

NOTICE
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2011 IL App (4th) 110538-U

Filed 11/4/11

NO. 4-11-0538

IN THE APPELLATE COURT
OF ILLINOIS

FOURTH DISTRICT

In re: V.H., a Minor.)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Champaign County
v.)	No. 11JA12
STEPHANIE HAUPT,)	
Respondent-Appellant.)	Honorable
)	Richard P. Klaus,
)	Judge Presiding.

Justice Cook delivered the judgment of the court.
Justices Turner and McCullough concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's order granting guardianship and custody to DCFS is affirmed.

¶ 2 Stephanie Haupt, age 20, is the mother of V.H., born January 21, 2011. On February 11, 2011, on V.H.'s discharge from the hospital, the Department of Children and Family Services (DCFS) took protective custody of him. On February 22, 2011, the State filed a "Petition for Adjudication of Neglect and Shelter Care," alleging V.H. to be neglected because of his "parents' history of mental illness and lack of cooperation with recommended psychological and/or psychiatric treatment" 705 ILCS 405/2-3(1)(b) (West 2010). On February 23, 2011, following a hearing, the circuit court granted temporary custody and guardianship to DCFS. At the adjudicatory hearing on April 21, Stephanie admitted and stipulated to the single count of the petition, including that she and the father had histories of mental illness and lack of cooperation with recommended psychological or psychiatric treatment. At the conclusion of the

dispositional hearing on May 23, 2011, the court found Stephanie unfit and unable to care for V.H. and made the child its ward, granting custody and guardianship to DCFS. Stephanie appeals.

¶ 3

I. BACKGROUND

¶ 4

The evidence considered by the trial court was that Stephanie had been "psychiatrically hospitalized" more than 20 times and had been a ward of DCFS since 2007. She was discharged from DCFS due to her lack of cooperation with placement and lack of participation in services. V.H.'s putative father, Mitchell Nunn, age 24, is autistic and requires supervision from his mother in order to function in an independent setting. Following V.H.'s birth, Stephanie was not cooperative with hospital staff and kicked a nurse and complained she sometimes did not know what to do for V.H. when he cried.

¶ 5

Stephanie has a history of uncontrolled diabetes but does not take her medication regularly. She has been admitted to a psychiatric facility based on self-harming behavior consisting of not regulating her insulin properly. She was also involved with DCFS as a minor. She ran away from the residential psychiatric facility regularly and was noncompliant with facility rules and expectations. She has a history of cannabis and cocaine use but reports that she last used cannabis in November 2010 and last used cocaine in August 2009. She is now engaged in individual psychotherapy where she is beginning to make progress and to take her need for counseling services seriously. Stephanie and Nunn are engaged and hope to marry as soon as possible. The DCFS investigator found their home, a three-bedroom apartment, adequate for the goal of "return home," noting it includes a nursery, amply supplied.

¶ 6

Stephanie acknowledged her obvious parenting inexperience but expressed

eagerness to learn. She provided context for her statement, at the hospital, that she did not know what to do when V.H. cried: she had just broken down, crying, from a sense of being overwhelmed—just days after a Caesarean-section delivery. In making the statement, she "did not realize this would lead to her child being removed from her care."

¶ 7

II. ANALYSIS

¶ 8 A court's determination as to custody will not be disturbed unless it is against the manifest weight of the evidence. *In re Z.R.*, 274 Ill. App. 3d 422, 427, 654 N.E.2d 255, 258 (1995). A court's findings are against the manifest weight of the evidence where the opposite result is clearly evident. *In re C.N.*, 196 Ill. 2d 181, 208, 752 N.E.2d 1030, 1045-46 (2001). A reviewing court will not overturn the trial court's findings merely because the reviewing court may have reached a different decision. *In re T.B.*, 215 Ill. App. 3d 1059, 1062-63, 574 N.E.2d 893, 896 (1991).

¶ 9 The opposite result is not clearly evident in this case. Stephanie had a troubled background, a limited understanding of how to care for a child, and was living with a man who was mentally challenged and had even less understanding of how to care for a child. The trial court was aware of Stephanie's recent progress in therapy and capacity for growth and improvement but nevertheless determined that leaving the child with her was not in the child's best interests.

¶ 10

III. CONCLUSION

¶ 11 For the foregoing reasons, we affirm the trial court's judgment placing V.H. in the guardianship and custody of DCFS.

¶ 12 Affirmed.