

except for good cause shown, the appellate court issue its decision within 150 days of the filing of the notice of appeal. Accordingly, the decision in this case was due on March 20, 2014. The case was placed on the February 6, 2014, oral argument setting. The respondent's brief was filed January 13, 2014, after an extension of time was granted by this court. The State requested an extension of time to file its response brief because portions of the adjudicatory order were missing from the record on appeal. This court granted the State's motion and removed the case from the February 6, 2014, oral argument setting. The State filed its brief on February 21, 2014, and the respondent filed her reply brief on February 28, 2014. The case was placed on the March 31, 2014, oral argument setting and we now issue this Rule 23 order.

¶ 4 N.R. was born February 16, 1997, and C.R. was born October 15, 2004. On November 21, 2011, the State filed separate petitions for adjudications of wardship for N.R. and C.R. The petitions alleged that the minors had been neglected in violation of section 2-3(1)(b) of the Juvenile Court Act of 1987 (the Act) (705 ILCS 405/2-3(1)(b) (West 2010)), based on the fact that the environment was injurious to the welfare of the minor children in that the respondent had a "history of mental illness" and admitted to the Illinois Department of Children and Family Services (DCFS) that she believed that she was inheriting Wal-Mart and that the police, DCFS, and the Governor were conspiring to take her children. The petitions also alleged that the minors had been abused in violation of section 2-3(2)(ii) of the Act (705 ILCS 405/2-3(2)(ii) (West 2010)), based on the fact that the respondent had created a risk of physical injury to the minor children when she

told N.R. that she had a vision of the devil strangling C.R.

¶ 5 On January 3, 2012, a shelter care hearing was held where the trial court found that there was probable cause for the filing of the petitions and that it was a matter of immediate and urgent necessity that the minor children be removed from the respondent's home. The court granted temporary custody of the minor children to William R., the children's father, and granted the respondent supervised visitation.

¶ 6 The adjudicatory hearing was held on July 11, 2012, and September 7, 2012. At the hearing, Kathy McHugh, a former caseworker for DCFS, testified that she was assigned this case in September 2011. During the course of the investigation, she spoke with N.R., who had reported several concerns about his mother, one of which was her inappropriate punishments. He had reported that she had punished him by taking away his mattress, bedding, pillow, fan, TV, and had either taken or threatened to take the light bulb from his bedroom. N.R. was grounded the entire time that McHugh had the case, which was approximately four or five months. He felt that the respondent's punishments were "very unusual." He expressed confusion because he believed that he was doing well in school and was not getting into trouble, but the respondent repeatedly told him that he was getting into a lot of trouble and he was being constantly punished. N.R. also stated that the respondent did not make meals for C.R. and that he "pretty much did a lot of the cooking," a fact that McHugh had observed herself when she had visited their house. N.R. had told her that the respondent had taken scissors and cut a shirt off of him because she felt that the shirt was inappropriate. There was also a report that the respondent had a

dream that the devil was stabbing her daughter. She acknowledged that the incident could have been described as choking instead of stabbing. N.R. feared for his sister's safety because of the respondent's dream, and he was very unhappy with all of the discipline and "things" that he believed were "not normal." It was also reported that the respondent had locked N.R. out of the house and he had to walk to a relative's house.

¶ 7 McHugh met with the respondent and she admitted that she had punished N.R. by taking away his bedding and by grounding him. The respondent also discussed the fact that she would be inheriting Wal-Mart and a hotel chain, and she spoke a lot about messages that she had received from God or Jesus concerning things that she would inherit. McHugh acknowledged that the respondent's belief that she will inherit Wal-Mart is based on her spiritual interpretation of the Bible. McHugh testified that the respondent had indicated that William was violent and abusive, but that N.R. denied that his father was violent and abusive. McHugh believed that the respondent was taping their conversations when she went to the respondent's home during the course of the investigation. She acknowledged that during her investigation, she did not find any evidence of physical abuse to either child. Based on her conversations with the respondent, McHugh questioned the respondent's mental health, and she requested that the respondent sign an authorization for medical records so that McHugh could determine whether the respondent had a history of mental illness. The respondent would not sign the authorization and told McHugh that she would get the medical records herself and deliver them to McHugh. The respondent never gave her medical records to McHugh.

¶ 8 Tawnya Hooper, a child protection advance specialist for DCFS, testified that she was assigned to investigate two separate reports made in this case; the first was made in September 2011. She testified that the initial hotline report involved allegations of risk of harm and concerns about the respondent's mental health because she was "hearing voices" and the impact that it had on N.R. Hooper met with the respondent, and the respondent revealed that God was talking to her. Hooper also spoke with N.R., who was fearful that his mother would harm his sister because the respondent had heard voices telling her to harm C.R. Because the respondent had indicated that she would never harm her children and there was no prior history of neglect or abuse, the report was declared unfounded and she was referred to voluntary preventative services. Hooper explained that although there were "definitely issues," it did not rise to the level of abuse or neglect. A second hotline report was received late October 2011, again with regard to issues between N.R. and the respondent, one of which was an incident involving the respondent ripping N.R.'s shirt off of him. Hooper spoke with the respondent after receiving the call, and she admitted ripping N.R.'s shirt. The respondent explained that she had cut the bottom of the shirt and then ripped it the rest of the way because she had believed that it was inappropriate because it had "skulls and cross-bones" on it. The respondent also revealed that she would not let C.R. listen to Cinderella because there were "stepmothers in there" and that she had destroyed some of the children's videotapes because they were inappropriate.

¶ 9 Hooper explained that there were indications in her conversation with the

respondent that raised "red flags" about the respondent's mental health, such as the respondent hearing voices, believing that she would inherit Wal-Mart and the Wyndham Hotel, and anointing N.R.'s door with oils to protect him. Hooper explained that she had concerns about the respondent's behavior, the respondent's attitude with regard to the children, and the fact that the second report closely followed the initial report. She opined that it was in the children's best interests to stay with their father temporarily.

¶ 10 Shawna Morrison, a family therapist with Family Life Consultants, testified that she had received a referral from DCFS for the respondent and the minor children. Morrison had received the following information from DCFS about the family: the respondent had "strong and possibly unrealistic expectations for her children," especially N.R.; N.R. had been grounded for 230 days; N.R. had reported that the respondent was "highly religious" and had anointed his door with oil; the respondent had said that she had walked barefoot at Wal-Mart and at the Wyndham Hotel and therefore expected to inherit both; the respondent's relationship with William was "full of violence and control"; the respondent was attempting to "get her life back" and had set new rules for the children; and the children had witnessed the violence that occurred in their parents' marriage, but remain close to their father. Morrison's first meeting with the respondent, C.R., and N.R. occurred on October 12, 2011. She initially met with C.R. and N.R. and discussed their issues with the family. N.R. expressed concern that his mother's punishments were too severe. He was confused by his mother's behavior of anointing his doorway with oil and speaking about inheriting the Wyndham Hotel and Wal-Mart.

Morrison explained that she subsequently spoke with the respondent, and the respondent expressed frustration with N.R.'s behavior. The respondent indicated that N.R. had anger issues and stated that he had "stabbed bus seats and became defiant" at school. Morrison did not know whether this incident had actually occurred, but N.R. had denied stabbing bus seats. Morrison opined that the respondent was "well put together" at this meeting and that she had discussed her frustrations with N.R. and her concerns that the children's father was trying to get custody of the children in an "appropriate manner." Morrison further opined that the respondent was "on task and on focus."

¶ 11 Based on the first meeting, Morrison developed a counseling plan for the family, which consisted of individual counseling initially because there was too much turmoil for family counseling. At the next meeting with the family on October 25, Morrison immediately noticed that the respondent appeared upset upon entering the waiting room. Because the respondent told Morrison that she wanted to speak with Morrison about some concerns that she had, Morrison immediately took her into the therapeutic room. The respondent expressed concern that Morrison and McHugh were working toward removing the children from her home and giving primary custody to William. Morrison opined that the respondent was "tangential in her speech," was switching topics "very quickly," and that Morrison was unable to interject. Morrison described the respondent's speech as "very pressured speech" and opined that the respondent was exhibiting signs of paranoia. The respondent stated that she wanted to discontinue counseling services and wanted to call the State's Attorney's office. She stated that N.R. would not be allowed to

continue therapy. Morrison observed the respondent become more upset and frustrated as the session continued. She explained that she was not able to soothe the respondent and the respondent was not able to regulate the emotion herself. Morrison also noticed that the respondent had some confusion in memory.

¶ 12 After the respondent had exited the room, N.R. attempted to speak with Morrison in the hallway. However, the respondent interrupted and told Morrison that N.R. was no longer allowed to see Morrison, that she wanted to leave immediately, and that she would call the police if N.R. did not follow her out of the office immediately. Morrison noticed that N.R. appeared confused as to what was happening. After they left, Morrison called McHugh and the DCFS hotline because she feared for the children's safety.

¶ 13 William R., the father of C.R. and N.R., testified that he had married the respondent in 2001. They separated five years later. They had reconciled and separated several times after the initial separation. William testified that he had concerns about the respondent's mental health. He explained that the respondent had twice reported to him that she had attempted suicide. In 2003, he observed a belt hanging from a rafter in the basement of a home that they had recently purchased and commented that it looked like somebody had attempted suicide in the basement. Several months later, the respondent told him that she had attempted suicide and that the belt had broken when she put her weight on it. She told N.R., who was approximately 13 years old, about her suicide attempt. During the second attempt, the respondent had called William and his sister and indicated that she was going to drive to the bridge and jump off it. The police were

called, and an officer found her and talked to her about it.

¶ 14 William testified that the respondent's "whole life ran on Tarot cards" when they were married and that this was the main reason for their separation. The respondent eventually gave up Tarot cards and started attending church. William initially approved of the respondent going to church, but then she started talking about how she was going to inherit "millions of dollars." He was not concerned until she started talking about how God had told her that she was going to be the "richest person on the planet." William made a deal with her that if she did not inherit any money by November 2008, she would seek psychiatric help. The respondent did not inherit "millions of dollars," and she did not seek help. The couple divorced in 2009, and the respondent was awarded custody of the children. William acknowledged that he and the respondent had a "somewhat confrontational relationship over the years."

¶ 15 The couple reconciled after the divorce, and the family went on vacation to Florida in the summer of 2011. While in Florida, the respondent told William that she saw a "demon dragging itself out of the water without the lower part of its body, and that she ran over and stomped on it and killed it." After they returned home from vacation, William and the respondent separated, mostly due to her behavior. Soon thereafter, the respondent called William at 1 a.m. and sounded really excited, "like somebody who had just won the lottery." The respondent stated that "God had just given her all the Wal-Marts in the world." William responded by telling her that she "might be imagining things a little bit." Approximately one week later, she told him that she had inherited the

Wyndham Hotel in Florida. She explained that God had told her "that anyplace she walked barefoot she would inherit, and that she had remembered she walked through the motel barefoot." William observed that the respondent was actually upset about inheriting the hotel because she did not want to "take care of it and run it." The respondent had also told him that she could "project herself into different places in the world," that she could "see through people," and she could heal people. She talked about how there were "demons all around everybody all the time, and she [was] the only one that [could] push them away." She had explained that she would "push" the demons away by "rebuking them in the name of Jesus." She had stated that God had "opened up the ceiling of her trailer, and she was floating in the middle of her living room" and that God spoke to her every day and had taught her a "couple of different languages that no one else knows." The respondent had told William that she was recording "everything anytime anybody came around her." William explained that the respondent had recorded him for years by hiding voice-activated recorders in his car.

¶ 16 William also testified regarding an incident where N.R. had called him and the police because the respondent had thrown all of N.R.'s belongings in the trash. When the police arrived, the respondent told them that she had put N.R.'s belongings in the shed because she was punishing him and that when the punishment was over, the items would go back into his room. The police left, and the respondent hauled all of the trash bags containing N.R.'s belongings to the street. N.R. then called William, who drove to the respondent's home and picked up N.R.'s belongings from the trash. William explained

that the respondent had taken everything out of N.R.'s room, which had included irreplaceable items such as pictures of N.R.'s grandparents and pictures of N.R. with William, and threw them in the trash for the garbage collectors to pick up that day. William testified that a note with the respondent's handwriting was found in one of the bags of clothing. The handwritten note stated as follows: "Devil, I bind you and rebuke you in the name of Lord Jesus Christ."

¶ 17 Sharon Lomax, the respondent's mother, testified that the respondent was trying to be a good Christian mother and set boundaries for the children. Lomax had never observed any signs that the children had been physically abused by the respondent and the children had never said that they were afraid of their mother. To her knowledge, the respondent had never attempted suicide, had never taken psychotropic medication, or had never been hospitalized for any type of mental illness or disability. She explained that the children had always been well cared for by the respondent.

¶ 18 The respondent testified that she had disciplined N.R. by grounding him for not doing his homework, for not getting up for school on time, and for being rebellious and disrespectful to adults. She explained that she had also punished him by taking his bedding away because she was trying to get him out of bed on a Saturday afternoon, and he started arguing with her. In response, she took his blanket and pillow and put them on the couch. The respondent had taken N.R.'s movie collection and "a few other things," which included a photograph of N.R. with William and a photograph of N.R. with his paternal grandparents, because N.R. was not doing his homework. She put his

belongings in trash bags and locked them in the shed. When the police officer arrived, N.R. told the officer that she had taken all of his belongings and put them in the trash. She showed the officer that N.R.'s belongings were locked in the shed and the officer left. She explained that the only clothing that was thrown away was clothing that no longer fit N.R. She did not put N.R.'s belongings on the curb to be picked up as trash. However, she did put the trash bags containing N.R.'s belongings "out by the edge of the road," which is where she would put the trash on trash day, because she had called William to retrieve the items. The note found by William in the trash bag was scripture and resulted from one of the many discussions that she had with N.R. about religion and scripture.

¶ 19 The respondent acknowledged that she had punished N.R. by ripping his shirt off of him. She stated that he was being rebellious and was calling her "a lot of horrible names" and she sent him to his room. He went to his room and came back out wearing a shirt that he had obtained from his father. Because she believed that the shirt was inappropriate, she asked him to take it off. He refused and said, "You can't make me." In response, she told him that he could either take it off and take it back to his father's house or she was going to rip it off of him. He refused to take it off, and she cut the hem of the shirt and then ripped it a few inches. N.R. got angry and ripped the shirt completely off. The respondent acknowledged that she told her children that God speaks to her. She explained that she was in Wal-Mart trying on shoes when scripture "came" to her and her interpretation based on what she was feeling and hearing was that she "would come to maybe possibly own a Wal-Mart in the future or something to that effect." She explained

that she read scripture on a daily basis. She denied ever seeing the devil or a demon stabbing C.R., and she denied being under the care of a psychiatrist or psychologist. She had never been hospitalized for any type of psychiatric illness or taken psychotropic medications. She further denied attempting suicide. She explained that God had never spoken to her directly in an audible voice, but she believed that God spoke to her through scripture. She never experienced or perceived God opening up the ceiling of her home and explained that "is William's distortion."

¶ 20 Before making its determination of whether the minor children were neglected, the trial court conducted *in camera* interviews of N.R. and C.R. However, we note that transcripts of the interviews were not included in the record on appeal. After considering all of the evidence, the court found that the minor children were abused or neglected as defined by section 2-3 of the Act (705 ILCS 405/2-3 (West 2010)) in that they were in an environment that was injurious to their welfare. Specifically, the court stated as follows with regard to its findings:

¶ 21 "The Court heard extensive testimony regarding Mother's religious beliefs and her treatment of the children as it pertains to her beliefs. While the Court agrees that Mother obviously may worship as she chooses, if her beliefs lead to extreme behavior and affects the welfare of her children, the Court must intervene. Mother's behavior was at times erratic and delusional.

¶ 22 *** [N.R.] was subjected to extreme periods of being grounded and at one point, Mother literally cut the shirt that he was wearing off his back. She spoke of inheriting

Wal-Mart and the Wyndham Hotel. After much circuitous testimony regarding whether she interprets scripture literally or figuratively, she finally admitted she does believe she will inherit Wal-Mart. In the past, she spoke to the children regarding anointing doorways to keep demons out and threw away video games because she believed they would allow the devil into the house.

¶ 23 William *** testified regarding several delusional comments Mother had made in the past. For example, she had stated on one occasion she saw a demon dragging itself out of the water and she believed she has special powers such as astral projection. The Court finds his testimony credible."

¶ 24 The court further found that the respondent had refused to cooperate with DCFS and had refused counseling services of a family therapist. Therefore, the court stated as follows: "Based upon the testimony of the witnesses, including the *in camera* interviews with the minors, the Court believes that Mother has had delusional thoughts which resulted in erratic behavior towards the minors, leaving them fearful and emotionally effected."

¶ 25 At the subsequent dispositional hearing, the trial court found the respondent fit, able, and willing to care for, protect, train, educate, supervise, or discipline the minor children and that she would not endanger the health, safety, or well-being of the minor children. The court also found that reasonable efforts had been made to keep the minor children in the home of the father and that the health, welfare, and safety of the minor children were not compromised by leaving them in the father's home. Accordingly, the

minor children were adjudicated neglected, but were not made wards of the court. The court placed custody of the minor children with William and allowed the respondent visitation at William's discretion. The respondent appeals the adjudicatory order.

¶ 26 The issue raised in this appeal is whether the trial court's finding that N.R. and C.R. were neglected due to an injurious environment was against the manifest weight of the evidence.

¶ 27 The Act sets forth the procedures and criteria used in determining whether a minor child should be removed from his parents' custody and made a ward of the court. *In re A.W., Jr.*, 231 Ill. 2d 241, 254 (2008). At the adjudicatory hearing, the issue to be determined is whether the minor was neglected or abused, not whether the parents were neglectful or abusive. *In re Yohan K.*, 2013 IL App (1st) 123472, ¶ 108. The State is required to prove its allegations of abuse or neglect by a preponderance of the evidence. *In re N.B.*, 191 Ill. 2d 338, 343 (2000). The trial court is afforded broad discretion when making a determination as to abuse or neglect. *In re Stephen K.*, 373 Ill. App. 3d 7, 20 (2007). Therefore, the trial court's decision should not be disturbed unless it is against the manifest weight of the evidence. *Id.* A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident from the record. *Id.* "Because the trial court has the best opportunity to observe the demeanor and conduct of the parties and witnesses, it is in the best position to determine the credibility and weight to be given to the witnesses' testimony." *Id.*

¶ 28 Section 2-3(1)(b) of the Act (705 ILCS 405/2-3(1)(b) (West 2010)) provides that a

neglected minor child includes "any minor under 18 years of age whose environment is injurious to his or her welfare." "The term 'injurious environment' is a broad and amorphous concept that cannot be defined specifically, but it includes the breach of a parent's duty to ensure a safe and nurturing shelter for the children." *In re A.W., Jr.*, 231 Ill. 2d at 254. The term "neglect" is similarly broad, but has generally been "defined as the failure to exercise the care that circumstances justly demand and encompasses both willful and unintentional disregard of parental duty." *In re Stephen K.*, 373 Ill. App. 3d at 20. Cases adjudicating neglect are *sui generis* and must be resolved by evaluating the unique facts and circumstances present in each case. *Id.*

¶ 29 The respondent challenges the trial court's finding of neglect based on an injurious environment because she feels that the court's finding that she suffered from a mental illness was against the manifest weight of the evidence. She relies on a report prepared by Dr. John Trimble, a psychologist at Christian Psychological and Family Services, and testimony from Kara Patterson Stone, a counselor at Christian Psychological and Family Services, in support of her argument that the State failed to prove that she suffered from a mental illness. Dr. Trimble had performed a psychological evaluation on the respondent on November 16, 2011, as a result of the initial DCFS hotline report, and Stone had provided counseling services to the respondent and the minor children in February 2012. However, the trial court noted that the purpose of the adjudicatory hearing was to determine whether the allegations contained in the petition for adjudication were supported by a preponderance of the evidence and determined that evidence of the results

of the psychological evaluation and the respondent's participation in counseling services were not relevant for the adjudication as to whether or not the events that happened in and around November 2011 were true and accurate. The court therefore determined that the evidence was not admissible at the adjudicatory hearing, but was admissible for purposes of disposition. Accordingly, this evidence was not before the trial court at the adjudicatory hearing when it determined that the respondent had neglected the minor children.

¶ 30 Based on the evidence that was presented at the adjudicatory hearing, the trial court concluded that the respondent's behavior was "erratic and delusional." The court found that the respondent had "delusional thoughts which resulted in erratic behavior towards the minors." The court found William's testimony credible and noted that he testified about "several delusional comments" that the respondent had made, comments that she had repeated to the minor children. The court further noted that it had heard "extensive testimony regarding [the respondent's] religious beliefs and her treatment of the children as it pertains to her beliefs." The court acknowledged that the respondent "may worship as she chooses," but believed that it must intervene when her religious beliefs led to extreme behavior, which affected the welfare of the minor children.

¶ 31 The respondent argues that the State failed to prove "a nexus between [her] behavior and any danger to her children." However, the court concluded that the respondent's behavior had left the children fearful and emotionally affected. We note that the court had conducted *in camera* interviews of the minor children; however, the record

on appeal does not include transcripts of these interviews. As the appellant, the respondent had the burden to present a sufficiently complete record of the trial-court proceedings to support her claim of error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Absent a sufficient appellate record, a reviewing court will presume the trial court's order was in conformity with the law and had a sufficient factual basis. *Id.* at 392. Therefore, we assume that the trial court's finding that the respondent's "delusional thoughts which resulted in erratic behavior towards the minors, leaving them fearful and emotionally effected" had a sufficient factual basis. Given the wide discretion afforded the trial court in making a determination regarding neglect and its ability to observe the demeanor and credibility of the witnesses, we conclude that the trial court's finding that N.R. and C.R. were neglected due to an injurious environment was not against the manifest weight of the evidence.

¶ 32 Accordingly, we affirm the trial court's adjudicatory order finding that the minor children were neglected due to an injurious environment. The respondent does not separately challenge the court's dispositional order finding her fit, but placing custody of the minor children with William. However, she requested that we vacate the trial court's dispositional order if we conclude that the court's finding that the minor children were neglected was against the manifest weight of the evidence. Conversely, the State argues that if this court affirms the adjudicatory order, we must also affirm the dispositional order. Therefore, because we affirm the trial court's adjudicatory order finding that the minor children were neglected because they were in an environment that was injurious to

their welfare, we also affirm the court's dispositional order placing custody of the children with William R.

¶ 33 For the foregoing reasons the judgment of the circuit court of Madison County is hereby affirmed.

¶ 34 Affirmed.