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2015 IL App (3d) 140398-U

Order filed February 24, 2015

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2015

<i>In re</i> A.D.,)	Appeal from the Circuit Court
)	of the 10th Judicial Circuit,
a Minor)	Peoria County, Illinois,
)	
(The People of the State of)	
Illinois,)	
)	Appeal No. 3-14-0398
Petitioner-Appellee,)	Circuit No. 13-JA-308
)	
v.)	
)	
Kayla D.,)	Honorable
)	David Dubicki
Respondent-Appellant).)	Judge, Presiding.
)	

JUSTICE O'BRIEN delivered the judgment of the court.
Justices Schmidt and Wright concurred in the judgment.

ORDER

¶ 1 *Held:* A dispositional order making a minor a ward of the court, but finding the mother fit and naming her as guardian, was upheld on appeal because the trial court's factual finding that the minor still needed court involvement was not against the manifest weight of the evidence.

¶ 2 The respondent, Kayla D., the mother of the minor, A.D., appeals from a dispositional order finding her to be fit, and naming her guardian, but making the minor a ward of the court after the minor was adjudicated neglected and abused based upon physical abuse inflicted by the minor's father.

¶ 3 **FACTS**

¶ 4 On November 26, 2013, the State filed a two-count petition alleging that the minor was abused and neglected. Count I alleged that the minor was abused by her father on October 26, 2013, when he broke her arm and bruised her hand. At the time, the minor was three months old. Count II alleged that the minor was neglected due to an environment injurious to her welfare based on her father's abuse and her mother's, Kayla D.'s, neglect in that Kayla was aware that the father was easily frustrated with the minor but allowed him to act as sole caretaker for the minor on October 26, 2013.

¶ 5 Kayla stipulated that the State could prove the allegations of both counts of the petition. The father executed a surrender of his parental rights and was dismissed as a party. On March 12, 2014, the trial court found the petition to be proved by a preponderance of the evidence and adjudicated the minor neglected and abused.

¶ 6 At the dispositional hearing, the trial court relied on a dispositional report and a best interest report submitted by the Children's Home Association of Illinois (Children's Home), both dated March 5, 2014, addendums to both reports, the testimony of the caseworker, and Kayla's testimony. The reports indicated that the minor and Kayla lived with Kayla's mother. Kayla was employed part-time and attended college part-time. Kayla severed her relationship with the minor's father after learning of the abuse. The reports also indicated that the father was serving a 10-year prison sentence for the abuse of the minor. The reports stated that Kayla was fully

cooperative with intact services. Kayla testified that she never saw the father abuse the minor, nor did she suspect he was abusing her. She did, however, note that the father would get frustrated when the minor cried. The caseworker testified that she did not believe Kayla needed any services, despite the report recommendations by Children's Home, which was signed by the caseworker and two of her supervisors, that the court continue its involvement. The caseworker testified that she did not believe a wardship was necessary, but her supervisors believed it was necessary. The caseworker thought that Kayla would continue counseling even if the case was closed.

¶ 7 After the hearing, the trial court found it was in the best interest of the minor to make the minor a ward of the court. The trial court stated that it was primarily relying on Kayla's need for continued counseling to address a history of abuse and her ability to make good choices to provide a safe environment for the minor. The trial court further found Kayla to be fit and named her guardian. Kayla appealed from the dispositional order, arguing that the trial court's decision to open a wardship was against the manifest weight of the evidence. The wardship was ultimately discharged on August 20, 2014.

¶ 8 ANALYSIS

¶ 9 As an initial matter, we must decide if this matter is moot since the wardship was discharged while the appeal was pending. The mother argues that the appeal is not moot because of possible collateral legal consequences to the mother in the context of juvenile proceedings. We agree. Although the mother did not challenge the adjudication, she may still face collateral legal consequences because a wardship was opened and a supplemental petition to reinstate that wardship could be filed. See *In re Chyna B.*, 331 Ill. App. 3d 591, 593 (2002); 705 ILCS 405/2-33 (West 2012).

¶ 10 Pursuant to the Juvenile Court Act of 1987 (Act), once a child is adjudicated abused, neglected or dependent, the court must hold a dispositional hearing to determine whether it is in the child's best interests to be made a ward of the court and the proper disposition best serving the health, safety and interests of the minor and the public. 705 ILCS 405/2-21, 2-22 (West 2012); *In re Austin W.*, 214 Ill.2d 31 (2005). A dispositional order will not be disturbed on appeal absent an abuse of discretion in selecting an inappropriate dispositional order or factual findings that are against the manifest weight of the evidence. *In re Taylor B.*, 359 Ill. App. 3d 647, 650 (2005).

¶ 11 The mother does not challenge the adjudication of abuse and neglect. However, she does contend that the trial court's decision to make the minor a ward of the court was against the manifest weight of the evidence. We disagree. The trial court considered the reports and their addendums, and the caseworker's testimony, and found Kayla's history of abuse to be significant with respect to her ability to provide a safe environment for the minor. It also found significant the counselor's representation that she would need to meet with Kayla at least three times before she could make a judgment regarding Kayla's ability to provide a safe environment for the minor. Thus, the trial court's finding that it was in the best interest of the minor that Kayla continue counseling was not against the manifest weight of the evidence, and there was no abuse of discretion in making the minor a ward of the court.

¶ 12 CONCLUSION

¶ 13 The judgment of the circuit court of Peoria County is affirmed.

¶ 14 Affirmed.