

NOTICE

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2017 IL App (4th) 160771-U
NOS. 4-16-0771, 4-16-0772, 4-16-0773, cons.

FILED
February 14, 2017
Carla Bender
4th District Appellate
Court, IL

**IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT**

In re: B.Z., a Minor,)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,)	Circuit Court of
Petitioner-Appellee,)	Macon County
v. (No. 4-16-0771))	No. 16JA92
JAMMIE ZIENTARA,)	
Respondent-Appellant.)	
_____)	
In re: K.Z., a Minor,)	No. 16JA93
THE PEOPLE OF THE STATE OF ILLINOIS,)	
Petitioner-Appellee,)	
v. (No. 4-16-0772))	
JAMMIE ZIENTARA,)	
Respondent-Appellant.)	
_____)	
In re: M.Z., a Minor,)	
THE PEOPLE OF THE STATE OF ILLINOIS,)	No. 16JA94
Petitioner-Appellee,)	
v. (No. 4-16-0773))	
JAMMIE ZIENTARA,)	Honorable
Respondent-Appellant.)	Thomas E. Little,
_____)	Judge Presiding.

JUSTICE STEIGMANN delivered the judgment of the court.
Presiding Justice Turner and Justice Appleton concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed the trial court’s judgment making the neglected minors wards of the court.

¶ 2 In 2016, the State filed petitions for adjudication of wardship, alleging that the minor children of respondent, Jammie Zientara, were abused and neglected. At the August 2016

adjudicatory hearing, respondent stipulated to the facts supporting the allegation of neglect. The trial court accepted that stipulation and found the children neglected.

¶ 3 After an October 2016 dispositional hearing, the trial court made the children wards of the court and placed them in the guardianship of the Department of Children and Family Services (DCFS).

¶ 4 Defendant appeals, arguing that the trial court's decision to make the children wards of the court and place them in the guardianship of DCFS was against the manifest weight of the evidence. We disagree and affirm.

¶ 5 I. BACKGROUND

¶ 6 A. The Petitions for Wardship

¶ 7 In July 2016, the State filed petitions alleging that B.Z. (born August 6, 2007); K.Z. (born December 4, 2005); and M.Z. (born February 15, 2016) were abused and neglected pursuant to sections 2-3(1)(b), (2)(i), and (2)(ii) of the Juvenile Court Act of 1987. 705 ILCS 405/2-3(1)(b), (2)(i), (2)(ii) (West 2014). The petitions alleged that respondent had struck the children with a yardstick, spoon, ruler, and spatula, while also threatening to kill them.

¶ 8 B. The Adjudicatory Hearing

¶ 9 At the August 2016 adjudicatory hearing, respondent stipulated to one allegation of neglect, and the State dismissed the two allegations of abuse. The trial court accepted respondent's stipulation and found the children neglected.

¶ 10 C. The Dispositional Hearing

¶ 11 At the October 2016 dispositional hearing, Lutheran Child and Family Services caseworker Talaena Vessels recommended that the children be placed in the guardianship of DCFS. Vessels testified that respondent still needed to complete several services before DCFS

would allow the children to return to respondent's home.

¶ 12 Specifically, Vessels testified that respondent (1) had "substance abuse issues," (2) failed to attend several of his scheduled drug tests, (3) tested positive for marijuana and methamphetamine, and (4) had not yet obtained a substance-abuse assessment. Respondent claimed that he had been too busy to attend the assessment. In addition, Vessels stated that respondent needed counseling, domestic-violence services, and parenting services. Respondent also had arrived late to some of his parenting visits. Vessels opined that respondent's home was not an appropriate environment for children because it was being remodeled. The carpet and flooring were torn up, electrical outlets lacked covers, and some insulation was uncovered.

¶ 13 Respondent testified that he had not participated in a substance-abuse evaluation because, at first, he "didn't want to" but intended to schedule an evaluation as soon as possible. Respondent explained that he missed his drug tests because he was working in Springfield, and the testing facility closed before he could return to Decatur after work. Respondent testified that he had completed two drug screens in the week before, the results of which he had not yet received. Respondent had not attended domestic-violence counseling because he was required to complete individual counseling first. Respondent was attending a men's group at a local church, where he could discuss life issues with other men in the community. As to his home, respondent testified that he was still finishing several projects but that the home was safe and had running water, electricity, and food.

¶ 14 The trial court found Vessels' testimony credible. The court found further that it was in the children's best interest to be made wards of the court and placed in the guardianship of DCFS.

¶ 15 This appeal followed.

¶ 16

II. ANALYSIS

¶ 17 Respondent argues that the trial court’s decision to make the children wards of the court and place them in the guardianship of DCFS was against the manifest weight of the evidence. We disagree.

¶ 18 A. Applicable Law and the Standard of Review

¶ 19 At a dispositional hearing, the trial court is tasked with determining “whether it is in the best interests of the minor and the public that [the minor] be made a ward of the court[.]” 705 ILCS 405/2-22(1) (West 2014). The court may commit a minor to the guardianship of DCFS if the court finds the following:

“[T]he parents *** are 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, and 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[.]” 705 ILCS 405/2–27(1) (West 2014).

A trial court’s decision after a dispositional hearing will be reversed on appeal “only if the findings of fact are against the manifest weight of the evidence[.]” *In re J.W.*, 386 Ill. App. 3d 847, 856, 898 N.E.2d 803, 811 (2008).

¶ 20 B. The Trial Court’s Determinations in This Case

¶ 21 In this case, the trial court’s decision to make the children wards of the court was not against the manifest weight of the evidence. The testimony presented established that respondent was unfit—for reasons other than financial circumstances alone—to care for and protect the minors, such that the health, safety, and best interest of the minors would be jeopardized by remaining in respondent’s custody.

¶ 22 The impetus for the State’s filing the petition for adjudication of wardship in this case was the physical violence perpetrated by respondent toward his children. In response to that violence, DCFS’ plan demanded that respondent attend domestic violence counseling. At the time of the dispositional hearing, respondent had not yet completed—or even started—those services. Respondent’s argument that the trial court erred by finding him unfit is unpersuasive because respondent failed to address the issue—domestic violence—that prompted the allegation of neglect to which respondent stipulated.

¶ 23 Further, respondent’s issues with controlled substances had likewise not been addressed at the time of the dispositional hearing. Respondent admitted smoking marijuana, had failed some drug tests and not completed others, and failed to begin attending controlled-substance services.

¶ 24 In addition, DCFS was concerned that respondent’s home was unsuitable for children because of the disrepair caused by remodeling. Although respondent testified that the home had electricity, water, and food, DCFS nonetheless determined that the home was not suitable and refused to allow the children to visit the home.

¶ 25 On appeal, respondent has not provided a compelling argument as to why the trial court’s decision was against the manifest weight of the evidence, despite the litany of testimony supporting its decision. Based on the testimony presented at trial and the recommendations of DCFS, the court’s judgment making the minors wards of the court was not against the manifest weight of the evidence.

¶ 26 III. CONCLUSION

¶ 27 For the foregoing reasons, we affirm the trial court’s judgment.

¶ 28 Affirmed.