

**NOTICE**

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**FILED**

March 7, 2017  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

2017 IL App (4th) 160735-U

No. 4-16-0735

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: C.S., K.S., and H.S., Minors,	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit Court of
Petitioner-Appellee,	)	Champaign County
v.	)	No. 16JA20
CHRISTOPHER SULLIVAN,	)	
Respondent-Appellant.	)	Honorable
	)	Brett N. Olmstead,
	)	Judge Presiding.

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

**ORDER**

¶ 1 *Held:* The appellate court affirmed, concluding the trial court’s decision to adjudicate the minors wards of the court was not against the manifest weight of the evidence.

¶ 2 Respondent father, Christopher Sullivan, appeals from the trial court’s dispositional order adjudicating his two children, C.S. (born October 14, 2005) and K.S. (born June 2, 2010), wards of the court. (H.S. is not involved in this appeal as the minor has another putative father.) Respondent argues the trial court’s wardship findings are against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In June 2016, the State filed a petition for adjudication of wardship, alleging C.S. and K.S. were neglected children as defined by section 2-3(1)(b) of the Juvenile Court Act of

1987 (Act) (705 ILCS 405/2-3(1)(b) (West 2014)) because they were subjected to an injurious environment when residing with their mother, Tamara Stanberry, due to their exposure to substance abuse. Following a July 8, 2016, shelter-care hearing, the trial court found probable cause to believe the minors were neglected, removed custody from Stanberry, and placed temporary custody with respondent.

¶ 5 In August 2016, the trial court held an adjudicatory hearing. Stanberry admitted and stipulated to one count of the State's petition, the State dismissed the other count, and Stanberry and respondent waived adjudication. The court entered an adjudicatory order finding the minors to be neglected.

¶ 6 In September 2016, the trial court held a dispositional hearing. The court was presented with a dispositional report. The report indicated the minors resided in a three-bedroom home with respondent, respondent's mother, and respondent's brother. The home presented no safety concerns. Respondent was employed, and his interactions with the minors were positive and appropriate. Respondent acknowledged having previous substance-abuse issues.

¶ 7 The relationship between respondent and Stanberry lasted approximately 12 years. Both respondent and Stanberry reported domestic-violence and substance-abuse issues in the relationship. Respondent reported the last two years of the relationship " 'were hell.' " Respondent indicated his relationship with Stanberry ended after a June 15, 2014, incident. On that date, an argument transpired between respondent and Stanberry after Stanberry returned to the family home intoxicated. The argument led to a physical altercation. Stanberry reported respondent threw her to the ground and slammed her eldest son against the wall after he attempted to intervene. Conversely, respondent reported he "grabbed [Stanberry's] shoulders to

move her,” which caused her to trip and hit her hip on a bed frame, and “pinned” Stanberry’s son against the wall to avoid being attacked. Respondent was charged with domestic battery and indicated on “substantial risk of physical injury/environment injuries [*sic*] to health and welfare” as to K.S. and Stanberry’s son. Respondent was ultimately found not guilty of the domestic-battery charge.

¶ 8           The dispositional report disclosed a pending investigation relating to an incident of substance abuse and inappropriate behavior by respondent. On July 15, 2016, a hotline report was created based on a July 4, 2016, incident where an altercation occurred between respondent and his mother because respondent attempted to drive a vehicle while intoxicated. During the incident, it was reported (1) respondent and his mother were pulling on K.S., and (2) respondent punched a glass door or window. Respondent acknowledged he had been drinking but maintained his cousin was going to drive the vehicle. Respondent admitted when his family stepped in to prevent him from leaving with the minors he became “escalated.” The minors reported this was the first time they observed respondent intoxicated and that he was yelling. K.S. reported she did not feel safe with respondent because he drinks and screams.

¶ 9           The dispositional report further outlined multiple incidents where Stanberry was involved with domestic violence or substance abuse. On May 27, 2015, an investigation was conducted after police were called due to an argument between Stanberry, who was intoxicated, and her paramour. On September 5, 2015, an intact case was opened after Stanberry had a physical altercation with the minors’ great-grandfather, and Stanberry later tested positive on a drug screen for cocaine. On June 11, 2016, Stanberry was placed on a safety plan after the police found a glass pipe and crack cocaine in her possession, and she later tested positive on two drug

screens for cocaine. On February 4, 2016, a hotline report was created after K.S appeared visibly upset at school and reported she observed the May 2015 domestic-violence incident between Stanberry and her paramour.

¶ 10 The author of the dispositional report concluded respondent was not in need of any services and recommended he be granted guardianship of the minors.

¶ 11 The State and the guardian *ad litem* (GAL) recommended the minors be made wards of the court, guardianship be granted to the Department of Children and Family Services (DCFS), and custody remain with respondent. Both the State and the GAL (1) expressed concern with respondent's July 4, 2016, incident as it highlighted another episode of substance abuse and inappropriate behavior that caused the minors to be afraid; and (2) believed respondent could benefit from additional services. Respondent recommended he be granted both guardianship and custody and the case be closed. Respondent assured the court he would provide Stanberry with supervised visitation without the need for court or DCFS involvement.

¶ 12 The trial court found the recommendation to not make the minors wards of the court would be inconsistent with the minors' best interests. The court noted the minors had repeatedly been exposed to substance abuse and domestic violence. Given respondent's history with Stanberry and the July 4, 2016, incident, the court expressed concern with respondent's (1) understanding of the effect substance abuse and losing control can have on the minors; and (2) ability to successfully manage a relationship with Stanberry. The court found, while respondent was fit and able to exercise custody, he could also benefit from additional services. Based on the evidence presented, the court found it was in the minors' best interests (1) they be made wards of the court, (2) guardianship be placed with DCFS, and (3) custody continue with respondent.

¶ 13 This appeal followed.

¶ 14 II. ANALYSIS

¶ 15 On appeal, respondent argues the trial court’s wardship findings are against the manifest weight of the evidence. Specifically, respondent contends a single incident in which it is alleged a parent intended to drive a vehicle while intoxicated with the children is insufficient to sustain an adjudication of wardship. Respondent further asserts the court’s concern with his ability to successfully manage a relationship with Stanberry was improper because it hindered the rights of one parent because of the issues of the other.

¶ 16 The Act (705 ILCS 405/1-1 to 7-1 (West 2014)) provides a two-step process to determine whether a minor should be removed from his or her parents' custody and made a ward of the court. *In re A.P.*, 2012 IL 113875, ¶ 18, 981 N.E.2d 336. The first step requires the trial court to conduct an adjudicatory hearing to determine whether a minor is abused, neglected, or dependent. *Id.* ¶ 19. If the court finds the minor to be abused, neglected, or dependent, it moves to the second step and conducts a dispositional hearing to determine “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.” *Id.* ¶ 21.

¶ 17 On review, a trial court’s decision “will be reversed only if the findings of fact are against the manifest weight of the evidence or the court committed an abuse of discretion by selecting an inappropriate dispositional order.” *In re J.W.*, 386 Ill. App. 3d 847, 856, 898 N.E.2d 803, 811 (2008). A court’s factual finding is against the manifest weight of the evidence where the opposite conclusion is clearly evident or where its finding is unreasonable, arbitrary, or not based on the evidence presented. *Best v. Best*, 223 Ill. 2d 342, 350, 860 N.E.2d 240, 245 (2006).

¶ 18 After reviewing the record, we cannot say it is clear the trial court should have reached the opposite result with respect to its wardship findings. Again, the primary consideration is the minors' best interests. *A.P.*, 2012 IL 113875, ¶ 21, 981 N.E.2d 336. The court highlighted the minors' repeated exposure to substance abuse and domestic violence. On July 4, 2016, respondent exposed the minors to another instance of substance abuse and inappropriate behavior. The court, along with the State and the GAL, expressed concern with respondent's understanding of the effect his actions had on the minors and found he could benefit from additional services. The court additionally expressed concern with respondent's ability to manage the relationship with Stanberry given their history. By making the minors wards of the court, the court was able to ensure (1) respondent was seeking additional services to prevent the minors' possible exposure to future instances of substance abuse and inappropriate behavior, and (2) visitation with Stanberry was regulated in order to avoid a possible confrontation. Under the circumstances presented, we find the trial court's wardship findings are not against the manifest weight of the evidence.

¶ 19 III. CONCLUSION

¶ 20 We affirm the trial court's judgment.

¶ 21 Affirmed.