

**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).

**FILED**

October 31, 2014

Carla Bender

4<sup>th</sup> District Appellate Court, IL

2014 IL App (4th) 140340-U

NOS. 4-14-0340, 4-14-0341, 4-14-0342, 4-14-0343, 4-14-0344 cons.

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: B.K., a Minor,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Woodford County
v. (No. 4-14-0340)	)	No. 13JA9
MORRISSA BASHAM,	)	
Respondent-Appellant.	)	
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In re: E.W., a Minor,	)	No. 13JA10
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-14-0341)	)	
MORRISSA BASHAM,	)	
Respondent-Appellant.	)	
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In re: L.B., a Minor,	)	No. 13JA11
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-14-0342)	)	
MORRISSA BASHAM,	)	
Respondent-Appellant.	)	
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In re: M.B., a Minor,	)	No. 13JA12
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-14-0343)	)	
MORRISSA BASHAM,	)	
Respondent-Appellant.	)	
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In re: B.D., a Minor,	)	No. 13JA13
THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Petitioner-Appellee,	)	
v. (No. 4-14-0344)	)	
MORRISSA BASHAM,	)	
Respondent-Appellant.	)	Honorable Charles M. Feeney, Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.  
Presiding Justice Appleton and Justice Harris concurred in the judgment.

## ORDER

¶ 1 *Held:* The appellate court affirmed, finding the trial court did not abuse its discretion in its dispositional order.

¶ 2 In November 2013, the State filed petitions for adjudication of wardship with respect to B.K., E.W., L.B., M.B., and B.D., the minor children of respondent, Morrissa Basham. In April 2014, the trial court adjudicated the minors wards of the court. In regard to B.K., the court placed custody and guardianship of the minor with his father, Nathaniel Klein.

¶ 3 On appeal, respondent argues the trial court lacked a factual basis for finding Klein fit and abused its discretion in its dispositional order. We affirm.

### ¶ 4 I. BACKGROUND

¶ 5 In November 2013, the State filed a petition for adjudication of wardship with respect to B.K., born in 1999, the minor child of respondent and Nathaniel Klein. The petition alleged B.K. was neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (Act) (705 ILCS 405/2-3(1)(b) (West 2012)) because respondent had mental-health issues leading to her threatening to harm herself and her children. The petition also alleged B.K. was neglected pursuant to section 2-3(1)(a) of the Act (705 ILCS 405/2-3(1)(a) (West 2012)) because respondent and her children were homeless and respondent failed to provide adequate shelter for the minors. The State also filed petitions for adjudication of wardship with respect to respondent's other children, including B.D., born in 1996; E.W., born in 2000; L.B., born in 2008; and M.B., born in 2010. At the shelter-care hearing, the State agreed to release B.K. to his father but sought temporary custody of B.K.'s four siblings.

¶ 6 In March 2014, the State filed supplemental petitions for adjudication of wardship, alleging the minors were dependent (705 ILCS 405/2-4(b) (West 2012)) because respondent had been diagnosed with a bipolar-with-amphetamine-withdrawal-syndrome-mental-

health disability that interferes with her ability to make proper choices regarding the minors' care. The trial court found the minors dependent based on respondent's admission. The allegations of neglect were dismissed.

¶ 7 The dispositional report indicated B.K. was 15 years old and a freshman in high school. He had no health or behavioral issues. He had adjusted well to being home with his father and stated he wanted to live with him. The report also indicated Nathaniel Klein had housing and was employed with HGS USA, LLC. B.K. was placed with him in November 2013, and Klein indicated his desire to obtain custody of B.K. and have him live with him.

¶ 8 In April 2014, the trial court found respondent unable to care for, protect, train, educate, supervise, or discipline the minors, and placement with her was contrary to the health, safety, and best interests of the minors because of her mental-health issues. The court also found Klein fit, able, and willing to care for, protect, train, educate, supervise, or discipline B.K. and he would not endanger the health, safety, or well-being of B.K. The court made B.K. a ward of the court and placed custody and guardianship of him with Klein. The court also made the other minors wards of the court. This appeal followed.

¶ 9 II. ANALYSIS

¶ 10 On appeal, respondent limits her argument to issues surrounding B.K. and his father, Nathaniel Klein. She contends the trial court erred in placing B.K. under his care and guardianship. We disagree.

¶ 11 In deciding whether a minor should become a ward of the court, the trial court engages in a two-step process. *In re A.P.*, 2012 IL 113875, ¶ 18, 981 N.E.2d 336. First, an adjudicatory hearing on the State's petition for adjudication of wardship is considered to determine whether the minor is abused, neglected, or dependent. *A.P.*, 2012 IL 113875, ¶ 19,

981 N.E.2d 336 (citing 705 ILCS 405/2-18(1) (West 2010)). If the court finds the minor abused, neglected, or dependent, then the matter moves to step two, which is the dispositional hearing.

*A.P.*, 2012 IL 113875, ¶ 21, 981 N.E.2d 336 (citing 705 ILCS 405/2-21(2) (West 2010)).

¶ 12 Under the Act, in a dispositional hearing, the trial court determines whether it is in the minor's best interest to be made a ward of the court. 705 ILCS 405/2-22(1) (West 2012).

"Only after a finding it is in the best interest of the child to make him a ward of the court can the court issue a dispositional order affecting the future conduct of the parents." *In re A.S.*, 2014 IL App (3d) 130163, ¶ 22, 9 N.E.3d 615.

"A minor found to be neglected[, abused, or dependent] and made a ward of the court may be: (1) continued in the care of his parent, guardian or legal custodian; (2) restored to the custody of his parent, guardian or legal custodian; (3) ordered partially or completely emancipated; or (4) placed in accordance within section 2-27 of the Act. 705 ILCS 405/2-23(1)(a) (West 2012)."

*A.S.*, 2014 IL App (3d) 130163, ¶ 23, 9 N.E.3d 615.

¶ 13 On appeal, this court will not reverse a trial court's decision unless its 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). "A decision is against the manifest weight of the evidence if the facts clearly demonstrate that the court should have reached the opposite result." *In re N.B.*, 191 Ill. 2d 338, 346, 730 N.E.2d 1086, 1090 (2000).

¶ 14 Citing *In re C.L.*, 384 Ill. App 3d 689, 695, 894 N.E.2d 949, 954 (2008), respondent argues that when a minor has a parent who will act in the minor's best interest, then

the trial court should not designate the minor to be a ward of the court. However, the Third District noted that in the dispositional hearing, the trial court must first determine whether the minor should become a ward of the court. *C.L.*, 384 Ill. App. 3d at 693, 894 N.E.2d at 953. The court also stated "[o]nly after a finding that the minor should be made a ward of the court can the court issue a dispositional order affecting the future conduct of the parents." *C.L.*, 384 Ill. App. 3d at 693, 894 N.E.2d at 953. In the case *sub judice*, the trial court had to make B.K. a ward of the court prior to placing him in the custody and guardianship of his father.

¶ 15 Respondent argues the trial court lacked a factual basis for finding Klein to be fit. Only after the minor is made a ward of the court may the court consider a disposition (705 ILCS 405/2-22(1) (West 2012)), and the parent's dispositional fitness is relevant to the disposition (705 ILCS 405/2-27(1) (West 2012)). Respondent points out the integrated assessment reported her claim that she and Klein were abusive to each other and that B.D. liked Klein until Klein hit respondent. Respondent also claims the dispositional report that stated Klein had no "recent" criminal involvement did not define "recent" or provide details of his criminal history.

¶ 16 The March 2014 dispositional report indicated Klein was employed, had housing, and provided for the needs of B.K. Searches for criminal activity were negative. The report also indicated B.K. had adjusted well to being home with his father and noted his desire to live with Klein.

¶ 17 The evidence indicated Klein was capable of providing for B.K. and was taking care of his needs. Nothing indicated Klein had any pending criminal proceedings that might interfere with his ability to care for B.K. Moreover, respondent did not object to the contents of the report at the dispositional hearing and stated she had no corrections. As respondent's claim is speculative, we find the trial court's fitness finding as to Klein was not against the manifest

weight of the evidence.

¶ 18 Respondent also argues the dispositional order was improper because the trial court did not order any services for Klein and B.K. However, a service plan had been established for Klein and B.K. The plan set the goal for B.K.'s continued education, counseling, and medical treatment. No evidence indicated additional services were necessary. We find the court's dispositional order did not constitute an abuse of discretion.

¶ 19 III. CONCLUSION

¶ 20 For the reasons stated, we affirm the trial court's judgment.

¶ 21 Affirmed.