

¶ 5 On September 19, 2011, the Illinois Department of Children and Family Services (DCFS) learned that Constance had been arrested and charged with obstruction of justice and concealment of a homicidal death. At that time, C.G. resided with Constance in Champaign, Illinois. On the State's motion, the trial court issued a warrant of apprehension for C.G. The State also filed a petition for adjudication of neglect, alleging that C.G. was "neglected" pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (705 ILCS 405/2-3(1)(b) (West 2010)). The petition argued C.G. is exposed to an environment injurious to her welfare when she resides with Constance, in that the environment exposes C.G. to the risk of physical harm (count I), substance abuse (count II), and inadequate supervision (count III).

¶ 6 That same day, DCFS learned that C.G. was with her stepsister, Emerald (Emerald's father was married to Constance for 17 years; Constance is not Emerald's mother), who told DCFS that she and Constance had recently completed temporary guardianship papers. According to Emerald, Constance agreed to the guardianship three weeks earlier, and in the meantime she had made arrangements for C.G. to move to her home in Auburn, Alabama. Consistent with Emerald's account, C.G.'s teacher at Kenwood Elementary School told a DCFS investigator that, on September 15, 2011, C.G. stated that she was moving to live with her sister.

¶ 7 On September 21, 2011, a shelter-care hearing was held. Constance stipulated to probable cause and immediate and urgent necessity. After the hearing, the trial court awarded temporary custody of C.G. to Emerald.

¶ 8 On September 28, 2011, the State filed an amended petition for adjudication of neglect, realleging the same three counts from the initial petition. That same day, the State filed an amended motion seeking a finding of unfitness and termination of respondent's parental

rights. The motion alleged that respondent was unfit in that he had abandoned (750 ILCS 50/1(D)(a) (West 2008)) and deserted (750 ILCS 50/1(D)(c) (West 2008)) C.G.

¶ 9 On October 20, 2011, respondent met C.G. for the first time. They met at the DCFS office in Champaign and then went to lunch. A DCFS caseworker, respondent's wife, and Emerald were also present for the meeting. According to the caseworker, the "conversation went well, with no one appearing strained." During the meeting, respondent and Emerald exchanged contact information. Since their initial meeting, respondent has remained in contact with C.G. by calling a couple of times a week and sending her a package.

¶ 10 At the adjudicatory hearing, held on October 27, 2011, Constance stipulated to count I of the amended petition, the count alleging that C.G. was in an injurious environment in that she was exposed to a risk of physical harm. Respondent waived his right to an adjudicatory hearing. The trial court found C.G. to be a neglected minor.

¶ 11 On November 22, 2011, DCFS filed a dispositional report. In regard to respondent, the report noted that he lives in Grand Rapids, Michigan, with his wife, Cynthia Gill. The report further noted that respondent suffers from major depression. For the past four years, respondent has received disability benefits as a result of his depression. Cynthia is employed at Davenport University and leads a team of six employees. Currently, respondent and Cynthia are in the process of purchasing a three-bedroom home in a diverse neighborhood. The report also mentioned that they expressed a desire "to form a relationship with [C.G.], in whatever way would be best for her." In the report, respondent acknowledged that he had a limited role in C.G.'s life and attributed his lack of involvement to problems with Constance. However, despite his problems with Constance, respondent has provided financial support to C.G. throughout her

entire life.

¶ 12 As to Emerald, the report stated that C.G. has had a relationship with Emerald throughout her entire life. During four summers, Emerald cared for C.G. in order for Constance to find work. Emerald has an M.B.A. and is employed at United Cell Air as a store manager. She recently transferred to the store manager position so that she would not have to travel for work. The report noted that Emerald cannot enroll C.G. in her employer's health insurance plan without first becoming C.G.'s legal guardian. Emerald rents a two-bedroom apartment in which C.G. has her own bedroom. According to the report, Emerald "has taken positive and nurturing steps in regards to [C.G.'s] care, including enrolling her immediately in school, seeking out a counselor for her, arranging a medical appointment for her when they were in Champaign and exposing her to fun and interesting activities." The report did not include a recommendation as to where C.G. should reside "due to her step-sister living in Alabama and her father residing in Michigan."

¶ 13 On November 29, 2011, a dispositional hearing was held. At the hearing, the State and guardian *ad litem* both recommended that C.G.'s custody and guardianship be placed with Emerald. The guardian *ad litem* testified that C.G. needs the "stability and love that she is getting with her—with her half sister [*sic*]." After the hearing, the trial court found respondent and Constance unable and unfit for reasons other than financial circumstances alone to care for, protect, and train C.G. The court further found that it was in C.G.'s best interests to be made a ward of the court and adjudicated neglected. At that time, the court placed custody and guardianship of C.G. with Emerald. In making its determination, the court reviewed the evidence introduced, arguments, and dispositional report. The court pointed to the fact that

respondent (1) is on disability for major depression, (2) resides in Michigan and has very little contact with C.G., and (3) "met the minor face to face for the first time on October 20, 2011." The court also considered that placing custody with Emerald would make reunification between C.G. and respondent more difficult.

¶ 14 This appeal by respondent followed.

¶ 15 II. ANALYSIS

¶ 16 A trial court's finding that the parents are unable to care for, protect, train, or discipline their children must be supported by a preponderance of the evidence. *In re D.W.*, 386 Ill. App. 3d 124, 139, 897 N.E.2d 387, 400 (2008). "Preponderance of the evidence is that amount of evidence that leads a trier of fact to find that the fact at issue is more probable than not." *D.W.*, 386 Ill. App. 3d at 139, 897 N.E.2d at 400 (quoting *In re K.G.*, 288 Ill. App. 3d 728, 735, 682 N.E.2d 95, 99 (1997)).

¶ 17 On review, a trial court's dispositional findings will not be disturbed unless they are against the manifest weight of the evidence. *In re A.W.*, 231 Ill. 2d 92, 104, 896 N.E.2d 316, 323 (2008). A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident. *A.W.*, 231 Ill. 2d at 104, 896 N.E.2d at 323-24. "[T]his court gives great deference to the trial court's determinations at the dispositional hearing, given that the court is in the best position to observe the demeanor of the witnesses and the parties, assess credibility, and weigh the evidence presented. [Citations]." *In re Jay H.*, 395 Ill. App. 3d 1063, 1070, 918 N.E.2d 284, 290 (2009).

¶ 18 In this case, the record contained sufficient evidence to support the trial court's finding that respondent was unfit and unable to care for his daughter. In making its

determination, the trial court considered the dispositional report, dispositional hearing, and arguments of counsel. The court specifically pointed to respondent's lack of parental involvement in C.G.'s life. For the majority of her life, C.G. has had no relationship with her father. Respondent and C.G. met face-to-face for the first time on October 20, 2011. Moreover, respondent's payment of child support and poor relationship with C.G.'s mother do not excuse his failure to interact with C.G. for over seven years. Based on our review of the record, we cannot say the trial court's determination was against the manifest weight of the evidence.

¶ 19 Respondent also argues that the trial court erred in placing custody of C.G. with Emerald. The standard to be applied in a custody determination is the best interest of the child. *In re Stillely*, 66 Ill. 2d 515, 520–21, 363 N.E.2d 820, 822 (1977). On review, a trial court's determination will not be disturbed unless it is against the manifest weight of the evidence. *Stillely*, 66 Ill. 2d at 520, 363 N.E.2d at 822.

¶ 20 The trial court's custody determination was not against the manifest weight of the evidence. C.G. has known Emerald her entire life. Despite the fact that she lives a considerable distance from Illinois, Emerald has been actively involved in C.G.'s life. She has taken care of C.G. for a significant amount of time, including four summers while Constance looked for work. The findings of the dispositional report further show Emerald's commitment to C.G. The report described Emerald as taking "positive and nurturing steps in regards to [C.G.'s] care." In the short time C.G. has been in Auburn, Emerald has enrolled her in school, arranged for her to receive counseling services, and exposed her to "fun and interesting activities." Through her efforts, Emerald has created a stable and loving home for C.G. Last, in making its custody determination, the court weighed the negative impact that placement with Emerald would have

on the reunification of C.G. and respondent. The court did not err in placing custody of C.G. with Emerald.

¶ 21

III. CONCLUSION

¶ 22 For the foregoing reasons, we affirm the trial court's dispositional order, finding respondent unfit and awarding custody and guardianship of C.G. to Emerald Chapple.

¶ 23 Affirmed.