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2014 IL App (3d) 130775-U

Order filed July 22, 2014

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2014

<i>In re</i> M.G., D.L., M.O., and C.O.,	)	Appeal from the Circuit Court
	)	of the 10th Judicial Circuit,
Minors	)	Peoria County, Illinois.
)	
(The People of the State of Illinois,)	
	)	Appeal Nos. 3-13-0775, 3-13-0776,
Petitioner-Appellee,	)	3-13-0777, and 3-13-0778
	)	Circuit Nos. 13-JA-120, 13-JA-121,
v.	)	13-JA-122, and 13-JA-123
)	
Cameiya G.,)	
	)	The Honorable
Respondent-Appellant).	)	Mark E. Gilles,
	)	Judge, presiding.

JUSTICE CARTER delivered the judgment of the court.
Justices O'Brien and Wright concurred in the judgment.

ORDER

- ¶ 1 *Held:* The appellate court affirmed the circuit court's order that found the minors to be neglected by reason of an injurious environment.
- ¶ 2 The circuit court entered an order finding the minors, M.G., D.L., M.O., and C.O., to be neglected by reason of an injurious environment. After a dispositional hearing was held and the court entered a dispositional order, the respondent appealed. On appeal, the respondent argues

that the court erred when it found the minors to be neglected by reason of an injurious environment. We affirm.

¶ 3

FACTS

¶ 4

On May 7, 2013, juvenile petitions were filed alleging that the minors were neglected by reason of an injurious environment. One of the allegations in the petitions stated: "[t]he mother, [Cameiya G.], has been experiencing delusions of 'ghosts' in her home which have caused her to keep [C.O.] home from school, yell at the minors, hit at the ghosts, and fear that the ghosts are taking over C.O." The other allegations in the petition stated that the minors had previously been wards of the court from July 2008 to January 2009; that one of the fathers had been previously found unfit with no subsequent finding of fitness and had an extensive criminal history; and that one of the fathers had an extensive criminal history as well.

¶ 5

On August 20, 2013, the circuit court held an adjudication hearing on the petitions. Two witnesses testified at the hearing. Emily Janco, a child protection investigator for the Department of Children and Family Services (DCFS) testified that she had a conversation with the respondent on May 4, 2013. The respondent told Janco that she could see ghosts and "that they have entered her body through her chest, and that she can tell when they're coming in because her body vibrates." The respondent told Janco that the ghosts were half-human and half-devil, but were not harmful. She could get the ghosts out of her by hitting her chest. The respondent showed a cell phone picture to Janco and said that it was of a ghost; the picture was of the respondent. The respondent told Janco that a ghost appeared during their conversation and entered her. The respondent told Janco to look at her arm, which she said was "brighter in color." The respondent also told Janco that she had been at the hospital the night before; she was pregnant with twins and the doctor let her leave the hospital because the doctor knew the ghosts

were there at the hospital. The respondent further stated to Janco that she had been switched at birth and that her real family was rich. Janco also had a conversation with M.O. at the residence. M.O. told Janco that he saw the ghosts occasionally in the dark; that on one occasion when he was cooking food in the microwave, the kitchen faucet turned on by itself; and that on another occasion a ghost entered him and made him taller than everyone else.

¶ 6 Another DCFS investigator, Lonna Spurgeon, testified that she had a conversation with the respondent on May 6, 2013. The respondent told Spurgeon that there were three ghosts for each of her children and herself in her home. One of these ghosts was named "Buddy" and he was evil or was the devil. "Buddy" had been inside the respondent at one point. The respondent showed a cell phone picture of "Buddy" to Spurgeon; the picture was of the respondent. The respondent also showed a cell phone picture of C.O. to Spurgeon, claiming that the picture was of a ghost of C.O. The respondent told Spurgeon that the ghosts revealed themselves to her and her children, and that she was no longer sending C.O. to school "because she could not tell whether it was [C.O.] or the ghost going to school, and she was afraid the ghosts were trying to take over [C.O.] and change her." Spurgeon stated that a truancy officer had been at the respondent's home at one point and that the respondent had told the school that she was not sending C.O. back to school. Additionally, the respondent told Spurgeon that she was pregnant with twins, even though tests performed by doctors said she was not pregnant. Spurgeon had this conversation with the respondent while standing outside the respondent's home. During the conversation, the respondent began looking away and covering her eyes. At one point, the respondent "jerked away, and there was a truck coming by with a man in it, and she said that the man in the truck was a ghost, and she could tell by his skin." Spurgeon also had conversations with the minors at the residence. C.O. told Spurgeon that the respondent would yell at the ghosts

and hit at them. M.O. told Spurgeon that he thought the respondent needed help. Also, when Spurgeon was taking M.G. and D.L. into protective custody, after she told the minors that the respondent was going to get some help, D.L. inquired what was meant by "help." M.G. said to D.L., "[y]ou know what she's talking about, and you know what's going on.' "

¶ 7 On cross-examination, Spurgeon stated that she believed the respondent told her during their conversation that she had filled out paperwork to get C.O. approved for home schooling. Spurgeon said she never followed up with the respondent on that process.

¶ 8 The court also accepted into evidence three exhibits from the State, which included various medical records of the respondent. These records included details the respondent provided to medical personnel regarding the ghosts she saw. One record from May 2013 stated:

"The patient also expressed odd beliefs talking about ghosts who have human bodies and behave like humans with relatively good intentions most of the time. They actually help her at times, and she cannot see them because they make themselves invisible, the patient explained. She is only able to hear them while they are talking. If they talk to her, they would say something like 'do not cry,' and they call her 'mom.' "

Another record from May 2013 stated that "[p]atient believes that she knows who her 'real family is' and that they speak to her through ghosts. These ghosts 'fight with her at night' and she believes that they are going to 'get' her 7 year old daughter so she prevents her from going to school." Another record from May 2013 reported that the respondent said the ghosts would try to enter her on occasion but she had learned how to prevent it from happening, and that she did not believe she had any mental health issues or conditions. Other medical records indicated that the respondent went to the hospital on several occasions between December 2012 and April 2013

because she claimed she was pregnant, despite tests that showed she was not pregnant and despite the fact that she had a tubal ligation performed in 2005. Another medical record indicated that the respondent had tested in the borderline intelligence range.

¶ 9 The respondent's medical records entered into evidence also included documents concerning a psychiatric evaluation. The initial evaluation took place on June 20, 2013, and the respondent was given a diagnostic impression of psychotic disorder, not otherwise specified. The evaluation included details the respondent offered regarding ghosts she saw. The respondent said the ghosts take medicine and eat, just like everyone else. The respondent also said she had been visited by a fish wearing a crown and that she had been switched at birth but was singer Toni Braxton's daughter. The respondent also said that she felt things moving inside her stomach, that her tubes had been "untied" by a ghost, and that she had been impregnated by the ghost of her boyfriend.

¶ 10 At the close of the hearing, the court found the petitions to be proven in their entirety. The court also stated that it was not basing its ruling on any speculation as to "what the mother might do towards the children in the future." In its written order finding the minors to be neglected, the court stated that the bases for its ruling were the "medical & psychiatric exhibits & testimony."

¶ 11 On September 24, 2013, the circuit court held a dispositional hearing at the conclusion of which the court made the minors wards of the court, found the respondent to be an unfit parent, and granted guardianship to DCFS. The respondent appealed.

¶ 12 ANALYSIS

¶ 13 The respondent's sole argument on appeal is that the circuit court erred when it found the minors to be neglected by reason of an injurious environment. Specifically, the respondent

claims that there was no evidence to show that she breached her duty to provide a safe and nurturing environment for the minors; that she failed to exercise care that circumstances justly demanded; or that she either willfully or unintentionally disregarded her parental duties.

¶ 14 At an adjudicatory hearing, the State bears the burden of proving neglect allegations by a preponderance of the evidence. *In re A.P.*, 2012 IL 113875, ¶ 17. On review, we will not disturb the circuit court's neglect adjudication unless it is contrary to the manifest weight of the evidence, which occurs only if the opposite conclusion is clearly apparent. *Id.* ¶ 17.

¶ 15 Under section 2-3(1)(b) of the Juvenile Court Act of 1987, 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 2012). Neglect generally means "the failure to exercise the care that circumstances justly demand." (Internal quotation marks omitted.) *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004). Neglect has a broad definition and encompasses the willful and unintentional disregard of parental duty, and a determination of neglect is completely dependent on the context of each particular case. *A.P.*, 2012 IL 113875, ¶ 22. Further, an "injurious environment" also escapes precise meaning. *Id.* An injurious environment is an amorphous concept but has generally been interpreted to include "the breach of a parent's duty to ensure a safe and nurturing shelter for his or her children." (Internal quotation marks omitted.) *Id.*

¶ 16 Our review of the record in this case reveals no error in the circuit court's neglect adjudication. The evidence showed that the respondent had tested into the borderline intelligence range and that she had significant psychological issues that included delusions and hallucinations. She had been given a preliminary diagnosis of having psychotic disorder, not otherwise specified, and substantial evidence was presented regarding her delusions and hallucinations. She yelled at "ghosts" and attempted to hit them. She had hit herself in the chest

to remove ghosts that had "entered" her. She claimed that a ghost "untied" her tubes and that she had been impregnated by the ghost of her boyfriend. She showed cell phone pictures of herself to other people and claimed that the pictures were of ghosts. Importantly, she kept C.O. home from school because she feared that ghosts were going to "take over" C.O. Under these circumstances, we disagree with the respondent's claims that she had provided a safe and nurturing environment for the minors (who we note had previously been wards of the court from July 2008 to January 2009) and that the minors' environment was not proven to be injurious to their welfare. Accordingly, we find that the circuit court's neglect adjudication was not contrary to the manifest weight of the evidence, and we therefore hold that the court did not err when it entered an order finding the minors to be neglected.

¶ 17

CONCLUSION

¶ 18

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

¶ 19

Affirmed.