2019 IL App (4th) 180666-U

NOS. 4-18-0666, 4-18-0667 cons.

FILED
February 21, 2019
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re L.P., a Minor (The People of the State of Illinois, Petitioner-Appellee, v. (No. 4-18-0666) Kari P., Respondent-Appellant).	)	Appeal from the Circuit Court of Champaign County No. 18JA28
In re L.P., a Minor (The People of the State of Illinois, Petitioner-Appellee, v. (No. 4-18-0667) Helen M., Respondent-Appellant).	)	No. 18JA28 Honorable John R. Kennedy, Judge Presiding.

JUSTICE DeARMOND delivered the judgment of the court.
Presiding Justice Holder White and Justice Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, finding the trial court did not err in determining L.P. was neglected and placing custody and guardianship with the Department of Children and Family Services.

¶ 2 In April 2018, the State filed a petition for adjudication of wardship with respect to L.P., the minor child of respondent mother, Kari P. On the same date, respondent grandmother, Helen M., filed a petition to intervene in the proceedings, which was denied. In September 2018, the trial court made the minor a ward of the court and placed custody and guardianship with the Department of Children and Family Services (DCFS).

¶ 3 On appeal, respondent argues the trial court erred in finding L.P. was neglected and, alternatively, finding it was in the best interest of L.P. to make her a ward of the court and place custody and guardianship with DCFS. We affirm.

¶ 4 I. BACKGROUND

¶ 5 In September 2017, respondent mother was arrested for possession of a stolen vehicle. She pleaded guilty and was sentenced to the Illinois Department of Corrections (DOC) in October 2017. While incarcerated and awaiting transport to prison, she discovered she was pregnant. Respondent mother attempted to transfer to a Decatur prison facility where she would be permitted to keep her child while incarcerated. She discovered her request for a transfer was denied and spoke to her mother, respondent grandmother, about taking care of the child, which respondent grandmother agreed to do. In February 2018, respondent mother and respondent grandmother executed a document provided by DOC, which purported to make respondent grandmother the caregiver for the minor upon the minor's birth. Respondent grandmother contacted DOC and made arrangements to be present during the birth of the child. On March 27, 2018, respondent mother gave birth to her daughter, L.P., via cesarean section, and respondent grandmother saw respondent mother and L.P. for two hours as permitted by DOC. After the visit, respondent grandmother returned to Wisconsin to await the discharge of L.P. The next day, DCFS workers told respondent mother they were taking protective custody of the child and the DOC document would not be recognized by DCFS. DCFS also spoke to respondent grandmother and told her DCFS was taking custody and that it was DCFS's policy not to recognize that type of document. On March 30, upon L.P.'s discharge from the hospital, DCFS took protective custody of the minor.

¶ 6 On April 2, 2018, the State filed a petition for adjudication of wardship with respect to L.P. The State alleged the minor was neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2016)) because the minor was in an injurious environment, as evidenced by respondent mother's failure to correct the conditions that resulted in a prior adjudication of parental unfitness regarding the minor's sibling, S.P., and that the environment would expose L.P. to respondent mother's substance abuse. That day, respondent grandmother filed a petition to intervene in the juvenile proceeding, alleging she had executed a guardianship form through DOC and would be willing to execute a short-term guardianship if the court deemed it necessary. The court conducted a shelter care hearing from April 3, 2018, to April 5, 2018. On April 3, 2018, the State amended its petition to include respondent grandmother as a party. That same day, respondent grandmother also filed a short-term guardianship executed by respondent mother and respondent grandmother with the court, appointing respondent grandmother as the short-term guardian of L.P. The court denied the petition to intervene but ruled respondent grandmother was a party, as she was a short-term guardian based on the filed paperwork. On April 4, respondent grandmother filed a petition for guardianship and custody of L.P. At the shelter care hearing, the court found probable cause to believe the minor, L.P., was neglected, placing temporary custody and guardianship with DCFS.

¶ 7 In June 2018, the adjudicatory hearing was held.

¶ 8 A. Adjudicatory Hearing

¶ 9 1. *Samantha Scholes*

¶ 10 Samantha Scholes worked as a child protection investigator in the Bloomington DCFS field office. She became involved in this case because respondent mother was incarcerated

and gave birth to L.P. in Logan County. Respondent mother admitted to Scholes that she used heroin at the beginning of her pregnancy until she realized she was pregnant. Respondent mother told Scholes that she wanted L.P. placed with respondent grandmother in Wisconsin. Scholes said it was not Scholes's decision but it is "typically very hard to get a child placed out of state." Scholes also spoke with respondent grandmother, who told Scholes that she wanted custody of L.P. Scholes could not recall any reasons why respondent mother wanted custody placed with respondent grandmother or respondent mother's intentions regarding the child once she was released from prison. Both respondent mother and respondent grandmother referred to a document provided by DOC to assign custody of L.P. to respondent grandmother. Scholes did not believe the document was legally sufficient based on conversations with the "primary worker," Kristi Carr, who worked in the Champaign-Urbana DCFS field office. Scholes did not ask any questions to respondent grandmother about her age, health, or living situation.

¶ 11 2. *Kristi Carr*

¶ 12 Kristi Carr had worked for DCFS as a child welfare specialist since January 2000. She became involved in this case a day after the birth of the minor, L.P., and testified respondent mother had prior involvement with DCFS, which included allegations of substance abuse. Respondent mother's son, S.P., was taken from her custody and her parental rights were eventually terminated. In 2016, respondent mother had another child, who was born substance-exposed. Respondent mother surrendered her parental rights in order to permit adoption prior to the birth of the child and before DCFS could get involved. Though DCFS was notified of the child's birth because the child was born substance-exposed, arrangements for the adoption were completed at the time of the birth of the child or so soon after that DCFS was not able to intervene. In Carr's conversation with respondent mother regarding L.P., respondent mother

wished DCFS would have placed her daughter in the protective custody of her mother, respondent grandmother, instead. Based on the document from DOC, Carr did not believe she could place L.P. with respondent grandmother because the instructions of her supervisors were that DCFS "didn't recognize short-term guardianship paperwork as it can be revoked at any time." Another concern was that respondent grandmother lived out of state, which would make reunification with respondent mother during the case difficult.

¶ 13 During the investigation, Carr spoke with respondent grandmother once or twice. Respondent grandmother stated respondent mother indicated she wanted respondent grandmother to care for her child. Even though respondent grandmother stated she did not necessarily want to care for L.P., she "wanted to carry out [respondent mother's] wishes for [L.P.] and that she was concerned for [respondent mother's] mental health if this child was placed into the system." Respondent grandmother said she spoke with respondent mother about coming up to Wisconsin and "possibly having reunification but it would depend on where [respondent mother] was with her services." She stated visitation would be dependent on the completion of services, whether the services were court-ordered or recommended by DCFS. Respondent mother acknowledged she used heroin during the first month of her pregnancy with L.P., but Carr believed she stopped shortly after becoming incarcerated, and the child did not present with any signs of withdrawal.

¶ 14 Carr was not aware how far respondent grandmother lived from Champaign-Urbana. She was aware that respondent grandmother traveled once a month to visit respondent mother in jail and spoke to her over the phone frequently. Carr knew respondent grandmother and respondent mother had discussed plans for respondent grandmother to take care of L.P. prior to her birth, but Carr did not know how long those plans had been discussed. Carr testified

respondent grandmother told her she "was prepared to bring the baby home and had means to support the baby." Carr conducted no in-depth background investigation or preplacement interview of respondent grandmother because Carr's supervisor had instructed her that DCFS was not recognizing the short-term guardianship paperwork from DOC and therefore, DCFS was not considering respondent grandmother as a placement.

¶ 15 Carr told respondent grandmother DCFS does not recognize the DOC forms and was informed that if an actual guardianship proceeding had taken place in court, DCFS would recognize it. She did not know whether respondent mother contacted a lawyer to assist her in preparing the DOC paperwork but knew respondent grandmother had spoken with an attorney when DCFS took L.P. into protective custody. She admitted if respondent grandmother had taken the child from the hospital when she was born, it would have been physically impossible for her to turn over the care of the child to respondent mother. However, there was nothing, based on the documents, that prevented respondent mother from obtaining custody of the child after her release from prison.

¶ 16 3. *Respondent Mother*

¶ 17 Respondent mother is currently incarcerated with an expected release date of September 4, 2020. While in prison, she has taken three classes and is on the waiting list for drug treatment, a parenting class, and to go back to school. She requested to be on the waiting list for drug treatment as soon as she got out of intake in DOC. The classes she took were algebra, chemistry, and a post-traumatic stress disorder class. The post-traumatic stress disorder class, which focused on addressing the effects of trauma, met as a group once a week and lasted for three months. She was in county custody beginning September 4, 2017, and discovered she was pregnant three days before she went to prison. She asserted she has not used drugs since

discovering she was pregnant and said she plans to keep it that way. She also testified she would seek whatever treatment was necessary, whether in custody or not.

¶ 18 Respondent mother testified her mother visits her once a month in DOC and she has called her mother daily. They speak for 30 minutes each day. She also stated her mother has put money in her commissary account for her. She testified she and her mother initially thought she would be eligible to go to a Decatur prison facility, where she could raise her baby, but when she was denied, her mother said she would be willing to raise L.P. She believed her mother was healthy, did not have substance-abuse problems, was physically able to care for a child, was not taking any prescription medications that would alter her ability to care for a child, and had appropriate facilities to do so. She and her mother had discussed various issues regarding L.P., such as getting a crib, where the child would be staying, and day care. She said she had also taken steps to formalize the guardianship.

¶ 19 Respondent mother testified she spoke to Ms. Fitzer with Women and Family Services at DOC, who informed her all they needed was the paperwork for guardianship, which she and her mother both signed. The DOC paperwork was provided by Fitzer.

¶ 20 Respondent mother stated she made formal arrangements through DOC for respondent grandmother to be at L.P.'s birth on March 27, 2018, and respondent mother did not know DCFS was going to become involved until a day or two later when Scholes showed up. Respondent mother did not know DCFS would be taking her child until March 30 when L.P. was discharged. When respondent mother spoke to DCFS, she told them about the DOC paperwork. Carr told her the paperwork was insufficient and that she would need to go to court but did not offer any advice on how to effectuate her wishes after L.P.'s birth. She signed the short-term guardianship form on April 3, 2018, indicating she wanted respondent grandmother to have

guardianship and to make personal and financial decisions for L.P. She and respondent grandmother had also discussed that L.P. would not be returned to respondent mother's care unless she sought treatment, was clean for a while, and obtained employment.

¶ 21 4. *Respondent Grandmother*

¶ 22 Respondent grandmother is the 51-year-old mother of respondent mother and has resided for the past six years in Racine, Wisconsin, which is three hours or approximately 180 miles from Champaign-Urbana. Prior to living in Wisconsin, she resided in Illinois. She stated she visits respondent mother once a month and speaks to her every day while respondent mother is incarcerated. The phone conversations normally last for the full 30-minute time limit allotted. She discovered respondent mother was pregnant in December 2017 and had originally thought respondent mother would go to the Decatur facility because respondent grandmother assumed "everybody that was pregnant could go there." She did not realize it only had 8 to 10 beds and space was limited. Around February 2018, though she was not quite sure of the exact date, she became aware respondent mother was not being accepted into that facility. Respondent grandmother was unable to learn why respondent mother was refused from Fitzer or the facility. After that, respondent mother asked respondent grandmother if she would take L.P., and she agreed. She started making arrangements for L.P., took S.P.'s furniture and toys out of storage, and set them up in the bedroom. She said around that time, she signed the document provided by Fitzer at the prison, which indicated respondent grandmother was willing to provide care for L.P. The document was dated February 22, 2018, and respondent mother signed it on March 1, 2018.

¶ 23 Respondent grandmother stated L.P.'s birth was a scheduled cesarean section and she was told it would be March 28, 2018. She was permitted to be present during the birth and for two hours thereafter. Her fiancé, Eric Bickel, called her on March 27 to inform her

respondent mother was going to deliver in an hour. Respondent grandmother drove straight to the hospital, and upon arrival, she learned respondent mother was already out of recovery. Respondent grandmother stated she thought all the arrangements had been taken care of and "[e]verybody at the hospital knew what was happening." Later, Bickel called to find out what time the child would be discharged. The social worker at the hospital told respondent mother and respondent grandmother it would not be possible for them to take the child. When they arrived at the hospital, they were told DCFS had been called. She spoke to Scholes about the DOC guardianship paperwork, and Scholes said DCFS would not honor it. After speaking with Scholes, they went to find a lawyer in Bloomington, and Carr called stating DCFS would not place L.P. with respondent grandmother because she lived in Wisconsin. Carr did not indicate there was anything respondent grandmother could do to secure L.P.'s placement.

¶ 24 Respondent grandmother testified she was physically able to take care of an infant or toddler, did not have any physical or mental disability, was financially able to support L.P., was able to provide health insurance for her, and remained willing to provide for L.P. Respondent grandmother and respondent mother had also discussed what would happen when respondent mother was released from prison. Respondent grandmother was expecting respondent mother to do "all the DCFS stuff." When asked whether she believed respondent mother should complete all recommended services, she said, "Absolutely," and it was her intention to make sure respondent mother followed through. Respondent grandmother acknowledged she was willing to act as a guardian whether it was pursuant to the DOC document, appointment as a short-term guardian, or any other court order.

¶ 25 During cross-examination, she admitted she was aware respondent mother had been involved with DCFS before and the reason she had S.P.'s furniture, toys, and clothes was

because respondent mother, S.P., and S.P.'s father had stayed with her for two weeks in Wisconsin. When S.P. came into care in Champaign-Urbana, respondent mother and respondent grandmother spoke a lot. She spoke to DCFS over the phone for an hour when S.P. was taken into care and DCFS said they were thinking about placing S.P. with the other grandmother because respondent grandmother lived in Wisconsin, while the other grandmother lived in Champaign-Urbana. She denied any knowledge of respondent mother's drug problem when she lived with her. Respondent grandmother said there were no indications respondent mother was doing anything at her house during the two-week period respondent mother and S.P.'s father stayed there. Respondent grandmother did not see any drug paraphernalia or drugs, and respondent mother's sleeping habits were normal. She stated respondent mother and S.P.'s father were trying to find jobs and she saw them staying there as an "opportunity for a second chance."

¶ 26 Even though the trial court understood the State's burden was to prove the allegation by a preponderance of the evidence, the court found the evidence to be clear and convincing. Respondent mother had not corrected the conditions that resulted in her previously being found unfit, as shown by her delivery of a substance-exposed baby previously and using heroin at the beginning of her pregnancy with L.P. Further, the court also found the second allegation was proved since respondent mother's substance abuse remained untreated. As a result, at the time of the child's birth, she would remain exposed to respondent mother's substance abuse.

¶ 27 B. Dispositional Hearing

¶ 28 Tia Manierre was the caseworker for the majority of the reporting period and prepared the dispositional report. She conducted an integrated assessment and gathered

information on respondent grandmother and her fiancé, Bickel. She had concerns about respondent grandmother being the guardian and caregiver for L.P.

¶ 29 Manierre's first concern was the lack of information about the substance-exposed child born prior to L.P., and she was not sure if the adoption was even legal. She stated respondent mother has had a pattern of making "last-minute decisions regarding the well-being of children that she's given birth to, as opposed to actually mitigating the safety factors that brought [S.P.] into care." Although Manierre spoke with respondent grandmother, respondent mother, and Bickel about the child born before L.P., they provided no information. Manierre was also concerned about whether respondent grandmother would actually keep respondent mother accountable for correcting the conditions that brought her children into care. Respondent mother said her plan upon release was to move to Wisconsin. Typically, what DCFS sees with families when children come into care is, if there's no accountability "from the care provider of the children *** the parents overstep those boundaries, and they come and go as they please, although it's completely unhealthy for the child." Respondent grandmother had indicated she would hold respondent mother accountable by making sure she has no unsupervised contact with L.P., requiring that she complete all recommended services, and refusing to permit respondent mother from living with her. However, Manierre's concern was, under their plan, after respondent mother's release from prison, there would be no DCFS caseworker to monitor whether she actually completed services. While Manierre could not speak for Wisconsin, in Illinois "a lot of these services aren't paid for by Medicaid, they're paid for by the State." She wondered, if respondent mother could not get the resources for free, how she would be able to complete them.

¶ 30 The last area of concern involved discrepancies between respondent mother's previous integrated assessment in S.P.'s case and respondent grandmother's information in the areas of substance abuse and mental health issues in the family. Respondent grandmother denied any issues within the family, while respondent mother had reported "a track record" of these same issues within the family.

¶ 31 Manierre could not say whether respondent grandmother was involved in the life of S.P. previously but indicated, from the information available to her, respondent grandmother did not take the steps necessary to ensure she would be. Now that S.P. and L.P. reside in the same home, the foster parent reported minimal interactions between S.P. and respondent grandmother when she visited L.P. Manierre expressed some concerns regarding respondent grandmother's fiancé as the result of an incident in July 2018, when he and respondent grandmother came for a visit. Bickel became argumentative and verbally aggressive toward the foster mother, who had to ask them to leave. The foster parent did not feel comfortable allowing them visits after that. She had not experienced that type of behavior from Bickel and said, "[H]e and [respondent grandmother] have been more than cooperative with me throughout this process." According to Manierre, though she did not have conversations with them about it, it was reported to a DCFS investigator, as well as the foster mother, that respondent grandmother and Bickel sought guardianship only because they wanted to fulfill respondent mother's request and not because they "actually wanted to do it." Respondent grandmother has shown an interest in L.P. since her birth and "engaged in visits right away." Manierre said she understands that respondent grandmother would spend many days with L.P. at a time because of the distance, but Manierre also said she has never observed a visit or any contact between respondent grandmother or Bickel and L.P.

¶ 32 Manierre believed it was in L.P's best interest to reside with her brother in her current placement since she had been in the home for six months and had developed a bond with S.P. and the foster family. She also said, "[DCFS] can't ignore the fact that none of the safety issues were corrected on the behalf of [respondent mother], who reports that her ideal goal is to move back to Wisconsin."

¶ 33 Manierre could not think of any classes respondent grandmother and Bickel could take to ensure they realized having respondent mother around L.P. would be a safety issue if she did not correct the conditions that brought L.P. into care, although Manierre said a parenting class in conjunction with individual counseling for respondent grandmother and Bickel may do so. In Manierre's conversations with respondent grandmother, respondent grandmother said she would not allow respondent mother to have unsupervised access to L.P.

¶ 34 The trial court found it was in the best interest of the minor to be named a ward of the court and adjudicated neglected, with custody and guardianship to be awarded to DCFS. The court also vacated the short-term guardianship of respondent grandmother.

¶ 35 This appeal followed.

¶ 36 II. ANALYSIS

¶ 37 A. Adjudicatory Hearing

¶ 38 Respondents argue the trial court's finding that the State met its burden on the allegations in the petition for an adjudication of wardship was erroneous because the minor was going to live with respondent grandmother. We disagree.

¶ 39 "[C]ases involving allegations of neglect and adjudication of wardship are *sui generis*, and must be decided on the basis of their unique circumstances." *In re Arthur H.*, 212 Ill. 2d 441, 463, 819 N.E.2d 734, 747 (2004). The State bears the burden to prove the

allegations of neglect by a preponderance of the evidence. *In re A.P.*, 2012 IL 113875, ¶ 17, 981 N.E.2d 336. On review, a trial court's finding of neglect will not be reversed unless it is against the manifest weight of the evidence, *i.e.*, "the opposite conclusion is clearly evident." *A.P.*, 2012 IL 113875, ¶ 17. "A proceeding for the adjudication of wardship 'represents a significant intrusion into the sanctity of the family which should not be undertaken lightly.' " *Arthur H.*, 212 Ill. 2d at 463 (quoting *In re Harpman*, 134 Ill. App. 3d 393, 396-97, 480 N.E.2d 873, 875 (1985)). "[T]he paramount consideration is the best interests of the child." *A.P.*, 2012 IL 113875, ¶ 18. A trial court must employ a "two-step process to decide whether a minor should become a ward of the court." *A.P.*, 2012 IL 113875, ¶ 18. Step one is the adjudicatory hearing on the petition for adjudication of wardship, where the court should consider "whether the minor is abused, neglected, or dependent." 705 ILCS 405/2-18(1) (West 2016). The purpose of the hearing is to determine if the allegations in the petition for an adjudication of neglect are supported by a preponderance of the evidence. 705 ILCS 405/1-3(1) (West 2016).

¶ 40 "[T]he only question to be resolved at an adjudicatory hearing is whether or not a child is neglected, and not whether every parent is neglectful ***." *Arthur H.*, 212 Ill. 2d at 467-68. Neglect " 'is not a term of fixed and measured meaning. It takes its content always from specific circumstances, and its meaning varies as the context of surrounding circumstances changes.' " *In re N.B.*, 191 Ill. 2d 338, 346, 730 N.E.2d 1086, 1090 (2000) (quoting *People ex rel. Wallace v. Labrenz*, 411 Ill. 618, 624, 104 N.E.2d 769, 773 (1952)). "Similarly, 'injurious environment' is an amorphous concept that cannot be defined with particularity." *Arthur H.*, 212 Ill. 2d at 477. Generally, the term " 'injurious environment' has been interpreted to include 'the breach of a parent's duty to ensure a "safe and nurturing shelter" for his or her children.' "

Arthur H., 212 Ill. 2d at 463 (quoting *N.B.*, 191 Ill. 2d at 346 (quoting *In re M.K.*, 271 Ill. App. 3d 820, 826, 649 N.E.2d 74, 79 (1995))).

¶ 41 Here, prior to the petition for adjudication of wardship being filed, respondent mother had executed a form provided by DOC to give custody of the minor, L.P., to respondent grandmother. It is not unreasonable, from this record, to conclude that was done expressly to attempt to preempt action respondent mother knew to be inevitable based upon her prior history with DCFS. As respondent grandmother indicated, she was not particularly interested in taking custody of L.P. but she was willing to do so to fulfill the wishes of respondent mother. Instead, DCFS took protective custody of the child at the hospital. After the State filed the juvenile petition, respondent grandmother hurriedly completed a short-term guardianship with respondent mother, again undoubtedly in an effort to circumvent DCFS from placing the child elsewhere. As it turned out, DCFS did not recognize either short-term guardianship for a number of reasons, not the least of which was the fact they were revocable by respondent mother at any time.

¶ 42 In light of the fact respondent mother failed to follow through with and complete substance abuse services in her case, her parental rights to her first child were terminated. In addition, it appears she hurriedly allowed a substance-exposed second child to be adopted before DCFS could intervene by completing the adoption paperwork prior to the child's birth. DCFS was not certain that adoption was even legal, and for some inexplicable reason, neither respondent mother nor respondent grandmother could provide any information about it.

¶ 43 Respondent mother had attempted to preempt DCFS involvement because she knew she had never completed substance-abuse treatment and knew DCFS would intervene at the birth of her third child and require her to do so. She was going to have to admit she had continued to use heroin and apparently had done so since the first child. Based upon this

evidence, the State proved by more than a preponderance of the evidence L.P. was neglected due to an environment injurious to her welfare as alleged in both counts of the petition.

¶ 44 B. Dispositional Hearing

¶ 45 Respondents argue the trial court's finding that it was in the best interest of the minor to make her a ward of the court and place custody and guardianship with DCFS was against the manifest weight of the evidence. We disagree.

¶ 46 If the court finds the minor is abused, neglected, or dependent, the court moves to step two, the dispositional hearing. *A.P.*, 2012 IL 113875, ¶ 21. At that hearing, the court 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." *A.P.*, 2012 IL 113875, ¶ 21. The court may place guardianship and custody with DCFS if the court determines the parents are unfit, 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 2016). "Section 2-27(1) of the Act does not authorize placing a ward of the court with a third party absent a finding of parental unfitness, inability, or unwillingness to care for the minor." *In re M.G.*, 2018 IL App (3d) 170591, ¶ 11, 94 N.E.3d 1287. On review, a trial court's determination of unfitness pursuant to section 2-27(1) of the Juvenile Court Act "will be reversed only if the findings of fact are against the manifest weight of the evidence or if the trial court committed an abuse of discretion by selecting an inappropriate dispositional order." *In re T.B.*, 215 Ill. App. 3d 1059, 1062, 574 N.E.2d 893, 896 (1991); see also *In re Lakita B.*, 297 Ill. App. 3d 985, 994, 697 N.E.2d 830, 836 (1998).

¶ 47 In this case, the trial court analyzed the applicable evidence before it. Taking into consideration the circumstances surrounding the creation of the guardianship with respondent grandmother, coupled with her indication she really did not want to be the child's guardian, it was not unreasonable for DCFS or the court to have concerns about the propriety of allowing respondent grandmother to retain guardianship of the child. When the trial court considered her inability to provide any information regarding the closed adoption of a second child, along with the fact she lived in Wisconsin and apparently made no attempt to maintain a relationship with L.P.'s sibling, S.P., before L.P. was placed there, it was reasonable for DCFS and the court to have doubts about whether respondent grandmother would actually follow through with her comments about not allowing respondent mother access to L.P. until respondent mother successfully complied with DCFS requirements. Without the involvement of DCFS, there was no way to ensure compliance. Even with DCFS involvement, respondent mother had failed to successfully complete substance-abuse treatment to a point where she lost her parental rights over S.P., delivered a substance-exposed second child, and acknowledged the continued use of heroin at least until she became aware she was pregnant.

¶ 48 Assuming respondent grandmother intended for respondent mother to complete all services before allowing her access to L.P., absent the involvement of DCFS, there was no way to monitor this, nor was there a means to pay for the services respondent mother would need to complete. Allowing L.P. to be placed with respondent grandmother would interfere with the substantial bond the child had developed not only with the foster parents but also with her sibling, S.P. Removing the child to Wisconsin would disrupt her home and family as she knew them and would not have been in her best interest.

¶ 49 III. CONCLUSION

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

¶ 51 Affirmed.