

STATE OF ILLINOIS)
) SS:
COUNTY OF DU PAGE)

IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT
DU PAGE COUNTY, ILLINOIS

IN RE THE MARRIAGE OF:)	
)	
THOMAS NEAL,)	
)	
Petitioner/Counter-)	
Respondent,)	No. 2022 DC 915
)	Emergency Hearing
-and-)	
)	
MARIO NEAL,)	
)	
Respondent/Counter-)	
Petitioner.)	

REPORT OF PROCEEDINGS had and testimony taken
at the hearing of the above-entitled cause, before the
HONORABLE LOUIS B. ARANDA, Judge of said court,
recorded on the DuPage County Computer-Based Digital
Recording System, DuPage County, Illinois, and
transcribed by LIDIA T. STEFANI, Certified Shorthand
Official Court Reporter, commencing on the 22nd day of
December A.D., 2023.

1 PRESENT:

2 ROBERTS PC, by:
3 **MR. CHUCK ROBERTS,**
4 **MR. RICK ROBERTS,**

5 appeared on behalf of the Petitioner;

6 ESP KREUZER CORES LLP, by:
7 **MS. WENDY MUSIELAK,**

8 appeared as Guardian ad Litem.
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I N D E X

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1 THE COURT: Case Number 2022 DC 915, In Re The
2 Marriage of Thomas Neal and Mario Neal.

3 Counsels, will each of you be so kind as to
4 introduce yourselves and who you represent.

5 MR. CHUCK ROBERTS: Judge, my name is Chuck
6 Roberts, R-o-b-e-r-t-s. I represent Thomas Neal,
7 who's also present before the Court this morning.

8 MS. MUSIELAK: And, good morning, your Honor.
9 Wendy Musielak, Guardian ad Litem.

10 THE COURT: Thank you.

11 MR. RICK ROBERTS: Good morning, Judge. Rick
12 Roberts also for Tom Neal.

13 THE COURT: Good morning. Mr. Neal, would you
14 kindly introduce yourself.

15 MR. NEAL: Good morning, your Honor. Tom Neal.

16 THE COURT: Thank you. You may all approach the
17 tables, including Mr. Neal, if you would.

18 The matter comes before the Court for
19 hearing on a petitioner's emergency motion for
20 turnover of the minor children and supervised
21 parenting time, temporary sole education
22 decision-making responsibility and for other relief.

23 And I do note that it was noticed up for
24 10:30. It is approximately 10:38, and the respondent

1 is not in person here not courtroom.

2 Messrs. Roberts, have you heard from the
3 respondent?

4 MR. CHUCK ROBERTS: No, sir.

5 THE COURT: All right. The first thing the
6 Court needs to do is find whether the matter was
7 properly brought as an emergency under local court
8 rule.

9 And Mr. Roberts -- Mr. Roberts, would you
10 be so kind as to proffer to the Court why you believe
11 that it is properly brought as an emergency.

12 MR. CHUCK ROBERTS: I would be happy to do so,
13 Judge. If you would -- if you would permit it before
14 I do so, there's a collateral matter that I'd like to
15 bring to your attention.

16 On December 20th of this year, Mario Neal
17 filed a notice of appeal in this case relating to the
18 Court's order permitting a 215 examination. I have
19 been notified by the Third District. It came in
20 about an hour ago. The Third District challenges
21 their ability to hear the appeal. They question
22 whether or not they have jurisdiction and raises the
23 issue of the fact that your 215 order is neither
24 final nor appealable. But that all be dealt with in

1 due course, but in fairness to the Court, I wanted
2 you to know that there is a notice of appeal in the
3 file related to your prior 215 order and that I've
4 had this communication this morning from the
5 Appellate Court.

6 THE COURT: Thank you. The Court was previously
7 aware, and I did pull the notice of appeal as it
8 relates to the 604.10(c) evaluation that was ordered
9 by the Court and the Rule 215 exam. And it is --
10 specifically focuses to those two matters.

11 Mr. Roberts, thank you for apprising the
12 Court of the Appellate Court's correspondence and
13 their initial blush appearance. It is not -- it is
14 not for me to concur with the Appellate Court. They
15 tell me whether they affirm me or not but I can -- I
16 can say that I would agree that the relief under
17 604.10(c) and Rule 215 are temporary in nature, there
18 for the purpose of entering an allocation judgment,
19 which would be final and -- final and appealable --

20 MR. CHUCK ROBERTS: Yes, sir.

21 THE COURT: -- but we haven't gotten there yet.

22 MR. CHUCK ROBERTS: Correct.

23 THE COURT: So I appreciate you bringing that to
24 the Court's attention. I try to be as thorough as I

1 can before taking the bench, and in doing so did take
2 a few more minutes after the 10:30 hour to review the
3 emergency motion in full and the last of the case
4 filings and did notice the notice of appeal. I thank
5 you again for bringing that to my attention as well.

6 So we are -- I'm prepared to hear your
7 proffer, if you would.

8 MR. CHUCK ROBERTS: Thank you, Judge.

9 Dr. Hatcher is well-known to this Court.
10 He's, perhaps, one of the most experienced clinicians
11 that provides mental health services and evaluations
12 in DuPage County.

13 I'm here on an emergency basis and clearly
14 recognize this is a lousy time of year to be in doing
15 this, Judge. We're a couple of days before
16 Christmas, and if there was any other way to
17 accommodate this matter, you can quite certain I
18 would have.

19 Exhibit P to the emergency motion is
20 Dr. Hatcher's affidavit. Dr. Hatcher is on standby.
21 He's in North Carolina today, but he's prepared to
22 log in on the Zoom if -- if, in fact, we proceed this
23 morning.

24 I'm here on an emergency basis because

1 Dr. Hatcher requested that I do so. I received an
2 e-mail from Dr. Hatcher on December 20th, two days
3 ago. Paragraph 5E of Dr. Hatcher's affidavit recites
4 that the Neal children, in Dr. Hatcher's opinion, are
5 at substantial risk of emotional and physical neglect
6 and harm as a result of Mario Neal's psychiatric
7 and/or substance abuse condition.

8 Dr. Hatcher opined in Paragraph 5F that
9 Mario Neal is severely, psychiatrically impaired.

10 In 5H of Dr. Hatcher's affidavit recites
11 that this situation is currently in crisis.

12 Dr. Hatcher notified me on December 20th of
13 these concerns. He did so by way of e-mail. I then
14 had a phone conversation with him. I asked
15 Dr. Hatcher if this wasn't a situation that could
16 wait a couple of weeks. I know what the Court's
17 schedule is. You're about to embark on a well-
18 deserved two-week period of time off, and if there
19 was any way that this thing could hold together for a
20 couple of weeks, I'd be the first guy to say let's do
21 that when the Court is back, and we can give adequate
22 notice to everyone.

23 The Guardian ad Litem was taken a little
24 bit by surprise by the emergent nature of -- of my

1 request this morning; everybody could have done this
2 in an orderly manner. Dr. Hatcher was abundantly
3 clear that waiting 14 days was not in the best
4 interest of these children.

5 Mario's attack, Mario Neal's attack on
6 everyone involved in the case has continued to
7 escalate. We were last before your Honor on another
8 emergency motion, and that related to my request on
9 behalf of my client to seal certain evidence that had
10 been -- that had been placed in the court file, I
11 felt, inappropriately. The Court, ultimately,
12 concurred with that, and did, in fact, place that
13 matter under seal.

14 That wasn't good enough for Mario Neal, and
15 Mr. Mario Neal has now sent that same set of five
16 photographs to these young children's school. That
17 is now in Gus Neal -- is he five or six?

18 MR. THOMAS NEAL: Five.

19 MR. CHUCK ROBERTS: He's five years of age, it's
20 now in his permanent school record. I'll have to
21 figure out how to deal with that at some point in
22 time. But the point is, Judge, Mario Neal has
23 abandoned common sense, he has abandoned the normal
24 guidelines or guardrails that parents operate under,

1 and it appears that he doesn't really care what the
2 Court thinks.

3 The Court was very direct in terms of your
4 observations and your comments regarding the matters
5 that have been placed in the Court file. There was
6 no room for misunderstanding that day, and rather
7 than listen to the Court, Mario Neal decided to
8 double-down.

9 So I don't have 14 days, Judge, and it's
10 clear to me that in light of the many moving pieces
11 that are -- that are contained in this case, it would
12 be abundantly unfair for me to try to move for
13 emergency relief in front of another judge while the
14 Court is unavailable to us. And that's why I'm here
15 today, and that's why I believe the matter
16 constitutes an emergency because I don't have any
17 other realistic options and because Dr. Hatcher has
18 insisted that not only that I come in and see what
19 can be done in terms of emergent relief, but he
20 specifically asked me to bring this situation to your
21 attention.

22 I've known Dr. Hatcher for almost 40 years.
23 Dr. Hatcher doesn't overreact to situations. It's
24 going to sound flippant, and I don't mean it to, but,

1 in essence, Dr. Hatcher has seen it all, and for
2 Dr. Hatcher to communicate with me and indicate that
3 time is not with us and that he is seriously
4 concerned about the well-being of these three young
5 children, here I am.

6 THE COURT: Thank you.

7 The Court does find, after reading the
8 emergency motion, that it is properly brought as an
9 emergency under Local Court Rule 6.08 and 1510. An
10 affidavit in support of the emergency motion is
11 attached.

12 Mr. Roberts is absolutely correct in that
13 the Court is due to have the next two weeks off and
14 as a result, there is an inability to obtain an
15 assignment on the regularly-scheduled call within a
16 reasonable time given the circumstances set forth by
17 Mr. Roberts this morning.

18 It also alleges an immediate and
19 irreparable injury, loss or damage would result if
20 the relief is not granted; therefore, the Court will
21 proceed to hearing as an emergency motion.

22 And to that end, I do want to let the
23 parties know that I realize that I'm in domestic
24 relations divorce, but I'm also on marriage duty and

1 I have marriages to do at 11:30. It's a hard stop.
2 So we'll look to try to get through the hearing
3 before then. If we don't, then I'll, unfortunately,
4 have to set it over to the afternoon, likely, in the
5 3:30ish time period.

6 I'm not going anywhere. I've always said
7 that I serve certainly the constituents of DuPage
8 County, and they deserve a full day and they're going
9 to get that from me, so I would be in no rush to be
10 leaving today and could finish the hearing, if
11 needed. But I wanted to let you know of that hard
12 stop.

13 Just so that it's not alarming, I did set
14 an alarm on my phone because I oftentimes get well
15 consumed with the testimony in the hearings. I don't
16 want to be left and not realizing that the 11:30 hour
17 has come. So if it goes off, my apologies, that's
18 for me.

19 Since this emergency motion is brought
20 under Section 603 -- 603.10 -- point 10 and 603.5,
21 the Court does need to conduct a hearing.

22 And so with that, Mr. Roberts, do you wish
23 to call a witness?

24 MR. CHUCK ROBERTS: I do, Judge. I'd like to

1 call Dr. Hatcher. And I'm not sure mechanically how
2 we do that. He's on standby. He's ready to log in
3 in whatever manner you direct.

4 THE COURT: Sure.

5 MR. CHUCK ROBERTS: I may need to step out and
6 call him to tell him what to do, but that should only
7 take a moment.

8 THE COURT: And I would be happy to if we could
9 maybe get the testimony of other witnesses you wish
10 to call first. As -- as the Court has read the
11 emergency motions stem to stern, word for word and in
12 the event that we can't get Dr. Hatcher on Zoom in
13 order to testify, there may be sufficient testimony
14 provided by others that you may call that would
15 suffice.

16 MR. CHUCK ROBERTS: Judge, I'd like to call the
17 Guardian ad Litem, then, as my first witness,
18 Ms. Musielak.

19 THE COURT: Ms. Musielak, would you be so kind
20 as to come to the witness stand, remain standing,
21 raise your right hand to be sworn by the clerk.

22 (Whereupon, the oath was thereupon
23 duly administered to the witness by
24 the Clerk.)

1 THE COURT: Ms. Musielak, you probably heard me
2 say this before. Just be careful, that chair has
3 wheels on it --

4 THE WITNESS: Thank you.

5 THE COURT: -- as you're entering and exiting.

6 And, Ms. Musielak, I'm sure you've heard me
7 say this before as well, they have what appears to be
8 a microphone in front of you. It's actually a
9 recording device. It -- it doesn't necessarily
10 amplify your voice, but if you would, kindly, get as
11 close as you can to it and keep your voice up so that
12 we can all hear and for the benefit of the
13 CourtSmart.

14 Mr. Roberts, when you're ready, sir.

15 MR. CHUCK ROBERTS: Thank you.

16 WENDY MUSIELAK,
17 called as a witness herein, having been first duly
18 sworn, was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. CHUCK ROBERTS:

21 Q. Good morning.

22 A. Good morning.

23 Q. You are an attorney licensed to practice
24 law in the State of Illinois. You're fully qualified

1 to act in the capacity of a Guardian ad Litem. You
2 have participated in mandatory training that's
3 required every other year, and you are the Guardian
4 ad Litem in the Neal case; is that all true and
5 correct?

6 A. It is correct.

7 Would you like me to state my name first?

8 Q. I think that's a great idea, if you would,
9 please.

10 A. Wendy Musielak, M-u-s-i-e-l-a-k.

11 Q. Thank you.

12 And you've been the Guardian Ad Litem
13 throughout the pendency of the Neal divorce, is that
14 correct?

15 A. I have.

16 Q. Have you had an opportunity to review the
17 emergency motion that's been tendered to the Court
18 this morning that was submitted by Thomas Neal?

19 A. I have.

20 Q. Do you agree?

21 A. I do.

22 Q. All right. Could you tell the Court in
23 summary form what has occurred since we were last
24 before the Court on the day that we moved for the

1 sealing of the exhibit that was filed by Mario Neal?

2 A. Unfortunately, since our last court
3 appearance, there have been a number of
4 communications from Mr. Mario Neal to myself, to
5 Dr. Hatcher, but perhaps even most alarmingly is the
6 children's school.

7 The comments that are being made are very
8 attacking to the school. It's rosen [sic]-- it's
9 rosen [sic] to a level that now the school has had to
10 put in certain parameters about contact because
11 they're not contact about what's going on with my
12 children, it's contact about attacking teachers,
13 attacking the school's social worker, attacking
14 Mr. Thomas Neal.

15 It's -- it's not about what's going on with
16 the children or really what's in best interest for
17 the children. They appear to be a bit erratic and
18 escalating, and it's been consistently escalating
19 over the course of the last couple months, but since
20 our last court appearance, it has been more frequent
21 and more concerning. And now it really has a direct
22 impact on the children.

23 Sending a letter to me, that doesn't really
24 matter much; sending a letter to Dr. Hatcher, doesn't

1 really matter much. When you're now sending messages
2 to the school and that the school is saying look, you
3 have to limit your communication, these are the only
4 people that both parents can talk to, this is the
5 only steps that can now happen, you're now very much
6 negatively impacting the school.

7 Additionally, in this course of this, the
8 children used to work with the school's social
9 worker. Mr. Mario Neal has put a stop on that. So
10 we don't have the kids in counseling. And as your
11 Honor may recall, I had made various suggestions on
12 how a counselor could be selected for the children.
13 But I'm concerned about their mental well-being being
14 exposed to this consistently.

15 Q. Are you aware that the general counsel for
16 the -- for the school has become involved?

17 A. Yes.

18 Q. Are you aware that the general counsel for
19 the school has now directed that not only Mario Neal
20 can't contact the kids' teachers but Tom Neal is
21 precluded from contacting the teachers?

22 A. I am aware of that.

23 Q. And that's as a direct result of what Mario
24 Neal has done, is that correct?

1 A. Correct.

2 Q. Do you find any fault in the manner in
3 which Tom Neal has conducted himself in the months of
4 November and December of this year?

5 A. I do not.

6 Q. Do you believe that Tom Neal presents any
7 risk of harm if the children were to be placed in his
8 exclusive care, custody, control and education on a
9 temporary basis?

10 A. I do not.

11 Q. Do you believe that that would be in the
12 children's best interest?

13 A. Unfortunately, at this time I say it is in
14 their best interest.

15 Q. Did you have an opportunity to see
16 Mr. Thomas Neal's request that on a temporary basis
17 again, he be awarded the exclusive communication with
18 the children's school?

19 A. I did.

20 Q. Do you agree with that request?

21 A. I do.

22 Q. Dr. Hatcher suggested that all contact
23 between the children and Mario Neal be suspended.
24 Would you agree that actually it would be in the

1 children's best interest for them to have supervised
2 contact through the Family Center with Mario Neal
3 until we can get this evaluation process completed?

4 A. I would. I think it would be more
5 appropriate for the children to have supervised
6 contact at the Family Center than having no contact
7 whatsoever.

8 Q. All right. And I assume you noticed in the
9 prayer for relieve in the emergency motion that that,
10 in fact, was the request, not that all contact be
11 severed?

12 A. It was.

13 Q. Ms. Musielak, when is the last time that
14 you had contact with any of the three Neal children?

15 A. I want to say it was the end of October,
16 October 26th maybe. It was a Thursday, I believe,
17 Thursday or Friday.

18 Q. Has Tom Neal made the children available to
19 you on whatever schedule you deem appropriate or
20 necessary?

21 A. Yes.

22 Q. Has Mario Neal made the children available
23 to you?

24 A. No.

1 Q. Has he refused to bring the children in to
2 see you?

3 A. He has. In fact, he sent an e-mail several
4 months ago saying -- stating that I'm forbidden from
5 seeking speaking with the children. At the time he
6 was represented by counsel, so I reached out to both
7 attorneys forwarding it on and citing the statute in
8 the order and that I need to have access to the
9 children.

10 Q. You're aware that Mario Neal claims that in
11 some manner you hacked his computer system and his
12 e-mail system?

13 A. I have seen that accusation.

14 Q. Have you in any way hacked into Mario
15 Neal's computer system or e-mail service?

16 A. I have not.

17 Q. Have you broken into Mario Neal's house?

18 A. I have not.

19 Q. Have you, in any regard, in light of the
20 discharge of your responsibilities as Guardian ad
21 Litem, violated any laws of the State of Illinois?

22 A. I have not.

23 MR. CHUCK ROBERTS: May I have a moment, Judge?

24 THE COURT: You may.

1 BY MR. CHUCK ROBERTS:

2 Q. Have you been copied on the vast majority
3 of the e-mails that have been attached as exhibits to
4 the emergency motion?

5 A. I have. And I believe the ones that I
6 wasn't directly copied on, I have received them prior
7 to the emergency motion.

8 Q. So in an effort to streamline this, is it
9 fair to say that you have reviewed Exhibits A through
10 Q that are attached to the emergency motion?

11 A. I have. I actually reviewed them as they
12 came in and also spent last night reviewing
13 everything to make sure there was nothing in there
14 that I had not previously seen.

15 Q. And have you, in fact, seen all of this
16 e-mail traffic previously?

17 A. I have.

18 Q. Did you rely on Exhibits A through Q
19 inclusive in reaching your recommendations to the
20 Court this morning?

21 A. I did.

22 Q. And did you take each of these exhibits
23 into account in formulating your recommendations to
24 the Court?

1 A. I did.

2 Q. Are you concerned about the stability of
3 Mario Neal?

4 A. I am.

5 Q. And can you tell the Court why?

6 A. I have seen increasingly erratic behavior
7 in Mr. Neal. Some of it is just even observations
8 that you can see in the courtroom and your Honor has
9 had the ability to observe yourself. But it's the
10 messages, the frequency, the duration, the agitation.
11 One day we were leaving court here and he came
12 walking up very fast behind me and at that point
13 accused me of ruining their family's lives. But it
14 was the shaking nature, the physical manifestation of
15 the agitation that he had that was very concerning.

16 Judge, I'm aware that people aren't always
17 happy as a Guardian ad Litem with what you do, and I
18 can accept that but it's affecting -- it's seemingly
19 affecting every aspect to the point where we can't
20 get a counselor, we can't have the kids talk to the
21 school's social worker. If somebody doesn't agree
22 with him, they're immediately accused of being a
23 criminal or having -- being unethical or doing
24 something that's not in the best interest of the

1 children.

2 And I have concerns of -- he'll send
3 messages alleging about discussions I've had with the
4 children that are completely inaccurate. But what it
5 also shows me is that he is sitting down with these
6 three young children and questioning them at end and
7 end about what he believes the narrative should be,
8 and it's going to have long-term affects on these
9 young kids.

10 Q. Ms. Musielak, you recall the November 9,
11 2022 order entered by this Court which directed that
12 neither party is to discuss any aspect of the
13 litigation with the children?

14 A. I am.

15 Q. And you recall, no doubt, that that order,
16 that agreed order, was signed by both parties; is
17 that right?

18 A. It was.

19 Q. Do you believe that Tom Neal in any form
20 has violated that order?

21 A. I've not been made aware of anything, so I
22 would say no.

23 Q. Do you believe that Mario Neal has violated
24 that provision of the order?

1 A. I do based on Mr. Mario Neal's own
2 communications.

3 Q. And do you believe that violating that
4 order is in the children's best interest?

5 A. I do not believe it's in the children's
6 best interest.

7 Q. And you said during your discussion or your
8 prior answer to my question you referred to *he*
9 several times.

10 A. Sorry.

11 Q. When you were referring to *he*, were you
12 talking about Mario Neal?

13 A. I apologize. Yes, Mr. Mario Neal.

14 Q. Well, that's okay, ma'am, now we're even
15 for me not asking you what your name was at the
16 beginning of your examination.

17 If the Court sees fit to grant this
18 emergency relief this morning and, in fact, places
19 Tom Neal in charge of communication with the school,
20 would you have an objection if Thomas Neal were to
21 allow the school's social worker to see the three
22 children?

23 A. I would have no objection. In fact, I
24 would hopefully encourage it so they have an

1 independent person who they're comfortable with, have
2 known for quite awhile, that they can speak with.

3 Q. Have you previously shared with me your
4 thoughts that the eldest daughter has a nice
5 relationship with the school's social worker?

6 A. I have. In fact, when I met with the kids
7 last time, they were talking about games they would
8 sometimes play at school, and Josie had shared that
9 she hadn't played in awhile. And that's how I found
10 out she hadn't been able to see the school's social
11 worker. It's one of the things that they would do in
12 there to help her open up about what was going on in
13 her life. And it's not necessarily about her
14 parents, it's just kids have stuff going on.

15 Q. And you find that all aspects of the three
16 children's relationship with the school social worker
17 are not only appropriate but in the best interest of
18 the children, is that correct?

19 A. I do.

20 Q. Is there anything else that you believe we
21 should share with the Court this morning regarding
22 the Neal Family?

23 A. The only thing, your Honor, is I would love
24 to get these children in counseling as soon as

1 possible. I would even ask that your Honor select a
2 counselor just so that these kids have not only
3 what's going on in school but some consistency that
4 goes on for a long term. They've been exposed to way
5 more than they should, and they've been dealing with
6 this for quite awhile. And while they're smart,
7 sweet and generally happy children, I don't know what
8 the long-term affects are going to be on them.

9 Q. Would you be willing to -- because of your
10 relationship with the kids and your personal
11 knowledge about these three children, would you be
12 willing to suggest a couple of possible counselors or
13 therapists to the Court and allow Judge Aranda to
14 select one?

15 A. Absolutely.

16 Q. That would be all right with you?

17 A. Yes.

18 MR. CHUCK ROBERTS: I don't have any further
19 questions for the GAL. Thank you.

20 THE COURT: Thank you.

21 Good morning, Ms. Musielak. I have a
22 couple questions.
23
24

EXAMINATION

BY THE COURT:

Q. You had mentioned the affect and impact of Mr. Mario Neal's communications with the school upon the school and the measures that were taken by the general counsel representing the diocese as to prohibiting the communication of the parents solely with certain individuals at the school.

What individuals are they only allowed to communicate with?

A. Okay. No one was -- I think was the principal, and I would have to go back to the -- because they have the names in there. They've actually blocked his -- Mr. Mario Neal's e-mail from one person because the messages kept coming. But if I could, I can look back at the --

Q. You may.

MR. CHUCK ROBERTS: Judge, would it be all right if I were to direct the Guardian ad Litem's attention to Exhibit G?

THE WITNESS: Thank you.

THE COURT: Certainly.

THE WITNESS: I should have put tabs in here. I'm sorry.

1 Do you want to show me your Exhibit G so
2 that I'm not looking through 200 pages.

3 MR. CHUCK ROBERTS: Absolutely. I'm sorry.

4 THE WITNESS: Next time I'll have tabs.

5 MR. CHUCK ROBERTS: We probably gave you the
6 condensed version.

7 May I approach, Judge?

8 THE COURT: You may approach.

9 MR. CHUCK ROBERTS: Thank you.

10 THE WITNESS: We hereby -- with the exception to
11 Ms. Marshall who is -- that is the principal and
12 Ms. Dewiler (phonetic), I believe is the assistant
13 principal.

14 BY THE COURT:

15 Q. So this would mean that the parents,
16 including the petitioner, Mr. Thomas Neal, could not
17 communicate directly with the teachers or the social
18 workers, is that right?

19 A. Correct, at this time. They would have to
20 do their communication by reaching out to the
21 principal, who then would communicate with the staff
22 there, in large part, to make sure that the
23 communications are appropriate to go to them.

24 Q. And you had mentioned the impact on the

1 school. What is, in your opinion, the impact on the
2 children?

3 A. So these kids love this school, and they
4 are very happy to attend this school. They like
5 their teachers, they like the social worker, they
6 like their friends. You know, day to day activities
7 happen at school where parents and teachers
8 communicate to make sure things are -- are happening
9 or if a kid has a question or something is coming up
10 or you need to work with them. We've now limited
11 that ability for a parent to do that.

12 We also, quite frankly, are, I think,
13 risking these kids to no longer be welcome at this
14 school. You can't continually send messages to -- to
15 a place and expect that they'll continue to allow
16 their staff and the people involved. When you have
17 the Archdiocese's counsel getting involved, that's
18 not typical and -- and while I do have attorneys for
19 schools, when I reach out to them -- reach out to me,
20 it's usually not difficult to talk to the school and
21 get information.

22 I have never had a school in all of my
23 years of doing Guardian ad Litem work saying parents
24 were -- communication with us is restricted. So it

1 feels like we're at the next step of -- we're so
2 close to getting to that point where we say, you know
3 what, it's not worth it anymore.

4 And these kids love it there. And, quite
5 frankly, when your parents are getting a divorce,
6 your school is one of your biggest stabilities that
7 you have. You're away from any conflict, you're away
8 from the realities of life. You're there with your
9 friends and you're enjoying your moment, and the more
10 that we do that impacts that school, the more
11 detrimental affect it has on the kids.

12 Q. The -- the school that the children are
13 attending, is that a public or private school?

14 A. It's a private school. All Saints Academy.

15 Q. And that's in the -- in the city where they
16 live?

17 A. It's in Naperville, yes.

18 Q. You indicated you have the opportunity to
19 either receive firsthand the communications that are
20 attached to the emergency motion that's before the
21 Court this morning or you were forwarded them as part
22 of your investigation?

23 A. Yes.

24 Q. And is this to say that you're familiar

1 with each and every one of the exhibits there
2 attached to the emergency motion?

3 A. I am.

4 Q. And is the totality of those exhibits that
5 which frame your concern about the children?

6 A. It is.

7 Q. And concern about Mr. Mario Neal's
8 behavior?

9 A. It is.

10 Q. And you described it as being erratic,
11 correct?

12 A. I did.

13 Q. Do you believe that the children are
14 currently in danger by the actions and communications
15 of Mr. Mario Neal?

16 A. I do.

17 Q. Do you believe that that endangerment is
18 serious?

19 A. I do.

20 Q. Do you believe it is affecting the
21 children's mental, moral and physical health?

22 A. I do.

23 Q. And you believe it is also affecting their
24 emotional and educational development?

1 A. I do.

2 Q. Do you believe that the Court should
3 consider any changes to the educational
4 decision-making responsibilities of the parties?

5 A. I do.

6 Q. And what change do you believe the Court
7 should consider?

8 A. At this time, I think Mr. Thomas Neal
9 should be making those decisions. He's been making
10 more rational choices when it comes to the children
11 and seemingly -- and he's putting his -- his
12 children's needs before his own.

13 Right now it appears that Mr. Mario Neal is
14 putting his own needs and his own emotional -- and I
15 hate to use this word -- but instability ahead of the
16 children's needs, and so their needs are not being
17 met and we -- we need somebody who can have that
18 communication and make sure that -- like I said,
19 they're smart kids, they're -- you know, they're
20 doing well in school, but I don't want anything to
21 happen that they're not, and we need to make sure
22 that it continues to go on that same path.

23 Q. Understood.

24 Do you know with whom the children are

1 currently, presently this moment?

2 A. They're at school -- wait, winter break may
3 have started.

4 Q. Sorry?

5 A. Winter break may have started so I'm not
6 sure.

7 Q. But to your knowledge --

8 A. They were in Tom's care today, but I
9 thought it was a school day and winter break started
10 at the end of the day.

11 Q. Got it.

12 MR. CHUCK ROBERTS: Judge, if it would be
13 helpful, I can indicate for the record that the three
14 minor children are presently at Thomas Neal's
15 residence and Mr. Neal's -- Mr. Thomas Neal's parents
16 are watching the children.

17 THE COURT: Thank you.

18 BY THE COURT:

19 Q. Ma'am, do you believe that the actions and
20 communications of Mr. Mario Neal as have been
21 presented in the emergency motion, including, I
22 imagine, only some of the e-mails in which were
23 directed to you or included with you are affecting
24 your ability to properly investigate the situation as

1 you've been appointed?

2 A. I do not.

3 Q. Mr. Mario Neal's e-mails?

4 A. Mr. Mario Neal's, I don't think they're
5 affecting my ability to perform my job. I've learned
6 how to separate attacks from parents on me to what's
7 best for the kids.

8 Q. So your -- your testimony this morning and
9 your opinions that you're providing to the Court are
10 not formed in any basis for any negative inferences
11 towards you?

12 A. None at all.

13 Q. And the manner in which the communication,
14 the nature of the communications and the contents of
15 the communications, that's what you believe expresses
16 erratic behavior?

17 A. Correct. And more with the communications
18 as I have seen it with the school's and the outside
19 people versus me because I can -- you can take all of
20 those out of this and it's still concerning behavior.

21 Q. Ma'am, you're familiar with the factors
22 that are laid out in the Illinois Marriage and
23 Dissolution of Marriage Act relative to the best
24 interest of the children, both as to parenting time

1 and as to decision making, is that correct?

2 A. I am.

3 Q. And do you believe that the totality of the
4 factors the Court is to consider you have considered
5 as well in reaching the opinions that you have
6 expressed this morning?

7 A. I have.

8 Q. And you believe that your opinions express
9 what you believe under those factors are appropriate
10 based upon the behavior and communications of
11 Mr. Mario Neal over the last few months?

12 A. I do.

13 Q. You also mentioned that in your opinion,
14 the behavior has actually escalated?

15 A. Yes.

16 Q. Which leads to a more urgent concern, is
17 that correct?

18 A. It does.

19 THE COURT: I have no further questions for this
20 witness.

21 MR. CHUCK ROBERTS: Nothing further. Thank you,
22 Judge.

23 THE COURT: All right. You may step down.
24 Thank you, Ms. Musielak.

1 MR. CHUCK ROBERTS: Your Honor, in light of that
2 testimony and in light of the GAL's reliance upon the
3 attachments to the emergency motion, I would offer A
4 through Q, inclusive, into evidence.

5 THE COURT: The Exhibits A through Q attached to
6 the petitioner's emergency motion for turnover of the
7 minor children and supervised parenting time,
8 temporary sole education decision-making
9 responsibility and for other relief will be admitted.

10 Any other witnesses you wish to call?

11 MR. CHUCK ROBERTS: Judge, I would very briefly
12 like to put my client on.

13 THE COURT: Certainly.

14 MR. CHUCK ROBERTS: I call Tom Neal.

15 THE COURT: Mr. Neal, would you kindly approach
16 the witness stand, remain standing and raise your
17 right hand to be sworn.

18 (Whereupon, the oath was thereupon
19 duly administered to the witness by
20 the Clerk.)

21 THE COURT: Thank you, sir. You may be seated.
22 Careful, the chair has wheels on it.

23 THE WITNESS: Okay.

24 THE COURT: I want you to be careful entering

1 and exiting the witness stand.

2 Also, what appears to be in front of you is
3 a microphone; it's actually a recording device. If
4 you can just move close to it and keep your voice up.
5 Thank you, sir.

6 Mr. Roberts, when you're ready.

7 MR. CHUCK ROBERTS: Thank you.

8 THOMAS NEAL,
9 called as a witness herein, having been first duly
10 sworn, was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. CHUCK ROBERTS:

13 Q. Sir, would you state your full name,
14 please.

15 A. Tom Neal.

16 Q. And, Mr. Neal, you are the petitioner in
17 this case, is that correct?

18 A. Yes.

19 Q. And you and your husband, Mario Neal, have
20 three children, correct?

21 A. Correct.

22 Q. Could you tell the Court their names?

23 A. Josie Neal, Gus Neal and Lily Neal.

24 Q. And was I accurate, sir, when I -- when I

1 indicated to the Court that the three children are at
2 your residence this morning?

3 A. That's correct.

4 Q. And your parents are -- are taking care of
5 them this morning while you're in court, is that
6 right?

7 A. Yes. My folks are here for Christmas, and
8 they offered to help while I come here.

9 Q. Mr. Neal, you've read the emergency motion
10 for the turnover of the minor children and supervised
11 parenting time, temporary sole educational
12 decision-making responsibility and for other relief;
13 is that correct?

14 A. I have.

15 Q. And, in fact, you've affixed your signature
16 to that emergency petition?

17 A. Yes.

18 Q. And you supported that emergency petition
19 with your own affidavit, didn't you?

20 A. Yes.

21 Q. And that's what's been introduced into
22 evidence now as Exhibit Q, is that right?

23 A. Correct.

24 Q. Okay. And you've read that affidavit and

1 you agree with the contents 100 percent?

2 A. Yes, I do.

3 Q. All right. And everything that's in your
4 emergency motion is true, accurate and correct as
5 well; is that right?

6 A. That's correct.

7 Q. Are you concerned about the well-being of
8 your children when they are in the care, custody or
9 control of Mario Neal?

10 A. Yes, I'm extremely concerned.

11 Q. And has that level of concern increased
12 over the last few weeks?

13 A. Yes, it has.

14 Q. Have there been specific events that have
15 occurred that have caused the enhanced level of
16 concern that you have?

17 A. Many.

18 Q. And has Mr. Mario Neal made certain threats
19 to you regarding the children?

20 A. Many.

21 Q. All right. And when was the most recent
22 time that a threat was made to you regarding your
23 children?

24 A. During parenting time transition.

1 Q. When was that, sir?

2 A. That would have been on Wednesday.

3 Q. Of this week?

4 A. Yes.

5 Q. Two days ago?

6 A. Correct.

7 Q. So that would have been December 20th, is
8 that right?

9 A. That's correct.

10 Q. And what did Mario Neal say to you at that
11 time?

12 A. He screamed at me uncontrollably, he was
13 shaking. He stated yet again in front of the
14 children that Dr. Hatcher is a criminal, that the
15 Guardian ad Litem is a criminal, that he's going to
16 get back at them, that I ought to prepare myself for
17 round two. And he was visibly shaken and screaming
18 uncontrollably while the three kids watched.

19 Q. Mr. Neal, have you cooperated to the extent
20 of your ability with the Guardian ad Litem?

21 A. Yes. I have answered every question and
22 gone to every appointment as requested.

23 Q. Do you have any problem taking your kids
24 over to the GAL's office and allowing her unlimited

1 access to the kids?

2 A. I am prepared to do whatever Ms. Musielak
3 asks of me.

4 Q. And if the GAL would like to do another
5 home visit, do you have any problem with her coming
6 over and spending a few minutes or spending the day?

7 A. No problem whatsoever.

8 Q. All right. And have you been advised by
9 Mario Neal that you no longer have his permission to
10 take your children to be interviewed by Dr. Hatcher?

11 A. Mario has prohibited me from taking the
12 children to see Dr. Hatcher and from going to see
13 Ms. Musielak. I then asked you, as my attorney, if
14 he has the authority to restrict my compliance with
15 Judge Aranda's orders, and you informed me that I may
16 carry ahead with taking the children to meet with
17 these two professionals.

18 Q. And you intend to do so, don't you?

19 A. Yes, I do.

20 Q. All right. Do you believe that the relief
21 that you're asking for in your emergency motion is in
22 the best interest of your children?

23 A. Yes, I do.

24 Q. All right. And you will -- in the event

1 the Court sees fit to grant any relief this morning,
2 if some of that relief includes supervised time over
3 the Family Center, you will immediately contact the
4 Family Center for your intake interview and cooperate
5 in an effort to give Mario Neal access to the
6 children; is that right?

7 A. Yes.

8 Q. All right.

9 MR. CHUCK ROBERTS: I have nothing further.

10 THE COURT: Thank you.

11 EXAMINATION

12 BY THE COURT:

13 Q. Mr. Mario Neal, how old are your children,
14 sir?

15 MR. CHUCK ROBERTS: Judge, I think you meant
16 Thomas Neal.

17 THE COURT: Oh, Mr. Thomas Neal. My apologies.

18 BY THE COURT:

19 Q. How old are your children, sir?

20 A. Josie is eight, Gus is five and Lily is
21 five. They are twins.

22 Q. And what school do they attend?

23 A. All Saints Catholic Academy on Aurora Road
24 in Naperville.

1 Q. And, sir, are you also familiar with
2 Exhibits A through Q that are attached to your
3 emergency motion?

4 A. Yes, I reviewed all of them.

5 Q. All right. And do you attest that those --
6 that those attachments and exhibits were ones that --
7 which are communications that Mr. Mario Neal has made
8 with various individuals that were described this
9 morning?

10 A. Yes, your Honor.

11 Q. And do you believe that you are prohibited
12 from contacting your children's teachers, social
13 worker, staff members, all others other than the
14 principal and assistant principal?

15 A. Yes, your Honor, my communications to them
16 have been restricted at their request. I respect
17 their request. It has been very damaging to the
18 kids' relationship at school for the teachers to be
19 bombarded with false accusations and for naked photos
20 of one of the children to be shown to their teachers.
21 And Mario's effort to pit the teachers against each
22 other and to manipulate the staff of that school
23 which has been the only consistent factor for the
24 kids over the past 14 months.

1 All of their friends are there. They come
2 home with extremely positive feedback about their
3 teachers and their experience there, and it has been
4 very hard to see Mario try to damage that. At other
5 parenting transitions Mario has lambasted primarily
6 Josie's teacher in front of her, a person that she
7 should be respectful of and that I try to monitor to
8 make sure that, of course, everything is appropriate
9 between the teachers and the three children. Mario
10 has called Josie's teachers racists and horrible
11 people and I -- I don't -- I don't know how react to
12 that. It has been very damaging to the children.

13 Q. The children, as have been described by
14 Ms. Musielak and by yourself this morning, are
15 certainly acclimated and happy with the school that
16 they're going to, correct?

17 A. Yes, the kids have been -- Josie has been
18 going there since Pre-K3. She's been at All Saints
19 for six years. All of her friends are from school,
20 her Girl Scout troop. The soccer team is comprised
21 of kids that go there. We are very heavily involved
22 as a family at the school.

23 Q. What is your role in the decision making
24 regarding the educational decisions of your children?

1 A. My role?

2 Q. Your role, what has it been?

3 A. My role has been collaborative with Mario,
4 certainly up until the time of the divorce. So my
5 view, the divorce started about 14 months ago, yet
6 Josie had already been a student there for five years
7 prior to that, and we had been more or less a very
8 productive member of the school community. That has
9 changed since the divorce because Mario seems to be
10 airing his grievances in front of a group of nine
11 staff members of totally unrelated information, and
12 it is an embarrassment. I -- I believe the children
13 have been put in a very difficult situation.

14 Q. Sir, are you continuing to be involved in
15 the decisions relative to your children's education?

16 A. Am I involved?

17 Q. Yes, with the decisions relative to your
18 children's education.

19 A. I believe so.

20 Q. All right. So you're involved in day to
21 day and assisting them in going to school and things
22 of that nature and homework and the teacher
23 conferences and things of that nature?

24 A. Yes, I'm totally dedicated to supporting

1 the kids' education.

2 I take the primary role in taking the
3 children to extracurricular activities, whether that
4 be Girl Scouts for Lily and Josie. Gus is now in Cub
5 Scouts. Taking them -- currently they're in
6 basketball, that's the season going on now. I take
7 the primary role in that.

8 Unfortunately, Mario Neal is not as
9 supportive and he -- he does not participate in those
10 activities. When it is Mario's -- we're currently on
11 a 50/50 parenting arrangement. During Mario's
12 parenting time, I would say three quarters of the
13 time he will reach out to me to say could you take
14 Josie to basketball, which practices are on Thursdays
15 and the games are on Saturdays. He does not have
16 interest to go. And maybe one fourth of the time
17 he'll ask another parent, one of her friend's parents
18 to come pick her up. I do not believe Mario has been
19 to any practice or game throughout the course of the
20 past six months.

21 Q. And that's a team related to the school?

22 A. It's Naperville Park District, but in the
23 case of the basketball team, one of the dads somehow
24 got a relationship with the park district and so, I

1 think, all but one of the girls goes to All Saints.

2 Q. Understood.

3 Sir, amongst the -- amongst the exhibits
4 that are attached to the emergency motion is a
5 four-page letter that have been sent.

6 Are you familiar with the letter that's in
7 there?

8 It describes the social worker and the
9 Guardian ad Litem as colluding with one another. Are
10 you familiar with that letter?

11 A. I would request to see it. I think I've
12 seen ten letters that allude to that very topic.
13 It's weekly or twice weekly that someone is receiving
14 a letter indicating collusion, criminal activity.

15 Q. Do you believe that collusion is occurring
16 between the school and the Guardian ad Litem?

17 A. I do not believe that. I think it is a
18 fabricated lie.

19 Mario has said in front of the children
20 that he thinks Ms. Musielak has broken into his
21 house. The children are now on alert when they are
22 at Mario's house watching for potential people to
23 break into his home. It's a very safe neighborhood.
24 I don't believe anyone has broken into his home, and

1 I do not believe Ms. Musielak would do that.

2 MR. CHUCK ROBERTS: Judge, so the record is
3 complete, I believe the Court was referring to
4 Exhibit D as in dog.

5 THE COURT: Indeed.

6 BY THE COURT:

7 Q. And, sir, that Exhibit D would be amongst
8 the letters that you spoke of that come from
9 Mr. Mario Neal and that are sent to the school
10 potentially to Ms. Musielak, others; is that my
11 understanding?

12 A. Yes.

13 Q. And, sir, you had mentioned that the
14 pictures of one of your children that the Court found
15 should be sealed as part of the emergency motion that
16 was brought before the Court on an emergency that was
17 filed by Mr. Mario Neal but not presented before the
18 Court. The pictures that you indicate were also
19 populated to the school and teachers, is that the
20 same photos that are in the motion that was brought
21 to the Court's attention under the emergency motion
22 that was sealed?

23 A. Those are the same photographs, yes.

24 Q. All right. And you believe that those

1 images have been populated out to different
2 individuals with the school, is that right?

3 A. I was in CC on that e-mail, and I believe
4 there were seven staff members that received it,
5 including each child's teacher so that would be three
6 teachers.

7 Q. And do you believe that Mr. Mario Neal has
8 communicated with others that are also referenced in
9 the attachments even beyond school, the Guardian ad
10 Litem, Dr. Hatcher, the attorneys, do you believe
11 that his communications have now expanded even
12 outside of those individuals?

13 A. Yes, they absolutely have.

14 I've been CC'd on that letter going to
15 unrelated parties, including a therapist, that
16 declined to help our family, including a state
17 representative. He's -- Mario is CC'ing the
18 secretary at our parish. Other e-mails that I do not
19 recognize of people. It has been distributed to many
20 people.

21 Q. Understood.

22 And, sir, have you accessed or broken into
23 the home to access Mr. Mario Neal's computer and
24 deleted any records or information that is contained

1 in any computer that he has?

2 A. No, I have never done that. I have only
3 been to the marital residence as it relates to
4 dropping off or picking up the kids.

5 Q. And do you believe that many of these
6 accusations that are being made by Mr. Mario Neal are
7 not accurate and are forming what you may believe is
8 erratic actions and behavior?

9 A. Yes, your Honor.

10 Q. And do you believe that that erratic
11 behavior that you just described and communications,
12 do you believe that that is seriously endangering
13 your children?

14 A. Absolutely.

15 Q. Do you believe that it is seriously and
16 significantly impacting their emotional and
17 educational development?

18 A. Yes, I do.

19 Q. Sir, the children are currently in your
20 possession, is that correct?

21 A. Yes.

22 Q. And if they were to remain in your
23 possession, would you be able to handle the
24 responsibilities on a much greater than 50 percent of

1 the time that you're presently being allocated
2 parenting time?

3 A. Yes, I am ready and available to do so.

4 Q. Do you believe that you'll also be able to,
5 if granted sole education decision-making
6 responsibility, be able to take on that task solely
7 and make all appropriate decisions for your children?

8 A. Yes, I would approach that trying to make
9 the best decisions for the kids. To maintain their
10 routines and stability would be my objective.

11 Q. You described one instance recently two
12 days ago which Mr. Mario Neal was visibly shaking,
13 screaming, things of that nature.

14 Was that the only time that has happened in
15 the recent past?

16 A. No, your Honor, that is very frequent. I
17 would say at least half of every interaction we have,
18 which is only related to dropping off or picking up
19 the kids, is laden with accusations, uncomfortable
20 situation. It is totally dysfunctional.

21 There -- there has been a total downgrading
22 of any ability to collaborate on parenting the kids.
23 If -- your Honor directed us to only communicate
24 through Our Family Wizard in one of the initial

1 orders of this case, I have abided by that every
2 time.

3 And Mario is no longer engaging on any sort
4 of collaboration with the kids' homework or getting
5 their items back and forth. The most basic elements
6 of trying to provide a productive co-parenting
7 arrangement has failed miserably. The report cards
8 from school went home on Mario's day. He refused to
9 show them to me. That's one example.

10 I ask questions in Wizard, and if it
11 relates to the children, they go unanswered. Any
12 question I ask in Wizard is replied with an
13 accusation against me; I'm a criminal, I refuse to
14 answer your question. And the response is well,
15 solve financial-related issues and then I will answer
16 your question. There is no -- no response to
17 anything related to trying to just help the kids
18 along and to compartmentalize that, unfortunately,
19 this divorce is contentious. There's no ability to
20 collaborate.

21 Q. Do you -- do you believe that Mr. Mario
22 Neal's actions, behaviors, communications are also
23 escalating?

24 A. They are definitely escalating.

1 Q. All right. And are you concerned for your
2 children?

3 A. I'm extremely concerned, yes.

4 Q. All right.

5 THE COURT: I have no further questions for
6 Mr. Thomas Neal.

7 MR. CHUCK ROBERTS: Nothing in response to that,
8 Judge. Thank you.

9 THE COURT: Sir, you may step down.

10 (Witness excused.)

11 THE COURT: Mr. Roberts, the Court can set it
12 over to this afternoon for any further testimony or
13 certainly for ruling, but I would need to set it over
14 for this afternoon.

15 MR. CHUCK ROBERTS: Fine. Judge, I have -- I
16 think I have enough in the record at this point that
17 we'll rest.

18 THE COURT: Okay. All right.

19 So generally weddings go to about 1:00,
20 part of the lunch hour. I have a 1:30 prove-up in
21 person and a 2:00 pretrial. But I'd like to maybe
22 get to this ruling before doing the default prove-up.
23 Can we do it at 1:15? All right, we'll be back at
24 1:15.

1 MR. CHUCK ROBERTS: We'll see you then. Thank
2 you, Judge.

3 MR. RICK ROBERTS: Judge, would it be.

4 MS. MUSIELAK: Judge, would it be possible for
5 me to Zoom in because I already had a 1:30
6 appointment schedule. If not, I will reschedule.

7 THE COURT: That's perfectly fine. Absolutely.

8 MR. CHUCK ROBERTS: We'll be back in person
9 though, Judge.

10 THE COURT: Sounds good.

11 MR. CHUCK ROBERTS: Thank you.

12 THE COURT: See you then.

13 (Whereupon, the hearing in the
14 above-entitled cause was recessed to
15 1:15 p.m. this date.)

A F T E R N O O N S E S S I O N

THE COURT: Good afternoon again.

Let the record reflect that this is Case Number 2022 DC 915, In Re The Marriage of Thomas Neal and Mario Neal.

Counsels, will each of you be so kind as to introduce yourselves and who you represent.

MR. RICK ROBERTS: Good afternoon, Judge. Rick Roberts for Tom Neal, who's present in the courtroom.

THE COURT: Thank you.

MR. CHUCK ROBERTS: Chuck Roberts also for Tom Neal.

THE COURT: Thank you.

MS. MUSIELAK: Good afternoon, Wendy Musielak, Guardian ad Litem.

THE COURT: Thank you. And sir.

MR. THOMAS NEAL: Hi, your Honor. Tom Neal.

THE COURT: Thank you.

The Court had the opportunity to hear testimony this morning on the respondent's emergency motion for turnover of the minor children and supervised parenting time, temporary, sole education decision-making responsibility.

1 I also admitted into evidence and reviewed
2 the exhibits that are attached to the emergency
3 motion, and the Court set the matter over for this
4 afternoon for ruling.

5 The Court finds that it has -- that this is
6 a pre-decree matter that has been pending over a year
7 and that parties have not agreed upon an allocation
8 judgment to date. And to that end a Guardian ad
9 Litem was appointed, as was a 604.10(c) evaluator,
10 and a Rule 215 examination was ordered.

11 The parties have three children ages eight
12 and twins that are five years old, respectively, all
13 of whom attend All Saints Academy in Naperville,
14 Illinois.

15 The Court has heard the testimony of the
16 Guardian ad Litem and the petitioner and received
17 exhibits into evidence, which advised that the
18 respondent has sent e-mails to the school, principal,
19 assistant principal, social worker and teachers,
20 which were of a nature and extent as to the
21 accusatory and offensive which led the general
22 counsel for the Roman Catholic Diocese to prohibit
23 the parties from communicating with any staff
24 members, including teachers and social workers, and

1 limits them to only communicating with the principal
2 and assistant principal.

3 The exhibits include a four-page letter
4 that the respondent sent to the school accusing the
5 children's school's social worker of colluding with
6 the Guardian ad Litem, tasked to investigate this
7 case as the Court's witness and covering up
8 allegations the respondent has made in order to
9 participate -- in order to protect the petitioner and
10 his family.

11 As a result of these communications, the
12 petitioner has been prohibited as well from
13 communicating with the children's teachers and social
14 worker.

15 The exhibits also reflect the respondent
16 having forwarded six motions the respondent has filed
17 but not presented before the Court to the school
18 staff and administration, including a pleading that
19 the Court ordered sealed due to the pleading
20 containing images of the naked body of -- the naked
21 bottom of one of the party's children finding that
22 for the children's privacy the pleading should be
23 sealed, yet the respondent forwarded the same
24 pleading with the same images to the school

1 principal, assistant principal, director of student
2 services of the school, school director, child and
3 youth protection for the Diocese of Joliet, parish
4 secretary and school's lawyer.

5 The petitioner has further testified that
6 the respondent's erratic actions and communications
7 also extended to the DuPage County state's attorney's
8 office, Illinois State representative, petitioner's
9 counsel, Dr. Hatcher and the Guardian ad Litem
10 similarly alleging collusion and coverup.

11 The exhibits also reflect the respondent's
12 claim to the Naperville Police Department that the
13 petitioner had broken into the marital residence to
14 access and delete records from his computer and that
15 the Guardian ad Litem and children's school counselor
16 may have also gained access to his computer to delete
17 records and important documents and other private
18 matters.

19 The Guardian ad Litem and the petitioner
20 testified that the respondent's erratic behavior and
21 communications have seriously endangered the
22 children's mental, moral and physical health as well
23 as significantly impaired the children's emotional
24 development and that the respondent's actions

1 continue to further escalate.

2 The Guardian ad Litem and petitioner
3 testified that the respondent's erratic behavior and
4 communications have also impacted the possibility of
5 the children being band from remaining enrolled in
6 the private school that they are attending, being the
7 only school that they have known and enjoy attending.

8 The petitioner also testified that he
9 was -- he has always been involved in the children's
10 educational decisions and has taken a primary role
11 since the respondent has failed to effectively
12 communicate to co-parent with the children. And the
13 respondent's behavior has become increasingly more
14 erratic and even more concerning.

15 Pursuant to Section 603.10 of the Illinois
16 Marriage and Dissolution of Marriage Act, the Court
17 finds by a preponderance of the evidence the
18 respondent has engaged in conduct that seriously
19 endangered the children's mental, moral and physical
20 health and significantly impaired the children's
21 emotional and education development and, therefore,
22 grants the petitioner's emergency motion for relief.

23 The Court takes into consideration the
24 children's best interest factors of Section 602.7 and

1 602.5, which specifically enumerate those factors as
2 the wishes of each parent, the wishes of the child,
3 the amount of time each parent spent performing
4 caretaking functions with respect to the child in the
5 24 months proceeding the filing of the petition for
6 allocation of parental responsibilities. Any prior
7 agreement or course of conduct between the parties
8 relating to caretaking functions with respect to the
9 child, the interaction and interrelationship of the
10 child with his or her parents and siblings, the
11 child's adjustment to his or her home, school and
12 community, the mental and physical health of all
13 individuals involved, the child's needs, the distance
14 between the parties' residences, whether a
15 restriction on parenting time is appropriate, the
16 physical violence or threat of physical violence by
17 the child's parent directed against the child or
18 other member of the child's household, the
19 willingness and ability of each parent to place the
20 needs of the child ahead of his or her own needs, the
21 willingness and ability of each parent to facilitate
22 and encourage a close relationship between the other
23 parent and the child, the occurrence of abuse against
24 the child or other member of the child's household.

Moreover, pursuant to the best interest of the child as it relates to the decision making, the Court also viewed and considered the best interest for purposes of that regard and the wishes of the child, the child's adjustment to his or her home, school and community, the mental and physical health of all individuals involved, the abilities of the parents to cooperate to make decisions, the level of each parents participation in the past and significant decision making with respect to the children, any prior agreement or course of conduct between the parents relating to decision making with respect to the child, the wishes of the parent, the child's needs, the distance between the parents' residences, whether restrictions on decision making is appropriate under 603.10, the willingness and ability of each parent to facilitate and encourage a close relationship -- a close and continuing relationship between the other parent and the child, the physical violence or threat of physical violence by the child's parent directed against the child, the occurrence of abuse against the child or other member of the child's household.

Taking all of those into consideration, the

1 Court orders that in order to protect the children,
2 it is in the best -- it's in the best interest of
3 those children that the respondent's parenting time
4 be temporarily reduced to supervised parenting time
5 at the DuPage County Family Center once per week as
6 scheduled by the Center, and the parties are directed
7 to contact the Center to set up said parenting time.
8 And that the respondent is restricted from contacting
9 the school's staff and administration until further
10 order of the Court.

11 Moreover, as the parties have yet to enter
12 into an allocation judgment on a temporary basis, the
13 Court finds that after consideration of the child's
14 best interest factors of Section 602.7 and 602.5 as
15 enumerated, it is in the best interest of the
16 children that the petitioner have sole
17 decision-making responsibilities for the children's
18 educational decisions.

19 The Court does want to note that on more
20 than one occasion, I have advised Mr. Mario Neal that
21 in order for the Court to consider any motions, they
22 must be properly noticed and properly presented
23 before the Court. The forwarding of those motions to
24 others giving them the belief or understanding that

1 those matters are before the Court without having
2 presented them is against the Code of Civil Procedure
3 and that it is failed to have been brought and
4 presented before the Court. In fact, local court
5 rule allows the Court to strike pleadings that are
6 not set for hearing within a given time.

7 In addition, the Court finds that all
8 matters are important brought before the Court, that
9 they must be properly brought before the Court and
10 Mr. Mario Neal has been made aware of that but
11 continues to file motions and not present before this
12 court.

13 Lastly, with regard to the school
14 counseling and with regard to the -- the children's
15 counseling independently from the school, there is no
16 court order prohibiting the school counselor to be
17 involved with the children. The communication
18 appears to be prohibited currently, but there's been
19 no prohibition in the court order for the children to
20 attend school counseling. That would be up to the
21 school to allow or not allow until the matter is
22 brought additionally before the Court.

23 With regard to the children's independent
24 counseling, the Court has had pending a motion in

1 that regard. It stalled out with the withdrawal of
2 Mr. Cherney. We last left off that the parties were
3 going to submit to the Court recommended counselors
4 for the Court to view amongst each parties'
5 submission a selection for that counseling.

6 I do believe that counseling should occur
7 since we were in that process. The Court is asking
8 that -- that that continue to occur in the best
9 interest of the children, but I don't want to
10 sidestep the fact that we did begin that process. It
11 is pursuant to a pending pleading, and I'd like to
12 take that to its fruition.

13 All right. So the Court is not
14 independently entering an order as to independent
15 counseling of the children apart from school
16 counseling until the Court is able to either by
17 agreement have a submission of the counselor's names
18 for the Court's consideration and appointment or that
19 the matter be set for hearing. All right.

20 We have, I believe, a future date of
21 February 13, 2024 at 9:25. That is to stand as are
22 all orders that have been entered by this Court
23 remain standing. The Court is aware of the notice of
24 appeal. Again, it relates specifically to the -- to

1 the finding of the 604.10(c) evaluator and the
2 Rule 215 exam. But, again, it's not my place to
3 concur with the Appellate Court, but I find that
4 their communication with Mr. Roberts and Mr. Mario
5 Neal in that the Court is on initial determination
6 finding that it is not a final and appealable order
7 is correct. We don't have an allocation judgment.

8 The temporary appointment of the 604.10(c)
9 evaluator and the Rule 215 exam is for the purpose of
10 assisting the Court in either hearing and entering an
11 allocation judgment or in reviewing an allocation
12 judgment provided to the Court by agreement of the
13 parties. So until there's a determination that that
14 portion of the Court's temporary orders are accepted
15 under appeal, all orders remain standing. All right.

16 Mr. Roberts, would you be so kind as to
17 prepare that order so I can get started on this
18 prove-up.

19 MR. CHUCK ROBERTS: Yes, sir, of course. And,
20 Judge, I'd also indicate that somehow or other the
21 case is on call for January 8th of 2024, but there's
22 nothing noticed for that day. Should I strike that
23 date?

24 THE COURT: Let me double-check. Unfortunately,

1 if it's set for presentment, sometimes I don't hear
2 of it, it just appears on the call. But I'll be able
3 to see whether it's set for presentment or not.

4 Mr. Roberts, so electronically I could see
5 that it was placed on the call by the secretaries,
6 although I don't see a notice of motion, but it is
7 placed on the call. Unfortunately, sometimes that
8 happens where they get a place setting and a litigant
9 files a notice of motion and motion, but I just see
10 that it's been placed on the call by the secretary.
11 So let's let -- let that date stand.

12 MR. CHUCK ROBERTS: Okay.

13 THE COURT: But if it wasn't your office and it
14 was the respondent and the respondent has been told,
15 again, mentioned by the Court today that in order to
16 properly present a motion that's filed, notice of
17 motion needs to be filed and served upon the other
18 party in order to properly present a motion. But
19 that may still be coming.

20 MR. CHUCK ROBERTS: Sure enough. Thank you.

21 THE COURT: Thank you, sir.

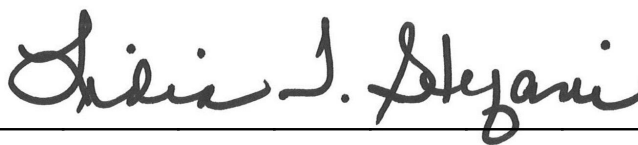
22 MR. CHUCK ROBERTS: Order to come, Judge.

23 THE COURT: Thank you so much.
24

(Which were all the proceedings
had in the above-entitled cause,
this date.)

1 STATE OF ILLINOIS)
2 COUNTY OF DU PAGE) SS:
3

4 I, LIDIA T. STEFANI, hereby certify that
5 I am a Certified Shorthand Official Court Reporter
6 assigned to transcribe the computer based digital
7 recording of proceedings had of the above-entitled
8 cause, Administrative Order No. 99-12, and Local
9 Rule 1.01(d). I further certify that the foregoing,
10 consisting of Pages 1 to 68, inclusive, is a true and
11 accurate transcript hereinabove set forth.
12
13
14

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16 _____

17 Official Court Reporter
18 Eighteenth Judicial Circuit of Illinois
19 DuPage County
20 C.S.R. License No. 084-002300
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