

No.1-12-3691

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IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

IN THE INTERESTS OF)	Appeal from the
CRUNEEYA H., Minor,)	Circuit Court of
)	Cook County.
(THE PEOPLE OF THE STATE OF ILLINOIS)	
)	
Petitioner-Appellee,)	No. 12 JA 0520
)	
v.)	Honorable
)	Richard Stevens,
CRUZ H., SR.,)	Judge Presiding.
)	
Respondent-Appellant).)	

JUSTICE HYMAN delivered the judgment of the court.
Presiding Justice Neville and Justice Pierce concurred in the judgment.

ORDER

- ¶ 1 *Held:* Trial court's findings that minor child was neglected due to an injurious environment and that it was in her best interests to be made a ward of the court was not against the manifest weight of the evidence.
- ¶ 2 Following an adjudicatory hearing on the petition of the People of the State of Illinois, the circuit court found Cruneeya H., a minor, neglected due to an injurious environment as provided in section 2–3(1)(b) of the Juvenile Court Act of 1987 (Act)

(705 ILCS 405/2-3(1)(b) (West 2008)). At a later dispositional hearing, the court adjudicated Cruneeya a ward of the court and placed her with the Department of Children and Family Services (DCFS). Respondent, Cruz, H. Sr., Cruneeya's father, appeals challenging the circuit court's adjudicatory finding of neglect and its dispositional finding that he and Cruneeya's mother, Keeya L., are unable to care for Cruneeya. Keeya has not appealed the circuit court order. For the reasons that follow, we affirm.

¶ 3 I. Background

¶ 4 Cruneeya was born on May 3, 2012. Keeya is her mother and Cruz, Sr., is her father. Keeya also has two sons, Keshawn, who was born on July 6, 2009, and Cruz, who was born on May 9, 2011. Cruz, Sr. is the father of Cruz, but a paternity test revealed he is not Keshawn's father. On May 11, 2012, the State filed a petition for adjudication of wardship on behalf of Cruneeya, alleging she was neglected due to an environment injurious to her welfare (705 ILCS 405/2-3(1)(b) (West 2008)) and abused based on a substantial risk of physical injury (705 ILCS 405/2-3(2)(ii) (West 2008)). The State asserted Keeya had two prior indicated reports for substantial risk of physical injury/environment injurious to her children's health and welfare by neglect and that Cruz and Keshawn were in DCFS custody after findings of neglect were entered on March 26, 2012.¹ The State's petition on Cruneeya's behalf alleged Keeya and Cruz, Sr. have a history of domestic violence and need domestic violence treatment, individual therapy,

¹ Following June 11, 2012 dispositional hearing, Cruz and Keshawn were made wards of the court. On February 13, 2013, in a consolidated appeal, this court issued an order affirming the juvenile court's finding that Cruz and Keshawn were neglected and the order making them wards of the court. See *In re Interests of Cruz H. and Keshawn L.*, 2013 IL App (1st) 121997-U.

and a parenting capacity assessment. Further, the petition stated Keeya has been diagnosed with bipolar disorder but was not taking her psychiatric medication, and Cruz, Sr. was non-compliant with the parenting capacity assessment.

¶ 5 A three-day temporary custody hearing was held on May 11, 2012, May 17, 2012, and June 11, 2012. Following the hearing, the circuit court entered an order finding probable cause that Cruneeya was abused, neglected or both, and needed to be removed immediately from her parents' care and custody and placed in DCFS's temporary custody. The court's findings were based primarily on the parents' domestic violence issue, Keeya's mental health issues, and the parents' inability to parent their other children, Cruz and Keshawn.

¶ 6 An adjudicatory hearing was held on October 9, 2012. No live witnesses were presented. Instead, the juvenile court granted the State's motion to take judicial notice of all testimony taken at the temporary custody hearing. The transcripts, redacted to remove hearsay and some other testimony, and a copy of the juvenile court's adjudication and disposition findings concerning Cruz and Keshawn were entered into evidence.

¶ 7 At the May 17, 2012, temporary custody hearing for Cruneeya, Avril Riley, a DCFS investigator testified she was assigned to Cruneeya's case on May 3, 2012, the day Cruneeya was born. DCFS had received a "C sequence" hotline call alleging Cruneeya was at "substantial risk of physical abuse, environment injurious to health and welfare." Riley testified that "A sequence" and "B sequence" reports had been indicated in 2010 and 2011 on the same allegations, concerning Cruneeya's brothers, Cruz and Keshawn.

At the State's request, the court accepted the A and B sequence reports into evidence. Those reports showed the family came to the attention of DCFS in September 2011, while Keeya and Cruz, Sr. were living in Belleville, Illinois. The reports indicated the family was living in a hotel and Keeya had sent a text message to someone saying she thought Cruz, Sr. had broken her nose and that he had hit Keshawn for going to the bathroom on the floor. Keeya's message also stated she was afraid to go to the emergency room because she was worried the children would be removed from her custody. The person who received the text message later filed a report with DCFS.

¶ 8 During her investigation of the "C sequence" report, Riley spoke to Keeya at the hospital on May 4, 2012, the day after Cruneeya was born. Keeya told Riley she was currently living with Cruz, Sr.'s cousin and that she had two other children who were in DCFS care and living with Cruz, Sr.'s mother, Charlene H. Keeya told Riley she stopped taking medication for her bipolar condition due to her pregnancy. Keeya said people thought she and Cruz, Sr. had domestic violence issues and that she was supposed to get a parenting assessment and obtain domestic violence services but was advised to wait until after she had her baby so she could attend on a regular basis. Keeya also told Riley about an incident in Belleville when she called the police on Cruz, Sr. because she was upset with him. Riley agreed that at the time of the interview, Keeya had no bruises, was nurturing Cruneeya appropriately, and did not appear to be unbalanced, erratic, or depressed.

¶ 9 Riley also separately interviewed Cruz, Sr. at the hospital on May 4, 2012. He

told her that he was in jail when his son, Cruz, came into the system in January 2012. He stated he had not begun services yet, but was scheduled to start with his DCFS caseworker, Sandra Ali. Riley testified that Cruz, Sr. minimized the domestic violence incidents with Keeya as "misunderstandings in the past." Cruz, Sr. suggested to Riley that Cruneeya be placed with his cousin, Cassandra Wright, whom Keeya was living with at that time.

¶ 10 Riley took protective custody of Cruneeya on May 9, 2012, because of past and current DCFS involvement with the parents other two minor children, past domestic violence issues, mental health issues, and because the parents were still in a relationship and had not completed services. Riley said it was in Cruneeya's best interest that temporary custody be granted.

¶ 11 When the temporary custody hearing resumed on June 11, 2012, Keeya was present with counsel but Cruz, Sr. was incarcerated in Cook County Jail following a June 6, 2012, arrest for possession of a controlled substance with intent to deliver. (In addition to the custody hearing for Cruneeya, the trial court simultaneously conducted a dispositional hearing for Cruz and Keshawn on June 11, 2012.) Cruz, Sr.'s attorney asked for a continuance, which the trial court denied, noting Keeya wanted the court to proceed with the hearing and the court's docket would not permit it to hold a hearing before Cruz, Sr.'s next criminal court date.

¶ 12 At the June 11 hearing, Cruz, Sr.'s mother, Charlene H., testified that she had been the foster parent for Cruz and Keshawn since January 12, 2012. She said Keeya was

supposed to visit the children on April 29, 2012, but did not show up. On May 2, 2012, Charlene H. received a text message from a family member with a picture showing Keeya with a black eye. Later, Keeya told Charlene H. she did not visit on April 29th, because she and Cruz, Sr. had gotten into an argument, and she did not want the children to see her with a black eye.

¶ 13 On June 7, 2012, Charlene H. received a phone call from Cruz, Sr., who told her he was incarcerated in Cook County Jail, charged with delivery of narcotics, that his bond was \$30,000, and that he wanted house arrest. The next day, Keeya called Charlene H. and told her she had just left Cruz, Sr.'s bond hearing. Charlene H. said she thought Keeya and Cruz, Sr., were still in a relationship, because "they still talk pertaining to the children" and "still go out from time to time."

¶ 14 Charlene H. testified she told Avril Riley, the DCFS investigator, that in the past she had seen Cruz, Sr. jump on Keeya and slap her. She also testified that on January 12, 2012, while at home, Keshawn was screaming and crying and told her Cruz, Sr. hit him.

¶ 15 Charlene H. testified she also spoke to Sandra Ali, the DCFS caseworker, regarding her concerns about Cruz, Sr. She told Ali she thought Cruz, Sr. needed anger management and domestic violence counseling, as well as Alcoholics Anonymous. She said she was concerned that if Cruz, Sr. did not get help he would seriously hurt Keeya and thought Cruz, Sr. and Keeya needed to separate for a while. Charlene H. also told Ali that Keeya needed help with her parenting skills and discipline, because she has no control over the children when they visit. Charlene H. agreed that Keeya allowed them

"to endanger themselves, run through the streets, that type of thing." Charlene H. said Keeya had a good bond with Cruneeya but had more difficulty with the older children. Charlene H. suggested Keeya might be able to take care of the children with a little more supervision and additional services but said she did not think it was in their best interests to be returned to Keeya at that time.

¶ 16 Ali was also called as a witness by the State during the temporary custody hearing. She testified that she had been assigned to the family's case since March 27, 2012. Keeya was assessed for services and found to be in need of psychiatric medication counseling, domestic violence counseling, individual therapy, a parenting capacity assessment, and housing advocacy. Ali said that she thought Keeya was taking Citalopram and Risperidone for her bipolar disorder, because she saw the medication bottles in Keeya's home, though she did not check the date of the prescriptions or the number of pills. Keeya stopped taking her medication while she was pregnant, but Ali said to her knowledge, Keeya had resumed taking it after Cruneeya was born. She also said Keeya received domestic violence counseling at Rainbow House and had been referred for individual therapy at Mt. Sinai Hospital in February 2012 and was scheduled for her first appointment on June 14, 2012.

¶ 17 Ali testified that Keeya was referred for a parenting capacity assessment with Dr. Michelle Imayah but that it had not been scheduled because Dr. Imayah had a backlog of referrals and by the time Dr. Imayah called Keeya to schedule an appointment, Keeya no longer had a cell phone. Ali spoke with Dr. Imayah, who told her she would make an

appointment with Keeya. Ali said Keeya completed parenting classes but still needed a parenting capacity assessment.

¶ 18 Ali testified that Keeya told her she had a voucher for Section 8 housing and wanted to move to Belleville. Ali contacted the housing advocacy program and was told there were no vouchers for Cook County but that Keeya would be referred to an agency that could help her find housing. Ali said Keeya was currently staying in Chicago with her mother and was having supervised visits with all three children more than once a week. Ali visited the home and found it to be appropriate. Ali agreed Keeya was maintaining contact with her about services, her location, and her desire that her children be returned home. She also agreed that Keeya was trying to complete services so her children could be returned home.

¶ 19 Cruz, Sr. was assessed for services and found to be in need of domestic violence counseling, a parenting capacity assessment, parenting classes, and a Juvenile Court Assessment Project (JCAP) assessment. Ali said Cruz, Sr. was incarcerated on June 7, 2012, and before that had not participated in any reunification services. He had twice been referred for parenting classes but did not attend them. Ali also said that after an earlier court date, she went with Keeya and Cruz, Sr. to complete the referral form for a JCAP assessment but Cruz, Sr. told her he was too busy to do the assessment that day. He said he would come back and do it in a few days but did not return. Ali was trying to obtain a referral for Cruz, Sr. to get a domestic violence assessment from the Salvation Army. Ali said that Cruz, Sr. visited with his son, Cruz, at a DCFS office, and that she

had not heard of any problems during those visits.

¶ 20 Ali recommended Cruneeya not be returned home that day, because the parents had not resolved the issues that brought the case into the system, and Keeya was denying domestic violence was an issue. Ali recommended Cruneeya be placed in the temporary custody of DCFS.

¶ 21 In addition to taking judicial notice of the testimony from Cruneeya's temporary custody hearing, the court in the adjudicatory hearing admitted as an exhibit the March 26, 2012, adjudication orders and the June 11, 2012, disposition orders concerning Cruneeya's brothers. In the adjudication orders, the juvenile court found the boys neglected based on an injurious environment, as a result of abuse or neglect inflicted by a parent. The orders further stated the neglect findings were based on a prior indicated report, Keeya's failure to comply with all intact services, and her need for mental health treatment and a domestic violence evaluation. The June 11, 2012 disposition orders found Keeya was unable to care for Keshawn and Cruz and that Cruz, Sr. was unable to care for Cruz, and it was in the boys' best interests to be made wards of the court and placed under DCFS guardianship.

¶ 22 The court also took judicial notice of four exhibits Keeya submitted during the temporary custody hearing: a May 16, 2012 report from Melissa Richardson at Rainbow House showing Keeya had attended six out of 13 domestic violence classes, copies of Keeya's prescription medication, a certificate showing Keeya completed a parenting class, and a May 10, 2012 document from therapist Haran King at Mt. Sinai Hospital, regarding

Keeya's psychiatric and behavioral referrals.

¶ 23 At the conclusion of the adjudication hearing, the trial court found the State met its burden of proof by a preponderance of the evidence that Cruneeya was neglected due to an injurious environment. The court did not make a finding of abuse due to substantial risk of injury. In its oral ruling, the court noted when Cruneeya was born on May 3, 2012, the court had recently made findings of neglect injurious environment for Cruz and Keshawn on March 28, 2012, because initial intact family services had been unsuccessful. Keeya had participated in some reunification services but had missed six out of 13 domestic violence sessions. The court noted Keeya received a certification for a parenting class on January 28, 2012, had participated in a mental health assessment, and had been referred for therapy that had not yet begun. But, the parents had a history of domestic violence and were still in a relationship even though domestic violence services had not been completed. The trial judge further noted that on June 11, 2012, following a dispositional hearing involving Cruz and Keshawn, he had entered an order finding Keeya and Cruz, Sr. were unable to care for Cruneeya's older brothers. The court entered a written adjudication order stating that its finding of neglect due to an injurious environment was "based on anticipatory neglect. Mother had not completed her services. Both parents were still in a relationship even though the mother was in domestic violence classes." The case was continued to November 29, 2012, for a dispositional hearing.

¶ 24 The dispositional hearing for Cruneeya was heard simultaneously with a permanency hearing for Keshawn and Cruz on November 29, 2012. At the beginning of

the hearing, the court admitted 10 exhibits into evidence. The JCAP assessment for Cruz, Sr., was admitted. It stated Cruz, Sr. had criminal charges pending for possession of a controlled substance with intent to deliver, that he minimized his past and present substance abuse history, and needed drug-free outpatient treatment. The assessment also noted Cruz, Sr. was released from jail on October 23, 2012, and through a Cook County Department of Corrections program, was placed on home confinement at A Safe Haven, a transitional housing facility.

¶ 25 The trial court also admitted as an exhibit a progress report from A Safe Haven showing Cruz, Sr. had complied with the program's rules and regulations, and that his overall participation in Safe Haven activities was excellent. Keeya was also residing at A Safe Haven, and the trial court granted her request to admit as exhibits her class and therapy schedule at A Safe Haven, a description of a domestic violence program she was attending, and a document detailing A Safe Haven's policies. The trial court also admitted five exhibits that are not in the record on appeal: an August 4, 2012 parenting capacity assessment of Keeya conducted by Dr. Imayah, a report from DCFS caseworker Sandra Ali, two letters from Rainbow House, a domestic violence attendance report, and a May 30, 2012 psychiatric evaluation of Keeya.

¶ 26 After the court reviewed the exhibits, it heard testimony from two witnesses: DCFS caseworker Sandra Ali and Keeya L. Ali testified she has been the caseworker for Keshawn and Cruz since March 27, 2012, and for Cruneeya since May 2012. With regard to Keeya's mental health issues, Ali said a May 2012 psychological evaluation

diagnosed her with "bipolar disorder, currently depressed." A July 2012 parenting capacity assessment conducted by Dr. Michelle Imayah found that Keeya has an IQ of 65 and a depressive disorder not otherwise specified. Dr. Imayah recommended Keeya continue to receive mental health services.

¶ 27 Keeya was prescribed the medication Celexa but when Ali saw Keeya's medications in September 2012, Celexa was not among them. Ali said Keeya had been in individual therapy at Mt. Sinai Hospital, but it was discontinued in August 2012 due to Keeya's inconsistent attendance and the fact that she "was not really engaged in the services." Mt. Sinai then recommended group therapy for Keeya, and she attended a few sessions but did not want to continue because she said they did not discuss things she was interested in. Ali testified that Keeya had a new psychiatrist at Mt. Sinai, Dr. Warikoo, with whom she was to have monthly visits. Dr. Warikoo told Ali that Keeya came to a September 2012 appointment but did not attend the October or November appointments. As a result, Ali did not know whether Keeya was taking any psychiatric medication. Ali said Keeya was enrolled in individual therapy as well as parenting classes at A Safe Haven.

¶ 28 Ali testified that due to the seriousness of domestic violence, DCFS asks families to participate in domestic violence services for as long as a case is in the system. Keeya completed domestic violence services with Rainbow House in August 2012, but was asked to participate in further domestic violence services. She was scheduled to meet with a domestic violence counselor at Metropolitan Services, but did not make it to the

meeting and failed to attend the rescheduled meeting because the counselor was not there and was supposed to call her with a new date. Ali said she thought Keeya and Cruz, Sr. were still in a relationship, because family members told her Keeya and Cruz, Sr. talked on the phone and Keeya bought things for Cruz, Sr. with her SSI disability benefits.

¶ 29 Ali said Keeya, who had been living with her paternal grandmother, moved two weeks earlier to A Safe Haven, where Cruz, Sr. was also living since his release from Cook County Jail. Keeya did not tell Ali she moved to A Safe Haven because Cruz, Sr. was there, though she knew he was, but said she needed a place to stay. Ali said that since Keeya moved to A Safe Haven she was seeing Cruneeya on a weekly basis rather than daily as she had been before the move.

¶ 30 Ali explained that all three children, Keshawn, Cruz, and Cruneeya, had been placed with their paternal grandmother, Charlene H, but the grandmother asked that they be moved. In July 2012, Cruz and Cruneeya were placed with the maternal grandmother, and Keshawn was placed with the maternal grandmother's sister. Ali described Keeya's October and November visits with the children, stating that when the grandmother or aunt were present, Keeya would sit back and let them do everything. When Keeya was alone with the children, however, Ali said she did "an excellent job" feeding, playing, and talking with the children. She said she was very impressed with Keeya's care of the babies when the grandmother was not there. Ali said the maternal grandmother's home was safe and appropriate, and the children were doing well there.

¶ 31 With regard to Cruz, Sr., Ali said he was assessed for services and it was

recommended he participate in a parenting capacity assessment, parenting classes, domestic violence counseling, a JCAP assessment, and individual counseling. While Cruz, Sr. was incarcerated, Ali was unable to reach jail staff to refer him for services. Ali spoke with Rodney Bates, Cruz Sr.'s counselor at A Safe Haven, who told her about the services for Cruz, Sr., including a self-help group, a life skills program with a domestic violence component, a support group, and employment counseling. Ali said Cruz, Sr. had completed the JCAP assessment but "he does not admit to domestic violence as a perpetrator." Ali was uncertain whether Cruz, Sr. could leave A Safe Haven to attend a parenting class but said she would ask if he can get the class there. She also said Cruz, Sr.'s counselor was checking to see if a psychologist could come to A Safe Haven to complete Cruz, Sr.'s parenting capacity assessment.

¶ 32 Ali testified that between May 11, 2012, and his arrest on June 7 2012, Cruz, Sr. was visiting with Cruneeya but was not participating in any services. After he was incarcerated in Cook County Jail, Cruz, Sr.'s mother brought the children to see him every Tuesday. After his release from Cook County Jail following a June 7, 2012, arrest, he was staying at A Safe Haven on house arrest, awaiting a trial on a drug charge and was not allowed to have visitors.

¶ 33 Ali asserted that because the parents still need services, it was in Cruneeya's best interest to be adjudged a ward of the court and placed under DCFS guardianship with a permanency goal of return home within one year. Her recommendation was based on the fact that Keeya was engaged in some services and appeared to be doing fine, seeing the

children daily, and taking care of their financial needs, until she stopped seeing her psychiatrist and moved to A Safe Haven. Ali said the plan was to have Keeya transition to her mother's house to live but there was a concern that Keeya could not independently parent the children without family support.

¶ 34 Keeya testified she had been living with her mother but moved out because she was tired of getting into arguments with her family. She moved in with her grandmother before moving to A Safe Haven on November 15, 2012. She said she did not know Cruz, Sr. was living there. She said she was not given a time limit for how long she could stay at A Safe Haven but she was trying to get Section 8 housing. Keeya testified that women are not allowed to have contact with men at A Safe Haven, and she was not currently in contact with Cruz, Sr. She also denied giving money to Cruz, Sr. since his release from jail. She said she has regular visits with the children

¶ 35 Keeya testified she receives counseling at A Safe Haven and is taking the psychiatric medications Risperdal, Citalopram, and Benztropine. She said she had been taking these medications every day since Cruneeya was born in May, 2012 and that she was getting the prescriptions from Dr. Warikoo at Mt. Sinai Hospital. She stated her last visit with Dr. Warikoo was in October but agreed it could have been in September. She said she last filled the prescription a month earlier.

¶ 36 After counsel presented their arguments, the trial court found the State met its burden of proof by a preponderance of the evidence that it was in Cruneeya's the best interests to become a ward of the court and placed under DCFS guardianship. The court

noted there were some inconsistencies in the evidence, with the mother's parenting assessment capacity assessment being "very unfavorable" but with Ali having observed Keeya and finding she "does an excellent job with her children when the primary caretaker is not present." Overall, however, the court noted Cruz, Sr. is still on house arrest, and "can't even have visits where he is being required to live right now." Keeya was also temporarily living at Safe Haven until she can get housing. In addition, while Keeya has completed a 10 session domestic violence program at Rainbow House, the court agreed with the caseworker that the service should be ongoing due to the domestic violence issues between the parents. Therefore, the court concluded it was in the best interests and welfare of Cruneeya and the public that she be adjudged a ward of the court to become wards of the court and be placed in the custody of DCFS. Cruz, Sr. has appealed.

¶ 37 II. Analysis

¶ 38 A. Adjudicatory Order

¶ 39 Following the filing of a petition for wardship by the State and the placement of children in temporary custody, a circuit court will conduct an adjudicatory hearing to determine whether the allegations of the petition that the minors are abused, neglected, or dependent are supported by a preponderance of the evidence. 705 ILCS 405/1-3 (West 2008). A preponderance of the evidence is that amount of evidence that leads a trier of fact to find the fact at issue is more probable than not. *In re K.G.*, 288 Ill. App. 3d 728, 735 (1997). The best interest of the child is the paramount consideration by the circuit

court. *In re Arthur H.*, 212 Ill. 2d 441, 464 (2004).

¶ 40 We will not disturb the circuit court's findings regarding abuse and neglect unless the findings are against the manifest weight of the evidence. *Id.* A trial court's decision is against the manifest weight of the evidence only if the opposite conclusion is plainly evident from the record. *Id.* 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 2008). Neglect is generally defined as the failure to exercise the care that circumstances justly demand and encompasses both willful and unintentional disregard of parental duty. *In re Arthur H.*, 212 Ill. 2d at 463. "Neglect" does not have a fixed and measured meaning, however, and it takes its content from the specific circumstances of each case. *Id.* Similarly, an injurious environment is an amorphous concept that cannot be defined with particularity but has been interpreted to include the breach of a parent's duty to ensure a safe and nurturing shelter for his or her children. *Id.*

¶ 41 The evidence presented at the adjudicatory hearing showed, by more than a preponderance of the evidence, that Cruneeya was neglected by an injurious environment. Before receiving the "C sequence" hotline call concerning Cruneeya, DCFS had already investigated two hotline reports concerning Cruneeya's older brothers, Cruz and Keshawn, following reports that Keeya thought Cruz, Sr. had broken her nose and that he had hit Keshawn for going to the bathroom on the floor. On March 26, 2012, shortly before Cruneeya was born, the juvenile court found by a preponderance of evidence that Cruz and Keshawn were neglected due to an injurious environment based on Keeya's

failure to comply with all intact services offered, her need for mental health treatment, and the history of domestic violence between Keeya and Cruz, Sr.

¶ 42 Contrary to Cruz, Sr.'s assertion, the situation did not changed significantly between March 2012 and May 2012, when the State filed a petition for adjudication of wardship on Cruneeya's behalf. In March 2012, Sandra Ali, the family's DCFS caseworker, asked Keeya and Cruz, Sr. to have parenting assessments and to engage in domestic violence and parenting classes. The evidence at the adjudicatory hearing showed Keeya received some domestic violence counseling at Rainbow House, attending six out of 13 classes, but Cruz, Sr. engaged in no services.

¶ 43 Further, domestic violence was still an issue between Keeya and Cruz, Sr. Charlene H., Cruz, Sr.'s mother and the foster parent to Cruz and Keshawn, testified Keeya missed an April 29, 2012 visit with her children because she and Cruz, Sr. had gotten into an argument, and she did not want the children to see her with a black eye. Charlene H. testified she thought Keeya and Cruz, Sr. were still in a relationship and she was concerned about physical violence between them. She told Avril Riley she had seen Cruz, Sr. jump on Keeya and slap her and that in January 2012, Keshawn told her Cruz, Sr. had hit him. Charlene H. told Ali that she was concerned that if Cruz, Sr. did not get help he would seriously hurt Keeya. While being interviewed by DCFS investigator Avril Riley the day after Cruneeya was born, Keeya acknowledged that people think she and Cruz, Sr. have a domestic violence issue and she told Riley about an incident in Belleville when she had to call the police on Cruz, Sr. But, Keeya denied domestic

violence was an issue, which indicated that more counseling was needed.

¶ 44 As for Keeya's relationship with her children, Charlene H. told Ali that Keeya needed help with her parenting skills and discipline, because she has no control over the children when they visit. Charlene H. agreed that Keeya allowed them "to endanger themselves, run through the streets, that type of thing." She further stated there is a loving bond between Keeya and her children and Keeya might be able to take care of them if she had additional services.

¶ 45 Cruz, Sr.'s unwillingness to acknowledge that domestic violence was a problem or engage in services to start to address it demonstrate an injurious environment and support a finding of neglect. Even if the minor child has never been the victim of physical abuse, the abuse of the child's mother is sufficient to find the environment is injurious to the minor's welfare. See *In re A.D.R.*, 186 Ill. App. 3d 386 (1989) (holding that trial court did not need to wait until child became victim of physical abuse or until repeated beatings caused permanent, emotional damage to child).

¶ 46 In sum, the evidence showed Cruneeya's parents were still in a violent relationship and were not sufficiently engaged in services necessary to have her returned to her parent's care. Further, Keeya was diagnosed with bipolar disorder and, was not taking her medication or engaged in therapy. For these reasons, we conclude the trial court's finding that Cruneeya was neglected due to an injurious environment was not against the manifest weight of the evidence.

¶ 47 B. Dispositional Order

¶ 48 Cruz, Sr. also contends the trial court's finding that it was in Cruneeya's best interests to be made a ward of the court was against the manifest weight of the evidence. As a preliminary matter, the public guardian asserts Cruz, Sr. forfeited his right to contest this ruling by failing to include in the record on appeal all of the exhibits from the dispositional hearing. Ten exhibits were admitted into evidence during the dispositional hearing and half of those do not appear in the record, namely Dr. Michelle Imayah's parenting capacity assessment of Keeya, Keeya's May 30, 2012 psychiatric evaluation, an August 12, 2012 letter from the Rainbow House domestic violence program, a domestic violence attendance report for Keeya, and a report from DCFS caseworker, Sandra Ali.

¶ 49 It is well-settled that it is the appellant's burden to present a sufficient record on appeal. *In re J.D.*, 332 Ill. App. 3d 395, 401 (2002). Illinois Supreme Court Rule 321 provides the record on appeal must consist of, in part, "every document filed and judgment and order entered in the cause and any documentary exhibits offered and filed by any party." Ill. S.Ct. R. 321 (eff. Feb 1, 1994). Absent this record, it will be presumed the order entered by the trial court was in conformity with the law and had a sufficient factual basis. *Id.* A reviewing court may consider an appeal despite deficiencies in the record where the trial transcripts sufficiently convey the necessary information. *Lisowski v. MacNeal Memorial Hospital Assn*, 381 Ill. App. 3d 275, 282 (2008). Any doubts relating to the incompleteness of the record will be construed against the appellant. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 392 (1984).

¶ 50 Although the record on appeal does not include all of the exhibits that were admitted into evidence at the dispositional hearing, the transcript of the hearing provides sufficient information regarding the services Keeya and Cruz, Sr. completed and Keeya's history of mental illness. Ali testified at length about the progress Keeya made in attending and completing domestic violence counseling and parenting classes, as well as some of the prescription medications Keeya was taking for her bipolar disorder. She also testified about Cruz Sr.'s participation in some services and the history of domestic violence between the parents. Therefore, we find there is sufficient information in the record for this court to decide the issues involved in this appeal. Any doubt arising from the lack of the actual reports will be resolved in favor of appellee. *Foutch*, 99 Ill. 2d at 392

¶ 51 After a minor has been found to be neglected or abused, a dispositional hearing must be held for the trial court to determine whether it is in the best interest of the minor and the public to make the minor a ward of the court, and if so, to determine the proper disposition best serving the health, safety, and interests of the minor and the public. 705 ILCS 405/2-22(1) (West 2008). A minor may be made a ward of the court if the court determines the parents are unable, for some reason other than financial circumstances alone, to care for, protect, train, or discipline the minor. 705 ILCS 405/2-27(1) (West 2008).

¶ 52 The circuit court's finding that the parents are unable to care for, protect, train, or discipline their children must be supported by a preponderance of the evidence. *In re*

Christopher S., 364 Ill. App. 3d 76, 89 (2006). "Preponderance of the evidence is that amount of evidence that leads a trier of fact to find that the fact at issue is more probable than not." *In re K.G.*, 288 Ill. App. 3d 728, 735 (1997). The best interest of the child is the paramount consideration for the circuit court. *In re Arthur H.*, 212 Ill. 2d at 464. On review, we will not disturb the circuit court's dispositional findings unless they are against the manifest weight of the evidence. *In re T.B.*, 215 Ill. App. 3d 1059, 1062 (1991). A finding is against the manifest weight of the evidence "only if the opposite conclusion is clearly evident or if the determination is unreasonable, arbitrary, and not based on the evidence." *In re Tiffany M.*, 353 Ill. App. 3d 883, 890 (2004).

¶ 53 Cruz Sr. argues the trial court's finding at the dispositional hearing that it was in Cruneeya's best interest to be made a ward of the court was against the manifest weight of the evidence because he and Keeya intend to build a life together, Keeya was addressing her mental health issues, and he was participating in services. The evidence presented at the dispositional hearing refutes this assertion. First, we note at the time of the dispositional hearing, Cruz, Sr. was precluded from caring for his daughter. Cruneeya was born on May 3, 2012, and about a month later, June 7, 2012, Cruz, Sr. was arrested on a drug charge. At the time of the dispositional hearing, he was residing at A Safe Haven awaiting trial and was not allowed to have visits with Cruneeya, much less care for her.

¶ 54 The evidence also fails to support Cruz, Sr.'s argument that the court should have released Cruneeya into Keeya's custody. A May 2012 psychiatric evaluation diagnosed

Keeya with "bipolar disorder, currently depressed." Keeya was supposed to take the medication Celexa, but it was not among the medicines Keeya showed to Ali. Keeya's individual therapy session at Mt. Sinai Hospital were discontinued in August 2012, because she missed several sessions and did not appear to be engaged in the service. Mt. Sinai then recommended group therapy, but Keeya also did not attend those sessions because she was not interested in what was being discussed.. Keeya began seeing a new psychiatrist, Dr. Warikoo, in September 2012. She was to see Dr. Warikoo on a monthly basis but missed her October and November 2012 appointments. At the time of the November 2012 dispositional hearing, Dr. Warikoo had not seen Keeya in two months, neither she nor Ali knew whether Keeya was taking her psychiatric medication. This evidence supports a finding that Keeya has not addressed her mental health issues.

¶ 55 Keeya has also not fully addressed the domestic violence issue. Although she completed a domestic violence class at Rainbow House in August 2012, she failed to comply with a request to continue participating in additional domestic violence services. She was scheduled to meet with a domestic violence counselor at Metropolitan Services and has not had a rescheduled appointment. Further, DCFS caseworker, Sandra Ali, testified she thought Keeya and Cruz, Sr. were still in a relationship. In November 2012, Keeya moved from her grandmother's home to A Safe Haven, where Cruz, Sr. was residing. Although Keeya denied she saw Cruz, Sr., Ali testified that during some visits with the children, Keeya would call Cruz, Sr. and used her SSI disability money to buy things for him. Further, since moving to A Safe Haven, Keeya visits with Cruneeya and

her other children decreased from daily to weekly.

¶ 56 Ali testified she was impressed with the way Keeya cared for Cruneeya when other relatives were not present but said DCFS did not think Keeya could parent the children independently without family support. Ali also testified Keeya was taking part in some services and had completed a parenting class, but needed to show more progress. As to Cruz, Sr., Ali testified that between May 11, 2012, and his arrest on June 7 2012, Cruz, Sr. was visiting with Cruneeya but was not participating in services. He did not participate in any services during his incarceration in Cook County Jail, though it appears no services were available. After his release to A Safe Haven, Cruz, Sr. took part in a self-help group, a life skills program with a domestic violence component, a support group, and employment counseling. Ali said Cruz, Sr. had completed the JCAP assessment but "he does not admit to domestic violence as a perpetrator."

¶ 57 In short, the evidence presented at the dispositional hearing supports the court's finding that Keeya was presently unable to care for Cruneeya and that it was in her best interest to be made a ward of the court and be placed in the custody of DCFS. Keeya, as well as Cruz, Sr. have begun to take part in some recommended services, but they appear to still be in a relationship without having fully addressed their domestic violence problem. Keeya has been diagnosed with bipolar disorder and though she claims to be taking her psychiatric medication, she has not continued in either individual or group therapy and has missed scheduled appointments with her psychiatrist, who would be monitoring her medication. Although the family's DCFS caseworker said Keeya takes

excellent care of Cruneeya and her other children when she is visiting with them alone, she also said Keeya could not independently parent any of the children without family support. Given Cruz, Sr.'s inability to care for the children while residing in A Safe Haven and Keeya's failure to fully address her mental health and domestic violence issues, the trial court's finding that it was in Cruneeya's best interest to be made a ward of the court and placed in the custody of DCFS was not against the manifest weight of the evidence.

¶ 58 III. Conclusion

¶ 59 We affirm the trial court's adjudicatory order that Cruneeya was neglected due to an injurious environment and its dispositional order that it is in her best interest to be made a ward of the court and to be placed in the custody of DCFS.

¶ 60 Affirmed.