NOTICE
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

2011 IL App (4th) 110614-U

Filed 11/30/11

NO. 4-11-0614

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: J.A., K.A., and L.A.-G., Minors,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Champaign County
v.	)	No. 11JA22
ORLANDO DORSEY,	)	
Respondent-Appellant.	)	Honorable
	)	Richard P. Klaus,
	)	Judge Presiding.

JUSTICE POPE delivered the judgment of the court.
Presiding Justice Knecht and Justice Cook concurred in the judgment.

ORDER

¶ 1 *Held:* Trial court did not abuse its discretion in suspending respondent father's visitation.

¶ 2 On July 12, 2011, the trial court suspended the visitation rights of respondent father, Orlando Dorsey. Dorsey appeals, arguing the trial court erred in doing so. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On April 6, 2011, the Department of Children and Family Services (DCFS) became involved in this case after receiving a hotline report. According to the hotline report, respondent mother, Crystal Avery, dropped off two of her children at a crisis nursery on April 4, 2011, and failed to pick them up the following day as agreed. When DCFS began contacting relatives to pick up the children, they discovered Avery had left another child with paternal grandparents without a formal care plan. On April 8, 2011, DCFS took protective custody of two

of Avery's children: J.A. (born December 17, 2003) and K.A. (born June 2, 2005). Avery's third child, L.A.-G. (born January 4, 2010), was placed with his father, Luis Gonzalez.

¶ 5 On April 11, 2011, the State filed a petition for adjudication of neglect and shelter care with regard to the three children. This appeal only involves J.A., who was Dorsey's only child by Avery. Avery is not a party to this appeal. The petition alleged the minors were neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b) (West 2008)) because Avery (1) exposed the children to substance abuse and (2) abandoned the minors without a proper plan of care.

¶ 6 On April 12, 2011, the trial court found it was a matter of immediate and urgent necessity to appoint a temporary custodian for the minors. The court also suspended Dorsey's visitation with J.A. On June 7, 2011, the court entered an adjudicatory order, finding the children were neglected because they were in an environment injurious to their welfare. Dorsey waived his right to an adjudicatory hearing.

¶ 7 According to a DCFS home and background report, Avery stated her relationship with Dorsey, with whom she dealt drugs, was not significant. She did not have anything negative to say about Dorsey. Dorsey stated he and Avery were only involved for about one week. Avery told Dorsey J.A. was not his child. The last time Dorsey had seen Avery was when Avery was 8 months pregnant with J.A. Dorsey was incarcerated when J.A. was four months old and has been continuously incarcerated since that time. In 2005 or 2006, Dorsey confirmed he was J.A.'s father through DNA testing.

¶ 8 Dorsey was arrested and sentenced to 3 months in prison when he was 13 for burglary. In addition, when he was 13, he was also convicted of rape and received a 10-year

sentence. As an adult, he had been charged with three drug offenses, including possession of crack cocaine with intent to deliver. He estimated he had been incarcerated 20 or 21 years of his life. (Dorsey was born in 1969.)

¶ 9 During the pendency of this case, Dorsey was incarcerated in the Department of Corrections (DOC) at the Danville Correctional Center serving a 40-year sentence with a projected parole date of July 18, 2024. Dorsey said he was willing to take a parenting class if one was offered, but the correctional center where he was housed did not offer any classes.

¶ 10 The home and background report noted Dorsey had no visitation with J.A. since the case opened as the court had suspended visitation between Dorsey and J.A. Initially, Dorsey did not want J.A. to be brought to the prison for visitation. However, he later wrote a letter requesting visitation with J.A.

¶ 11 J.A. was temporarily placed with Dorsey's father before caseworkers found out he had served prison time for a manslaughter conviction. While J.A. was in that placement, Dorsey sent J.A. a few cards and spoke to her on the phone twice. This contact violated the trial court's order suspending visitation.

¶ 12 According to the home and background report filed in June 2011, J.A. was living with her stepfather, Luis Gonzalez, and her brother, L.A.-G. The report noted J.A. was very bonded to Gonzalez and called him "Dad."

¶ 13 In July 2011, the trial court held a dispositional hearing. At the hearing, Dorsey's attorney asked that Dorsey's visitation not be suspended and DCFS be given discretion to allow visitation. In addition, Dorsey's attorney asked for a review date as to Dorsey's visitation. The State asked for the court to continue the visitation suspension because it saw J.A. receiving no

benefit from being taken to a DOC facility for visits with someone with whom she had no prior contact. The guardian *ad litem* also asked visitation to remain suspended because Dorsey had been incarcerated since J.A. was four months old and had no contact with J.A. or her mother since Avery was eight-months pregnant. Further, the guardian *ad litem* stated J.A. would gain nothing from being taken to a prison for visits. The court ordered visitation between J.A. and Dorsey remain suspended pending further court order. The court stated: "[T]his remains an open issue in my mind. [J.A.] is seven and a half. At this juncture, until she starts to articulate a reason or a desire, I don't see that it is in her interests for her to be physically transported to the Department of Corrections for visitation." However, the court stated it was open to other forms of communication between J.A. and Dorsey if DCFS and Dorsey's attorney provided the court with information about how that communication would occur.

¶ 14 In July 2011, the trial court entered a dispositional order, finding Dorsey unfit. The court noted Dorsey was currently incarcerated in DOC with an expected parole date of July 18, 2024, and is a sex offender. The court found it was in the best interest of both J.A. and the public that custody and guardianship of J.A. be removed from Avery and Dorsey and placed with DCFS. The court ordered visitation between J.A. and Dorsey remain suspended pending further court orders.

¶ 15 This appeal followed.

¶ 16 II. ANALYSIS

¶ 17 We will only reverse a trial court's dispositional order if we determine the trial court's factual findings were against the manifest weight of the evidence or the court abused its discretion by selecting an inappropriate dispositional order. *In re Taylor B.*, 359 Ill. App. 3d 647,

650, 834 N.E.2d 605, 607-08 (2005).

¶ 18 Dorsey complains in his brief the trial court made no findings of fact. However, Dorsey points to no factual dispute in the record upon which the trial court needed to make a factual finding.

¶ 19 While a parent does retain reasonable visitation rights with regard to his child after guardianship or legal custody of the child is transferred, a court may limit those visitation rights if the child's best interests will be served. 705 ILCS 405/1-3(13) (West 2008). The trial court in the case *sub judice* did not abuse its discretion in suspending Dorsey's visitation.

¶ 20 Dorsey had no contact with J.A. before the commencement of this case. Even after the start of this case, J.A. had minimal contact (two unauthorized telephone conversations) with Dorsey. In addition, Dorsey is a sex offender and currently incarcerated in a DOC facility with a projected parole date of July 18, 2024.

¶ 21 The trial court concluded it was not in J.A.'s best interest to be physically transported to a prison facility to visit with her father with whom she had contact on only two occasions during the 7 1/2 years of her life. The trial court clearly did not abuse its discretion in suspending any visitation between J.A. and Dorsey. We note the court stated it could address this issue in the future if J.A. expressed a desire or reason to visit Dorsey. In addition, the court stated other forms of communication between J.A. and Dorsey might be possible if DCFS and Dorsey's attorney could provide the court with additional information on how this could be achieved.

III. CONCLUSION

¶ 22 The trial court did not abuse its discretion in suspending visitation between J.A.

and Dorsey. Accordingly, we affirm.

¶ 23 Affirmed.