

NOTICE
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2013 IL App (4th) 130082-U

NO. 4-13-0082

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
May 8, 2013
Carla Bender
4th District Appellate
Court, IL

In re: G.B., a Minor,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Champaign County
v.)	No. 12JA41
LeJARDIN STERLING,)	
Respondent-Appellant.)	Honorable
)	John R. Kennedy,
)	Judge Presiding.

JUSTICE HOLDER WHITE delivered the judgment of the court.
Justices Knecht and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, concluding the trial court's decision to make the minor a ward of the court and grant custody to DCFS was not against the manifest weight of the evidence.

¶ 2 On October 1, 2012, the State filed a petition for adjudication of neglect in the Champaign County circuit court, alleging respondent, LeJardin Sterling, neglected her child, G.B. (born September 27, 2012) (705 ILCS 405/2-3(1)(b) (West 2010)). Following a dispositional hearing in December 2012, the trial court made the minor a ward of the court and granted the Department of Children and Family Services (DCFS) guardianship of the minor.

¶ 3 Respondent appeals, asserting the trial court's findings following the dispositional hearing were against the manifest weight of the evidence. We disagree and affirm.

¶ 4

I. BACKGROUND

¶ 5 The State filed a petition for adjudication of neglect on October 1, 2012, alleging respondent neglected G.B. in that G.B.'s "environment [was] injurious to her welfare *** in that [respondent] has failed to correct the conditions which resulted in a prior adjudication of parental unfitness to exercise guardianship and/or custody of the minor's half-siblings in Cook County." See 705 ILCS 405/2-3(1)(b) (West 2010). The trial court ordered the minor detained in shelter care in October 2012. In December 2012, the court adjudicated the minor as neglected and the case proceeded to a dispositional hearing. Respondent failed to appear for the hearing, but her attorney explained respondent had difficulty obtaining bus tickets from Cook County. The parties presented no witnesses, relying on the Home and Background Report (Report) filed by DCFS on December 27, 2012.

¶ 6 The Report, written by case manager Gail Bonds, noted DCFS became involved with respondent at the time of G.B.'s birth because (1) respondent's other children were in DCFS care in Cook County and (2) DCFS had documentation of several indicated reports against respondent, including allegations of inadequate supervision of her other children and risk of harm demonstrated by cuts and bruising on one of her other children. The Report described respondent as "articulate," noting that respondent obtained her general equivalency degree (GED) in 2008 after transferring from or dropping out of numerous high school programs. Additionally, the Report described respondent's housing as temporary, as she had recently left Champaign County and moved back to Cook County. Respondent was not working.

¶ 7 Further, the Report indicated respondent had been referred for a psychiatric evaluation, but DCFS was awaiting final approval before respondent could enroll. Further,

DCFS wanted respondent to engage in anger management as part of her ongoing therapy. The Report described respondent as "very proactive in engaging in services as of [September] 2012." Prior to that time, however, respondent was not compliant with services. According to DCFS, respondent "seems remorseful and aware of her mistakes. It is no doubt that she loves her children, but needs to process why her life was the way it was." The Report noted respondent attended weekly therapy sessions as required, but she also experienced several interruptions of her services due to her relocations from Cook County to Champaign County, then from Champaign County back to Cook County.

¶ 8 The Report reflected respondent was presently on probation for endangering the life or health of another child. While respondent resided in Champaign County, she received and attended bi-monthly visitations with G.B. Those visitations shifted to weekly visitations when respondent returned to Cook County. In the Report, DCFS recommended DCFS receive custody and guardianship of the minor with a goal of returning the child home within 12 months. DCFS also recommended supervised visitation with visiting hours increased at DCFS's discretion.

¶ 9 After considering the report, the trial court ordered the minor be made a ward of the court and placed the minor into the custody and guardianship of DCFS.

¶ 10 This appeal followed.

¶ 11 II. ANALYSIS

¶ 12 On appeal, respondent asserts the trial court's findings following the dispositional hearing were against the manifest weight of the evidence. After an adjudication of neglect, the court must determine whether it is in the health, safety, and best interests of the minor to remain with the parent, or if alternative custody and guardianship placement, *i.e.*, with DCFS, is more

appropriate. 705 ILCS 405/2-27 (West 2010); see also *In re Austin W.*, 214 Ill. 2d 31, 46, 823 N.E.2d 572, 582 (2005). The court's central concern in determining a dispositional order is the best interests of the child. *In re M.P.*, 408 Ill. App. 3d 1070, 1073, 945 N.E.2d 1197, 1200 (2011). In making its decision, the court "should consider all reports, whether or not the author testifies, which would assist the court in determining the proper disposition for the minor." *In re L.M.*, 189 Ill. App. 3d 392, 400, 545 N.E.2d 319, 325 (1989). "The court's decision will be reversed only if the findings of fact are against the manifest weight of the evidence." *In re J.W.*, 386 Ill. App. 3d 847, 856, 898 N.E.2d 803, 811 (2008).

¶ 13 In this case, the parties presented no witnesses, instead relying upon the Report submitted by DCFS. The Report showed respondent, prior to September 2012, had not engaged in services with regard to her two other children in Cook County. In September 2012, respondent began actively participating in services, but she still needed to complete those services. We commend respondent for cooperating with DCFS, engaging in services, keeping visitation appointments, and working toward correcting the conditions which brought G.B. into care. We hope she maintains this progress in order to regain custody and guardianship in the future.

¶ 14 Nonetheless, we note not only had respondent failed to complete services as required for her previous DCFS cases, but the Report also included other important facts supporting the trial court's best interest finding. Respondent did not have a job, nor did she have stable housing. Moreover, respondent relocated twice within a short period of time, causing a lapse in her services: (1) from Cook County to Champaign County and (2) from Champaign County to Cook County while she had this case pending in Champaign County. These relocations do not exemplify someone who can provide stability for her child. Respondent's failure to appear

