2016 IL App (1st) 153381-U

FIFTH DIVISION
June 3, 2016

No. 1-15-3381

IN THE APPELLATE COURT
OF ILLINOIS
FIRST JUDICIAL DISTRICT

In re L.J., a Minor	)	Appeal from the
	)	Circuit Court of
(THE PEOPLE OF THE STATE OF ILLINOIS,	)	Cook County
	)	
Petitioner-Appellee,	)	
	)	No. 14 JA 928
v.	)	
	)	
Latrice J.,	)	Honorable
	)	Marilyn Johnson,
Respondent-Appellant).	)	Judge Presiding.

PRESIDING JUSTICE REYES delivered the judgment of the court.
Justices Gordon and Burke concurred in the judgment.

ORDER

¶ 1 *Held*: Affirming the judgment of the circuit court where it applied the correct legal standard to the proceedings pursuant to the Juvenile Court Act.

¶ 2 Following an adjudicatory hearing, the circuit court found that the minor, L.J., was abused due to substantial risk of physical injury and neglected due to an injurious environment. At a subsequent dispositional hearing, the court found that the minor's biological parents,

respondent Latrice J. (respondent) and James N. (who is not a party to this appeal), were unable to care for the minor, adjudicated the minor a ward of the court, and placed the minor under the guardianship of L.T., a woman unrelated to the minor, but who had been caring for the minor since she was three months old. Respondent appeals from the circuit court's entry of an order of disposition asserting that the court applied the wrong legal standard when it improperly commingled the statutory requirements of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/1-1 *et seq*. (West 2014)) and the Probate Act of 1975 (Probate Act) (755 ILCS 5/1-1 *et seq.* (West 2014)) in determining whether to appoint L.T. as the minor's legal guardian. We affirm because we find the court properly conducted its proceedings pursuant to the Juvenile Court Act and did not apply the Probate Act to this matter.

¶ 3 BACKGROUND

¶ 4 As respondent does not contest the factual findings or the ultimate determination of the circuit court, we recite herein only those facts pertinent to our disposition of this appeal.

¶ 5 Petition for Adjudication of Wardship

¶ 6 The minor was born on April 1, 2013. On August 28, 2014, the State filed a petition for adjudication of wardship and a petition for temporary custody concerning the minor. The State alleged that, pursuant to the Juvenile Court Act, the minor was (1) neglected based on an environment injurious to her welfare and (2) abused because she was at substantial risk of injury. 705 ILCS 405/2-3(1)(b), 2-3(2)(ii) (West 2014). According to the State, in July of 2013, when the minor was three months old, respondent spanked her and burned her with a cigarette. The State further alleged that respondent was noncompliant by not attending individual therapy and acquiring mental health treatment despite being diagnosed with a schizoaffective disorder, mild mental retardation, and cannabis dependence. In addition, the State alleged that respondent

continually tested positive for illegal substances and that, according to a parenting capacity assessment completed in April of 2014, respondent "displays volatile behaviors which place [the] minor at risk," is minimally aware of the minor's needs, and has not bonded with the minor. The State was subsequently allowed to amend the petition to add an allegation that the minor is without proper care due to the mental disability of respondent. The petition was again later amended to name James N. as the minor's biological father.

¶ 7 Temporary Custody Hearing

¶ 8 On September 16, 2014, the court conducted a temporary custody hearing. Latonya Grundy (Grundy), a caseworker supervisor with Children's Home and Aid Society, testified she was assigned to provide services to the minor's family in November of 2013 following the conclusion of the July 2013 Department of Children and Family Services (DCFS) investigation. At that time, the minor was residing with L.T. pursuant to a safety plan implemented by DCFS during its investigation. Grundy recommended that the court appoint L.T. as the minor's temporary custodian as the minor had bonded with L.T. and respondent's maternal relatives were not appropriate due to the fact they did not pass criminal background checks. L.T. also testified at the hearing that she would be willing to facilitate visitation between respondent and the minor. L.T. additionally agreed to serve as the minor's temporary custodian during the pendency of these proceedings. Upon considering the testimony and the evidence, the circuit court removed the minor from respondent's custody and designated L.T. as the minor's temporary custodian. The circuit court also appointed a guardian ad litem (GAL) to represent the minor.

¶ 9 The Legal Guardianship Petition

¶ 10 On November 19, 2014, the GAL filed a petition to appoint L.T. as the minor's legal guardian (the legal guardianship petition). The legal guardianship petition raised similar

allegations to those brought before the court in the petition for adjudication of wardship. The GAL argued that pursuant to section 2-27 of the Juvenile Court Act (705 ILCS 405/2-27 (West 2014)) the court was allowed to place a minor in the custody of a suitable relative or other person as the minor's legal guardian. The GAL argued L.T. is qualified to serve as the minor's legal guardian, as evidenced by the requirements set forth in the Probate Act (at least 18 years of age, a resident of the United States, not disabled or of unsound mind) and that it was in the minor's best interest to appoint L.T. as her legal guardian.

¶ 11 The Adjudication Hearing

¶ 12 On May 11, 2015, the adjudication hearing commenced with the State presenting the testimony of (1) Pat Morris (Morris), a DCFS investigator and (2) Ciarra Torres (Torres), a caseworker with Children's Home and Aid Society. The circuit court also admitted into evidence respondent's parental capacity assessment and psychological evaluation. Respondent presented the testimony of Cathy Smith-Gilham (Smith-Gilham) the supervisor of respondent's caseworker, Erma Umoren, from the agency One Hope United. The testimony at the adjudication hearing established that respondent used marijuana on a consistent basis and expressed her belief that she could parent the minor while under the influence of marijuana. Although respondent commenced an outpatient drug treatment program, she was subsequently discharged from the program for nonattendance and continued to test positive for illegal substances. Respondent was also capable of violent outbursts and had an inability to control her emotions. The evidence further established that despite being diagnosed with a schizoaffective disorder, respondent denied such a diagnosis and in the alternative asserted it did not affect her ability to parent the minor. The evidence also demonstrated that as a result of the DCFS investigation, respondent's conduct established a substantial risk of injurious environment based on her admission to a

history of mental health issues and ongoing drug use. Both Morris and Torres testified that respondent was not able to parent the minor.

¶ 13 Upon considering the evidence and testimony presented, the circuit court found the minor neglected due to an injurious environment and abused due to substantial risk of physical injury, pursuant to sections 2-3(1)(b) and 2-3(2)(ii) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b), 2-3(2)(ii) (West 2014)).

¶ 14 The Dispositional Hearing

¶ 15 The court then proceeded directly to a dispositional hearing. In opening statements, the GAL requested that, pursuant to section 2-23 and section 2-27 of the Juvenile Court Act (705 ILCS 405/2-23, 2-27 (West 2014)), the court appoint L.T. as the legal guardian of the minor. The court, however, with the agreement of the parties, continued the matter to June 15, 2015, for further proceedings.

¶ 16 On June 15, 2015, the dispositional hearing recommenced. The court took judicial notice of Torres' testimony at the adjudication hearing and the temporary custody hearing testimony of Grundy. The State presented one witness, Erma Umoren (Umoren), a caseworker with One Hope United. Umoren testified she visited the minor at L.T.'s residence beginning in February of 2015 up to the time of the hearing. Umoren testified she observed a very close bonding attachment between the minor and L.T. and had no concerns about the minor's current placement with L.T. Umoren further testified that in March of 2015 she requested that respondent obtain a drug and alcohol assessment, but respondent refused to submit to the evaluation. Respondent, however, later agreed to drug testing, but a drug test had not been scheduled due to respondent being incarcerated for three weeks in April and giving birth to another child shortly thereafter. Umoren testified that since March of 2015, respondent has had 15 opportunities to visit with the

minor at her office, but only attended seven of the visits. Umoren recommended that the court appoint DCFS as the minor's legal guardian. According to Umoren, if DCFS were appointed the minor's legal guardian, DCFS would place her with Lark, the maternal grandmother. Umoren testified this placement was recommended despite the fact Lark had seven prior felony convictions for possession of a controlled substance, the last conviction occurring in 1998.

¶ 17 The GAL then presented four witnesses: (1) Jean Barbato (Barbato), a Court-Appointed Special Advocates (CASA) of Cook County volunteer; (2) Jessie Strong (Strong), a caseworker for the Cook County Public Guardian; (3) Torres; and (4) L.T.

¶ 18 Barbato testified that she recommended the minor be placed with L.T. This recommendation was based on three home visits with L.T. occurring between December of 2014 and February of 2015. When visiting the minor and L.T., Barbato observed the minor demonstrate an "immense attachment to [L.T.]." In addition, Barbato testified she found L.T. to be "a very substantial and solid and reliable person." According to Barbato, L.T. had an extensive support network and good relationships with her family members. Although she did not observe their relationship first-hand, Barbato testified that L.T. described having a positive relationship with respondent and a respect for the mother-child bond.

¶ 19 Strong testified that beginning in November of 2014 she conducted six home visits at L.T.'s residence. Strong had no concerns about the minor's home environment and there was no indication that the minor was uncomfortable or fearful in the home. During her home visits, Strong heard the minor call L.T. "mommy" and appeared to have bonded with the family. On cross-examination, Strong testified that she never observed the minor interacting with Lark or with respondent.

¶ 20 Torres testified she was assigned as the family's caseworker from November of 2013 to August of 2014. Torres testified that at the time the minor was placed with L.T., it was presumed that L.T. was the minor's paternal grandmother. In December of 2013, a DNA test revealed that L.T. was not biologically related to the minor. Due to that revelation, Torres began considering the minor's maternal grandmother, Lark, as a possible placement for the minor. Torres testified that Lark was subsequently ruled out as a possible placement due to the fact respondent resided with Lark. In addition, Lark had several prior felony convictions related to drugs. Torres further testified that while visiting respondent at Lark's residence, she observed marijuana buds on the table and respondent admitted to smoking marijuana with her uncle. According to Torres, respondent continued to use drugs while she was the family's caseworker and at times exhibited violent behavior. Torres ultimately recommended the minor be placed with L.T. as she had observed a strong bond and attachment between them and the minor was thriving in L.T.'s care.

¶ 21 L.T. testified the minor had been in her care since she was three months old and, at the time of trial, the minor was 27 months old. L.T. testified that she loves the minor and would like to become her legal guardian despite the fact she is not biologically related to her. L.T. further testified that the minor has bonded with her and the rest of her family. According to L.T., she can take care of the minor's financial, emotional, and intellectual needs. L.T. also testified that she would enable visitation between the minor, respondent, and her maternal relatives, although respondent and Lark had stopped visiting the minor at her residence since this legal matter commenced.

¶ 22 L.T. further testified that she pled guilty and successfully completed six months' supervision for a July of 2014 misdemeanor resisting arrest charge. L.T. also explained the

circumstances surrounding the DCFS's indicated finding of death by neglect as it related to the February 2000 death of her prematurely born infant, Pamela. The medical examiner's report regarding Pamela was admitted into evidence. The report indicated that Pamela died of dehydration, however, the medical examiner could not conclude whether Pamela died from dehydration as a result of pneumonia or dehydration as a result of neglect. L.T. testified she was not aware of the significance of this finding until proceedings in this matter had commenced. An April 21, 2015, report authored by Dr. Krissie Fernandez Smith, a clinical psychologist, which was admitted into evidence, indicated that the probability of L.T. being able to adequately care for the minor was "moderately high."

¶ 23 The GAL rested and respondent then presented her case-in-chief. The circuit court admitted into evidence documents indicating respondent had completed certain parenting programs, an anger management program, and had a high school diploma.[1] The circuit court further allowed respondent to admit into evidence and publish portions of the police report relating to L.T.'s misdemeanor resisting arrest charge. According to the police report, L.T. tried to intervene between a police officer and her son and that L.T. claimed she was four months pregnant and had been drinking. Respondent thereafter called two witnesses: (1) Urmoren; and (2) Lark, respondent's mother.

¶ 24 Upon being recalled to testify in respondent's case-in-chief, Urmoren clarified her prior testimony that the minor would be immediately placed in Lark's home as a result of a finding from DCFS of death by L.T.'s neglect as to Pamela. Urmoren opined that it was in the minor's best interest to be placed with Lark because Lark is a relative of the minor's and the minor's infant brother currently resides with Lark. Urmoren further testified that the minor is closely

[1] These documents are not included in the record on appeal.

bonded to respondent and Lark and that she is aware of her new sibling. According to Urmoren, nothing in Lark's criminal background check concerned her.

¶ 25 Lark testified she wanted to become the minor's legal guardian. According to Lark, if she were the minor's legal guardian she would support the minor, take her to doctor's appointments, and have her participate in family traditions and gatherings. Lark further testified that she would supervise visits between the minor and respondent if she were appointed the legal guardian. Lark also testified that respondent does not currently reside with her. On cross-examination, Lark testified unequivocally that none of her family members "do drugs." She further testified her family members do not "do drugs" around her or in her home.

¶ 26 Respondent rested and the parties stipulated that Lark had seven felony convictions for possession of a controlled substance. During closing arguments, the GAL recommended L.T. be appointed the legal guardian pursuant to section 2-27 of the Juvenile Court Act (705 ILCS 405/2-27 (West 2014)). In contrast, respondent maintained Lark should be appointed the minor's legal guardian. The State argued against placement with Lark due to her prior felony convictions and lack of credibility. Instead, the State recommended the court appoint L.T. as the minor's legal guardian. The circuit court took the matter under advisement.

¶ 27 On November 17, 2015, the trial court issued its dispositional ruling. In ruling, the circuit court cited its previous finding that the minor was abused and neglected and that respondent was unfit. Considering the evidence presented at the dispositional hearing, the circuit court found that it was in the minor's best interest to be adjudged a ward of the court. The circuit court based its ruling on the length of time the minor was in L.T.'s care, the close nature of their relationship, the "extraordinary difficulty" of moving a child of the minor's age who has continually been in the care of L.T., the excellent care the minor had received, and the

integration of the minor with L.T.'s family. Accordingly, the circuit court expressed that due to the minor's need for stability and continuity in her relationships with her parental figure, it was in her best interest to remain with L.T.

¶ 28 Having previously found respondent unfit, the circuit court further determined that respondent was unable to care for the minor. The circuit court based its finding on the parental capacity assessment, the psychological evaluation, and the testimony presented during the hearings. According to the court, the evidence "overwhelmingly" supported its finding that respondent was unable to safely parent. The circuit court further found that services aimed at family reunification would not be appropriate. The circuit court held that it was in the minor's best interest to be placed in the custody of L.T. and appointed L.T. as the minor's legal guardian.

¶ 29 This appeal followed.

¶ 30 ANALYSIS

¶ 31 On appeal, respondent raises two issues. First, respondent argues that the order which appointed L.T. the legal guardian of the minor is void *ab initio* because the circuit court improperly proceeded to a hearing under section 11-5 of the Probate Act (755 ILCS 5/11-5 (West 2014)) where it did not first make a determination regarding whether respondent was unable or unwilling to care for her child under section 11-5(b) of the Probate Act (755 ILCS 5/11-5(b) (West 2014)). Second, respondent contends that the fact the circuit court conducted the dispositional hearing under the Juvenile Court Act and the legal guardianship hearing under the Probate Act simultaneously created prejudice and confusion consequently violating her due process rights. We observe that both of respondent's arguments rely on her contention that the circuit court appointed L.T. as the minor's legal guardian pursuant to the Probate Act.

¶ 32 Typically, on appellate review the circuit court's determination at a dispositional hearing will be reversed only if the findings of fact are against the manifest weight of the evidence or if the trial court committed an abuse of discretion by selecting an inappropriate dispositional order. *In re April C.*, 326 Ill. App. 3d 225, 238 (2001) (quoting *In re T.B.*, 215 Ill. App. 3d 1059, 1062 (1991)). We acknowledge, however, that respondent does not challenge the factual findings of the circuit court, but instead argues the circuit court improperly commingled the statutory requirements of the Probate Act and the Juvenile Court Act when rendering its ultimate determination as to who would be appointed the minor's legal guardian. As this matter involves whether the circuit court properly applied a statute to a set of undisputed facts, it is a question of law we review *de novo*. *In re K.D.*, 407 Ill. App. 3d 395, 400 (2011).

¶ 33 The State, the public guardian, and L.T. have each filed briefs in this matter. Each contends the circuit court properly appointed L.T. as the minor's legal guardian under the Juvenile Court Act. Prior to addressing the merits of the appeal, however, we will consider the argument raised by the public guardian and the State that respondent's contentions relating to the Probate Act were never raised in the circuit court and, thus, are forfeited on appeal. A party's failure to raise an issue in the trial court deems that issue procedurally defaulted and forfeited when raised for the first time on appeal. *In re J.B.*, 2014 IL App (1st) 140773, ¶ 40. Forfeiture, however, is a limitation on the parties not on the reviewing court. *Id.* Accordingly, out of considerations of fundamental fairness, we turn to address respondent's arguments.

¶ 34 On appeal, respondent contests the propriety of the dispositional orders entered on November 17, 2015. Two orders were entered that day: (1) a "Private Guardianship Order" appointing the minor as her own guardian pursuant to the Probate Act; and (2) the dispositional order appointing L.T. as the minor's legal guardian pursuant to section 2-27 of the Juvenile Court

Act. Although respondent structures her argument on appeal as containing two issues, we view it as raising only one: whether the circuit court applied an improper legal standard when appointing L.T. to be the minor's legal guardian. In order to explain the circuit court's actions in this case, we believe it best to begin this analysis with a discussion of the procedure for adjudicating a minor a ward of the court and appointing a legal guardian under the Juvenile Court Act.

¶ 35 The present action commenced with the State filing a petition for adjudication of wardship pursuant to section 2-3(1)(b) and section 2-3(2)(ii) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b), 2-3(2)(ii) (West 2014)) and a petition for temporary custody. Article II of the Juvenile Court Act (705 ILCS 405/2-1 *et seq.* (West 2014)) sets forth the step-by step process for adjudicating a petition that alleges that a minor is abused, neglected, or dependent. *In re G.F.H.*, 315 Ill. App. 3d 711, 714-15 (2000). "Upon the filing of a petition for wardship by the State, the [Juvenile Court] Act provides that a temporary custody hearing shall be held during which the court shall determine whether there is probable cause to believe that the child is neglected, whether there is an immediate and urgent necessity to remove the child from the home and whether reasonable efforts have been made to prevent the removal of the child or that no efforts reasonably can be made to prevent or eliminate the necessity of removal." *In re Arthur H.*, 212 Ill. 2d 441, 462 (2004) (citing 705 ILCS 405/2-10 (West 2000)).

¶ 36 After the child has been placed in temporary custody, the circuit court conducts an adjudication hearing where it must make a finding of abuse, neglect, or dependence. 705 ILCS 405/2-21 (West 2014); *In re N.B.*, 191 Ill. 2d 338, 343 (2000). The State bears the burden of proving abuse, neglect, or dependence by a preponderance of the evidence. *In re N.B.*, 191 Ill. 2d at 343. In other words, the State must establish that the allegations are more probably true

than not. *Id.* "A finding of abuse, neglect or dependence is jurisdictional, without [which] the trial court lacks jurisdiction to proceed to an adjudication of wardship." (Internal quotation marks omitted.) *In re Arthur H.*, 212 Ill. 2d at 464.

¶ 37 If the State satisfies its burden at the adjudication hearing, the circuit court must then proceed to a dispositional hearing where the court first determines "whether it is consistent with the health, safety and best interests of the minor and the public that [the minor] be made a ward of the court." 705 ILCS 405/2-21(2) (West 2014). "The purpose of a dispositional hearing is not to terminate parental rights." *In re April C.*, 326 Ill. App. 3d at 237. To the contrary, the purpose of a dispositional hearing is to allow the circuit court to decide what further actions are in the best interests of a neglected, abused, or dependent minor. *Id.*; see 705 ILCS 405/2-21(2), 2-22(1) (West 2014).

¶ 38 The court next must find that the respondent is unfit or unable "for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or [is] unwilling to do so." 705 ILCS 405/2-27(1) (West 2014). The standard of proof in a circuit court's section 2-27 finding of unfitness is by a preponderance of the evidence. *In re Star R.*, 2014 IL App (1st) 140920, ¶ 30.

¶ 39 Once the respondent has been found unfit, unable, or unwilling, the court renders an order of disposition with respect to the minor adjudging the minor as a ward of the court. 705 ILCS 405/2-27(1) (West 2014). In other words, the circuit court determines in whose custody the minor should be placed. The court is limited to the placement options as set forth in section 2-27(1) of the Juvenile Court Act (705 ILCS 405/2-27(1) (West 2014)). *In re April C.*, 326 Ill. App. 3d at 238. Relevant to the instant case, section 2-27(1)(a) of the Juvenile Court Act provides that the circuit court may place the minor in the custody of a person not a parent of the

minor. 750 ILCS 405/2-27(1)(a) (West 2014). When determining placement, the best interest of the child takes precedence over a natural parent's superior right to custody of his child. *In re Violetta B.*, 210 Ill. App. 3d 521, 533 (1991); 705 ILCS 405/1-2(3)(c) (West 2014). Furthermore, "if the best interest of the child conflicts with the statutory preference for placement with a close relative, the best interest of the child should control the placement decision." *Id.*

¶ 40 As previously noted, respondent's arguments on appeal are premised on the assumption that the circuit court appointed L.T. to be the minor's guardian pursuant to the Probate Act. Our review of the record reveals that the State initiated these proceedings by filing a petition for adjudication of wardship under the Juvenile Court Act (705 ILCS 405/1-1 *et seq.* (West 2014)). L.T. was then appointed as the minor's temporary custodian under section 2-10 of the Juvenile Court Act (705 ILCS 405/2-10 (West 2014)). Thereafter, the juvenile court conducted an adjudication hearing and determined, according to section 2-21 of the Juvenile Court Act (705 ILCS 405/2-21 (West 2014)), that the minor was abused and neglected.

¶ 41 The matter then proceeded to a dispositional hearing pursuant to section 2-22 of the Juvenile Court Act (705 ILCS 405/2-22 (West 2014)). In opening statements, the GAL informed the court that he was seeking to have L.T. appointed as the minor's legal guardian pursuant to section 2-23 and section 2-27 of the Juvenile Court Act (705 ILCS 405/2-23, 2-27 (West 2014)). The parties then presented testimony and evidence regarding whether respondent was capable of caring for the minor and who would best care for her as the legal guardian. In closing arguments, the GAL and the State continued to assert the matter was proceeding under the Juvenile Court Act. The circuit court, upon considering the evidence presented and the testimony of the witnesses, found (1) it was in the minor's best interest to be adjudged a ward of

the court, (2) respondent and James N. were unable to care for the minor, (3) that it was in the minor's best interest that L.T. be appointed her legal guardian.

¶ 42 Respondent asserts that the circuit court did not find she was unable to care for the minor prior to appointing L.T. as the minor's legal guardian in contravention of both the Probate Act and the Juvenile Court Act. We find that contention is belied by the record. Our review of the record reveals that after the minor was adjudged a ward of the state, the court then found respondent and James N. were unable to care for the minor and that it was in the minor's best interest to remain in the care of L.T. In conformity with that ruling, the court appointed L.T. to be the minor's legal guardian under section 2-27(1)(a) of the Juvenile Court Act (705 ILCS 405/2-27(1)(a) (West 2014)). Accordingly, the circuit court did make a finding that respondent was unable to care for the minor prior to appointing L.T.

¶ 43 We conclude that the record on appeal demonstrates that throughout the proceedings the circuit court understood the several stages involved in the adjudication of wardship and the principles of law to be applied at each stage. Moreover, "[t]he circuit court is presumed to know the law and apply it properly, absent an affirmative showing to the contrary in the record." *In re N.B.*, 191 Ill. 2d at 345. Thus, based on the record before us, respondent's argument that the guardianship was ordered pursuant to the Probate Act is not persuasive. See *id.*

¶ 44 The State acknowledges, however, that the record does contain a form "Private Guardianship Order" that designates the minor as her own legal guardian pursuant to the Probate Act. According to the State, the "Private Guardianship Order" contradicts the circuit court's oral pronouncement that L.T. be appointed the minor's legal guardian and, therefore, the written order was entered erroneously.

¶ 45 We agree with the State. "When a trial court's oral pronouncement is in conflict with its written order, the oral pronouncement prevails." *In re K.L.S.-P.*, 381 Ill. App. 3d 194, 195 (2008) (citing *In re Taylor B.*, 359 Ill. App. 3d 647, 651 (2005)). Here, the circuit court's oral pronouncement was that L.T. be appointed as the minor's legal guardian pursuant to the Juvenile Court Act. Moreover, the record on appeal contains a "Disposition Order" that indicates the court found that pursuant to section 2-27 of the Juvenile Court Act: (1) that the minor is adjudged a ward of the court; (2) that respondent and James N. are unable to care for the minor; (3) that reasonable efforts have been made to prevent or eliminate the need for removal of the minor from the home; (4) the services aimed at family preservation and reunification have been unsuccessful; and (5) it is in the best interest of the minor to remove her from the custody of respondent. The court further ordered that L.T.'s temporary custody is terminated and the appointment vacated and that the minor be placed in the guardianship of L.T. Therefore, based on the circuit court's oral pronouncements and the fact that these oral pronouncements were directly recorded in the order of disposition, we conclude the circuit court mistakenly entered the "Public Guardianship Order," and that such a mistake was harmless error.

¶ 46 In her brief, respondent relies on the cases of *In re A.M.*, 2013 IL App (2d) 120809, *In re Guardianship of A.G.G.*, 406 Ill. App. 3d 389 (2011), and *In re R.L.S.*, 218 Ill. 2d 428 (2006), for the proposition that the circuit court applied the improper legal standard and procedure as required by the Probate Act. As previously discussed at length, our review of the record reveals the circuit court consistently and properly applied only the Juvenile Court Act to these proceedings. Accordingly, the cases cited by respondent are inapplicable to the matter at bar.

¶ 47 In sum, as the circuit court applied the proper legal standard and procedure as required by the Juvenile Court Act in this matter, we affirm the judgment of the circuit court.

¶ 48 CONCLUSION

¶ 49 For the reasons stated, we affirm the judgment of the circuit court of Cook County.

¶ 50 Affirmed.