

IN THE CIRCUIT COURT OF DU PAGE COUNTY
FOR THE EIGHTEENTH JUDICIAL CIRCUIT OF ILLINOIS

IN RE THE MARRIAGE OF:)
)
THOMAS NEAL,)
)
 Petitioner,)
)
 -and-) No. 22 DC 915
) Status
MARIO NEAL,)
)
 Respondent.)

REPORT OF PROCEEDINGS had at the
hearing of the above-entitled cause before the
HONORABLE LOUIS B. ARANDA, recorded on the DuPage
County Computer Based Digital Recording System, DuPage
County, Illinois, transcribed by Kristin M. Barnes,
Certified Shorthand Reporter, commencing on the 11th
day of March, 2024.

Kristin M. Barnes, CSR
Official Court Reporter
CSR No. 084-004026

1 PRESENT:

2 ROBERTS, P.C., by:
3 MR. CHUCK ROBERTS and
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 on behalf of
9 the Minor Children.
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1 THE COURT: Let the record reflect that this is
2 Case Number 2022 DC 915, In Re the Marriage of
3 Thomas Neal and Mario Neal.

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

6 MR. CHUCK ROBERTS: Thank you, Judge.

7 For the record, Chuck Roberts and
8 Rick Roberts appearing on behalf of Thomas Neal.
9 Thomas Neal is also present before the Court.

10 MS. MUSIELAK: And good morning, your Honor.

11 Wendy Musielak, guardian ad litem.

12 THE COURT: Thank you.

13 And, Mr. Neal, would you introduce yourself.

14 MR. THOMAS NEAL: Good morning, your Honor.

15 Thomas Neal.

16 THE COURT: Thank you.

17 The Court will reflect that I do have Zoom
18 open. It has been open for some time, although this is
19 an in-person status date and presentment date. The
20 Court will also reflect that Mr. Mario Neal is not
21 present in court or via Zoom.

22 The matter comes before the Court for status
23 on the 604.10(c) report by Dr. Hatcher and the Rule 215
24 report by Dr. Shapiro for the guardian ad litem's

1 investigation and presentation of the petitioner's
2 petition to abate child support and the petitioner's
3 petition for rule to show cause.

4 The Court will note that the respondent filed
5 but has not noticed up an emergency motion for
6 temporary custody and child support. But, again,
7 that's only been filed. There's been no notice of
8 motion in that regard.

9 It is also set for a ruling on the in camera
10 review of the child's records. Before the Court gets
11 to that ruling, we can hear from Ms. Musielak about any
12 update on her investigation and the statuses of the two
13 reports mentioned.

14 Ms. Musielak?

15 MS. MUSIELAK: So, Judge, you would have received
16 a copy of the Family Center report.

17 THE COURT: Yes.

18 MS. MUSIELAK: The parenting time has gone well.
19 I would like to see the kids continue to see their
20 father in a super -- he's papa -- in a supervised
21 setting. I will call the Family Center to see if we
22 can extend them, but it's unlikely because of the
23 volume of cases that they have.

24 My recommendation would be to utilize Family

1 Solutions in order to ensure that we have regular
2 parenting time. Part of the problem is that Mr. Mario
3 Neal is not here today for us to fully address that
4 issue.

5 I did meet with the children this weekend.
6 Overall, they're doing well. I am -- would hope that
7 we at some point get counseling for the kids,
8 particularly for Josie. I think that I see the weight
9 of the world on this little eight-year-old's shoulder
10 and I -- you know, she has friends, she's doing well in
11 school, she's doing sports and things, but, obviously,
12 this is a very high conflict divorce and it's going to
13 affect the kids. The younger two seem to not be as
14 affected by it.

15 Your Honor will probably hear more from
16 Mr. Roberts, but we're sort of at a standstill with
17 both the 604.10(c) and the 215, which puts us in a
18 little bit of a difficult position to come to final
19 recommendations on parenting because those are key
20 pieces to the mental health issues being raised to
21 making a final recommendation and coming to a final
22 resolution.

23 THE COURT: And, Messrs. Roberts, please?

24 MR. CHUCK ROBERTS: Judge, there's been no

1 interaction between Mario Neal and Dr. Shapiro and
2 Dr. Hatcher since the last time we were before your
3 Honor. To that end, I have prepared a petition for
4 rule to show cause regarding Mario Neal's failure to
5 participate in both of those examinations, and that is
6 set for presentment this morning.

7 I think it would be appropriate to the
8 premises to give Mario Neal an opportunity to respond
9 to both of those pleadings and it would be helpful,
10 Judge, if we could set both of these down for hearing.

11 If we can get in on a reasonable basis
12 timewise, that would give Ms. Musielak an opportunity
13 to make recommendations to the parties specifically as
14 to how to implement Family Solutions for purposes of
15 supervised time for Mario Neal.

16 And may I say one other thing, Judge?

17 THE COURT: Yes.

18 MR. CHUCK ROBERTS: I noticed this morning in the
19 court file that the Court had entered a protective
20 order regarding the CAC matter, but it hasn't been
21 imaged yet by -- I don't know if it was the one that
22 was tendered by the state's attorney's office or if the
23 Court has prepared something else. I thought I should
24 mention on the record that I did see that that was --

1 that that was in there.

2 THE COURT: Indeed. And the Court will address
3 the protective order with the ruling on the in camera
4 review of the reports. I did review that as well as a
5 CD of interviews that were imaged, and I will address
6 that as well.

7 So I am going to give the respondent time to
8 respond to the petition to abate child support and
9 petition for rule to show cause. The respondent shall
10 have 21 days to respond.

11 I am going to give it a hearing date. In
12 this regard, let me take a look for a potential date.
13 How about the afternoon of April 8th? I think that's
14 tight to the schedule, but I'm cognizant about the
15 parenting time as well.

16 MR. CHUCK ROBERTS: April 8th at 1:30, your Honor?

17 THE COURT: Yes.

18 MR. CHUCK ROBERTS: That's fine with us.

19 MS. MUSIELAK: That works for me, Judge.

20 THE COURT: All right. So hearing April 8th at
21 1:30.

22 MR. CHUCK ROBERTS: May we also use that for
23 status on any updates from Ms. Musielak at that time?

24 THE COURT: Yes.

1 MS. MUSIELAK: And, Judge, would we be able to put
2 in the order if the Family Center has the capability to
3 continue the visits that they shall continue until the
4 next court date?

5 THE COURT: Indeed, that's fine.

6 I did review the summary reports on the
7 parenting time and they do appear to be going well, so
8 that can be in today's order, so that as well as the
9 respondent shall have 21 days to respond to the
10 petition to abate child support and petition for rule
11 to show cause. Those matters are set for hearing on
12 April 8th at 1:30, along with further status on the
13 guardian ad litem's investigation.

14 And the Court is prepared to rule on the
15 motion for in camera review. This is a ruling on the
16 DuPage County Children's Advocacy Center's motion for
17 in camera review of their records from their
18 investigation of a report of an alleged child abuse and
19 neglect on the matter involving the parties' minor
20 children.

21 Section 11 of the Abused and Neglected Child
22 Reporting Act provides in pertinent part that all
23 records concerning reports of child abuse and neglect
24 or records concerning referrals under this Act and all

1 records generated as a result of such reports or
2 referrals shall be confidential and shall not be
3 disclosed except as specifically authorized by this
4 Court or other applicable law.

5 It is a Class A misdemeanor to permit,
6 assist, or encourage the unauthorized release of any
7 information contained in such reports, referrals, or
8 records. Moreover Section 11.1(8) of that Act provides
9 in pertinent part a Court, upon its finding that access
10 to such records may be necessary for the determination
11 of an issue before the Court, however, such acts shall
12 be limited an in camera inspection unless the Court
13 determines that public disclosure of the information
14 contained therein is necessary for the resolution of an
15 issue then pending before it.

16 The Court is in receipt of such records and
17 has made an in camera review of the records, including
18 videos of the interviews of the parties' children. The
19 Court finds that the confidential records are material
20 to the -- are material to the parental responsibilities
21 issues before the Court.

22 The Court will release these confidential
23 records only to the parties and the guardian ad litem
24 and strictly under a protective order that the Court

1 hereby enters.

2 The parties and the guardian ad litem shall
3 read the protective order and shall not release any of
4 these confidential records to anyone else not
5 specifically permitted in the protective order or until
6 further orders of this Court.

7 What I have is a copy of the protective
8 order. Attached to it is the -- is the copy of the
9 recorded interviews and the documentation that was
10 provided to the Court for in camera review.

11 I have a third copy for Mr. Mario Neal. He
12 is not present. Mr. Mario Neal will need to make
13 arrangements with the Court to obtain his copy of the
14 same.

15 And I will tender these to Messrs. Roberts
16 and to Ms. Musielak.

17 MS. MUSIELAK: Thank you, Judge.

18 MR. CHUCK ROBERTS: And, your Honor, the Court has
19 already duplicated the video content; is that correct?

20 THE COURT: That is what is on the flash drive.

21 MR. CHUCK ROBERTS: Thank you.

22 THE COURT: You bet.

23 So this matter has also a future status
24 date -- I'm sorry, future hearing date to stand

1 involving Mr. Cherney and the respondent. That is set
2 for March 19th at 1:30 on Mr. Cherney's motion for
3 default or, in the alternative, setting hearing for
4 temporary retraining order and preliminary injunction.
5 That future date to stand.

6 MS. MUSIELAK: Judge, my appearance will be
7 excused on that date?

8 THE COURT: It is, yes. It is excused for that
9 date.

10 And order to come relative to the Court's
11 ruling today on the in camera review and the further
12 setting of the pleading scheduled for the petition to
13 abate child support, petition for rule to show cause,
14 and the hearing of those motions.

15 Thank you.

16 MR. CHUCK ROBERTS: Judge, I'll prepare the order.

17 Thank you.

18 THE COURT: Thank you.

19 (Which were all the proceedings had at
20 the hearing of the above-entitled
21 cause, this date.)
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I, Kristin M. Barnes, certify the foregoing to be a true and accurate transcript of the computer-based digitally recorded proceedings of the above-entitled cause to the best of my ability to hear and understand, based upon the quality of the audio recording, pursuant to Local Rule 1.03(c).

Kristin M Barnes

Kristin M. Barnes
Eighteenth Judicial Circuit of Illinois
DuPage County
CSR License No. 084-004026