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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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IN THE INTEREST OF D'VINE W.,	)	Appeal from the
	)	Court Circuit of
Minor-Respondent-Appellee,	)	Cook County.
	)	
(THE PEOPLE OF THE STATE OF ILLINOIS,	)	14 JA 812
	)	
Petitioner-Appellee,	)	
	)	
v.	)	The Honorable
	)	Richard Stevens,
CARLA M.,	)	Judge Presiding.
	)	
Respondent-Appellant).	)	

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JUSTICE NEVILLE delivered the judgment of the court.  
Presiding Justice Pierce and Justice Hyman concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court may rely on the mother's admissions when deciding whether the mother subjected her child to an injurious environment, even if the admissions involve hearsay.

¶ 2 The trial court adjudicated D.W. a ward of the court and placed her in the custody of a guardianship administrator from the Department of Children and Family Services (DCFS). On appeal, D.W.'s mother, Carla M., argues that the State did not prove she subjected her child to an injurious environment. We hold that Carla's admission that D.W., only two years

old, left the home unattended five times over the course of five months supports the finding of an injurious environment. Accordingly, we affirm the trial court's judgment.

¶ 3

### BACKGROUND

¶ 4

On April 23, 2014, DCFS received a call about a small child, unsupervised, seen outdoors near Dempster Street in Evanston. Carla told a police officer that D.W. must have gotten out while Carla was using the bathroom, probably because Carla's son accidentally left the door unlocked when he left for school. Carla mentioned that D.W. had gone outside unattended once before, in March 2014. A caseworker from DCFS advised Carla to install a child safety lock on the front door.

¶ 5

DCFS received another call on June 22, 2014, when a caller saw D.W. unattended outdoors near Dempster Street. Kimberly Jackson, a DCFS caseworker, spoke with Carla on June 23, 2014. The landlord came to Carla's home that day and added a child-proof chain to the front door.

¶ 6

Jackson responded to a third call about D.W. on July 29, 2014. Police arrested Carla and took D.W. into custody that day. The following day, July 30, 2014, Carla pled guilty to a charge of child endangerment. The court sentenced her to one year of conditional discharge and released her from custody.

¶ 7

The State filed a petition for adjudication of wardship on July 31, 2014, alleging that Carla subjected D.W. to an injurious environment. See 702 ILCS 405/2-3(1)(b) (West 2014).

¶ 8

DCFS arranged for Carla to receive parenting classes and coaching, a psychological and a psychiatric evaluation, and substance abuse counseling. DCFS placed D.W. in foster care.

¶ 9 At the trial on the issue of Carla's fitness to parent D.W., the State presented a report, dated March 10, 2015, from an evaluation of Carla's mental health. The psychologist reported that Carla told him "her daughter went outside unsupervised about 5 times." The psychologist diagnosed Carla's condition as depressive disorder and anxiety disorder. Carla signed the report under a line that reads, "I HAVE READ THE CONTENTS OF THE REPORT AND ACKNOWLEDGE THAT THEY ARE ACCEPTABLE TO ME." (Emphasis in original.)

¶ 10 Jackson testified that when she spoke with Carla on June 23, 2014, Carla explained that on June 22, she left D.W. in her home in the care of a 15-year-old boy. D.W. got out of the home through the front door after the boy fell asleep. Carla's attorney objected that the testimony brought in hearsay, since Carla did not personally observe how D.W. got out. The trial court found Carla's statements to Jackson admissible as party admissions, but the court added, "the fact that \*\*\* it's a statement of what other people told her is a factor for the Court to consider \*\*\* -- it wouldn't hold much credibility."

¶ 11 Jackson testified that Carla said she kept D.W. in the house by barring the front door with furniture. Jackson testified that D.W. showed no signs of abuse or neglect, and Carla kept the home neat, with plenty of food for D.W.

¶ 12 James Blackwell, Carla's friend, testified that on July 29, 2014, he and Carla and some other friends were talking on the sidewalk near Carla's home while D.W. played on the sidewalk under Carla's supervision. When Carla went inside briefly, her friends continued to watch D.W. Police came and arrested Carla while her friends were watching D.W.

¶ 13 Carla testified that on July 30, 2014, she pled guilty to the charge of child endangerment because she could not pay the \$1,500 bond, and she needed to get out of jail as quickly as possible to find out what had happened to D.W. after police arrested her.

¶ 14 In proceedings on the petition for wardship, the trial court adjudicated D.W. as neglected in that Carla left her "without supervision for an unreasonable period of time." The court proceeded directly to the dispositional hearing.

¶ 15 Sarah Burke, another caseworker helping D.W., testified that Carla always attended her scheduled visits with D.W. However, Burke said that Carla had not made substantial progress in therapy, and she needed help with anger management.

¶ 16 A DCFS assessment of Carla, dated October 21, 2014, noted that although Carla completed parenting classes, "[s]he is unable to demonstrate structure or discipline during visits and lets [D.W.] run the show." The report concluded that "Carla does not appear to be able to nurture [D.W.] at this time."

¶ 17 The trial court found Carla "unable \*\*\* to care for, protect, train or discipline the minor," and that removal from Carla's custody would serve D.W.'s best interests. The court placed D.W. under the guardianship of Debra Dyer-Webster of DCFS. In the permanency order, the court set the goal for D.W. of returning her to Carla's care within 12 months. Carla now appeals.

¶ 18 ANALYSIS

¶ 19 Carla argues on appeal only that the evidence at the adjudicatory hearing did not prove that Carla subjected D.W. to an injurious environment. Carla emphasizes that none of the

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State's witnesses saw D.W. in an injurious environment – all relied on statements made by others, out of court, about seeing D.W. unattended in front of Carla's home on Dempster Street. But the court properly relied on Carla's admissions to the psychologist and others that D.W. had gotten out of the home, unattended, five times from March through July 2014. See *Casey v. Burns*, 7 Ill. App. 2d 316, 323-24 (1955). The manifest weight of the evidence sufficiently supports the trial court's finding that, by permitting her two-year-old daughter to leave the home unattended, with nothing to block the child from wandering into a busy street, Carla subjected D.W. to an injurious environment. *In re M.K.*, 271 Ill. App. 3d 820, 826 (1995); *In re Julian K.*, 2012 IL App (1st) 112841, ¶¶ 70-71. Carla has raised no issue concerning the dispositional order. Accordingly, we affirm the trial court's judgment.

¶ 20

Affirmed.