

Appeal of for Mental Health Examination

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To:Wendy Musielak <wmusielak@ekclawfirm.com>;Rick Roberts <Rick@robertspc.com>;Chuck Roberts <chuckroberts@robertspc.com>
Cc:Thomas Neal <thomastn@umich.edu>

 1 attachments (352 KB)

Appeal - Rule 215 12-08-2023.pdf;

Dear Chuck, Rick, and Wendy,

I am writing to notify you that I intend to appeal the Illinois Supreme Court Rule 215 order requiring me to undergo a mental health examination. While I recognize the court intends to resolve this matter judiciously, I believe the examination order infringes upon my fundamental rights and lacks sufficient evidentiary basis under the rule.

Rule 215 requires a demonstration of a substantial controversy directly about mental health that significantly impacts case outcomes. However, as I've maintained, the allegations presented do not satisfy this threshold. No substantive linkage has been shown between the questionable claims made and my parental abilities or child welfare.

Moreover, the scope of the examination seems disproportionately broad and intrusive considering the contested issues. Less restrictive means of obtaining necessary information were not adequately explored first, as required. The order also fails to include required written findings.

For these compelling reasons supported by case law rigorously protecting privacy, I feel an appeal is warranted. I hope to obtain a fair review of my claims and potentially revise the order through less constitutionally problematic approaches.

I intend to promptly initiate an appellate review and request your cooperation with any necessary procedural requirements. While recognizing the delicacy of these matters, I trust we all prioritize ensuring justice, children's best interests, and respect for civil liberties above adversarial postures.

Please let me know if you have any questions. I remain open to respectfully addressing any concerns as we navigate this process. Ultimately, an equitable resolution reached adhering to the rule of law benefits all involved.

Sincerely,
Mario Neal