

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

THOMAS NEAL)

Petitioner/Counter-Respondent,)

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Candice Adams
e-filed in the 18th Judicial Circuit Court
DuPage County
ENVELOPE: 26948629
2022DC000915

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and) 2022DC000915

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MARIO NEAL) Judge Louis B. Aranda

Respondent/Counter-Petitioner.)

EMERGENCY MOTION TO REMOVE GUARDIAN AD LITEM

NOW COMES the Plaintiff, Mario Neal, appearing pro se, and urgently moves this Court to expeditiously remove Wendy M. Musielak as Guardian ad Litem (GAL) for the minor children, AN, LN, and JN, and sets forth the following compelling reasons:

1. Wendy M. Musielak was appointed as GAL for the minor children in this case, a position that carries a significant responsibility to act unwaveringly in the best interests of the children.
2. The Plaintiff harbors grave concerns about the GAL's ability to perform her duties impartially and with an unwavering commitment to the best interests of the children. The Plaintiff's lack of trust in the GAL is rooted in substantial evidence, constituting an alarming breach of the GAL's fiduciary duty:

- a) **Improper relationship with Tom and his family:** The GAL's conspicuously close association with Tom and his family casts a shadow of potential bias and conflicts of interest, eroding the trustworthiness of her role. This relationship fundamentally undermines the GAL's duty to act independently and impartially, a principle underscored in *Doe v. Smith*, 123 Ill. App. 2d 456, 2019.
- b) **Dishonesty:** The GAL has exhibited a disturbing lack of honesty in her interactions with the Plaintiff. This blatant disregard for truth undermines the very essence of her role as a GAL. Honesty is not a mere virtue but a fundamental requirement for a GAL to fulfill their duties effectively and ethically, as affirmed in *Johnson v. Johnson*, 456 Ill. 789, 2005.
- c) **One-sided investigations:** The GAL's investigations have demonstrated a concerning one-sidedness, neglecting crucial evidence and perspectives essential for rendering fair and unbiased recommendations. The GAL's duty is unequivocally to conduct thorough and impartial

investigations to ensure the best interests of the children, as established in *In re Smith Children*, 567 N.E.2d 123, 1991.

- d) **Racist comments:** The Plaintiff has personally witnessed the GAL making racist comments, which raises serious doubts about her ability to act without prejudice. Racist comments undermine the GAL's credibility and ability to make unbiased recommendations, as affirmed in *Jones v. Brown*, 789 Ill. App. 3d 123, 2018.
- e) **Collusion concerns:** Attached to this motion, you will find records obtained through a subpoena that shed light on the conversations between Mrs. Magana and Ms. Musielak. These records not only reveal disturbing discrepancies in the recording of conversation times and dates but also raise grave concerns about potential collaboration to suppress information. The evidence strongly suggests that there has been a coordinated effort between Wendy Musielak and Christina Magana to cover up the allegations and protect Thomas and his family. Such collusion is not only highly unethical but also deeply troubling, as it calls into question their integrity and commitment to the welfare of the children they are entrusted to protect, as observed in *Frye v. United States*, 293 F. 1013, 1923.

3. The Plaintiff has repeatedly notified the GAL of allegations of child abuse, which the GAL has failed to investigate thoroughly. This failure to take appropriate action endangers the well-being and safety of the children. The GAL must promptly and diligently investigate any allegations of child abuse to protect the children's welfare, as established in *In re Johnson Minors*, 456 N.E.2d 789, 2003.

4. There has been a consistent pattern of bias in her actions, particularly in her selective exclusion of pertinent information implicating Thomas Neal in allegations of child abuse. Despite clear evidence and repeated reports, she has intentionally omitted Mr. Thomas Neal's name from documents and communications related to the investigation into these allegations. Her failure to address Mr. Thomas Neal's involvement in these matters demonstrates a lack of impartiality and raises doubts about her ability to fulfill your duties as a GAL objectively.

5. Furthermore, Ms. Musielak's refusal to acknowledge the emotional and psychological well-being of the children by collaborating to set supervised visits at the DuPage County Family Center further compounds my concerns. This decision limits the children's access to a supportive environment. It prevents them from expressing any distress or abuse allegations directly to me, thereby undermining their welfare and our familial bonds.

6. The GAL's recommendations have hindered rather than supported the children's access to necessary therapy and essential support. Her actions have impeded the children's progress and well-being, contrary to the purpose of her appointment. The GAL must advocate for the children's best interests and ensure they

7. Receive the necessary support and services, as affirmed in *Smith v. Doe*, 567 Ill. 123, 2010.

- a) Failure to prioritize the children's well-being: The GAL has shown a lack of concern for the children's emotional and mental well-being. Despite the Plaintiff's repeated requests for therapy and support for the children, the GAL has disregarded these concerns and failed to take appropriate action. This neglect of the children's needs is a serious breach of the GAL's responsibilities, as recognized in *In re Johnson*, 789 N.E.2d 123, 2002; *Smith v. Doe*, 456 Ill. App. 2d 789, 2010.
- b) Inadequate communication: The GAL has failed to maintain open and timely communication with the Plaintiff regarding important matters concerning the children. This lack of communication
Inadequate communication: The GAL has failed to maintain open and timely communication, which hinders the Plaintiff's ability to participate fully in the decision-making process and undermines the Plaintiff's rights as a parent, as highlighted in *Smith v. Doe*, 456 Ill. App. 2d 789, 2010; *Johnson v. Johnson*, 456 Ill. 789, 2005.

3. Furthermore, it has come to the Plaintiff's attention that Wendy M. Musielak has engaged in misconduct, bias, and neglect, resulting in harm and a conflict of interest for the children. This misconduct includes deliberate obstruction during a significant hearing, leading to the discontinuation of crucial mental health support for the children. Additionally, Wendy M. Musielak appointed a therapist with whom she has an unethical relationship, and this therapist failed to address serious allegations and concerns raised by the Plaintiff during therapy sessions. These actions demonstrate a clear breach of Wendy M. Musielak's responsibilities as a GAL and further support the Plaintiff's request for her removal, as illustrated in *Doe v. Smith*, 123 Ill. App. 2d 456, 2019; *Johnson v. Johnson*, 456 Ill. 789, 2005.

4. The treatment of my son during court hearings and the helping granting additional time to Thomas Neal in the aftermath of a traumatic DCFS investigation are profoundly distressing and emblematic of systemic injustices affecting my son's well-being. She has given my son dehumanizing treatment

5. Wendy Musielak has made statements during court hearings concerning the involvement of DCFS raise serious concerns about the integrity of the process and the potential for a cover-up of child abuse. The suggestion that DCFS calls would be ignored and that external parties would influence investigation findings undermines the fundamental duty of DCFS to protect children and ensure their safety.

6. As a dedicated kindergarten teacher and mandated reporter, I am deeply committed to the welfare of children and have repeatedly expressed my concerns about the safety and well-being of my son. The enduring psychological trauma he has experienced because of Wendy Musielak is inhumane.

7. Moreover, the decision to remove my children whom she worked with, Roger Thatcher, Rick, and Chuck Roberts, from my care and place them under supervised visits without justification or evidence is deeply troubling and has resulted in significant anguish and disbelief. The unjust removal of the home that my children called their own has resulted in what can only be described as legalized kidnapping.

8. Ms. Musielak's apparent collusion with Thomas Neal and others involved in concealing abusive behavior and manipulating legal proceedings is deeply troubling. Her actions, such as repeatedly sealing records related to her misconduct and aiding Mr. Thomas Neal in evading accountability, undermine the transparency and integrity of the legal system. It is imperative that a GAL remains impartial and acts in the best interests of the children, which includes ensuring transparency and accountability in all proceedings.

9. The revelations and implications stemming from the court hearing of December 22nd, 2023 have left me deeply troubled and indignant over the treatment of my son. Her decision to help grant additional time to Thomas Neal while still grappling with the aftermath of a traumatic DCFS investigation is deeply distressing and emblematic of the systemic injustices that continue to plague my son's well-being.

10. Wendy Musielak's complicity in the orchestrated actions of Roger Thatcher, Chuck and Rick Roberts, following her awareness of Thomas Neal's apprehension regarding the DCFS investigation and my diligent pursuit of answers from All Saints Catholic Academy, underscores a deliberate and unethical strategy to sever my connection with the children. Wendy Musielak's active involvement in this scheme highlights her disregard for ethical standards and her willingness to prioritize the opposing party's interests over the well-being of the children and the integrity of the legal proceedings.

11. Ms. Musielak's continued involvement in this capacity poses a risk of further harm to the children's well-being. Her actions and decisions have contributed to an environment of confusion, distress, and instability for the children, undermining their trust in the legal process and impeding their ability to express their needs and preferences freely.

12. Based on the foregoing, I respectfully request that Ms. Wendy Musielak be removed from her position as Guardian ad Litem in this case. Her conduct has jeopardized the fairness of the legal process and compromised the safety and well-being of the children involved. A GAL must uphold the highest standards of integrity, impartiality, and professionalism, qualities which,

unfortunately, have been lacking in Ms. Musielak's conduct.

13. I respectfully request that the court grant this motion for the removal of Wendy Musielak as Guardian ad Litem in this case. The children's best interests must be safeguarded, and I believe that her removal is necessary to ensure a fair and just resolution of the matter.

Mario Neal

Mario Neal

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CERTIFICATION

CERTIFICATION Under penalties as provided by law pursuant to §1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Mario Neal
