

FIFTH DIVISION
July 30, 2013

No. 1-12-2785

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

<i>In re</i> JULIANNA S., a Minor,)	Appeal from the
)	Circuit Court of
(THE PEOPLE OF THE STATE OF)	Cook County.
ILLINOIS,)	
)	
Petitioner-Appellee,)	
)	
v.)	No. 12 JA 628
)	
CONNIE S.,)	Honorable
)	Maxwell Griffin, Jr.,
Respondent-Appellant).)	Judge Presiding.

JUSTICE HOWSE delivered the judgment of the court.
Presiding Justice McBride and Justice Taylor concurred in the judgment.

ORDER

¶ 1 *HELD:* The trial court's finding that it was in the best interest of Julianna S. to be adjudicated a ward of the court was not against the manifest weight of the evidence.

¶ 2 Respondent-Appellant, Connie S., appeals the trial court's

1-12-2785

August 22, 2012 order adjudicating Julianna S. (Julianna) a ward of the court. On appeal, Appellant argues that the trial court's ruling was against the manifest weight of the evidence presented at the dispositional hearing. For the reasons below, we affirm the trial court's judgment.

¶ 3 BACKGROUND

¶ 4 Julianna, a minor, was born on May 28, 2012. Appellant is Julianna's biological mother. Errick S. is the putative father, although paternity has not been established. Besides Julianna, Appellant has five children. On March 30, 2012, an order of protection that had allowed these five children to remain in the custody of Appellant was vacated, and on April 30, 2012 the five children were adjudicated wards of the court.

¶ 5 Prior to the birth of Julianna, Appellant had four indicated reports of inadequate supervision, substantial risk of harm and neglect due to an injurious environment. These reports included an incident in which Appellant kicked her two-year-old in a public waiting room; an incident in which Appellant stabbed her paramour in front of her children; an incident when one of Appellant's minor children was found wandering the streets unsupervised and was almost hit by a truck; and an incident in which relatives reported that Appellant was rarely feeding her children and selling food stamps to buy drugs.

1-12-2785

¶ 6 Also prior to Julianna's birth, Appellant was diagnosed with depression and anxiety disorder for which she had been referred for medical services. These medical services included psychiatric care, individual therapy, family therapy and parent coaching. By June 2012, Appellant had begun participating in individual therapy and psychiatric services, which were ongoing at the time of Julianna's birth, but had not yet participated in parent coaching and family therapy. Appellant reported that she had been taking her prescribed psychotropic medications, even while she was pregnant. Appellant's medical records indicate that as of April 2012 she was having issues with her treatment.

¶ 7 On May 30, 2012, Mr. Husick, a Department of Children and Family Services caseworker, had a telephone conversation with Appellant. During this conversation, Appellant told Mr. Husick that she was at Christ Hospital due to complications in her pregnancy and that she had not yet given birth to Julianna. On June 1, 2012, Mr. Husick had another conversation with Appellant during which Appellant informed him that she had given birth to Julianna on May 28, 2012 at Christ Hospital, and that she had been discharged from Christ Hospital but Julianna was still at the hospital in the neonatal intensive care unit. On June 2, 2012, Brigette Broadway, a Department of Children and Family Services investigator, went to Christ Hospital and was not able

1-12-2785

to locate Julianna. On June 4, 2012, Mr. Husick had an in-person conversation with Appellant. During this conversation, Appellant informed Mr. Husick that she had given birth to Julianna at St. Margaret Hospital in Indiana, and not Christ Hospital, and that she lied to him because she was afraid that Department of Children and Family Services would take custody of Julianna.

¶ 8 On June 8, 2012, due to the inconsistencies in Appellant's statements surrounding the birth of Julianna, temporary custody was taken of Julianna. On August 22, 2012, an adjudication finding was made based upon stipulated facts agreed to by all parties. The stipulated facts that were read into evidence at the adjudication hearing are as follows:

- "1. Julianna S*** is a female minor born on May 28, 2012 and who resides or may be found in Cook County, Illinois.
2. Connie S*** is the biological [mother] [sic] of Julianna S***.
3. Eric [sic] S*** is the putative father of Julianna S***; paternity has not been established.
4. If called to testify under oath, George Husick would state:
 - A. He was the family caseworker for the

Department of Children and Family Services' case involving the minor's biological parents and siblings, Erris [sic] B*** and Jonathan, Justin, Joanna and Alinda S*** from April to June 2012.

- B. Mother is diagnosed with depression and anxiety disorder.
- C. Mother was referred for services, including psychiatric care, individual therapy, family therapy and parent coaching during the time he was assigned to the family's case.
- D. Mother was participating in individual therapy and psychiatric services as of June, 2012. These were on-going services for the mother at that time.
- E. Mother had not yet participated in parenting coaching and family therapy as of June 2012. These were outstanding services for the mother at that time.
- F. Mr. Husick had an in-person conversation with the mother in April 2012. During this conversation, the mother stated

that she was compliant with taking her prescribed psychotropic medication even though she was pregnant.

G. Mr. Husick had a telephone conversation with the mother on May 30th, 2012.

During this conversation, mother stated:

1. She was currently hospitalized at Christ Hospital.
2. She would not be able to attend a visit with this minor's siblings that day because she was in the hospital.
3. She was hospitalized due to complications with her pregnancy.
4. She had not given birth to the baby at that time.

H. Mr. Husick had a telephone conversation with the mother again on June 1st, 2012.

During this conversation, the mother stated:

1. She had given birth to the minor, Juliana on May 28th, 2012.
2. She was discharged from the

hospital, but the minor was still in the Neonatal Intensive Care Unit at Christ Hospital.

I. Mr. Husick had an in-person conversation with the mother on June 4th, 2012. During this conversation, the mother stated:

1. She had not given birth to the minor at Christ Hospital.
2. The minor was actually born at St. Margaret Hospital in Dyers, Indiana.
3. She lied to Mr. Husick about where the minor was born because she was afraid that the Department of Children and Family Services would take custody of the minor.

J. Father's whereabouts were unknown to Mr. Husick as of June 2012.

5. If called to testify under oath, Brigette Broadway would state:

A. She is employed by the Department of

Children and Family Services as a child protection investigator.

- B. On or about June 2nd, 2012, she was assigned as the initial investigator for the case involving the minor, Julianna S***.
- C. On June 2nd, 2012, she went to Christ Hospital in Oak Lawn, Illinois to see the minor.
- D. She could not locate the minor at this hospital."

The parties also stipulated to the admissibility of several exhibits, and Appellee entered those exhibits into evidence without objection. These exhibits included Appellant's medical records from Reed Health Services, Appellant's prior indicated reports, the adjudication and disposition hearing orders for all five of Julianna's siblings, and a certified copy of the March 30, 2012 order finding that Appellant had violated the order of protection and that there was an urgent and immediate necessity to remove the five siblings from Appellant's care. Based upon the above stipulated facts and exhibits, the trial court found that Julianna had been neglected as defined in section 405/2-3 of the Juvenile Court Act due to her injurious environment. See 705

1-12-2785

ILCS 405/2-3 (West 2008).

¶ 9 At the dispositional hearing, which immediately followed the adjudication finding, the trial court heard testimony from Mr. Lafayette Young, the caseworker for Julianna's siblings. Prior to hearing Mr. Young's testimony, the guardian *ad litem* for Julianna stated that Mr. Young was not the individual caseworker for Julianna and advised the trial court that she had only recently been handed a service plan concerning Julianna prior to the hearing. Mr. Young then indicated that he could "testify to [Julianna] being safe and appropriate in a stable home since he had attended visitation involving her." All parties then proceeded with questioning Mr. Young without objection.

¶ 10 Mr. Young testified that he was the caseworker for Julianna's siblings. He testified that he had supervised Julianna with Appellant during visitation sessions and had spoken with Julianna's caseworker, Dominique Hatchett, as recently as that morning. He testified that Julianna's current foster home was safe and appropriate and there were no signs of abuse or neglect, corporal punishment or unusual incidents. Mr. Young testified that Appellant's psychiatric treatment and individual therapy were ongoing services and that she had been recommended for family therapy in the future. Mr. Young testified that he was aware of domestic violence between Appellant and Julianna's

1-12-2785

putative father and that he had not yet seen any documentation confirming Appellant's completion of domestic violence services. Ultimately, Mr. Young recommended that Julianna be returned to Appellant, so long as Appellant was monitored and continued to engage in services. Following questioning of Mr. Young, there were no objections or requests for a continuance, and the judge made his ruling.

¶ 11 Based upon the evidence presented at the dispositional hearing, the trial court found that Appellant was unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline Julianna and that it was in the best interest and welfare of Julianna and the public to adjudicate Julianna a ward of the court. This ruling was based not only on the testimony of Mr. Young, but also on the stipulated facts and exhibits entered into evidence at the adjudication hearing, which the State requested the trial court take judicial notice of for purposes of the dispositional hearing. In coming to its decision, the trial court emphasized the recent March 2012 order vacating an order of protection and requiring Appellant's five children be brought back under the court's care. The trial court also emphasized that following the March 2012 order, Appellant was "less than straight forward relative to what was going on with the birth of Julianna***."

1-12-2785

Appellant now appeals the trial court's finding adjudicating Julianna a ward of the court.

¶ 12 ANALYSIS

¶ 13 On appeal, Appellant does not dispute the trial court's finding that Julianna was a neglected minor due to an injurious environment. Appellant argues on appeal that the trial court lacked a sufficient evidentiary basis at the dispositional hearing to adjudicate Julianna a ward of the court.

Specifically, Appellant claims that the "trial court [] insisted on proceeding to a disposition hearing to determine best interests when the parties were not prepared, an uninformed case worker was in court, the agency overseeing Julianna's care had the case only for two months and was not familiar with her or the family, and no evidence was presented to justify adjudicating Julianna a ward of the court" and, as a result, the disposition finding must be reversed and remanded for a new best interests hearing. We disagree.

¶ 14 Section 405/2-21(2) of the Juvenile Court Act states that if the court makes a finding of abuse, neglect or dependency, the court must then hold a dispositional hearing. See 705 ILCS 405/2-21(2) (West 2008). At the dispositional hearing, the court is to determine "whether it is consistent with the health, safety and best interests of the minor and public that he be made a ward

1-12-2785

of the court." *Id.* The "paramount consideration" at a dispositional hearing is the best interest of the child. *In re N.B.*, 191 Ill. 2d 338, 343 (2000). The State must prove by a preponderance of the evidence that adjudication of wardship is in the best interests of the minor. *See In re D.T.*, 212 Ill. 2d 347, 366 (2004).

¶ 15 The standard of review when appealing a disposition finding is whether the trial court's finding is against the manifest weight of the evidence. *In re April C.*, 326 Ill. App. 3d 245, 257 (2001). A finding is against the manifest weight of the evidence where a review of the record clearly demonstrates that the result opposite to that reached by the trial court was the proper result. *In re T.B.*, 215 Ill. App. 3d 1059, 1062 (1991). The trial court is vested with wide discretion and great deference in child custody proceedings because it has the best opportunity to observe the witnesses' testimony, assess credibility, and weigh the evidence. *In re E.S.*, 324 Ill. App. 3d 661, 667 (2001).

¶ 16 Contrary to Appellant's contention, the trial court had a sufficient basis to adjudicate Julianna a ward of the court. "A trial court may take judicial notice of matters of record in its own proceedings." *In the Interest of J.G.*, 298 Ill. App. 3d 617, 627 (1998). Further, when conducting a dispositional hearing,

1-12-2785

the trial court has wide latitude in considering evidence that is relevant and helpful in making an appropriate disposition. *In re E.S.*, 324 Ill. App. 3d at 667.

¶ 17 Here, the trial court considered, without objection from any party, all the facts that had been stipulated to at the adjudication hearing. This included facts that Appellant had told conflicting stories regarding the birth of Julianna because she feared the Department of Children and Family Services would take her away after she was born. The trial court further considered all the exhibits that had been entered into evidence by the State (without objection) at the adjudication hearing. These exhibits included Appellant's medical records, Appellant's four indicated reports of neglect, the adjudication and disposition hearing orders for all five of Julianna's siblings and a certified copy of the March 30, 2012 order finding that Appellant had violated an order of protection and that there was an urgent and immediate necessity to remove the five siblings from Appellant's care. The trial court also considered the testimony of Mr. Young at the dispositional hearing, which proceeded without objection. Mr. Young verified that Appellant was currently receiving ongoing psychiatric treatment and individual therapy and would need family therapy in the future. He verified that there were concerns about domestic violence

1-12-2785

between Appellant and Julianna's putative father, and he had not yet seen any documentation indicating that she had completed domestic violence services. While Mr. Young ultimately recommended that Julianna be returned to her mother, the trial court pointed out that such a recommendation was not dispositive in this case given Mr. Young's incomplete knowledge of the history of the Appellant and all of her children. Accordingly, the trial court disagreed with Mr. Young's recommendation based upon the evidence before him and found that it was in Julianna's best interest to be adjudicated a ward of the court.

¶ 18 The evidence presented before the trial court shows that Appellant's five other children had been adjudicated wards of the court a few months before Julianna's birth; Appellant had four prior indicated reports of neglect; Appellant was currently engaged in a course of psychiatric and individual therapy and would require additional services in the future; and Appellant had not been forthright about the birth of Julianna with her caseworker from the Department of Children and Family Services. Based upon the evidence considered by the trial court at the dispositional hearing, we find that the trial court's finding was not against the manifest weight of the evidence. See *In re William H.*, 407 Ill. App. 3d 858, 873 (2011).

¶ 19 CONCLUSION

1-12-2785

¶ 20 For the foregoing reasons, we affirm the trial court's findings.

¶ 21 Affirmed.