2022 IL App (2d) 220271
No. 2-22-0271
Opinion filed December 13, 2022

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re B.S., a Minor,	)	Appeal from the Circuit Court
	)	of McHenry County.
	)	
	)	No. 21-JA-63
	)	
(The People of the State of Illinois,	)	Honorable
Petitioner-Appellee, v. Crystal S.,	)	Christopher M. Harmon,
Respondent-Appellant).	)	Judge, Presiding.

JUSTICE JORGENSEN delivered the judgment of the court, with opinion.
Justices Hutchinson and Hudson concurred in the judgment and opinion.

OPINION

¶ 1 Respondent, Crystal S., appeals from the trial court's order finding that she was unable to care for, protect, train, educate, supervise, or discipline her daughter B.S. (born on April 4, 2010) and that it was in B.S.'s best interests to place custody and guardianship with the Department of Children and Family Services (DCFS). Respondent argues that the court's findings and dispositional remedies were erroneous and requests that we (or the trial court at our direction) enter an order granting her custody and guardianship of B.S. We affirm.

¶ 2 I. BACKGROUND

¶ 3 On October 20, 2021, the State filed a petition for adjudication of wardship as to B.S., alleging that B.S. was an abused and/or neglected minor and that it was in her best interests to be adjudged a ward of the court. 705 ILCS 405/2-3(1) (West 2020). Respondent's name and address

were then unknown. The trial court entered a temporary custody order, finding that B.S.'s mother was unknown and granting temporary custody to DCFS. (The father, Ervin S., who had an active warrant for his arrest, was served by publication and subsequently found in default.)

¶ 4 Respondent was served and appeared on October 29, 2021. She was appointed counsel and requested, and was granted, supervised visitation with B.S.

¶ 5 A. Adjudicatory Hearing

¶ 6 At a February 10, 2022, adjudicatory hearing on the State's petition, respondent, who lives in Mississippi, stipulated as follows. On or about October 18, 2021, in Crystal Lake, Ervin, who resides in Missouri, jumped on the hood of a moving vehicle driven by the protected party of an order of protection against Ervin. When the police arrived, Ervin ran from the officers and was not located. He was charged with violation of an order of protection and reckless conduct. B.S. had traveled with Ervin from Oregon[1] to McHenry County, Ervin left her in a Super 8 motel in Crystal Lake, and officers located B.S. there with an adult male whom she and Ervin had met days earlier on the plane from Oregon. Ervin had an active warrant for his arrest, had left the motel, and his whereabouts were unknown. The family had a history with DCFS, specifically, a pending matter against Ervin for substantial risk of physical injury/injurious environment due to neglect. B.S. was neglected as a minor who was not receiving the proper or necessary support, education as required by law, medical or other remedial care as recognized under state law as necessary for a minor's well-being, or other care necessary for her well-being, including adequate food, clothing, and shelter, or who was abandoned by her parent.

[1] B.S. resided with her paternal grandmother in Oregon.

¶ 7 Respondent also stipulated that she and Ervin were divorced and that they had joint custody of B.S., as well as equal parenting time. Respondent's counsel stated that the stipulations were for purposes of only the adjudicatory hearing.

¶ 8 Shilla Hewins, a witness to Ervin riding on the hood of a vehicle, testified concerning her observations, including Ervin fleeing the scene, and photos she took at the scene. Crystal Lake police officer Eric Stopka testified about his activities and observations at the scene, including sending officers to the Super 8 motel to locate B.S. Crystal Lake police officer Brian Burr testified concerning a dispatch to the motel and his efforts to contact Ervin. At the motel, Burr located B.S. and an adult male. After Burr made contact with Ervin, Ervin would not appear to police, because he did not want to be arrested. The adult male told him that he was a stranger to the family and met them on the plane from Oregon. He was watching B.S. while Ervin was out. B.S. confirmed that the adult male was a stranger to her, that she was from Oregon, and that she did not know anyone in Illinois.

¶ 9 Marian Oyewande, an investigator with DCFS, took B.S. into protective custody on October 18, 2021, at the Crystal Lake Police Department. She testified that she eventually located respondent. B.S. told Oyewande that it had been a while since she had seen her mother. B.S. confirmed that she lived in Oregon and that she had been alone in the hotel with a man she had just met on a plane from Oregon.

¶ 10 The trial court found that B.S. was a neglected, abused, or dependent minor. 705 ILCS 405/2-3(1)(a), (1)(b), (2)(ii), 2-4(1)(a) (West 2020). The court inquired about visitation, and respondent's counsel stated that there was telephone and video communication between respondent and B.S. and that it had "been going well."

¶ 11 B. Subsequent Reports and Information

¶ 12 A DCFS integrated assessment filed on June 30, 2022, but compiled in March 2022, stated that respondent was interviewed and engaged well with the assessment team. Respondent worked as a cabinetmaker and glazed cabinets. She had worked at her current employment for two months. Respondent worked Monday through Friday, 8 a.m. to 5 p.m. Respondent had not seen B.S. in person since April 2020. If B.S. returned to her care, she could be available for after-school care, because her hours were flexible. She also reported that she had others who could assist with care. The report noted that a Law Enforcement Agencies Data System report was not available and that an out-of-state background check should be completed. Respondent reported being in a relationship for about 1½ years and described it as positive. She had a 14-year-old daughter who resided with her. She also shared with Ervin custody of B.S. and two other children.

¶ 13 The assessment stated that the primary concern was respondent's lack of relationship with B.S., as she had not been her custodial parent over the past several years. Also, B.S. was initially apprehensive of engaging in a relationship with respondent, "which has improved over time." "In order for reunification between [B.S.] and [respondent] to remain successful, they will need to address and improve their relationship through family therapy." Further, because respondent resided out of state, interstate compact[2] procedures needed to be followed to ensure a safe environment for B.S. The recommendations as to respondent were that (1) respondent abide by interstate compact procedures, including home visits and treatment recommendations; (2) respondent engage in family therapy with B.S., "when clinically indicated"; (3) respondent

[2] "Interstate compact" refers to the Interstate Compact on Placement of Children Act, which facilitates cooperation between states for the interstate placement of children. 45 ILCS 15/0.01 *et seq.* (West 2020).

complete regular random drug screens; and (4) an out-of-state background check be obtained and reviewed. The foregoing recommendations, the report noted, needed to be substantially achieved prior to reunification/permanency goal achievement. The report also recommended that respondent maintain stable housing, a recommendation that did not need to be substantially achieved. In the narrative addressing B.S., the report stated that, when she was initially placed in substitute care (in October 2021), B.S. had a poor perception of respondent and refused contact with her. However, she had begun to engage in more of a relationship with her mother since that time. It appeared to the reporter that B.S. had been provided with incorrect information concerning respondent's absence and had inconsistent timelines of when she had contact with respondent; respondent had provided photographic evidence that it had not been several years since she had contact. The assessment recommended that B.S. engage in family therapy with respondent "when clinically indicated." The assessment concluded that the prognosis for respondent to reunify with B.S. within 12 months was "guarded" and that "concurrent planning should be continued." There was "much unknown information" regarding respondent, and additional information should be obtained and reviewed. "The primary concern impacting reunification at this time is [B.S.'s] lack of relationship with [respondent]. They should engage in therapeutic services to strengthen their relationship in order for reunification to remain successful."

¶ 14 On March 25, 2022, DCFS filed a report, which noted that respondent had been cooperative with the agency, completed the integrated assessment, and agreed to complete services. It also noted that respondent spoke with B.S. daily either via phone or video call, had completed parenting classes, and would be participating in family therapy with B.S. "as soon as it is clinically recommended." The report also noted that the integrated assessment had recommended that respondent complete monthly random drug and alcohol tests and that a DCFS worker would set

up the testing to be completed in Mississippi. The report stated that the foster mother had reported that respondent called to check on B.S. every day and sent her clothes for Christmas. At first, B.S. refused to speak to respondent, but B.S. currently reported that she spoke to respondent twice per week and that their "relationship was a little better, but she still does not trust her."

¶ 15 The report, which mirrored the recommendations in the January 10, 2022, service plan that was filed on March 28, 2022, contained action steps for respondent (with a January 14, 2023, target completion date), which included agreeing to (1) participate in visits (in order to maintain contact with B.S.); (2) keep DCFS informed of all changes in address, phone number, employment, or household composition within 24 hours (to allow the agency to monitor the home situation); and (3) sign all necessary releases of information (to allow for ongoing communication between DCFS and service providers).

¶ 16 An April 1, 2022, Court Appointed Special Advocate (CASA) report to the court related that B.S. appeared to be happy during a foster home visit, excelled in school, and had no disciplinary issues. B.S. expressed frustration and lack of trust with respondent, because she claimed she had been promised a cell phone. The foster mother reported that a caseworker instructed the guardian *ad litem* (GAL) that respondent should not give B.S. a cell phone, because she was not to speak with Ervin.[3]

¶ 17 A CASA report filed on May 10, 2022, stated that B.S. told a CASA representative on March 31, 2022, that she had mixed feelings about going to live with respondent and would miss the foster mother and her family. She also related that, while she lived in Oregon, she spoke to respondent only " 'once in a while' but she was often 'too busy.' " Respondent never visited her

[3] Respondent subsequently provided B.S. with a cell phone, but it broke.

in Oregon. In May 2022, the CASA learned that B.S. had answered in a school mental health wellness questionnaire that she was depressed, and a school social worker reported that B.S. had reported feeling depressed and had thought about taking her own life. The social worker, however, stated that B.S. was currently low risk and had a good support system. She had encouraged B.S. to continue with therapy. B.S. identified her foster mother as her support system.

¶ 18 The trial judge met with B.S. *in camera* on June 1, 2022, and interstate compact filings were submitted on June 15, 2022.

¶ 19 A CASA report filed on June 28, 2022, stated that B.S. reported that "everything is going 'alright' with" respondent. B.S. twice stated that she was upset when respondent had told her that she was coming for one of the hearings in the spring but did not come. B.S. wanted to see respondent in person, especially if she was going to live with her. B.S. reported speaking to respondent several times per week, much of it via text.

¶ 20 C. Dispositional Hearing

¶ 21 On March 31, 2022, the case was to be heard for disposition, but it was continued. On April 21, 2022, the case was again continued, because respondent's counsel was unavailable. On May 12, 2022, the case was continued for the trial court to meet with B.S. *in camera* and for DCFS to contact its Mississippi counterpart for completion of a home safety check of respondent's home. As noted, the trial judge met *in camera* with B.S. on June 1, 2022.

¶ 22 The dispositional hearing occurred on June 30, 2022. The State filed the integrated assessment and the service plan and asked that B.S. be made a ward of the court and that the trial court find that respondent was "unable due to circumstances outside of her control, but based on that she lives out of state and that a few things need to be lined up before she is able to take" B.S. The State asked that guardianship and custody remain with DCFS with a goal of return home in

five months. It also requested that a mental health assessment, domestic violence assessment, and family reunification therapy be added to the service plan. The State noted that a home inspection was scheduled for later in the week.[4] Of the services requested, the court indicated that it would order only reunification services. The State also sought unsupervised visitation to commence that day.

¶ 23 Respondent argued that she was fit, willing, and able to parent B.S. and that her out-of-state residency did not make her unable. She also objected to the State's request for "additional services." Regarding reunification services specifically, she asked that, if they were ordered, the services be provided by a qualified reunification therapist. The court agreed that a qualified therapist would be appropriate but added that reunification services "may not be necessary." Nevertheless, the court noted that the State's request was an "appropriate disposition."

¶ 24 The GAL noted that, with respondent living in a different state, respondent should be found unable. However, the GAL also noted that she had spoken to B.S. and that B.S. wanted to live with respondent in Mississippi. The court responded that "[t]here's a few things that have to happen before that."

¶ 25 In its order, the court found that respondent was unable, for reasons other than financial circumstances alone, to care for, protect, train, educate, supervise, or discipline B.S. and that placement with her was contrary to B.S.'s health, safety, and best interests, because certain actions needed to be completed, namely: "parallel agency in Mississippi to conduct home inspection and family reunification therapy (by a trained re-unification therapist) if found necessary, and any other

[4] There is no indication in the record as to why the home safety check, which had first been requested in May 2022, had not been completed by the date of the dispositional hearing.

services as outlined in [integrated assessment] + service plan."[5] The order also noted that reasonable efforts and appropriate services aimed at family reunification had been made to keep B.S. in the home but they had not eliminated the necessity for her removal. The finding was based in part on the need for a "home inspection out of state + family reunification prior to [B.S.'s] return home." The order also noted that the service plan needed to be updated. The court adjudicated B.S. a ward of the court, granted custody of B.S. to DCFS with the right to place her, and granted guardianship of B.S. to DCFS.

¶ 26 The trial court set a permanency goal of return home within five months (November 4, 2022), set a hearing date of November 4, 2022, and noted that the return home might be sooner than that date.

¶ 27 A July 22, 2022, order reflects that, in open court, respondent made a renewed motion to return to her custody and guardianship of B.S. In the order, the court noted that it reserved ruling on the renewed motion, without specifying a date or otherwise expressing any intent to address the motion. The record contains no transcript of the July 22, 2022, proceedings and, thus, the basis of respondent's motion is unknown. Five days later, on July 27, 2022, respondent filed her notice of appeal. A hearing had been scheduled to occur on August 5, 2022.

¶ 28 II. ANALYSIS

[5]Ervin, the order noted, abandoned B.S. with no care plan, his whereabouts were unknown, he had been defaulted, and he had never appeared in court. The order stated that Ervin was unfit, unable, and unwilling to care for, protect, train, educate, supervise, or discipline B.S. and that placement with him was contrary to B.S.'s health, safety, and best interests.

¶ 29 Respondent argues that the trial court's finding that she was unable to care for B.S. and would jeopardize B.S.'s best interests was arbitrary, reached without supporting evidence, and premised upon unreasonable burden shifting. The trial court, she notes, specified that its decision that respondent was unable was based on the following: (1) a home inspection had not yet occurred, (2) reunification therapy was necessary, and (3) other services, as outlined in the integrated assessment and the service plan, were necessary. Respondent contends that (1) the trial court engaged in improper burden shifting in assessing the fact that a home inspection had not yet occurred; (2) the court ordered the reunification therapy only if necessary, and it did not find that the State had proven that it was necessary; and (3) there was no factual basis to support the need for certain other services. For the following reasons, we affirm, because we conclude that the court did not err in determining that reunification services were necessary and that this was the primary (and a sufficient) basis upon which the court adjudicated B.S. a ward of the court.

¶ 30 The Juvenile Court Act of 1987 (Act) (705 ILCS 405/1-1 *et seq.* (West 2020)) provides a two-step process for an adjudication of wardship. *In re A.P.*, 2012 IL 113875, ¶ 18. The first step is the adjudicatory hearing at which the trial court considers only whether the minor is abused, neglected, or dependent. 705 ILCS 405/2-18(1) (West 2020); *A.P.*, 2012 IL 113875, ¶ 19. If the trial court determines that the minor is abused, neglected, or dependent, then the matter proceeds to a dispositional hearing at which it determines whether it is consistent with the health, safety, and best interests of the minor and the public that the minor be made a ward of the court. 705 ILCS 405/2-21(2) (West 2020); *A.P.*, 2012 IL 113875, ¶ 21. The court must hold a dispositional hearing within six months of the minor's removal from the home. 705 ILCS 405/2-22(4) (West 2020). " '[C]ases involving allegations of neglect and adjudication of wardship are *sui generis* *** and

must be decided on the basis of their unique circumstances.' " *A.P.*, 2012 IL 113875, ¶ 17 (quoting *In re Arthur H.*, 212 Ill. 2d 441, 463 (2004)).

¶ 31 At the dispositional hearing, the trial court may commit the minor to wardship and place guardianship and custody with DCFS, if the trial court determines that the minor's parents are (1) "unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or are unwilling to do so" (inability) and (2) "that the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of his or her parents" (jeopardy). 705 ILCS 405/2-27(1) (West 2020). "[T]he paramount consideration is the best interests of the child." *A.P.*, 2012 IL 113875, ¶ 18. At the dispositional phase, the State bears the burden of proving inability by a preponderance of the evidence. *In re Kelvion V.*, 2014 IL App (1st) 140965, ¶ 23. "[A]ny helpful evidence 'may be admitted and may be relied upon to the extent of its probative value ***.' " *In re Zariyah A.*, 2017 IL App (1st) 170971, ¶ 88 (quoting 705 ILCS 405/2-22(1) (West 2016)). Section 2-27's purpose is not to terminate parental rights but, rather, to "decide what future actions are in the best interests of the child and whether to make the child a ward of the court." *In re Madison H.*, 215 Ill. 2d 364, 374 (2005). Respondent's appeal challenges the court's dispositional order.

¶ 32 A reviewing court defers to the trial court's findings of fact, because it is in the best position to observe the testimony of the witnesses, assess their credibility, and weigh the relative evidence. *In re Sharena H.*, 366 Ill. App. 3d 405, 415 (2006). We will reverse the trial court's determination "only if the factual findings are against the manifest weight of the evidence or if the court abused its discretion by selecting an inappropriate dispositional order." *In re Kamesha J.*, 364 Ill. App. 3d 785, 795 (2006). A finding is against the manifest weight of the evidence where the determination

is unreasonable. *In re Juan M.*, 2012 IL App (1st) 113096, ¶ 49. Similarly, a court abuses its discretion where its decision is unreasonable. *In re Ashli T.*, 2014 IL App (1st) 132504, ¶ 17.

¶ 33 Here, upon finding inability and jeopardy and adjudicating B.S. a ward of the court at the conclusion of the dispositional hearing, the trial court stated that certain actions remained to be completed: (1) a home inspection (to be conducted by a parallel agency in Mississippi), (2) family reunification therapy by a trained reunification therapist, "if found necessary," and (3) "any other services as outlined" in the integrated assessment and the service plan. Although various parties addressed respondent's out-of-state residency as contributing to her inability, the trial court did not make any findings as to this fact.

¶ 34 A. Forfeiture

¶ 35 Preliminarily, we address the State's argument that respondent has forfeited her claims concerning the dispositional order, because she failed to raise them below. The State takes the position that respondent's renewed motion to return guardianship and custody, upon which the trial court reserved ruling, was abandoned, because respondent filed her notice of appeal before the court's decision was scheduled to be made at the August 5, 2022, hearing. Thus, this court, the State contends, lacks a record from the trial court to consider the merits of respondent's claim.

¶ 36 Forfeiture principles apply to proceedings under the Act, but no postadjudication motion is required. *In re M.W.*, 232 Ill. 2d 408, 430 (2009). Moreover, forfeiture is a limitation on the parties, not this court. *In re T.B.*, 2020 IL App (1st) 191041, ¶ 68. Furthermore, given the fundamental liberty interest of parents to raise and care for their children, courts may overlook a party's forfeiture. See *In re Z.L.*, 2021 IL 126931, ¶ 88 (adjudication-of-wardship case).

¶ 37 In light of the fact that a postadjudication motion is not required and the fact that this case involves a constitutionally protected right, we will address respondent's arguments.

¶ 38 B. Family Reunification Services

¶ 39 Respondent argues that the trial court erroneously determined that family reunification services were necessary before respondent would have the ability to care for B.S. and before it would be in B.S.'s best interests to return home. Respondent notes that the trial court did not know whether reunification services would be appropriate. It specifically ordered the therapy "if found necessary." This finding essentially shows, she argues, that the State had not proven by a preponderance of the evidence that reunification services were necessary. Respondent further notes that the trial court commented that the services "may not be necessary" and that a March 25, 2022, DCFS report recommended that respondent engage in family therapy with B.S. "as soon as it is clinically recommended."

¶ 40 Respondent also argues that the trial court had insufficient information or evidence from which to draw a finding as to whether reunification services were necessary and that it was the State's burden to ensure the sufficiency of the information and evidence before the court. She contends that the court could have adjourned the hearing until an assessment could be completed to determine whether those services were necessary. However, it did not do so. Also, the State or the agencies could have requested, and the court could have ordered, that respondent complete the assessment in advance of the dispositional hearing. No such request was made or order entered. In respondent's view, neither the State nor the court believed that reunification services were so necessary that an assessment should be obtained in advance, yet the court drew a negative inference against respondent due to the lack of evidence presented by the State. Respondent contends that, because the court's finding as to her inability and jeopardy was premised upon the absence of services that it admitted may not even be necessary, the court's finding was arbitrary and against the manifest weight of the evidence.

¶ 41 The State responds that the record supported a finding that reunification services were necessary before B.S. could safely be returned to respondent's care. The record, it asserts, established that the relationship between respondent and B.S. required repair through such services, as evidenced by the reports of B.S.'s lack of trust in, and frustration with, respondent over the cell phone incident and her failure to appear in person at one of the hearings. The State also argues that, as we may affirm on any basis found in the record, we need focus on only the court's order and not its reasoning. Finally, the State notes that the Act provides that, in entering a dispositional order, the trial court may not direct DCFS to provide a specific service or utilize a specific service provider. 705 ILCS 405/2-23(3) (West 2020). Accordingly, the court's statements concerning reunification services merely acknowledged the parameters of the court's statutory authority and that the persons providing the services to respondent and B.S. should determine the type and extent of the reunification services. The comments, the State argues, did not diminish the overwhelming evidence supporting the finding that respondent was unable to provide for B.S.

¶ 42 We conclude that the trial court did not err in ordering reunification services. As noted, respondent contends that, before the court entered its dispositional order, the State or the agencies could have requested that an assessment first be conducted to determine whether services were necessary. However, although she objected during the hearing to the State's recommendation for reunification services, respondent did not argue that an assessment first be conducted. She raises it for the first time on appeal. Also, the hearing occurred eight months after B.S. was removed from Ervin's care, and, thus, outside the statutory six-month deadline. See 705 ILCS 405/2-22(4) (West 2020) ("On its own motion or that of the State's Attorney, a parent, guardian, custodian, responsible relative or counsel, the court may adjourn the hearing for a reasonable period to receive reports or other evidence, if the adjournment is consistent with the health, safety and best interests

of the minor, but in no event shall continuances be granted so that the dispositional hearing occurs more than 6 months after the initial removal of a minor from his or her home."). Therefore, we reject respondent's argument that the court could have adjourned the hearing until the assessment was complete, as she failed to raise it below and because any additional delay would have violated the Act's requirements.

¶ 43 The evidence supported the court's finding that the need for reunification services was the primary reason why respondent was unable to care for B.S. The integrated assessment, which was dated March 1, 2022, identified the primary concern as respondent's lack of relationship with B.S. It noted that respondent had not been the custodial parent for several years; respondent reported that the last time she had seen B.S. in person before this case was April 2020. The document also stated that B.S. was initially apprehensive of engaging in a relationship with respondent, although that had improved over time (and the GAL noted at the dispositional hearing that B.S. wanted to live with respondent). Accordingly, the integrated assessment recommended that, for reunification to succeed, respondent and B.S. needed to address and improve their relationship through family therapy. One of the recommendations for respondent was to engage in family therapy with B.S., "when clinically indicated." (Similarly, one of B.S.'s recommendations was to engage in family therapy with respondent, "when clinically indicated.") The assessment concluded, in a section addressing the prognosis, that the "*primary* concern impacting reunification" (emphasis added) was B.S.'s "lack of relationship" with respondent and stated that they "should engage in therapeutic services to strengthen their relationship in order for reunification to remain successful." In light of these recommendations, we cannot conclude that the court erred in determining that reunification services were necessary.

¶ 44 C. Other Services

¶ 45 Next, respondent argues that the trial court's finding that she needed other services, as outlined in the integrated assessment and the service plan, was erroneous, because the need for the services was not supported or justified, based on the documents themselves. The integrated assessment recommended that (1) respondent abide by the interstate compact placement procedures, (2) she engage in family therapy with B.S. "when clinically indicated," (3) she complete drug screens, (4) a background check be obtained, and (5) respondent maintain stable housing. The service plan recommended that respondent (1) participate in visits and maintain regular contact with B.S., (2) keep DCFS informed of any changes in her personal information, (3) agree to and sign any necessary releases, (4) comply with court orders, and (5) attend court dates. Respondent also contends that the court impermissibly engaged in burden shifting when it relied on the absence of a home inspection.

¶ 46 We need not address these arguments, because the primary basis upon which the court adjudicated B.S. a ward of the court was the need for reunification services. This finding, as we concluded above, was amply supported by the record, and it constituted a sufficient basis for the court's inability finding.

¶ 47 Respondent also takes issue with the State's and the GAL's arguments at the dispositional hearing that respondent should have been found unable because she resided out of state. However, we will not address this issue, because the trial court did not base its decision, either explicitly or implicitly, on the fact that respondent resided out of state.

¶ 48 D. Adjudication of Wardship

¶ 49 Respondent next argues that the evidence showed that she is able to properly care for, protect, train, or discipline B.S. and that it was in B.S.'s best interests to be placed with respondent. The reports available to the trial court, she contends, reflected a safe and stable housing

environment, recognition that restoration of custody may occur even while reunification therapy was ongoing, a burgeoning relationship between respondent and B.S., the absence of drug use or a criminal record, and timely compliance with services.

¶ 50 Respondent notes that she timely completed her parenting class and provided a copy of B.S.'s birth certificate. Respondent also notes that she attended all court dates, including traveling to Illinois to attend the dispositional hearing. The only reference to her housing circumstances in the record reflects a safe and stable environment. Respondent notes that she has had a stable relationship with her paramour for about 18 months and resides in her home with other children. Also, the recommendation was that she maintain stable housing, not that she obtain it. The integrated assessment stated that B.S.'s relationship with respondent improved over time and that, notwithstanding B.S.'s complaint concerning a cell phone, by the time of the dispositional hearing, B.S. wanted to live with respondent in Mississippi. The evidence also did not show any drug or alcohol abuse by respondent.

¶ 51 As to reunification services, respondent argues that the integrated assessment recommended family therapy but with a recommendation that B.S. be placed with respondent pursuant to the interstate compact placement procedures. The integrated assessment did not in any way advocate against returning B.S. to respondent's care but contemplated the possibility that the trial court could elect a return. Respondent further notes that the integrated assessment stated that B.S.'s relationship with her had improved over time and that family therapy was necessary for reunification "to remain successful." This language, she argues, implied that her reunification with B.S. was already successful and that family counseling was needed only for reunification to remain successful. The assessment was evidence, she argues, that she was presently able to care for B.S.

(Respondent also notes that the service plan did not recommend reunification services at the time of the dispositional hearing.)

¶ 52 Addressing the CASA reports, respondent contends that they showed that her relationship with B.S. improved over time. By the time of the dispositional hearing, B.S. wanted to live with respondent in Mississippi.

¶ 53 Finally, respondent argues that additional factors that may have been considered by the trial court weighed in her favor. Specifically, she contends that (1) there is no evidence in the record of alcohol or drug dependency on her part; (2) there was no evidence that she had a criminal background; (3) she timely completed certain services, including a parenting class, and complied with a request to provide B.S.'s birth certificate; and (4) she attended her court dates.

¶ 54 Respondent contends that the evidence showed she was able to protect and parent B.S., that B.S. wanted to return home with her, and that it was in B.S.'s best interests to return home on June 30, 2022. The trial court found otherwise, despite the lack of evidence that her home was unsafe or that reunification therapy was necessary or appropriate. And it relied on generic and unsupported services recommendations.

¶ 55 We conclude that the trial court's findings were not against the manifest weight of the evidence. The record reasonably reflected that the primary concern was that respondent and B.S.'s relationship needed to be reestablished before B.S. could be returned to respondent's care. Initially, B.S. did not trust her mother. When B.S. was removed from Ervin's care in October 2022, she had not seen respondent for over 1½ years. According to a CASA report, B.S. related that, while she lived in Oregon, she spoke to respondent only " 'once in a while; but she was often 'too busy' " and respondent never visited her in Oregon. Over time, their relationship improved such that, by the time of the dispositional hearing, the GAL reported that B.S. wished to live with her mother in

Mississippi. Although we believe that the trial court could have reasonably discounted the information in the reports available to it concerning respondent's housing environment, substance-use information, and criminal record (or lack thereof), as the only information contained in the reports was self-reported by respondent (see *Sharena H.*, 366 Ill. App. 3d at 415 (reviewing court defers to trial court's credibility determinations)), we would not find error even if these factors weighed in respondent's favor, because the court primarily based its decision on the need for reunification services.

¶ 56 We further conclude that the trial court's dispositional order did not constitute an abuse of discretion. The order for reunification therapy and other services the court identified was not erroneous, as we discussed above. Furthermore, the court met *in camera* with B.S., and we do not know the substance of their conversation. The record also reflected that B.S. had mental health issues and was in therapy. Given the need for reestablishment and repair of respondent's relationship with B.S., the trial court's adjudication of B.S. as a ward of the court was not unreasonable.

¶ 57 Respondent argues that the record shows that the trial court failed to consider alternative dispositional remedies and, thus, it acted arbitrarily, without reason, and without factual basis. She notes that a minor adjudicated a ward of the court may be (1) continued in the custody of his or her parents, guardian, or legal custodian; (2) placed with a person other than his or her parent, guardian, or legal custodian pursuant to section 2-27 of the Act; (3) restored to the custody of the parent, guardian, or legal custodian; or (4) ordered emancipated. 705 ILCS 405/2-23(1)(a) (West 2020). Respondent maintains that the court selected placement of B.S. over custodial restoration despite there being no information or evidence supporting such a remedy. The court did not indicate on the record, respondent notes, what alternatives it did or did not consider. No

explanation was given, she contends, as to why the court did not restore B.S. to respondent's care with terms of protective supervision. The State responds that the various dispositional options are detailed in the form dispositional order, with individual boxes that may be checked regarding guardianship and custody of the minor. It points out that, since guardianship and custody have separate sections within the dispositional order, the court clearly knew and understood that it could separate guardianship and custody if it chose to do so. The record, it argues, does not affirmatively show that the trial court did not know that it had such discretion, nor does it show that it refused to exercise its discretion.

¶ 58 We agree with the State that the record does not reflect that the trial court failed to consider dispositional alternatives. "The circuit court is presumed to know the law and apply it properly, absent an affirmative showing to the contrary in the record." *In re N.B.*, 191 Ill. 2d 338, 345 (2000). The form dispositional order listed all available alternatives to the court, and any argument that the court was unaware of, or did not consider, all available alternatives and that this constituted an abuse of discretion is not well taken.

¶ 59 III. CONCLUSION

¶ 60 For the reasons stated, we affirm the judgment of the circuit court of McHenry County.

¶ 61 Affirmed.

***In re B.S.*, 2022 IL App (2d) 220271**

Decision Under Review:	Appeal from the Circuit Court of McHenry County, No. 21-JA-63; the Hon. Christopher M. Harmon, Judge, presiding.
Attorneys for Appellant:	Steven J. Brody and Timothy D. Brandner, of Steven J. Brody & Associates, Ltd., of Huntley, for appellant.
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