

**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).

2014 IL App (4th) 140189-U

NO. 4-14-0189

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

**FILED**

August 1, 2014  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

In re: Ro. M., Ra. M., and Br. C., Minors,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Champaign County
v.	)	No. 13JA57
RONISHA HARRIS,	)	
Respondent-Appellant.	)	Honorable
	)	John R. Kennedy,
	)	Judge Presiding.

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JUSTICE KNECHT delivered the judgment of the court.  
Presiding Justice Appleton and Justice Pope concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court did not err in placing custody of respondent's children with the Department of Children and Family Services.

¶ 2 Respondent mother, Ronisha Harris, appeals the order placing custody and guardianship of her children, Ro. M. (born November 27, 2005), Ra. M. (born August 1, 2008), and Br. C. (born May 11, 2013) with the Department of Children and Family Services (DCFS). Respondent contends the order is erroneous as the record shows she was complying with services and the children were doing well in her care. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In November 2013, the State filed a petition for adjudication of neglect on behalf of Ro. M., Ra. M., and Br. C. The children have different fathers, none of whom are involved in

this appeal. The State alleged two counts of neglect, contending the children were neglected in that their environment was injurious to their welfare when they resided with respondent or Brandon Crabb, Jr., Br. C.'s father, because they were exposed to domestic violence (count I) and the risk of physical injury (count II) (705 ILCS 405/2-3(1)(b) (West 2012)).

¶ 5 In February 2014, the trial court entered an adjudicatory order finding the children neglected. Respondent stipulated to count I, admitting the children were exposed to domestic violence.

¶ 6 In March 2014, a dispositional hearing was held. The trial court considered a report authored by the Center for Youth and Family Solutions (CYFS). According to the report, the children entered DCFS care after an incident of domestic violence on August 31, 2013, during which respondent grabbed a kitchen knife and stabbed Crabb. Respondent had swelling and bruising on her face; the injury to Crabb was approximately an inch long and shallow. The children were present during the altercation. Both parties asserted the other was the aggressor. Respondent would not permit the police to take photos of her injuries, and she did not cooperate. Due to conflicting stories, no charges were filed. At the time of the hearing, the children remained with respondent in her home on a safety plan.

¶ 7 CYFS reported respondent was 27 years old. She communicated clearly and cooperated with the interview. Respondent was cooperative with her caseworker and other case contacts. Respondent and her children resided with respondent's mother in Urbana in a five-bedroom home. The home was clean, well-kept, and free from hazards. Respondent was on the waiting list for the "Housing Choice Voucher Program." Respondent was employed through a temp agency, working for Kraft for approximately 25 to 35 hours per week since January 2014.

Respondent received Link benefits of \$643 per month.

¶ 8 According to the dispositional report, respondent described her relationship with Crabb as "okay" until the domestic violence occurred. Respondent denied any domestic violence in any of her prior relationships. Respondent had a large support system and was "very close" with her mother and sister. When asked why her family was involved with DCFS, respondent stated she was in a bad situation and she would use it as a learning experience for the future. Ro. M.'s father's whereabouts were unknown. Ra. M.'s father was incarcerated for armed violence and a cocaine-related offense. Crabb was incarcerated for a 2007 armed-robbery conviction. He was admitted to the Department of Corrections in October 2013.

¶ 9 CYFS reported respondent had an arrest in December 2012 for driving on a suspended/revoked license, an arrest in 2007 for theft, and two arrests for "ordinance violation[s]." Respondent denied using alcohol often. Her last use of alcohol occurred around the time of the domestic-violence altercations that led to DCFS' involvement. Respondent denied illicit or prescription drug use.

¶ 10 According to CYFS, respondent was referred to a domestic-violence class and parenting-education classes. Respondent participated in these services. Respondent was set up with a drug-screen calendar. She was required to call CYFS every day to determine whether she was to complete a drug drop. Respondent was asked to begin calling for these screens on October 7, 2013. She called in only 23 out of 84 days. Respondent reported difficulty in remembering to call every day.

¶ 11 CYFS reported the children resided with respondent and their maternal grandmother. All three did "very well in this environment." They received adequate medical

care and the two school-aged children did well in school. All three had a strong bond with respondent and enjoyed interacting with her. CYFS recommended guardianship be placed with DCFS but custody remain with respondent.

¶ 12 The record also contains a September 2013 report by DCFS. The report shows two other incidents of domestic violence between Crabb and respondent occurred on December 24, 2012, and June 20, 2013. Regarding the first incident, respondent reported Crabb pushed her against a car and choked her. Regarding the second incident, a witness heard yelling between Crabb and respondent on the porch of a residence. The witness saw respondent exit the porch with two knives in her hand. The witness convinced respondent to give him the knives. According to the witness, respondent seemed to encourage Crabb, stating, "It's not even your baby." Crabb replied, "I'm going to kill you, b\*\*\*." Crabb then moved toward respondent. The witness stepped between them. Crabb then grabbed the witness by the throat.

¶ 13 The DCFS report states Crabb reported he and respondent were drinking before the August 2013 domestic-violence incident.

¶ 14 The trial court entered a dispositional order. The court found the last incident of domestic violence, during which a knife was used, raised a number of concerns. The court observed temporary incarceration would not cause domestic violence to "go away," but would only delay it absent treatment to allow respondent to be in a position where she could protect herself and her children. The court believed respondent could do this with the children still residing with her, but it determined custody and guardianship needed to be removed to protect the children. The court determined respondent was unfit for reasons other than financial circumstances alone to care for, protect, train, or discipline her children and the best interests of

the children would be jeopardized if the children remained in respondent's custody. The court further concluded the children could continue to reside with respondent because it was not in the children's best interests to change their living environment.

¶ 15 This appeal followed.

## ¶ 16 II. ANALYSIS

¶ 17 After an adjudication of neglect, the next step in adjudication proceedings is the dispositional hearing. *In re A.P.*, 2012 IL 113875, ¶ 21, 981 N.E.2d 336 (citing 705 ILCS 405/2-21(2) (West 2010)). At that hearing, a trial court decides whether a child may be committed to DCFS' custody and guardianship. Custody and guardianship may be granted to DCFS if the court finds (1) "the parents \*\*\* are unfit or \*\*\* unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or are unwilling to do so, and [(2)] the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of his or her parents." 705 ILCS 405/2-27(1)(d) (West 2012). We will not disturb a trial court's decision on custody and guardianship unless the factual findings are against the manifest weight of the evidence or the court abused its discretion in choosing an improper dispositional order. *In re Ta. A.*, 384 Ill. App. 3d 303, 307, 891 N.E.2d 1034, 1037-38 (2008).

¶ 18 Respondent argues the trial court erroneously granted DCFS custody and guardianship of her children. Respondent contends she was participating in services, had a stable residence, and maintained a close relationship with her children. Respondent further maintains the "sole knock" against her was her relationship with Crabb.

¶ 19 The trial court did not abuse its discretion in removing custody and guardianship

from respondent. The record reveals questions remain regarding the children's safety and respondent's ability to protect them. While respondent had performed most of the services required of her, the record showed respondent repeatedly failed to protect her children and herself from Crabb over a period exceeding eight months. Two of the incidents involved knives, and at least one occurred in the presence of respondent's children. Moreover, respondent failed to comply with the majority of the requests for drug screens. This is particularly troubling given Crabb reported he and respondent consumed alcohol on the day of the last dispute and respondent admitted using alcohol around the time of the last domestic-violence incident.

¶ 20

### III. CONCLUSION

¶ 21

We affirm the trial court's judgment.

¶ 22

Affirmed.