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2011 IL App (3d) 100891-U

Order filed October 18, 2011

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2011

In re J-N.R., S.R., M.T., and M.S.,
Minors
(The People of the State of Illinois,
Petitioner-Appellee,
v.
Valerie T.,
Respondent-Appellant).

) Appeal from the Circuit Court
) of the 10th Judicial Circuit,
) Peoria County, Illinois,
)
)
) Appeal Nos. 3-10-0891, 3-10-0892,
) 3-10-0893, and 3-10-0894
) Circuit Nos. 10-JA-206, 10-JA-207,
) 10-JA-208, and 10-JA-209
)
) Honorable
) Richard D. McCoy,
) Judge, Presiding.

JUSTICE HOLDRIDGE delivered the judgment of the court.
Presiding Justice Carter and Justice Wright concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's medical neglect finding was not against the manifest weight of the evidence.

¶ 2 The trial court found J-N.R. neglected because the respondent-mother, Valerie T., neglected her medical needs. The court determined that S.R., M.T., and M.S. were also neglected. At the dispositional hearing, the respondent was found unfit to parent the children.

The respondent appeals, arguing that the court's medical neglect finding was against the manifest weight of the evidence.

¶ 3

FACTS

¶ 4 On July 23, 2010, the State filed petitions to determine the minors neglected. At the adjudicatory hearing, the respondent testified that J-N.R. was born August 16, 2009, in Peoria, and she began suffering seizures two weeks later. However, the respondent did not take J-N.R. to the hospital until one week after the seizures had started. J-N.R. then spent four days in the hospital and was released with a prescription for phenobarbital and directions to schedule a follow-up appointment with a pediatric neurologist. This appointment was scheduled for approximately one month after J-N.R.'s hospital stay. The respondent stated that she gave up on waiting for the doctors in Peoria to help J-N.R. and moved her family to Chicago.

¶ 5 The respondent testified that she took J-N.R. to several Chicago hospitals, but J-N.R. was never admitted. Several of the Chicago hospitals instructed the respondent to keep giving J-N.R. the phenobarbital and to schedule a follow-up appointment with a pediatric neurologist. However, the respondent never took J-N.R. to a neurologist. In the intervening time, the respondent missed J-N.R.'s appointment with the pediatric neurologist in Peoria. Nevertheless, the respondent stated that she took J-N.R. to the hospital each time she suffered a seizure that lasted more than 20 minutes. Several of the medical reports stated that J-N.R. had very low levels of phenobarbital in her bloodstream, in spite of the respondent's claims that she had been consistently administering the medication.

¶ 6 In July 2010, the respondent moved back to Peoria. Shortly after the move, J-N.R. suffered another seizure and was admitted to the hospital in Peoria. During the hospital visit, the

respondent informed a nurse that she had switched J-N.R. from Enfamil formula to cow's milk. The nurse instructed her that cow's milk was inappropriate for such a young child. The medical reports in evidence further noted that J-N.R. began fussing at midnight while she was in the hospital and the respondent requested that the nurse bring her cow's milk. The nurse again instructed the respondent that cow's milk was inappropriate. The medical records also stated that the respondent did not consistently give the prescribed phenobarbital to J-N.R. In spite of this, she often told the nurses and doctors that she gave J-N.R. most of her doses.

¶ 7 At the close of the adjudication hearing, the court concluded that the respondent's testimony "in most material parts, *** [was] contradicted by the [medical] records." Moreover, she was not compliant with medical advice and medical recommendations, and she had let J-N.R.'s seizures go untreated for 10 months. The court found that the State had proved that J-N.R., S.R., M.T., and M.S. were neglected. At the dispositional hearing, the court found the respondent unfit and made the children wards of the court.

¶ 8 ANALYSIS

¶ 9 The respondent argues that the court's finding of medical neglect was against the manifest weight of the evidence.

¶ 10 At the neglect stage of a parental rights proceeding, the burden is on the State to prove by a preponderance of the evidence that the parent neglected the child. *In re K.L.S-P.*, 383 Ill. App. 3d 287 (2010). The definition of a neglected minor includes: "any minor under 18 years of age who is not receiving the proper or necessary support, education as required by law, or medical or other remedial care recognized under State law as necessary for a minor's well-being[.]" 705 ILCS 405/2-3(1)(a) (West 2010).

¶ 11 We review a trial court's neglect finding under the manifest weight of the evidence standard. *In re J.C.*, 396 Ill. App. 3d 1050 (2009). A trial court's decision is against the manifest weight of the evidence if a review of the record clearly demonstrates that the proper result is the one opposite that reached by the trial court. *In re M.K.*, 271 Ill. App. 3d 820 (1995).

¶ 12 In the present case, the court's medical neglect finding was not against the manifest weight of the evidence. The record specifies that J-N.R. went many months without seeing a pediatric neurologist, as recommended by her doctors in Peoria and the doctors at the hospitals she visited in Chicago. These records also note that the respondent did not comply with the medical instructions she received from the hospitals where J-N.R. was treated. Further, there were several instances where the respondent told doctors that she was giving J-N.R. her prescribed phenobarbital dosage when the tests revealed low levels of the drug. We find that the opposite result was not clearly indicated by the record, and therefore the court's medical neglect finding was not against the manifest weight of the evidence.

¶ 13 **CONCLUSION**

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

¶ 15 Affirmed.