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2011 IL App (4th) 110490-U

Filed 10/26/11

NO. 4-11-0490

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: Da. S., Mi. B., Ma. B., and Th. S.,	)	Appeal from
Minors,	)	Circuit Court of
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Vermilion County
Petitioner-Appellee,	)	Nos. 11JA37
v.	)	11JA38
IVA SUE BRIDGMAN,	)	11JA39
Respondent-Appellant.	)	11JA40
)	
	)	Honorable
	)	Craig H. DeArmond,
	)	Judge Presiding.

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

ORDER

¶ 1 *Held:* The trial court did not err in finding the minors in this case to be neglected. Only one ground for finding neglect is needed, and the court was correct in finding the minors were in an injurious environment because their mother wielded a knife at sheriff's deputies while in their presence, but the court was also correct in finding an injurious environment due to mental health issues.

¶ 2 In March 2011, the State filed four separate petitions for adjudication of wardship of D.S. (born March 2, 2004), M.B. (born January 28, 2005), Ma. B. (born July 2, 2007), and T.S. (born July 24, 2010), minor children of respondent, Iva Sue Bridgman. The court found all four minors were neglected, made them wards of the court, appointed the Department of Children and Family Services (DCFS) as their guardian, and removed custody from respondent.

¶ 3 Respondent appeals, contending the trial court erred by finding the minors were

neglected. We affirm.

¶ 4

I. BACKGROUND

¶ 5

The State's March 7, 2011, petitions for wardship alleged the same grounds for finding each minor neglected. They alleged D.S., M.B., Ma. B., and T.S. were (1) 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 Supp. 2010)) in that their environment was injurious to their welfare when they resided with respondent due to respondent's mental health issues and (2) neglected pursuant to section 2-3(1)(b) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b) (West 2010)) in that their environment is injurious to their welfare when they resided with respondent due to respondent threatening Vermillion County sheriff's deputy Brad Norton with a knife in front of Ma. B.

¶ 6

On March 8, 2011, a shelter care hearing was held. Evidence was presented by Nicholas Conway, child protection investigator with DCFS. Conway testified he had become involved when a "hotline" call was received stating respondent's four children were living in an injurious environment due to an incident which occurred at their house where respondent threatened a police officer with a knife. In his investigation, Conway discovered the police received information regarding Tom Arlington, father of T.S., and another respondent in this case, who had not returned to the county jail while on work release. Arlington was serving a sentence in regard to his failure to pay child support for a child other than T.S. The police attempted to locate Arlington at respondent's home. They discovered him there, hiding under a bed. Respondent became upset after Arlington was located and picked up a butcher knife in the kitchen, raising it above her head while looking at Deputy Norton. Ma. B. was between respondent and Norton who was able to push Ma. B. out of the way while backing up and

drawing his service revolver. When he ordered respondent to drop the knife, she did so.

¶ 7 Conway spoke with respondent after she was in custody. She denied ever threatening Deputy Norton with a knife or that she had even picked up a knife. Respondent stated the police were at her home to "shut her up" because they did not care about truth and justice. Because respondent had ten prior indicated reports with DCFS involving these minors and other, older children, some of which had involved mental health issues on the part of respondent, Conway questioned her in regard to her mental-health diagnosis and whether she was taking any medication. She denied having a mental-health diagnosis and denied taking any medication. As to other children involved in DCFS indicated reports, all of them had been removed from respondent's care and her parental rights terminated.

¶ 8 Temporary guardianship and custody was awarded to DCFS and the minors were already placed in the care of foster parents.

¶ 9 On April 13, 2011, an adjudicatory hearing was held on all four petitions. Deputy Norton testified on the morning of March 5, 2011, he and Deputy Ryan Wells went to respondent's home to locate Arlington who had not returned from work release. The home owner, Jerry Bird, who resided at the house, let the deputies into the home. Norton stood at the back door while Wells and Bird checked the basement. They heard loud noises coming from upstairs and went to the kitchen. Respondent was there with a small child, between the ages of two and four. Respondent held a small frying pan in her hand. She was upset the deputies were there and started speaking in tongues, explaining how Noah built his ark. Respondent also stated the police were responsible for the deaths of small children and she had located their remains on the property of Illini Skateland.

¶ 10 When Wells began to walk to a hallway to look for Arlington, respondent came around him to cut him off and had the frying pan in her hands. Wells ordered her to turn the pan over to him and she did so. Wells continued to look for Arlington and Norton stayed in the kitchen with respondent and Bird. Respondent was very upset and spoke in circles and Biblical quotes.

¶ 11 Wells located Arlington under a bed and started to walk through the kitchen to the door. Respondent then reached to the stove on her left and grabbed a large butcher knife out of a boiling pot. Norton was standing three to five feet away from respondent, Bird was to his right and the child was standing by respondent's leg. Respondent lifted the knife to her head by the handle and turned to face Norton. The knife was 15 inches long and the blade was 10 inches long. Respondent held the knife in an aggressive manner, in her fist with the blade down. She was highly irate, and Norton assumed she might try to come toward him and attack him. He tried to step back and backed into the wall. Norton began to draw his service weapon and told respondent to drop the knife, which she did. Prior to stepping back, Norton pushed the child to the side as he was between Norton and respondent.

¶ 12 Once respondent dropped the knife, Norton tried to secure her and she resisted. Norton yelled for Wells to remove the child from the room; he did so and returned to help Norton place respondent in restraints. Other adults arrived and took care of the children.

¶ 13 While Norton was transporting respondent to the public safety building, a 20-mile drive, she talked nonstop and acted "crazy." She explained to Norton she hears the remains of children in wooded areas, stated she knew where their remains were, and threatened to kill the owner of Illini Skateland, Judge Bernthal, Sergeant Maskel, and Norton because they were pigs

protecting the owner of the skateland so he could kill children. Prior to this encounter, Norton had received many reports regarding respondent and her mental status.

¶ 14 Deputy Wells also testified respondent was acting oddly from when they first met her. She had a frying pan in her hand and made references to a dead baby she located the night before at Illini Skateland. After he took the frying pan from respondent, Wells told her to stand next to Norton while he searched for Arlington. As Wells and Arlington passed through the kitchen, respondent grabbed a butcher knife and held it in a stabbing position, blade pointed down next to her neck, saying she needed to protect herself. Norton stepped back, reached for his service weapon, and ordered respondent to drop the knife. A young child was about four feet from respondent, between herself and Norton. Norton told Wells to have the child step back and the child did so on his own. Wells told Arlington to sit down while he helped Norton handcuff respondent who was resisting. DCFS was contacted that same day.

¶ 15 DCFS investigator Conway testified when he met with respondent, she initially denied threatening the officer with a knife, saying she was asleep during the incident. Finally, she acknowledged she had a knife but said she was only taking the knife to put it in the sink. Respondent denied taking any medication, and she did not disclose any mental-health diagnosis.

¶ 16 Conway also talked to Arlington who told him he was AWOL from the work release program because he was afraid DCFS was going to remove his child from respondent's home. He denied seeing respondent threaten the officer with the knife and said she never raised the knife over her head. Conway took protective custody of the minors after speaking with respondent and Arlington based partially on the incident creating risk for the children and on

respondent's history with DCFS. Respondent had between 8 and 10 prior indicated reports in 1994, 2000, 2001, 2004, 2008, and 2009 for physical abuse, sexual abuse to the children, creating a risk because a sex offender lived in the home, and inadequate supervision. The two minors who were verbal were asleep during the incident.

¶ 17 The parties stipulated the child in the kitchen was Ma. B.

¶ 18 Respondent testified the sheriff's department came to her house three or four times during the month preceding the incident. On March 5, 2011, she returned home close to daybreak and fell asleep on the couch because she was very stressed. Arlington was trying to contact the Champaign Mental Health Center for her. Respondent stated she was so stressed due to asking people to call her if they had problems with police brutality and hundreds of people had called. She could not believe the sheriff's department was guilty of so many crimes. At first she thought only "Hartshorn" was guilty of hiding the murder of her grandmother. Arlington was doing "everything" for her because she feared to put her keys in the ignition. She was traumatized by the reports of police brutality and not from voices in her head.

¶ 19 Respondent stated she did not remember the frying pan because she had been awakened all week by people at her house trying to put her in jail for no reason, so she was defensive. She usually has memory problems when she first wakes up. When she is awakened all of a sudden by police with guns, waving knives at her, and "messing with her," especially when they have killed people, buried them, and gotten away with it, things are "different." Respondent stated she was awake by the time she got to the kitchen and had called 911 so the entire incident could be recorded. She did not know if that was before or after she had the frying pan. Because the police had been looking for her all week long, she had told Bird not to let them

in the house. She believed she did have a frying pan in her hands but she did not believe anything else the deputies said. She said they charged her with a misdemeanor number on a felony which made no sense to her.

¶ 20 Respondent stated the police were in her home about 30 minutes and told Bird they had warrants for her arrest as well as that of Arlington. She stated they make things up as they go along. Respondent explained she boiled kitchen utensils the day before while cleaning mouse excrement out of the utensil drawer. She denied picking up a knife or threatening any officers with a knife because she would have been shot dead if she had done so. Respondent stated the deputy saw her eyeballing the knife in the pot, grabbed it first, and then made up the story.

¶ 21 While the trial court was explaining its judgment and the reason for it, respondent interrupted repeatedly. The court found the allegations of the petitions were proved by clear and convincing evidence. The court found respondent had serious mental health issues, established by her conversation with the deputies at the scene and on the way to the public safety building, which led to the confrontation with the deputy, creating an environment injurious to the children's welfare. The court further found respondent's mental health issues affected her perception of reality and created a physical danger to the children.

¶ 22 II. ANALYSIS

¶ 23 At an adjudicatory hearing, the State must prove the allegations of its petition for a finding of neglect are more probably true than not true, a preponderance of the evidence standard. *In re Arthur H.*, 212 Ill. 2d 441, 463-64, 819 N.E.2d 734, 747 (2004). A trial court's finding of neglect should only be reversed if it is contrary to the manifest weight of the evidence.

Arthur H., 212 Ill. 2d at 464, 819 N.E.2d at 747. The trial court is in the best position to resolve issues of credibility because it has the opportunity to observe witnesses' demeanor and conduct. *In re A.P.*, 179 Ill. 2d 184, 204, 688 N.E.2d 642, 652 (1997). Only a single ground for neglect need be proved and when a trial court has found a minor neglected on more than one ground, the judgment may be affirmed if any of the bases of neglect are upheld. *In re Faith B.*, 216 Ill. 2d 1, 14, 832 N.E.2d 152, 159 (2005).

¶ 24 Respondent challenges the trial court's finding of neglect based on an injurious environment because she feels the State failed to prove she suffers from a mental illness, yet the court found her mental illness created an injurious environment for her children. See *Faith B.*, 216 Ill. 2d at 14, 832 N.E.2d at 159. The finding of neglect, however, may be affirmed, even without considering whether respondent's mental illness places her children in an injurious environment as respondent does not challenge the court's finding of neglect based on an injurious environment due to her threatening a deputy with a knife in front of Ma. B.

¶ 25 The term "injurious environment" is a broad and amorphous concept not easily defined, but it includes the breach of a parent's duty to ensure a safe and nurturing home for their child. *In re A.W., Jr.*, 231 Ill. 2d 241, 254, 897 N.E.2d 733, 741 (2008). The testimony was clear from deputies Norton and Wells respondent picked up a knife and held it in a threatening manner toward Norton. While respondent and Arlington denied she picked up the knife or, if she did, they denied she did so in a threatening manner, the trial court found the testimony of the deputies to be more credible. With a small child between them, Norton backed up and started to reach for his service revolver in response to respondent's threatening actions. That is an environment clearly injurious to the welfare of a minor child.

¶ 26 Further, while there was no specific evidence of a mental-health diagnosis, the testimony portrayed someone with serious mental health issues. Respondent wielded a frying pan, spoke in tongues and about bizarre subjects, such as locating the remains of children killed by police at Skateland, came around holding the frying pan to cut off a deputy trying to locate Arlington, grabbed a butcher knife and held it aggressively while three feet from a deputy and next to a small child, resisted arrest and talked nonstop while being transported to the public safety building, telling the deputy she "hears" the remains of children in the woods, knows the location of their remains and threatened to kill several people because they protected the owner of Skateland so he could kill children. She also testified she was traumatized by reports of police brutality and not from voices in her head. Finally, respondent stated the police killed people, buried them, and gotten away with it, and "they" had been looking for her all week long.

¶ 27 The trial court found all of these matters were in respondent's mind for whatever reason and contributed to her agitation when the police were in her home. She is firmly convinced the sheriff's department is made up of killers and people who protect killers and now they were in her home, and she felt the need to defend herself. According to Norton's testimony, that is what she said when she picked up the knife. Respondent has present mental health issues, and her condition contributed to the confrontation between herself and Norton while her minor child was present. This also created an environment injurious to the welfare of all four minors.

¶ 28 We find the trial court's finding of neglect was not against the manifest weight of the evidence.

¶ 29 **III. CONCLUSION**

¶ 30 For the foregoing reasons, the judgment of the trial court is affirmed.

¶ 31 Affirmed.

