

**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 11, 2017  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

2017 IL App (4th) 170360-U

No. 4-17-0360

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

|  |   |                  |
|--|---|------------------|
| <i>In re: Mer. G., Mak. W., and Mal. W.,</i> | ) | Appeal from      |
| Minors,                                      | ) | Circuit Court of |
|  | ) | Champaign County |
| (The People of the State of Illinois,        | ) | No. 17JA9        |
| Petitioner-Appellee,                         | ) |                  |
| v.   | ) | Honorable        |
| Ryan Wilbur,                                 | ) | John R. Kennedy, |
| Respondent-Appellant).                       | ) | Judge Presiding. |

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

**ORDER**

¶ 1 *Held:* The appellate court affirmed, concluding the trial court’s finding respondent was unfit and unable to care for the minors was not against the manifest weight of the evidence.

¶ 2 Respondent father, Ryan Wilbur, appeals from the trial court’s dispositional order adjudging his two children, Mak. W. (born September 7, 2011) and Mal. W. (born February 9, 2010), wards of the court and placing guardianship and custody with the Department of Children and Family Services (DCFS). Respondent argues the trial court’s finding he was unfit and unable to care for the minors is against the manifest weight of the evidence. We disagree and affirm.

¶ 3 I. BACKGROUND

¶ 4 In January 2017, the State filed a petition for adjudication of wardship, alleging

Mer. G (born August 3, 2003), Mak. W., and Mal. W. 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 2016)) because they were subject to an injurious environment when residing with their mother, Linda Greear, due to the exposure to substance abuse and domestic violence. (Greear is not a party to this appeal, and respondent is not the father of Mer. G.) Following a shelter-care hearing that same month, the trial court found probable cause to believe the minors were neglected and found it was a matter of immediate and urgent necessity they be placed in shelter care. In its temporary custody order, the court noted:

“[Respondent] has not had regular contact with his children and pays no child support, but provides clothing to them on occasion. The children’s school [and Greear] were not able to provide his phone number to [DCFS], and he and [Greear] are not able to resolve their conflicts peaceably, or at least they were not so able when they resided together. He also told [the DCFS child protective investigator] he did not know if he would pass a drug test[.]”

¶ 5 Following an April 2017 adjudicatory hearing, the trial court found the minors to be neglected. In its adjudicatory order, the court noted: “[Respondent] acknowledged there have been past events of domestic violence.”

¶ 6 In May 2017, the trial court held a dispositional hearing. The court was presented with a dispositional report. According to the report, Greear stated she and respondent were in a dating relationship from 2009 to 2015. Greear asserted respondent was physically and

emotionally abusive as well as controlling and threatening during their relationship. Greear indicated she suffered from bruises and black eyes as a result of the physical abuse inflicted by respondent. She also stated respondent would take her phone as punishment if she attempted to call the police. Greear asserted respondent was physically and emotionally abusive toward the minors. Greear acknowledged striking respondent on several occasions but “ ‘only if he was hurting the kids so he would start hitting me instead.’ ” Greear indicated she ended the relationship because of the abuse respondent inflicted against her and the minors. In 2009, Greear obtained a temporary order of protection against respondent.

¶ 7 Respondent denied patterns of power and control in his previous relationships. He characterized his relationship with Greear as volatile. Respondent described Greear as physically abusive, and he denied perpetrating violence against her. He acknowledged the police were involved on several occasions. Respondent indicated Greear had previously obtained a “ ‘bogus’ ” temporary order of protection against him. He stated conflict continued after the relationship ended when they coordinated visits with the minors. Respondent indicated, however, his relationship with Greear had recently improved, and he hoped to assist her in obtaining housing.

¶ 8 In addressing the recommended services, the dispositional report summarized:

“[Respondent], 33, was referred for an [i]ntegrated [a]ssessment after his children were placed in the custody of the DCFS due to allegations of neglect by their mother. [Respondent] was cooperative with the [a]ssessment [t]eam. While he appeared to be forthcoming with the [a]ssessment [t]eam, there were discrepancies between his report and other information available

during the course of the assessment (particularly in regards to domestic violence and parenting involvement).

At this time, the primary concerns impacting [respondent's] functioning is apparent affective instability and poor coping abilities, as this impacts his ability to interact with others in constructive and healthy ways, positively resolve conflict, and respond to stress appropriately. There is evidence to suggest that [respondent] has used physical aggression when angry or frustrated (in romantic relationship and in discipline of children), lashed out with verbal aggression (toward paramour, children[,] and [p]ermanency [w]orker), and avoided situations when experiencing stress (reported staying away from the home because of stressors). While [respondent] did not report many of these issues in the past two years, his life stressors had also decreased in this time (as he was not living with [Greear], not primarily responsible for childcare, [and had] limited involvement with the children). There is significant concern that these issues may be exacerbated if the children are placed in [respondent's] care and he is a single-parent solely responsible for meeting their needs. The identified concerns seem to pose a risk to the children, as it could result in [respondent] engaging in physical, verbal, or emotional maltreatment of the children while under stress.

There are protective factors present which may help improve [respondent's] functioning. He has stable housing and income. [Respondent] has a significant history of employment in construction and automotive repair, which results in vocational skills for positive employment. He identified several interests and hobbies.

It is believed that \*\*\* recommended services could improve functioning, as [respondent] would ideally address his history of affective instability and poor coping responses and develop healthier strategies for coping, discipline, [and] conflict resolution.”

¶ 9 After considering the dispositional report, the adjudicatory order, the findings rendered at all prior hearings, and the recommendations of counsel, the trial court (1) made the minors wards of the court, (2) granted guardianship to DCFS, (3) found respondent and Greear unfit and unable to care for the minors, and (4) found it was in the minors' best interests to grant custody to DCFS.

¶ 10 This appeal followed.

¶ 11 II. ANALYSIS

¶ 12 On appeal, respondent argues the trial court's finding he was unfit and unable to care for Mak. W. and Mal. W. is against the manifest weight of the evidence. The State disagrees.

¶ 13 Section 2-22(1) of the Act (705 ILCS 405/2-22(1) (West 2016)) provides as

follows:

“At the dispositional hearing, the [trial] court shall determine whether it is in the best interests of the minor and the public that he be made a ward of the court, and, if he is to be made a ward of the court, the court shall determine the proper disposition best serving the health, safety and interests of the minor and the public.”

Under section 2-27(1) of the Act (705 ILCS 405/2-27(1) (West 2016)), the court may commit the minor to the custody of DCFS if it determines the 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.” The 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).

¶ 14 The record demonstrates a major concern was respondent’s history of domestic violence and abuse. In its adjudicatory order, the trial court noted respondent acknowledged past events of domestic violence. According to the dispositional report, Greear reported respondent was physically and emotionally abusive toward both her and the minors. The author of the dispositional report concluded respondent’s history of domestic violence and abuse “seem[ed] to pose a risk to the children, as it could result in [him] engaging in physical, verbal, or emotional mistreatment of the children while under stress.” Respondent highlights the fact the alleged domestic violence and abuse had not occurred in the previous two years. However, as observed

in the dispositional report, respondent's "life stressors had also decreased in this time (as he was not living with [Greear], not primarily responsible for child care, [and had] limited involvement with the children)." Given the evidence presented, we find the trial court's finding defendant was unfit and unable to provide for Mak. W. and Mal. W. was not against the manifest weight of the evidence.

¶ 15

### III. CONCLUSION

¶ 16

We affirm the trial court's judgment.

¶ 17

Affirmed.