

Nos. 1-12-1997 and 1-12-2037 (Consolidated)

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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IN THE INTERESTS OF	)	Appeal from the
CRUZ H. & KESHAWN L., Minors,	)	Circuit Court of
	)	Cook County.
(THE PEOPLE OF THE STATE OF ILLINOIS	)	
	)	
Petitioner-Appellee,	)	Nos 11 JA 954 & 955
	)	
v.	)	Honorable
	)	Richard Stevens,
CRUZ H., SR. AND KEEYA L.,	)	Judge Presiding.
	)	
Respondents-Appellants).	)	

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JUSTICE HYMAN delivered the judgment of the court.  
Presiding Justice Neville and Justice Pierce concurred in the judgment.

**ORDER**

- ¶ 1 *Held:* Trial court's findings that minor children were neglected due to an injurious environment and that it was in their best interests to be made wards of the court were not against the manifest weight of the evidence.
- ¶ 2 Following an adjudicatory hearing on the petition of the People of the State of Illinois, the circuit court found respondents, K.L. and C.H., neglected due to an injurious environment as provided in section 2-3(1)(b) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b))

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(West 2008)). At a later dispositional hearing, the court adjudicated K.L. and C.H. wards of the court and placed them with the Department of Children and Family Services (DCFS).

Respondents bring this consolidated appeal challenging the circuit court's adjudicatory finding of neglect and its dispositional finding that they are unable to care for their children. For the reasons that follow, we affirm the circuit court's orders.

### ¶ 3 I. Background

¶ 4 Keeya L. is the mother of two sons, K.L., who was born on July 6, 2009, and C.H., who was born on May 9, 2011. She is also the mother of one daughter, Creneeya, who was born in May 2012, and is a party to a separate juvenile court proceeding. Cruz H., Sr. is the father of C.H., but paternity testing showed that he is not the father of K.L.<sup>1</sup> On December 12, 2011, the State filed a petition for adjudication of wardship on behalf of K.L. and C.H. alleging that they were neglected due to an injurious environment as provided in section 2-3(1)(b) of the Act. (705 ILCS 405/2-3)(1)(b) (West 2008)). The State also alleged that the children were abused due to a substantial risk of physical injury as provided in section 2-3(2)(ii) of the Act. 705 ILCS 405/2-3(2)(ii) (West 2008). The State asserted that Keeya and Cruz had been previously indicated for substantial risk of physical injury to C.H. and K.L., and also indicated for an environment injurious to the children's health and welfare. The State alleged that in September 2011, an intact case was opened but that respondents refused to cooperate with services offered to the family. The State also alleged that Keeya had been diagnosed with bipolar disorder and was not

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<sup>1</sup> The unknown father of K.L. was defaulted on March 21, 2012, by publication. Cruz appeals only those orders concerning C.H., while Keeya appeals the orders concerning both minor children.

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complying with psychiatric services or taking her psychiatric medication. The State further alleged that respondents had a history of domestic violence and that on or about December 2, 2011, Keeya was psychiatrically hospitalized after threatening to kill her family.

¶ 5 Following a December 12, 2011 temporary custody hearing, the circuit court held that there was probable cause to find that K.L. and C.H. were abused or neglected or both, and needed to be removed immediately from their parents' care and custody and placed in DCFS's temporary custody. The court ordered supervised visits between the children and their parents.

¶ 6 An adjudicatory hearing was held on March 26, 2012. Keeya and Cruz were present at the hearing. The court admitted into evidence two prior indicated reports from September 9, 2011 and December 2, 2011. The September 9, 2011 indicated report stated that the family was living in a hotel and that Keeya sent a text message saying she thought Cruz had broken her nose and that he had hit K.L. for going to the bathroom on the floor. Keeya's message also stated she was afraid to go to the emergency room because she was worried the children would be removed from her custody. The person who received the text message later filed a report with DCFS. The December 2, 2011 indicated report stated that Keeya had expressed an intent to kill everyone in the house and that the police took her to Jackson Park Hospital. The report also stated that Keeya was four months pregnant and unable to take her psychiatric medication.

¶ 7 The State's first witness, Keisha Addison, an intact case manager with Children's Home and Aid, a social services agency, testified that in October 2011 she replaced Erica McCloud, the family's previous intact caseworker. Addison explained that an intact caseworker is assigned to DCFS cases that have not yet entered the court system. Addison stated that in October 2011,

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Keeya and the children moved from Belleville, Illinois to Chicago to live with Keeya's mother, Krishena W. Addison and McCloud met with Keeya on October 18, 2011, at Krishena W.'s home to discuss services for the family that would address the issues that brought the case into the DCFS system, including mental health services for Keeya's bipolar disorder, housing advocacy, domestic violence services, and parenting classes. On October 28, 2011, Addison and her supervisor, Misha Wofford, met with Keeya to discuss her service plan. At that time, Keeya was taking parenting classes and had a referral for domestic violence counseling.

¶ 8 On November 9, 2011, Addison met with Keeya to discuss her housing, domestic violence, mental health, and parenting issues, as well as services for the children. Addison testified that Keeya told her that she had missed an October 30th domestic violence class. Keeya also told Addison that she was getting mental health services but could not recall the address or phone number of the service provider. Addison referred Keeya to another mental health services provider, Ada S. McKinley Community Services. Addison next spoke with Keeya by phone on November 15, 2011. Keeya told Addison that she had moved from her mother's home after she and her mother had an argument and was living with her maternal grandmother, Shirley M.

¶ 9 On November 22, 2011, Addison spoke with Cruz for the first time, by telephone. Cruz was incarcerated in the Illinois Department of Corrections. He told Addison that he was arrested because he was not supposed to have contact with Keeya, but that the police found him, Keeya, and one of the children in a hotel room. Cruz told Addison that he never abused Keeya, that he was not interested in intact family services, that he wanted Keeya and the children to return to live with him in Belleville, and that he was going to appeal DCFS's finding of possible child

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abuse or neglect. Addison testified that she wanted Cruz to participate in services because he had a long history of domestic violence against Keeya, which posed a risk for the children.

¶ 10 On November 28, 2011, Keeya called Addison and told her that she no longer wanted to engage in intact family services, because she did not think they were needed. A few days later, on December 2, 2011, Addison received two early morning calls from Keeya's grandmother, Shirley M., who told her that Keeya had been "psychiatrically hospitalized" at Jackson Park Hospital. Addison placed a hotline call to DCFS to report suspected child abuse or neglect and drafted an incident report. Addison also created a safety plan for the children, which provided that K.L. and C.H. would remain in the care of their maternal great grandmother, Shirley M., or grandmother, Krishena W., until Addison could talk to Keeya about the December 2nd incident. The safety plan stated that Keeya could not have unsupervised contact with the children. Addison testified that Keeya was released from the hospital a day later and that she could not recall if Keeya was prescribed any medication. She also stated that, to her knowledge, Keeya was not arrested following the December 2nd incident.

¶ 11 On December 8, 2011, Addison held a team decision meeting with Keeya, Shirley M., Krishena W., Ralnah Elliott, a DCFS Division of Child Protection (DCP) investigator, as well as a DCFS DCP supervisor, and a mediator, whose names Addison could not recall. The attendees discussed Keeya's December 2nd hospitalization, services for the family, and Keeya's living arrangements. Keeya stated that she would not engage in services and would not disclose where she was living. She also said that she was going to move back to Belleville, Illinois with Cruz. Addison testified that after that meeting, she thought that K.L. and C.H. should be taken into

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protective custody because of respondents' history of domestic violence, their refusal to obtain needed services, and Keeya's mental health issues.

¶ 12 The State's next witness, Ralnah Elliott, the DCFS investigator, testified that she was assigned to the case on December 2, 2011, after DCFS received a hotline call. On that date, Elliott visited the children at Shirley M.'s home and found them to be well-cared for. Elliott participated in the December 8, 2011, team decision meeting and testified that she thought the children were at risk by being in their mother's care because Keeya was not taking her psychiatric medication while she was pregnant and would not say where she was living. Elliott said that following the meeting, the boys were taken into protective custody, and the case was referred to the court system.

¶ 13 Next, the State introduced into evidence Keeya's medical and mental health records from Ada S. McKinley Community Services, Jackson Park Hospital, and Lawndale Mental Health Center. The Ada S. McKinley medical records stated that on May 28, 2011, "the baby" got out of the house while Keeya was eating and was retrieved by a case manager. A December 3, 2011 entry stated that the police took Keeya to Jackson Park Hospital on December 2, 2011, because she threatened to kill everyone in her home. The record also stated that Keeya suffers from a bipolar disorder and should be hospitalized.

¶ 14 Medical records from Jackson Park Hospital stated that Keeya has a history of "psych" disorders and was not taking her medication due to her pregnancy. The record also stated that Keeya had reported hearing her deceased grandmother calling her name and claimed to see ghosts. Keeya also told hospital personnel that she thought her baby was going to come out,

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though she was only 16 weeks pregnant.

¶ 15 Keeya's medical records from Lawndale Mental Health Center stated that she was prescribed several medications for her bipolar disorder, including Geodon, Clonazepam and Cogentin. A July 2011 entry showed that Keeya stated that she had moved to East St. Louis to be with Cruz, who had been recently released from jail, but that he started to beat her again and was incarcerated. Keeya also learned that while she was at school, Cruz hit her son and burned him on the head with a cigarette. According to a December 9, 2011 entry, Keeya was having difficulty with her family and was inappropriately aggressive with her children, which resulted in the DCFS investigation. Keeya also reported feeling overwhelmed and depressed. A December 12, 2011 entry stated that Keeya told her therapist that DCFS took her children because she and her boyfriend "got into it" and that her grandmother "called them on us." She also stated, however, that her boyfriend never hit her, despite having made prior statements of abuse.

¶ 16 After the State rested, Keeya testified on her own behalf. She stated that she was 7½ months pregnant and that she stopped taking her psychiatric medication on the advice of her physician but intended to resume taking it after the baby was born. Keeya stated that she had been meeting with her DCFS intact caseworker, Keisha Addison, to discuss reunification services she needed to complete including mental health services, parenting classes, and domestic violence counseling. Keeya stated that she remained in contact with Addison regarding services and her living arrangements from October 18, 2011 to December 8, 2011, and that Addison had her telephone number. She stated that she completed parenting classes but missed a domestic violence class to take her baby to a doctor's appointment. She said that she did not go

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to Ada S. McKinley Community Service for mental health services because she was already getting counseling at Lawndale Rehabilitation and Health Center. Keeya testified that she was voluntarily engaging in services and unaware that if she failed to complete the recommended services her children would be referred to DCFS.

¶ 17 Keeya testified that on December 2, 2011, she was staying with her grandmother, Shirley M., when they got into an argument about money. Keeya denied threatening her grandmother or hitting her with an object. She acknowledged that the police took her to Jackson Park Hospital but said that no charges were filed against her. She said she was discharged the next day and was not given any medication.

¶ 18 On cross-examination, Keeya said that she had never filed charges of domestic violence against Cruz. She also denied calling the police in November 2010 after a fight with Cruz and denied that he hit her with a play toy. In rebuttal, the State submitted a November 29, 2010 criminal complaint from St. Clair County, Illinois, charging Cruz with domestic battery against Keeya. The State acknowledged that those charges were dismissed on January 6, 2012.

¶ 19 After closing arguments, the trial court found that the State met its burden of proof by a preponderance of the evidence that K.L. and C.H. were neglected due to an injurious environment. The court did not make a finding of abuse due to substantial risk of injury. In its oral ruling, the court found that Keeya was the custodial parent but declined Cruz's request to enter a finding that he was noncustodial. The court agreed with Cruz's attorney that "there were no specific services offered to the father in terms of intact family services" since he was downstate at the time. The court stated that its finding of neglect was based on Keeya's failure to comply with all intact

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services offered, her need for mental health treatment, and the history of domestic violence between respondents. The court noted that although it gave less weight to hearsay statements in the medical records, those records were replete with statements by Keeya to different medical professionals that she had been hit or beaten by her boyfriend.

¶ 20 The matter then proceeded to a dispositional hearing on June 11, 2012.<sup>2</sup> Keeya was present with counsel. Cruz was incarcerated and not present. Cruz's attorney asked for a continuance, which the trial court denied, noting that Keeya wanted the court to proceed with the hearing and that the court's docket would not permit it to hold a hearing before Cruz's next criminal court date.

¶ 21 The State's first witness was Charlene H., Cruz's mother. Charlene H. testified that she had been the foster parent for K.L. and C.H. since January 12, 2012. She said that Keeya was supposed to visit the children on April 29, 2012, but did not show up. On May 2, 2012, Charlene H. received a text message from a family member with a picture showing Keeya with a black eye. Later, Keeya told Charlene H. that she did not visit on April 29th, because she and Cruz had gotten into an argument, and she did not want the children to see her with a black eye.

¶ 22 Charlene H. testified about several altercations between Cruz and her other children. She said that on April 16, 2012, Cruz and his younger brother, Isaiah, had a fight in her home on April 16, 2012, which left Isaiah with a bloody face and swollen eyes. The next day, Cruz had a fight with her other son, Christopher, who came home bleeding from the ear canal. Later, Christopher

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<sup>2</sup> In addition to the dispositional hearing for K.L. and C.H., on June 11, 2012, the court also held a temporary custody hearing concerning the removal of respondents' newborn daughter, Cruneeya, from their care.

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went to the hospital and was diagnosed with a concussion. On April 21, 2012, Cruz slapped Charlene H.'s 12-year-old daughter, Lorraine, while K.L. and C.H. were in the house.

¶ 23 On June 7, 2012, Cruz was charged with delivery of narcotics and incarcerated in Cook County Jail. Charlene H. said that she did not attend Cruz's bond hearing but that Keeya told her that she had attended. Charlene H. said that she thought respondents were still in a relationship. She also stated that she told a DCFS investigator that Keeya told her that Cruz had jumped on her and slapped her and that her daughters told her they had seen Cruz hitting K.L. Charlene H. also testified that on January 12, 2012, K.L. told her that Cruz hit him but that he did not know why.

¶ 24 Charlene H. said that she spoke to Sandra Ali, the DCFS caseworker, regarding her concerns about Cruz. She told Ali that Cruz needed anger management and domestic violence counseling and Alcoholics Anonymous. She told Ali that she was concerned that if Cruz did not get help he would seriously hurt Keeya and that she thought respondents needed to separate for a while. Charlene H. also told Ali that Keeya needed help with her parenting skills and discipline, because she has no control over the children when they visit. Charlene H. agreed that Keeya allowed them "to endanger themselves, run through the streets, that type of thing." She further stated that there is a loving bond between Keeya and her sons and suggested that Keeya might be able to take care of them if she had additional services.

¶ 25 Next, Sandra Ali, a DCFS caseworker, testified that she was assigned to the case on March 27, 2012. Ali stated that Keeya was assessed for services and found to be in need of psychiatric medication counseling, domestic violence counseling, individual therapy, a parenting capacity assessment, and housing advocacy. Ali said that she thought Keeya was taking Citalopram and

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Risperidone for her bipolar disorder, because she saw the medication bottles in Keeya's home, though she did not check the date of the prescriptions or the number of pills. She testified that Keeya had stopped taking her medication while she was pregnant on her doctor's advice but that to her knowledge, Keeya had resumed taking it after the baby was born. She also stated that Keeya had been referred for individual therapy at Mt. Sinai Hospital in February 2012 and was scheduled for her first appointment on June 14, 2012.

¶ 26 Ali testified that Keeya received domestic violence counseling at Rainbow House. Ali said that she spoke with Keeya's counselor, who expressed concern after Keeya told her she did not need domestic violence counseling. Ali also stated that Keeya was referred for a parenting capacity assessment with Dr. Michelle Imayah but that it had not been scheduled because Dr. Imayah had a backlog of referrals and by the time Dr. Imayah called Keeya to schedule an appointment, Keeya no longer had a cell phone. Ali said that she recently spoke with Dr. Imayah, who told her she would make an appointment with Keeya. Ali stated that Keeya completed parenting classes but would still need the parenting capacity assessment.

¶ 27 Ali testified that Keeya told her that she had a voucher for Section 8 housing and wanted to move to Belleville. Ali contacted the housing advocacy program and was told that there were no vouchers for Cook County but that Keeya would be referred to an agency that could help her find housing. Ali said Keeya was currently staying in Chicago with her mother, who told Ali that Keeya could stay there for two or three months and that she would do what she could to assist Keeya. Ali visited the home and found it to be appropriate. Ali agreed that Keeya was maintaining contact with her about services, her location, and her desire that her children be

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returned home. She also agreed that Keeya was trying to complete services so that her children could be returned home.

¶ 28 Ali testified that Keeya had supervised visits with her three children once a week at a DCFS office or at Charlene H.'s home. Ali was not present for any recent visits but said that Julia White, a caseworker with Passages Alternative Living Programs, Inc., who drove Keeya to the DCFS office, told her that Keeya had difficulty handling her three children at the same time. Therefore, Ali recommended that Keeya receive therapeutic parenting coaching.

¶ 29 Ali testified that Cruz also was assessed for services and determined to be in need of domestic violence counseling, a Juvenile Court Assessment Project (JCAP) assessment, and a parenting capacity assessment. Ali said that Cruz had twice been referred for parenting classes but did not attend them. She also said that after a prior court date, she went with Keeya and Cruz to complete the referral form for a JCAP assessment but that Cruz told her he was too busy to do the assessment that day. He told her he would come back and do it in a few days but never did. Ali stated that she was trying to obtain a referral for Cruz to get a domestic violence assessment from the Salvation Army. Ali said that Cruz visited with C.H. at a DCFS office, and that she had not heard of any problems during those visits.

¶ 30 Ali stated that she was recommending that K.L. and C.H. be made wards of the court, because respondents had not resolved the issues that brought the case into the system and because Keeya was denying that domestic violence was an issue. She also was recommending that Keeya not be permitted to have unsupervised visits with the children. Ali said that she believed respondents were still in a relationship and that Cruz has been violent toward Keeya and K.L.

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¶ 31 The State rested, and Cruz's attorney renewed her motion for a continuance, asserting that she was unable to present evidence on her client's behalf while he was incarcerated. The court denied the motion, stating that it would not be in the best interests of K.L. and C.H. to delay a decision on disposition. The court stated, however, that it would entertain a motion to reopen the proofs and reconsider any evidence Cruz wanted to present at the next court date.

¶ 32 After counsel presented their arguments, the trial court found that the State met its burden of proof by a preponderance of the evidence that it was in the best interests of K.L. and C.H. to become wards of the court and DCFS made their guardian. The court noted that the case came into the court system because of allegations of domestic violence between respondents, and that services were offered before the case came into the court system but were unsuccessful. The court further noted that reunification services were offered after the case came into the court system, but Cruz had not participated in any services and was now back in jail. The court acknowledged that Keeya started participating in services, which appeared to be helping her, but found that she needed to show more progress. The court also noted that Keeya has mental health issues and acknowledged that although she stopped taking her medication while she was pregnant, she subsequently resumed taking it. Keeya also was scheduled to begin counseling. The court concluded, however, that Keeya had only begun dealing with her mental health issues and needed more domestic violence counseling. The court stated, "I'm glad she's attending, but she's only been to six sessions out of thirteen possible sessions. And she clearly has not made substantial progress in domestic violence yet because there's the element of a denial that domestic violence is really presenting a risk to her children." The court also expressed concern that K.L. and C.H. had

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seen Cruz act violently toward other family members. Therefore, the court concluded that the evidence was "overwhelming," to support a finding that, given Keeya mental health issues, the history of domestic violence between respondents, and their continued relationship, it was in K.L.'s and C.H.'s best interests to become wards of the court and be placed in the custody of DCFS. Respondents now appeal.

### ¶ 33 II. Analysis

#### ¶ 34 A. Adjudicatory Order

¶ 35 Following the filing of a petition for wardship by the State and the placement of children in temporary custody, a circuit court will conduct an adjudicatory hearing to determine whether the allegations of the petition that the minors are abused, neglected, or dependent are supported by a preponderance of the evidence. 705 ILCS 405/1-3 (West 2008). A 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. *In re K.G.*, 288 Ill. App. 3d 728, 735 (1997). The best interest of the child is the paramount consideration by the circuit court. *In re Arthur H.*, 212 Ill. 2d 441, 464 (2004).

¶ 36 We will not disturb the circuit court's findings regarding abuse and neglect unless the findings are against the manifest weight of the evidence. *Id.* A trial court's decision is against the manifest weight of the evidence only if the opposite conclusion is plainly evident from the record. *Id.* A neglected minor includes any minor under 18 years of age whose environment is injurious to his or her welfare. 705 ILCS 405/2-3(1)(b) (West 2008). Neglect is generally defined as the failure to exercise the care that circumstances justly demand and encompasses both willful and

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unintentional disregard of parental duty. *In re Arthur H.*, 212 Ill. 2d at 463. "Neglect" does not have a fixed and measured meaning, however, and it takes its content from the specific circumstances of each case. *Id.* Similarly, an injurious environment is an amorphous concept that cannot be defined with particularity but has been interpreted to include the breach of a parent's duty to ensure a safe and nurturing shelter for his or her children. *Id.*

¶ 37 Respondents contend that the trial court's finding that K.L. and C.H. were neglected due to an injurious environment was against the manifest weight of the evidence. First, Keeya argues that at the time of the March 26, 2012 hearing, DCFS had only been involved in the case for a few months, and therefore, the family did not have enough time to engage in services that would prevent court intervention. We disagree, as the record shows that both respondents failed to participate in services offered. Cruz was released from jail on November 15, 2011, and in his first contact with caseworker Keisha Addison, he denied ever abusing Keeya, stated that he was not interested in engaging in intact family services, and that he was going to appeal DCFS's finding of possible child abuse or neglect. Keeya initially participated in parenting classes and domestic violence counseling, but on November 28, 2011, she told Addison that she no longer thought intact family services were necessary and wanted to discontinue them. On December 8, 2011, during a team decision meeting, Keeya again stated that she would not engage in family services or disclose where she was living. Therefore, the evidence supports the trial court's finding that respondents refused to participate in services to avoid court intervention.

¶ 38 Next, Keeya contends that the medical records admitted into evidence during the adjudicatory hearing contained improper hearsay regarding domestic violence incidents between

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respondents, and absent that impermissible evidence, there is no support for the trial court's finding of a history of domestic violence. First, as to hearsay, section 2-18(4)(a) of the Act provides that any writing or record of any hospital or agency, regarding any condition, act, transaction, occurrence or event relating to a minor in an abuse, neglect or dependency proceeding, is admissible in evidence as proof of that condition, act, transaction, occurrence or event, if the document was made in the regular course of the business of the hospital or agency. 705 ILCS 405/2-18(4)(a) (West 2008). A certification by the head or responsible employee of the hospital or agency that the writing, record, photograph, or x-ray is the full and complete record of the condition, act, transaction, occurrence, or event is *prima facie* evidence of the facts contained in the certification. *Id.* A certification by someone else must be accompanied by a photocopy of a delegation of authority signed by both the head of the hospital or agency and by the other employee. *Id.* All other circumstances of the making of the memorandum, record, photograph, or x-ray, including lack of personal knowledge of the maker, may be proved to affect the weight to be accorded that evidence, but does not affect its admissibility. *Id.*

¶ 39 The State submitted into evidence Keeya's properly certified medical and mental health records from Ada S. McKinley Community Services, Jackson Park Hospital, and Lawndale Mental Health Center. In several of those records, Keeya made statements about domestic violence incidents, alleging that Cruz abused her and K.L. Under section 2-18(4)(a) of the Act, the trial court did not err in taking those records into consideration in determining that there was a pattern of domestic violence between the respondents.

¶ 40 Contrary to Keeya's next contention, the record contains ample evidence to support the

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trial court's finding of a pattern of domestic violence. In November 2010, Cruz was charged with battery to Keeya, though those charges were dismissed in December 2012. Keeya's medical records from Lawndale Mental Health Center state that in July 2011, Keeya moved to East St. Louis to live with Cruz, who had been recently released from jail, but that she learned that Cruz hit her son while she was out and burned him on the head with a cigarette. Cruz also started hitting Keeya and was again incarcerated. A September 2011 DCFS indicated report shows that Keeya sent someone a text message stating that she thought Cruz broke her nose and had hit K.L. for going to the bathroom on the floor. Two months later, on November 22, 2011, Cruz told Keisha Addison that he had recently been in jail on domestic battery charges. This evidence supports the trial court's finding that there was a history of domestic violence between respondents that created an injurious environment for their minor children.

¶ 41 Lastly, Keeya disputes the trial court's finding that she failed to comply with mental health services. Keeya contends that she voluntarily sought treatment for her bipolar disorder and only stopped taking her medication because she was pregnant. As noted above, on November 28, 2011, Keeya told Keisha Addison that she no longer would engage in services. Shortly thereafter, on December 2, 2011, Keeya was hospitalized after threatening to kill her family. On December 8, 2011, Keeya again told her Addison that she would not engage in services. Though the record supports Keeya's assertion that she stopped taking her psychiatric medications on her doctor's orders, the trial court's finding that she needed to show more progress in addressing her mental health issues was not against the manifest weight of the evidence.

¶ 42 For these reasons, we conclude that the trial court's finding that K.L. and C.H. were

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neglected due to an injurious environment was not against the manifest weight of the evidence.

¶ 43 B. Dispositional Order

¶ 44 Respondents also contend that the trial court's finding that it was in K.L.'s and C.H.'s best interests to be made wards of the court was against the manifest weight of the evidence. As a preliminary matter, the public guardian asserts that respondents forfeited their right to contest this ruling by failing to include in the record on appeal exhibits from the dispositional hearing, namely a report from Keeya's domestic violence counselor, copies of Keeya's prescription medication, a certificate showing that Keeya completed a parenting class, and a document from Keeya's therapist.

¶ 45 It is well-settled that it is the appellant's burden to present a sufficient record on appeal. *In re J.D.*, 332 Ill. App. 3d 395, 401 (2002). Illinois Supreme Court Rule 321 provides that the record on appeal must consist of, in part, "every document filed and judgment and order entered in the cause and any documentary exhibits offered and filed by any party." Ill. S.Ct. R. 321 (eff. Feb 1, 1994). Absent this record, it will be presumed that the order entered by the trial court was in conformity with the law and had a sufficient factual basis. *Id.* A reviewing court may consider an appeal despite deficiencies in the record where the trial transcripts sufficiently convey the necessary information. *Lisowski v. MacNeal Memorial Hospital Assn*, 381 Ill. App. 3d 275, 282 (2008). Any doubts relating to the incompleteness of the record will be construed against the appellant. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392 (1984).

¶ 46 Although the record on appeal does not include all of the exhibits that were admitted into

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evidence during the dispositional hearing, the transcript of the hearing provides sufficient information regarding the services respondent has completed and her history of mental illness. Sandra Ali, the family's DCFS caseworker, testified at length about the progress Keeya made in attending and completing domestic violence counseling and parenting classes, as well as some of the prescription medications Keeya was taking for her bipolar disorder. She also testified about Cruz's failure to participate in services and the history of domestic violence between respondents. Therefore, we find there is sufficient information in the record for this court to decide the issues involved in this appeal. Any doubt arising from the lack of the actual reports will be resolved in favor of appellee. *Foutch*, 99 Ill. 2d at 392

¶ 47 We also address Cruz's argument that the trial court erred in denying his attorney's request for a continuance of the dispositional hearing until he was released from jail. Cruz contends that the evidence regarding his willingness to engage in services was conflicting and warranted a delay to permit him to present evidence about his inability to complete services. He also asserts that he was denied an opportunity to rebut his mother's testimony regarding his physical altercations with his brothers and Keeya.

¶ 48 Our courts have long recognized that there is no absolute right to a continuance. *In re D.P.*, 327 Ill. App. 3d 153, 158 (2001). Because Illinois recognizes that “serious delay in the adjudication of abuse, neglect, or dependency cases can cause grave harm to the minor” (705 ILCS 405/2-14 (West 2008)), “[i]t is within the juvenile court's discretion whether to grant or deny a continuance motion and the court's decision will not be disturbed absent manifest abuse or palpable injustice.” *In re K.O.*, 336 Ill. App. 3d 98, 104 (2002). “The denial of a request for

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continuance is not a ground for reversal unless the complaining party has been prejudiced by such denial.” *Id.*

¶ 49 Keeya, the custodial parent, wanted to proceed with the hearing, and the court concluded that it was in the children's best interests to not delay. In addition, Cruz fails to demonstrate how he was prejudiced by the motion's denial. At the end of the hearing, the court stated that Cruz's attorney had "done an excellent job cross-examining all of the witnesses and questioning the State's evidence." Cruz fails to explain how his presence would have changed the outcome of the hearing, since he was incarcerated and unable to take custody of the children. Further, although the court denied the motion and proceeded with the dispositional hearing, the court said that at the next court date it would "entertain a motion to reopen the proofs and reconsider if there's testimony [Cruz] wants to offer that you believe would cause the court to, perhaps, change its decision today \*\*\*." There is nothing in the record showing Cruz filed a motion to present additional evidence or was prejudiced by the court's decision to proceed with the hearing in his absence. Therefore, we reject Cruz's contention that the trial court abused its discretion in denying his motion for a continuance.

¶ 50 After a minor has been found to be neglected or abused, a dispositional hearing must be held for the trial court to determine whether it is in the best interest of the minor and the public to make the minor a ward of the court, and if so, to determine the proper disposition best serving the health, safety, and interests of the minor and the public. 705 ILCS 405/2-22(1) (West 2008). A minor may be made a ward of the court if the court determines that the parents are unable, for some reason other than financial circumstances alone, to care for, protect, train, or discipline the

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minor. 705 ILCS 405/2-27(1) (West 2008).

¶ 51 The circuit 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 Christopher S.*, 364 Ill. App. 3d 76, 89 (2006). "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." *In re K.G.*, 288 Ill. App. 3d 728, 735 (1997). The best interest of the child is the paramount consideration for the circuit court. *In re Arthur H.*, 212 Ill. 2d at 464. On review, we will not disturb the circuit court's dispositional findings unless they are against the manifest weight of the evidence. *In re T.B.*, 215 Ill. App. 3d 1059, 1062 (1991). A finding is against the manifest weight of the evidence "only if the opposite conclusion is clearly evident or if the determination is unreasonable, arbitrary, and not based on the evidence." *In re Tiffany M.*, 353 Ill. App. 3d 883, 890 (2004).

¶ 52 The trial court's finding that it was in K.L.'s. and C.H.'s best interests to be made wards of the court was not against the manifest weight of the evidence. First, Charlene H., Cruz's mother and the children's foster parent, testified she saw a picture of Keeya with a black eye and Keeya told her that she and Cruz had gotten into an argument. Charlene H. also testified that Keeya told her that Cruz jumped on her and slapped her, that her daughters saw Cruz hitting K.L., and that there were several violent incidents between Cruz and his siblings, some of which occurred while K.L. and C.H. were in the house. She further stated that she thought her son needed anger management and domestic violence counseling and worried that if he did not get help, he would seriously hurt Keeya. In addition, Charlene H. testified that she thought Keeya needed parenting classes, because she had no control over her children and agreed that Keeya allowed them "to

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endanger themselves." She said she did not think Keeya was prepared to care for the children or that it was in the children's best interests to be returned to her at that time.

¶ 53 Sandra Ali, the family's DCFS caseworker, testified that Keeya was taking part in some services and had completed a parenting class, but needed to show more progress. Ali testified that Cruz failed to participate in any services offered and that the respondents were still in an abusive relationship. Further, Keeya denied that domestic violence was an issue, which indicated that more counseling was needed. As for Keeya's relationship with her children, Ali said that a caseworker told her that Keeya had difficulty taking care of all three children at once, an indication that additional parenting classes may be needed. In short, the evidence presented at the dispositional hearing supports the court's finding that Keeya started to take part in services but needs more time to make progress, particularly with domestic violence counseling. Cruz, however, has made almost no progress with services offered to him. Therefore, the trial court's finding that it was in the best interests of K.L. and C.H. to become wards of the court and be placed in the custody of DCFS was not against the manifest weight of the evidence.

#### ¶ 54 III. Conclusion

¶ 55 We affirm the trial court's adjudicatory order that the minor children were neglected due to an injurious environment and its dispositional order that it is in their best interests to be made wards of the court and to be placed in the custody of DCFS.

¶ 56 Affirmed.