

NOTICE

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2014 IL App (4th) 140392-U

NO. 4-14-0392

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

October 9, 2014

Carla Bender

4th District Appellate

Court, IL

In re: E.W., a Minor,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Vermilion County
v.)	No. 13JA81
SHARON WATSON,)	
Respondent-Appellant.)	Honorable
)	Claudia S. Anderson,
)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Turner and Steigmann concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not err in finding respondent's son dependent and in making him a ward of the court.

¶ 2 Respondent mother, Sharon Watson, appeals the orders finding her son, E.W.

(born December 16, 1997), dependent and making him a ward of the court. Sharon contends the orders are against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In July 2013, the State filed a petition for adjudication of wardship on behalf of E.W. The State alleged E.W. was a dependent minor in that he was without care necessary for his well-being through no fault, neglect, or lack of concern by his parents (705 ILCS 405/2-4(1)(c) (West 2012)). E.W.'s mother, Sharon, is his adoptive mother and maternal grandmother.

Sharon adopted E.W. in 2005 after E.W.'s biological mother, Brianne Howell, consented to the termination of her parental rights. After a 2013 shelter-care hearing, temporary custody and guardianship of E.W. was granted to the Department of Children and Family Services (DCFS).

¶ 5 At the November 2013 adjudicatory hearing, Sharon admitted the allegations of dependency. As the factual basis, Sharon's counsel reported E.W. had a number of involvements with the police related to "extreme anger problems and mental-health problems." Counsel stated there was a dispute as to whether Sharon locked E.W. out of the home to protect another child in her care. E.W. ran away from Sharon's home repeatedly and stated he would not run away if he was placed with Howell. The trial court admonished Sharon of her rights and accepted Sharon's admission of dependency. The court, citing Sharon's admission and the facts E.W. continued to run away from his home and had behavioral problems, found E.W. dependent.

¶ 6 On April 23, 2014, the dispositional hearing was held. A January 2014 dispositional report was submitted by DCFS. According to the report, DCFS became involved after E.W. reported getting into a fight with Sharon. After the incident, police took E.W. to the hospital. E.W. refused to return to Sharon's home and stated he would run away to Howell's home. It was reported Sharon did not want E.W. to return home, as he was a danger to her and her younger son.

¶ 7 E.W. apparently resided with Sharon since he was 23 months old. Sharon later adopted E.W. when Howell went to prison for methamphetamine manufacturing. After DCFS became involved, E.W. was placed in his maternal uncle's home. E.W. ran away many times and either returned to that home or went to Howell's home. In August 2013, E.W. was placed in an emergency shelter. He ran away within two weeks of the placement. As of October 3, 2013,

E.W. was placed in Howell's home. As of the date of the report, E.W. had not run away from Howell's home. While residing with Howell, he had rules and chores and his needs were met. In addition, his school performance "dramatically increased" and his behavioral problems at school ceased.

¶ 8 In the summary section of the report, it was reported Sharon had been referred to therapy services, but she did not comply. Sharon had not visited with E.W. because E.W. asked not to visit with her. E.W. ran away from Sharon's home multiple times and stated he would continue to do so if he was returned to her care. E.W. acknowledged Howell had feelings of contempt for Sharon. Sharon would not support E.W. having a relationship with Howell. E.W. felt caught in the middle.

¶ 9 According to the report, DCFS recommended a finding Sharon was unfit for reasons other than financial circumstances alone to care for, protect, train, or discipline E.W. and attempts at reunification were unsuccessful. DCFS recommended E.W. remain in foster placement.

¶ 10 At the dispositional hearing, Eddie Y. Ramirez, a psychiatrist, testified he performed a psychiatric evaluation of E.W. in August 2013. Dr. Ramirez diagnosed E.W. with post-traumatic stress disorder and depression. Dr. Ramirez observed E.W. was "very anxious," tense, and guarded. Dr. Ramirez observed "a lot of anger [and] irritability." E.W. indicated suicidal ideation and suicide attempts, leading to multiple hospitalizations. Dr. Ramirez prescribed Celexa to stabilize E.W.'s mood.

¶ 11 Dr. Ramirez testified, at the second follow-up meeting with E.W., he learned E.W. used cannabis "sometimes." At the third follow-up meeting, Dr. Ramirez learned E.W. was

not taking his prescribed medication. Dr. Ramirez prescribed Prozac. When Dr. Ramirez visited E.W. in detention in April 2014, E.W. reported taking Prozac. The record shows E.W. ran away from Howell's home in early April 2014, violating a court order not to run away.

¶ 12 Autumn Jackson, a DCFS caseworker, testified E.W. was, at that time, placed in a detention center in Danville. When Jackson spoke with E.W. at the end of March 2014, he did not want to return to Howell's home. However, during the April 16 visit at the detention center, E.W. reported he wanted to return to Howell's home. E.W. seemed open to the goal of independence. He did not want to return to Sharon.

¶ 13 Jackson testified a psychological evaluation was scheduled for Sharon and transportation had been arranged. Sharon did not go to the appointment. Sharon had income from survivors' benefits from her deceased husband. Sharon did not cooperate with DCFS. Jackson's conversations with Sharon were abrasive. Sharon had not visited with E.W. since August 2013.

¶ 14 In May 2014, the trial court entered a dispositional order. The court found it consistent with E.W.'s health, welfare, safety, and best interests to be made a ward of the court. The court found Sharon unfit, unable, and unwilling to care for, protect, train, educate, supervise, or discipline E.W. The court found the permanency goal of independence proper.

¶ 15 This appeal followed.

¶ 16 II. ANALYSIS

¶ 17 The first step in an adjudication of wardship is the adjudicatory hearing, at which a trial court determines whether a minor is abused, neglected, or dependent. *In re C.M.*, 351 Ill. App. 3d 913, 916, 815 N.E.2d 49, 51 (2004). A child may be found dependent if he or she is

without necessary and proper medical or remedial care through no fault, neglect, or lack of concern by his parents. 705 ILCS 405/2-4(1)(c) (West 2012). The State carries the burden of proving the allegations by a preponderance of the evidence. *C.M.*, 351 Ill. App. 3d at 916, 815 N.E.2d at 51. This court will not disturb a finding of neglect, abuse, or dependency unless the finding is against the manifest weight of the evidence. See *id.*

¶ 18 After an adjudication of neglect, abuse, or dependency, the second step in an adjudication of wardship is the dispositional hearing. *In re A.P.*, 2012 IL 113875, ¶ 21, 981 N.E.2d 556 (citing 705 ILCS 405/2-21(2) (West 2010)). At the dispositional hearing, a trial court decides whether a child may be committed to DCFS's custody and guardianship and be made a ward of the court. See 705 ILCS 405/2-21(2) (West 2012). The court may grant custody and guardianship to DCFS if it concludes (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). This court will not overturn a trial court's determination following the dispositional hearing unless the factual findings are against the manifest weight of the evidence or the court abused its discretion in selecting an improper dispositional order. *In re Ta. A.*, 384 Ill. App. 3d 303, 307, 891 N.E.2d 1034, 1037-38 (2008).

¶ 19 Sharon asserts two contentions of error arising from the adjudicatory hearing. Sharon maintains the neglect finding and the dependency finding are unsupported by the record. Sharon focuses on evidence showing her home had food and there was no physical conflict in her home. She further emphasizes Howell's failure to take E.W. to his psychiatric appointments and

her own attempts to get E.W. into a residential facility.

¶ 20 Sharon's arguments fail. Sharon's neglect-based argument is misguided and irrelevant. The trial court did not find E.W. neglected. The only adjudication is an adjudication of *dependency*, not neglect.

¶ 21 Sharon's dependency argument is also flawed. Sharon argues the finding of dependency is unsupported, but she ignores the fact she admitted the dependency allegations at the adjudicatory hearing. The trial court heard the factual basis for the admission, admonished Sharon of her rights, and accepted Sharon's admission. See *In re C.J.*, 2011 IL App (4th) 110476, ¶ 30, 960 N.E.2d 694. Sharon does not argue her admission was involuntary or factually unsupported. A challenge to her admission of E.W.'s dependency is forfeited. Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013) ("Points not argued are waived ***."). Sharon's admission stands; the dependency finding is affirmed.

¶ 22 Sharon last asserts error arising from the dispositional hearing: she contends the trial court erroneously made E.W. a ward of the court. Sharon did not challenge the trial court's determination she was unwilling, unable, or unfit to care for E.W. or the court's decision an adjudication of wardship was in E.W.'s best interests. Sharon only states E.W. was improperly made a ward of the court because the neglect and dependency determinations were unsupported. Sharon's underlying arguments fail, and this contention also fails.

¶ 23 III. CONCLUSION

¶ 24 We affirm the trial court's judgment.

¶ 25 Affirmed.