Although the respondent had participated in some of her required services, her parenting classes were still ongoing. In addition, the respondent was still inconsistent in getting the minors to their doctor appointments, even though medical follow-up was critical for A.S. due to her condition. It is clear that the respondent has a history of questionable decisions, including not seeking medical treatment for J.S.'s burns and not feeding A.S. appropriately. Accordingly, we hold that the trial court did not err in finding the respondent dispositionally unfit.

#### CONCLUSION

For the foregoing reasons, the judgment of the circuit court of Peoria County is affirmed.

Affirmed.