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2011 IL App (3d) 100356-U
(Consolidated with No. 3--10--0357)

Order filed July 19, 2011

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2011

<i>In re</i> J.G. and Z.G.,)	Appeal from the Circuit Court
)	of the 10th Judicial Circuit,
Minors,)	Peoria County, Illinois,
)	
(The People of the State of Illinois,)	
Illinois,)	Appeal Nos. 3--10--0356
)	3--10--0357
Petitioner-Appellee,)	
)	Circuit Nos. 10--JA--14
v.)	10--JA--15
)	
Abresha G.,)	
)	Honorable Richard D. McCoy,
Respondent-Appellant).)	Judge, Presiding.

JUSTICE SCHMIDT delivered the judgment of the court.
Justices O'Brien and Wright concurred in the judgment.

ORDER

¶ 1 *Held:* A trial court's conclusion that the minors were neglected because of an injurious environment was affirmed as supported by the manifest weight of the evidence where the mother had a history of severe depression, including suicidal and homicidal thoughts, when she failed to take her antidepressant medication and she had a recent history of failing to take the medication.

¶ 2 The trial court adjudged the minors, J.G. and Z.G., to be neglected because of an

environment injurious to their welfare under section 2--3(1)(b) of the Juvenile Court Act of 1987 (the Act). 705 ILCS 405/2--3(1)(b) (West 2008). At the dispositional hearing, the trial court found the respondent mother, Abresha G., to be unfit. The respondent appeals the finding of neglect. We affirm.

¶ 3

FACTS

¶ 4 The petitions, filed on January 20, 2010, alleged that the minors were neglected because: (1) the respondent was hospitalized in October 2009 for depression and making suicidal and homicidal statements regarding herself and the minors; (2) the respondent did not follow through with taking her prescribed medication after being discharged from the hospital; (3) in January 2010, the respondent again reported being depressed; and (4) when the Department of Children and Family Services (DCFS) took J.G. to a doctor upon taking custody, she was found to have lice, scabies, eczema, and an ear infection.

¶ 5 At the adjudication hearing, the State introduced copies of certified medical records which showed that the respondent was hospitalized in October 2009 and diagnosed with severe depression. During the hospitalization, the respondent reported frequent thoughts of suicide and homicide, including: "sometimes I think about killing us" and "I wish I weren't here anymore, and wish [J.G.] didn't have to be here either." The records also indicated that the emergency medical technicians that transported the respondent and J.G. to the hospital in October reported that the home did not qualify as acceptable living conditions. Emergency responders found J.G. on an adult mattress in the living room and dirty clothes piled around the house. The toilets in the home were not working. J.G.'s clothes were soiled and wet. When asked by the emergency responders what time J.G. last ate, respondent could not provide a time, but simply stated, "She eats." The respondent was transferred to an inpatient psychiatric hospital, where she was

discharged a few days later on Zoloft.

¶ 6 The records further showed that the respondent was again hospitalized in January 2010, for the birth of Z.G., and that she had discontinued the Zoloft after her last hospital discharge. Although a psychiatric consultation conducted on January 18, 2010, indicated no evidence of a current depressive disorder, and recommended monitoring for depressive symptoms before restarting medication while the respondent was breastfeeding, the respondent had reported days earlier that she was depressed and no longer taking her medication. The records also showed that when J.G. was examined on January 19, 2010, pursuant to DCFS evaluation, she had an acute ear infection, scabies, head lice, and eczema.

¶ 7 The respondent testified that she had been prescribed antidepressants two years earlier. She took Prozac, but discontinued it based upon her family doctor's recommendation when she became pregnant with Z.G. The respondent confirmed that she was not taking her medication when she was admitted to the hospital in October 2009, and the doctors started her on medication during her stay. However, upon her discharge, she again stopped taking the medication. She testified that she restarted her medication following the birth of Z.G. The respondent testified that she was not aware that J.G. had any of the described medical conditions when the respondent was admitted to the hospital on January 16, 2010, for the birth of Z.G.

¶ 8 The trial court entered an adjudicatory order, finding that both minors were neglected by reason of an environment that was injurious to their welfare. Thereafter, a dispositional order was entered making the minors wards of the court and finding the respondent unfit because of her serious mental health issues and noncompliance with medications. The respondent appealed the finding of neglect.

¶ 9

ANALYSIS

¶ 10 The respondent contends that the trial court's finding of neglect was against the manifest weight of the evidence. The trial court found the minors neglected because their environment was injurious to their welfare, which is a grounds for neglect under the Act. 705 ILCS 405/2--3(1)(b) (West 2008). A trial court's finding of neglect will not be reversed on appeal unless it was against the manifest weight of the evidence. *In re Faith B.*, 216 Ill. 2d 1 (2005). A ruling is against the manifest weight of the evidence only if the opposite conclusion is clearly evident. *Faith B.*, 216 Ill. 2d 1.

¶ 11 In this case, after a thorough review of the record, including the medical records, we find that the trial court's finding of neglect was not against the manifest weight of the evidence. The evidence showed that the respondent was not taking her medication and was hospitalized with severe depression in October 2009. At that time, she not only talked about suicide, but she also talked about killing her young daughter, J.G., and her unborn child, Z.G. Although the psychiatric consultation performed in January 2010 indicated no evidence of a current depressive disorder, the respondent had just delivered a baby and had reported days earlier that she was very depressed. In addition, when J.G. was examined, she had lice, scabies, eczema, and an ear infection, and the respondent was not aware of any of them.

¶ 12 In sum, the trial court found that the minors were neglected because of an injurious environment. In light of the evidence of filthy living conditions coupled with mood swings that involved not only suicidal, but also homicidal ideation, the trial court's finding is clearly supported by the evidence. We find no error in the trial court's adjudication of neglect.

¶ 13 Although the respondent states in her brief's "Nature of Case" section that she was also appealing the finding of unfitness, the respondent does not argue the issue in her brief. She also does not include it as one of her issues presented, nor in her conclusion. Thus, to the extent that

she intended to challenge the trial court's dispositional finding of unfitness, the respondent has forfeited the issue. See Ill. S. Ct. R. 341(h)(7) (eff. July 1, 2008); *In re L.H.*, 384 Ill. App. 3d 836 (2008).

¶ 14

CONCLUSION

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

¶ 16 Affirmed.