

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION

ESTATE OF:

JANELL SMITH,
a minor

No: 00 P 0000

Docket:

Page:

REPORT OF GUARDIAN AD LITEM

December 20, 2006

Janell Smith ("Janell"), born December 10th, 2003, is 3 years old. Her mother, Berrian Frank ("Berrian"), is contesting the entry of an initial guardianship for Lisa Butler. Father, Willie Smith ("Willie"), initially contested the entry of the guardianship, but has ceased to participate in these proceedings. Chicago Volunteer Legal Services was appointed as Guardian ad litem on May 24, 2006.

INVESTIGATION

For this investigation, I met with the mother, father, proposed guardian, and the minor child. I also requested that a home study be done through the Department of Supportive Services and I spoke with the caseworker, Debra Curry, about that home study. In addition, I requested criminal background checks on both the mother and father. I requested additional information from the mother, father and the proposed guardian. I have received that information from the proposed guardian and have received no additional information from the mother other than what she brought with her to our first meeting. The father has not had any communication with the GAL since October.

The Mother

Berrian is 26 years old. In addition to Janell, she has a child, Terrance, who is 11 years old. Terrance has a learning disability and she receives \$603 per month in social security for him. She does not receive any child support. When Berrian first came to my office, she told me that she was working for Welling/MPS in their janitorial services. She had been working there around six months. She made \$10 per hour and her net income was around \$800 per month. On December 11th, 2006, Berrian and I spoke about her job and she told me that she is now working "off and on." Her last day of work had been on November 25th. She sent two paystubs for the weeks of 11/13/06-11/19/06 for \$48.16 and for 11/20/06-11/26/06 for \$242.46. She thought that she might go back to work on December 17th. She currently pays \$650 per month in rent for a two bedroom apartment. At the time of the first interview, Berrian said that she lived there with just her son. Both the proposed guardian and Berrian's boyfriend reported that Berrian's mother has been living with her for some time. Berrian's boyfriend said that her mother would be returning to Las Vegas in December. Currently, Berrian's nephew has been placed with her through DCFS. Berrian has been in a romantic relationship with Travis Matthews for the last year. She stays at his home most weekends.

Berrian described her relationship with Willie, Janell's father, as abusive. She said that the police were sometimes called to their apartment. She once suffered a broken nose and a fractured

rib. She never obtained an order of protection against him and he was never charged with domestic battery. They were in a relationship for 6 years and eventually she left and hid from him. At one point she moved in with proposed guardian, Lisa Bond, and lived with her for about six months in 2004. She met the proposed guardian when they all lived in the same apartment building several years ago and has known the proposed guardian for about six years. When Berrian left the proposed guardian's home, she left Janell there and would come back and forth to visit her. Berrian claims that she was giving the proposed guardian around \$200-\$300 per month for Janell, and that Berrian's mother was buying the baby things.

Between 2004 and 2006, Berrian lived in several different places. She lived with proposed guardian until around August of 2004. For a while after that she went to live with her sister. In the summer of 2005, her sister was evicted, so Berrian went to live with another friend. In February, 2006, Berrian left that friend's home and moved in with her mother. Berrian claims that Janell was with her on and off during these periods of transition. In March of 2006, Berrian says that she gave Janell to the proposed guardian because she had gotten into a fight with her mother. At that time she wrote a note "giving Lisa B all rights to care for Janell with everything that involves my daughter until I can get on my feet or get established." At around that time, Berrian stopped giving the proposed guardian money or food stamps for Janell. Berrian made it clear that the proposed guardian could not get public aid for Janell right now.

Berrian reports having been convicted once for retail theft in 2000 and once for domestic battery in 2004. The domestic battery was against her son. She says that DCFS said that the case was unfounded, but that DCFS was coming to her house every Friday. She believes that the proposed guardian is saying that DCFS gave her Janell. Berrian believes that Janell's father, Willie, and others kept calling DCFS on her. She received one year of probation and six months of parenting class for the domestic battery. She claims that her mother got drunk and hit her son and this is what led to the domestic battery charge. She also told me that her son, Terrance, has gotten into trouble for things like showing his penis and stealing over \$200. I asked Berrian to provide information from DCFS and some of her son's school records. A packet of information with a report card and IEP arrived the day before this court date. Terrance has had at least three misconduct reports filed this school year. When I asked her about Terrance in a recent conversation, she told me that he had been suspended from school for two days. A background check done by the court shows that Berrian was convicted of a felony theft charge in 2002 and a misdemeanor assault charge in 2004. Her last arrest was in 2004 for domestic battery.

Berrian believes that the proposed guardian wants Janell for the public aid. She claims that the proposed guardian was just supposed to be helping her out while she got on her feet, but that now she's keeping her away from her baby.

The Father

Janell's father, Willie, was extraordinarily agitated at the first court appearance after the GAL was appointed. He became very angry about the fact that his constitutional rights had been taken away from him and that he was still Janell's father and should be able to see her whenever he wanted to.

When Willie came to meet me several days later, the first thing that he did was apologize for his behavior in court. He did, during the course of our conversation, however, say that he believed that the media should get involved in this case and that his rights as a father were being violated. Willie claimed that he had worked for Walmart for about 2 ½ years and made \$630 every two weeks. He currently lives alone in a 3 bedroom apartment. He was in a relationship with Janell's mother for about 5 ½ years. In addition to Janell, he has an 18 year old son.

Willie reports that he was convicted of burglary around 20 years ago and served 12 months.

He reported no other arrests or convictions. The background check run by the court, however, shows quite a different story in that he has been arrested at least 20 times. His arrests include: invasion of privacy, larceny, weapons offenses, prostitution, traffic offenses and sexual assault. He has five previous convictions: felony burglary from 1981, felony obstructing police from 1989, felony robbery from 1980 and two misdemeanor assaults from 1987. His most recent arrest was in 2005 for criminal sexual assault.

Willie asserts that Janell has always lived with him unless the mother took her. He has always been able to see his child. He claims that the mother moved out in March of 2006. The proposed guardian befriended the mother after Janell was born. This is not the first incident with the proposed guardian taking other women's babies. He claims that the proposed guardian would pay \$1000 for a child and became obsessed with other children.

After our initial meeting, I asked Willie to produce supplementary documents and he failed to do so. He did not contact the DSS caseworker to participate in the home study and failed to appear at the last court date. It appears that he is no longer interested in litigating this case.

The Proposed Guardian.

Lisa Bond ("Lisa") is the petitioner for guardianship and the godmother of Janell. She currently works at Family Dollar and makes about \$1200 per month. In addition, she receives \$510 per month in disability and gets food stamps and a medical card. She has one daughter, Brittany who is 19 and lives with her father. Brittany came with Lisa to the office for the interview and has appeared in court with her mother. Lisa pays \$950 per month for rent in a three bedroom. Right now she lives there with Janell. She has been with her fiancé, Leonard Perry, for over 15 years. She claims that he does not live with her, although when she calls, the caller ID is registered to his name.

Lisa claims that she has had Janell on and off since she was 3 months old. When the mother was pregnant, she supposedly told Lisa, "I'm having you a baby." Janell was brought to her several times over the last few years. There was a period where the mother was going from house to house and would leave Janell with Lisa. At one point, Janell told Lisa, "T-man was messing with my booty". "T-man" is the nickname for the mother's other son, Terrance. Lisa reports that Terrance was recently returned to the mother's care. Lisa called DCFS and they told her that since the baby was in her care that it was alright.

Lisa said that the mother had a DCFS case with her son, Terrance and brought Janell to Lisa. Lisa told her that she needed to sign some papers or she wouldn't take her. At that point, the mother wrote and notarized a note giving Lisa the ability to take care of Janell. Lisa believes that the mother wants Janell back so that she can get a check for her. At one point the mother wanted to put Janell on a breathing machine for asthma so that she could get an SSI check. Janell does not have asthma.

Lisa told me that the father, Willie, is a pimp and that he had the mother, Berrian, prostituting herself at age 16. Lisa says that the mother used to work on Madison and Cicero. She says that the father used to beat the mother up. Lisa used to call the police after the mother would get beaten and had tried to help her. Lisa says that she was terrified of the father. Although Lisa never saw the mother use drugs, she believes that the father used to keep the mother on drugs. Lisa told me that the father claims that he's not a pimp anymore.

Lisa believes the mother has the potential to get her life together and says that if she does get her life together, that she can have her daughter back. She worries that the mother drinks too much and that she once came to the doctor's office drunk. Lisa says that neither the mother nor the father have helped her out in caring for Janell and that she needs financial help taking care of the child. She has called my office several times since our first interview looking for financial help for the minor.

The minor

When I met with the minor, Janell, she was not yet 3, so the interview was very limited. She appeared well dressed and taken care of. She acted appropriately with the proposed guardian. When I saw her in court interacting with her mother, she was very clingy and whiney and appeared confused about who was taking care of her.

Visitation

Visitation between the minor and her mother seemed to be semi-regular before a court order was entered in this case. On the last court date in October, 2006, the proposed guardian had allowed the mother to take the child for the weekend. As of the Monday that we were in court, the child had not been returned to the proposed guardian and the proposed guardian had not been able to reach the mother. The proposed guardian was frantic about the state of the child and her whereabouts. The mother appeared in court late, but with the child. When she was reprimanded for keeping the child beyond the agreed upon visitation, she became angry. As I spoke with the mother about visitation, the child stood at her feet crying and asking to be picked up. The mother ignored her throughout our conversation. When I told the mother that the case would not be resolved that day, she became angry and hostile. After the judge entered her order, the mother stormed away without saying goodbye to her child. The child stood in the hallway screaming and crying while the mother stormed away. The mother did not wait for her court order and I had to send that to her afterward with a reminder to send me additional documents.

At that court date, the mother was granted weekend visitation every other weekend, starting that upcoming weekend. The start of court ordered visitation was written explicitly in that court order. The proposed guardian called me after the weekend of October 20th to let me know that visitation did not occur. When I spoke to the mother, she claimed that she did not know when the visitation was supposed to begin. The mother did visitation on the weekends on November 3rd and November 17th without incident. On December 1st weekend, the mother cancelled the visitation. She told the proposed guardian that she had some things going on in her life and could not do the visit. When I spoke to the mother, she told me that it was cold out and that she and the guardian had agreed to cancel the visit. The minor's birthday was on December 10th, a non visitation weekend. The proposed guardian told me that the mother was invited to the child's birthday party and that she had planned to allow the mother to have an additional overnight visit after the party. The mother did not come to the party. The mother told me that she didn't have a car, so she couldn't attend the birthday party. The proposed guardian called me on 12/18/06 to let me know that the mother had taken the minor child only for the day on Saturday of the past weekend. There appears to have been some conflict about the Friday night pick up so Janell didn't go to her mother's until Saturday. However, on Saturday her mother called to say that she would need to bring the child back that night because she had to work. The guardian had to call off of work for Sunday in order to unexpectedly care for the child.

Analysis and Recommendation

At this time I strongly recommend that Lisa B be granted guardianship of the minor child, Janell Smith.

At no point did the mother or father tell me of the prostitution and pimping that was a part of their lives. The caseworker for the DSS home study did obtain information from the mother about her past life as a prostitute and I believe that this, in addition to the information provided by the proposed guardian, is an accurate reflection of what has gone on in the life of the parents. This piece about prostitution was truly the missing piece of the puzzle that was created as I interviewed the parents. I

could not figure out why neither mother nor father spoke especially poorly of the other and I believed that the father demonstrated classic symptoms of being a batterer. Although I commend the mother for escaping the victimization that she experienced under the hands of Willie Smith, I believe that she is still in the beginning stages of her journey away from that lifestyle.

Although verbally she has expressed a clear interest in being reunited with her daughter, her actions have been less clear. She has not been cooperative with the GAL and I did not receive school records until the day before this court hearing and have not received any information about DCFS and her son. I am very concerned about the things that he witnessed while his mother was prostituting and I believe that he has already been sexually inappropriate around others, including Janell. He has recently been suspended from school and there are rumors that he helps deal drugs. I also have concerns that the mother has taken in her nephew and that she can not support another child in her household.

I am particularly concerned by the callousness with which the mother watched her child cry while we were in court. The mother seemed more interested in proving that the child wanted to be with her mother than in making sure that the transitions between mother and proposed guardian went smoothly. I believe that Berrian needs to gain greater maturity in handling her child before it is appropriate for Janell to come to her home.

It is not clear to me whether the mother is currently working, who is living with her or what her housing situation is without a steady paycheck. I believe that she needs more time to be in a stable work and living environment before she is ready to have Janell in her home.

At this time, I do not believe that Berrian F is ready or able to take care of the minor child, Janell. Her behavior in court and toward the child has been erratic. It is not clear that her work or living situation are stable and it is not unreasonable to believe that it is unsafe for her son, Terrance, to be living in the same home as Janell. For these reasons, I recommend that Lisa Bond becomes the guardian of the minor child, Janell Smith.

Respectfully submitted to this Honorable Court this 20th of December 2006 by:

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Guardian *ad Litem*

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – PROBATE DIVISION

ESTATE OF:

No: 00 P 0000

Shantall Smitts,

A Minor

REPORT OF THE GUARDIAN *AD LITEM*

June 11, 2007

Shantall Smitts (“Shantall”), born March 15, 1992, is fifteen years old. Her paternal grandmother, Rebecca Otta, was granted guardianship of Shantall on December 13, 2005. The biological mother, Maritza Veda, filed a petition to discharge guardianship on February 20, 2007. CVLS was appointed as Guardian *ad litem* on February 20, 2007. Shantall has lived back and forth between her mother and grandmother’s home over the last 1 ½ years.

THE MOTHER

Maritza Veda (“Maritza”) is 35 years old and currently lives with her husband of 3 years, Hector Veda, and her 13 year old son, Jose. Maritza and her husband have owned their home for almost three years. She is employed at the Peninsula Chicago as a credit manger and her husband works as a Project Manager at Arcos Environmental. Between the two of them, they likely make over \$70,000 per year.

In addition to Shantall and her son, Jose, Maritza has another son named Sebastian. Sebastian is nine and currently lives with Maritza’s brother. Before that he lived with other family members. It does not appear that he has ever lived with Maritza for any extended period of time.

Maritza recounted that Shantall has lived with the paternal grandmother several times in her life. While Shantall was in the 4th grade, she lived with her grandmother so that she could be with her cousin. When Shantall started 8th grade, her mother allowed her to live with her grandmother again because her cousin was living there and Shantall didn’t have any friends in the new neighborhood where Maritza had moved. It was at this time that the grandmother petitioned for guardianship in order to enroll Shantall in school. When asked about the petition for guardianship and told that it said that the mother “could not handle minor” she admitted that Shantall had been getting an attitude and that mother and daughter had been bumping heads a lot.

Shantall ived with her grandmother for a couple of months in the 8th grade and then returned to live with her mother for the remainder of the school year. Maritza transferred her back to a local school. In the fall of 2006, Shantall was living with her mother and attending school near her home. Maritza told me that in December of 2006, girls began to pick on Shantall and Shantall was afraid so her mother pulled her out of

school. Shantall missed a week of school before Maritza arranged for Shantall to live with her grandmother again and attend school there.

Maritza reports becoming concerned with this living situation in January of 2007 when she found out that the grandmother had moved in with Shantall's paternal great aunt, great grandfather and the great aunt's adopted granddaughter, Martha. Maritza also became upset when the grandmother asked for money to help support Shantall. Maritza claims that she was giving \$10 per week for gas and was giving Shantall lunch money for school. When I pointed out that statutory guidelines would have dictated that she give around \$260 per month for support, instead of \$100, she was dismissive and angered that someone could ask her to pay child support for her own child.

Maritza's final concern, which she expressed to Judge Cesario the day of her emergency motion, was that Shantall's father is or was sexually abusing her, and that consequently her child was in danger. Although Maritza was tearful in front of the judge in speaking about this, she admitted that she had never called the police or DCFS to address this issue and that this supposed molestation may have happened several years ago. When the GAL met with her she said that she did eventually call the DCFS hotline but they told her to get counseling for her daughter. She also said that it's possible that no one was sexually abusing her daughter. Maritza admits that she has never enrolled her daughter in counseling after learning about the supposed molestation several years ago. Shantall told her that something strange might have happened with her father and then later said that nothing had happened, so Maritza assumed that everything was fine. It is not clear why this became an issue again when Maritza first went to court.

Maritza told me that Shantall told her that her grandmother involves her in a shoplifting scam in the grocery store to steal food. Maritza is also concerned about the way that the grandmother speaks to Shantall and says that the grandmother has a temper. Maritza doesn't like that Shantall is living in a two bedroom apartment with at least 4 other people. She says that no one works in the house.

Finally, Maritza related one specific incident that caused her to be concerned and led to her filing the petition to discharge guardianship. Shantall called Maritza in a panic. She said that she had come home and her grandmother went crazy because Shantall hadn't given her a kiss hello. The grandmother called Shantall's father so that he could talk to Shantall about "respect." Everyone started yelling at one another. Eventually Shantall left and called her mother to pick her up. The grandmother didn't know where Shantall was and called the police to report her as a runaway. Maritza brought Shantall to school the next day and the grandmother made Shantall go down to the police station afterwards to clear up the runaway status.

Maritza would like her daughter to come back to live with her. She never meant for the guardianship to be a permanent arrangement. She believes that she is able to take care of Shantall and that Shantall is not in a good place while she is living with her grandmother.

THE GUARDIAN

Rebecca Otta is Shantall's paternal grandmother. She and her husband own a home in Cicero, but she has spent a large portion of the last several months living with her sister and father so that she could care for her sister after heart surgery this past January. She has not worked since 2005 and her husband is retired and collecting retirement from 25 years of service at the Wrigley Chewing Gum factory. Her husband is also self employed and earns additional money from laying ceramic tiling. She has four children, with her oldest, George, being Shantall's father.

Rebecca told me that she had been arrested once for leaving Shantall and her other granddaughter alone for 15 minutes. DCFS came to the home and saw the girls and recommended that the girls attend counseling. They did so for around 6-8 weeks.

Rebecca reported that Shantall had lived with her for 6th grade and for part of 8th grade. Rebecca said that Shantall and Maritza didn't get along. Shantall went back to live with her mother during 8th grade because Rebecca had rules and Shantall wanted to go back to her mom.

Rebecca told me about the incident over getting a kiss hello and Shantall running away. Rebecca claims that she didn't know where Shantall had gone and that Maritza wouldn't pick up the phone when Rebecca tried to find out if Shantall was there. After Rebecca brought Shantall to the police station so that they could firmly talk to her about running away, Maritza called and swore at Rebecca about the entire incident.

Rebecca believes that it is alright if Shantall goes back to live with her mother. She says that the mother buys Shantall things to make up for not spending time with her and that the mother lacks parenting skills. Rebecca says that she stays on top of what Shantall is doing more than the mother does and she knows when Shantall is engaged in risky behavior or doing destructive things. She thinks that the mother needs to be more vigilant about these things.

THE MINOR

Shantall is 15 years old and is a freshman in high school. She gets A's and B's and would like to go into the medical field. She enjoys reading, writing poetry and spending time with her friends. She reported that she lived with her grandmother while she was in the 4th grade because she didn't get along with her mother. She lived with her aunt and uncle for the summer before 8th grade. She moved back to live with her grandmother for 8th grade because things were not good with her mother. When she moved back to live with her mother at the end of 8th grade, she and her mother were getting along much better. She and her mother got along well during the first semester of this year, but then Shantall had an incident with some girls at her school and she went back to live with her grandmother.

Shantall told me about the incident between her and her grandmother when she did not give her grandmother a kiss. She said that her father, grandmother and uncle were yelling at one another. She left the

fight without telling anyone where she was going and ended up having her mother pick her up. Her grandmother reported her as a runaway. Shantall told me that in general she gets along with her grandmother and she can see why it bothered the grandmother that Shantall didn't give her a kiss when she came in the door.

Shantall reports that she lives with her great grandfather, her aunt Patsy and her cousin Martha. She, Patsy and Martha all share a queen sized bed. Shantall reports that her grandmother and grandfather often sleep on the couch of the apartment even though they live 2 blocks away. Shantall says that she gets along with her aunt alright. Shantall says that her cousin, Martha, gets into a lot of trouble and is pretty different from Shantall.

Shantall visits with her mother every weekend. Her relationship with her mother is far better than it was last year. Maritza used to take out her bad moods on Shantall. She gets along with her mother's husband and feels that she can really talk to her brother, Jose. Shantall says that she has another sister, Odessa, who lives with her mother. Shantall has met her a handful of times in her life. Shantall also has a brother, Sebastian who lives with his aunt and uncle. He comes over to Shantall's mother's house to visit from time to time. Sebastian has never lived with Shantall and her family other than for some summers.

Shantall would like to live with her mother now. She says that they have more of a connection now. Although she gets along with her grandmother, her grandmother has too many rules. Shantall gets along alright with her father but doesn't really spend a lot of time with him.

After our initial meeting, Shantall left me several voice mails and wrote me a long letter. This letter and messages focused on how she really wanted to go home to live with her mother. In some of the voicemails, Shantall was crying hysterically about how she missed her mother, wanted to be home and couldn't wait until another court date to be returned home. From the beginning, I had explained the court process to her and told her that I could not recommend her changing households during the school year. Regardless of this, Shantall appeared shocked and upset when the guardianship was not discharged at the first court date after I met her.

ADDITIONAL INVESTIGATION AND ADVOCACY

On March 26, 2007, Judge Cesario ordered that Shantall be enrolled in counseling with 14 days and that she live in her grandmother's home and not in her aunt's. Shantall was enrolled in counseling at Youth in Crisis and I have spoken with her therapist, Celia, several times. It is not clear where she is living. Rebecca reports that her family moved back into her house. However, the home study shows that when the case worker visited the home, he found that Shantall was still living with her aunt and sleeping 3 people to a bed.

During the course of my investigation, Rebecca told me that Maritza's husband, Hector, had recently served time in prison for drug related charges. In researching his criminal record, I found that he had been charged with manufacturing and delivery of over 5000 grams of cannabis, was found guilty on 7/19/05 and was sentenced to boot camp. I called Maritza to ask her about this and she wasn't able to talk because she

was at work. She told me that she would contact me at a later time and never did.

THERAPIST

I have spoken several times with Shantall's therapist, Celia. Celia has great concerns about what has been going on with Shantall and her family. Celia reported that Shantall has been depressed about having to stay with her grandmother. Shantall also told her about the shoplifting/ receipt scam that her grandmother involved Shantall in. Celia believes that this goes on every week. Shantall also told Celia that her grandmother won't let her do her homework and that her grades are beginning to fall. Celia has met with Shantall and her mother together and believes that family counseling would be helpful to continue.

ANALYSIS AND RECOMMENDATIONS

This case is worrisome to me on several levels. On the surface, Maritza seems completely capable of taking care of her daughter. She has a stable job and a home. She claims to be happily married and to care deeply about her daughter. Under the surface, however, there is a slightly different story. It is not clear to me why Maritza has sent her daughter to live with other relatives as many times as she has. It is also not clear why her son, Sebastian, has never truly lived in her home. I believe that it is likely that when things become strained between Maritza and Shantall that Maritza does not confront those issues and instead gets rid of the problem by sending her daughter away. At the same time, Maritza seems to have made MARIA her project over the last few months and consequently Shantall is feeling very loved and well cared for. I worry about whether Maritza will send Shantall away again.

I believe that Shantall has been manipulated by her mother in this situation. Clearly she wants her mother to show interest in and care for her. However, the tears and drama that she demonstrated over the phone seemed completely disproportionate to what was going on and very different from when I met Shantall in person. I worry that some of the drama that Shantall demonstrated is similar to the drama that her mother has brought into these court proceedings. Maritza created an emergency for the court to address based on sexual abuse allegations that she never took seriously until they seemed a convenient way to get her daughter back. I worry that Maritza has been provoking her daughter into this drama. I am very glad that counseling is now in place for Shantall as I believe that it will prove helpful in helping her adjust to living with her mother.

I have some concerns about the appropriateness of Shantall living with her grandmother. First, there was no logical reason why Shantall needed to be staying with her great aunt, great grandfather and cousin this winter. Rebecca claims to only live two blocks away. Why should a child share a bed with two other people when she has her own room in her home? I am also concerned that Rebecca violated the court order and continued to have Shantall live with these other relatives even after she was ordered not to. Finally, I am not sure what to make of the story about Rebecca and the shoplifting scam. I heard about this scam first from

Maritza and later from the therapist. In some ways, it is too strange of a story not to be true. It is clearly not appropriate to make a child engage in criminal activity, and therefore I am concerned about Shantall continuing to live in her grandmother's home.

At this time, I recommend that Shantall return to her mother under an extended visitation plan for the summer. If things go well between Shantall and her mother, then I anticipate recommending to the court that the guardianship be discharged. I also strongly recommend that Shantall continue to attend counseling and that Maritza enroll in the parenting class that Youth in Crisis plans to offer this fall. I believe that discharging the guardianship at this time is slightly premature because of my concerns about the mother's previous inconsistency and proclivity towards sending her children to live with other relatives. Supervision by the court for another 2 to 3 months will help ensure that Maritza is doing what she needs to do for this child.

Respectfully submitted to this Honorable Court this 11 of June 2007 by:

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – PROBATE DIVISION

ESTATE OF:

MARIA S.

A Minor,

No: 00 P 0000

SUPPLEMENTAL REPORT OF THE GUARDIAN *AD LITEM*

December 4, 2007

MARIA S, born March 15, 1992, is fifteen years old. Her paternal grandmother, Rebecca O., was granted guardianship of MARIA on December 13, 2005. The biological mother, Maritza V., filed a petition to discharge guardianship on February 20, 2007. CVLS was appointed as guardian *ad litem* on February 20, 2007. MARIA has lived back and forth between her mother and grandmother's home over the last two years. Since June, MARIA has lived with her mother. This is the second report filed by the GAL.

UPDATED INVESTIGATION

At the June 11th court date, the mother was given extended visitation with MARIA and was asked to enroll her in school. Shortly before the August 13th court date, this GAL learned that MARIA enrolled in the outpatient psychiatric program at Christ's Hospital after getting into an argument with her mother's husband over a boy and threatening to harm herself. In addition, the GAL learned that the mother had not yet enrolled MARIA in school for the fall semester. Since several of MARIA's previous moves from home to home have involved issues with school placement, this GAL was concerned about the lack of diligence in enrollment. Consequently, the GAL recommended that extended visitation continue between the minor and her mother with today's status date to determine how MARIA was doing.

Over the course of this investigation, I have spoken multiple times with Celia, MARIA's therapist at Youth in Crisis. She was the person who previously informed me of MARIA's psychiatric hospitalization. I spoke to Celia several days before this today's court date and she has informed me that MARIA is doing well in therapy. Celia continues to integrate MARIA's mother, Maritza, and her

husband, Hector, into the therapy sessions as needed. Celia believes that this family has improved their communication skills and has gotten better at defining their roles in the household. For some period of time, Hector struggled with defining his role as parent to MARIA, in part because he is only about 10 years older than her. Celia reports that this has gotten better and Hector is more able to set boundaries and work on structure and discipline with MARIA.

Celia reports that MARIA is doing well in school, although she is struggling with her AP class. Celia is working with MARIA to set up extra study time at Youth in Crisis to address this difficult class. MARIA has not revealed any additional threats of harm or cutting since the incident earlier this summer. In all, Celia believes that MARIA is doing well and could benefit from continued involvement in therapy.

I was also able to contact MARIA's new school, Curie High School, to check in on how is doing. MARIA currently has three A's, a B, a C, a D and an F (in her AP course). She has not missed any school and has had no disciplinary issues.

I attempted to contact MARIA before the court date by calling her and writing her a letter, but have been unable to speak with her.

RECOMMENDATION

At this time, it is my recommendation that Rebecca O's guardianship of MARIA S be discharged and MARIA be returned to the custody of her mother. I believe that the mother, Maritza V, is fit, willing and able to care for her child. In addition, I believe that this period of extended visitation has allowed the mother to demonstrate that she is again ready to take responsibility for her daughter. I strongly urge MARIA and Maritza to continue in therapy with Celia as I believe that it has been extraordinarily beneficial for all involved.

Respectfully submitted to this Honorable Court this 4th of December, 2007 by:

Alecia Wartowski
Guardian *ad Litem*

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION

ESTATE OF:

DESTINY R.,
a minor

No: 00 P 0000

REPORT OF GUARDIAN AD LITEM
July 22, 2002

Destiny, born January 21, 1999, is three years old. Peter and Gloria were appointed her guardians in September, 2000. The mother, maternal grandmother and father consented to the guardianship. Six months later the mother, Diana, petitioned to discharge the guardianship. The father, Peter, has not appeared and is not involved at this time. Chicago Volunteer Legal Services Foundation was appointed Guardian *Ad Litem* in June, 2001.

INVESTIGATION

I interviewed the guardians last summer. Since then, I have spoken with them frequently on the telephone and at court. I also interviewed the mother last summer, have spoken with her at court and on the telephone and re-interviewed her in June, 2002. I have never spoken with, nor had any contact with the father. I interviewed the maternal grandmother, Conception and saw then-2-year old Destiny in my office last summer. Finally, during the course of the last year, I spoke with several doctors and DCFS personnel regarding sexual abuse allegations that the mother and Peter made against each other.

THE MOTHER

Diana is 19-years old with three children—5-year old Estefany, 3-year old Destiny, and 1-year old Edgar. Edgar is the only child in her legal custody. Diana's mother has had guardianship of Estefany since 1997.

Diana has worked at Portillos, a casual restaurant in N, since January, 2001. She currently earns \$6.95 per hour. Although her schedule fluctuates, she says that she will be working 5:00 p.m. until closing, Monday through Friday, when she goes back to work in mid-July after a one month vacation. She says that this schedule is guaranteed because she is also babysitting for the crew

chief, Tamara B. Diana says that the Department of Human Services is paying her to baby sit Tamara's 4-month old daughter from 8:00 a.m. until 6:00 p.m. every day. She started the babysitting job May 30, has not been paid yet and doesn't know how much the DHS pay is, although the baby's mother pays her \$200 every two weeks. She plans to continue babysitting after she returns to Portillos. Apparently, her mother or her mother's boyfriend will baby sit between the time Diana leaves for work and 6:00 when the baby sitting job is scheduled to end for the day.

Diana has lived in her own apartment with her son, Edgar since December 1, 2001. This apartment is across the hall from the one she shared with her mother, her daughter Estefany, and her mother's boyfriend, Luis. She says she pays \$600 per month rent and \$20 per month for electricity. She has no telephone in the house, but has a cell phone that she keeps on and charged at all times.

Estefany continues to live with her grandmother/guardian, although Diana says that she sometimes spends the night at Diana's apartment.

Diana claims to have no boyfriend at this time. She told me that she was dating a man named Eric from Portillos between September, 2001 and March, 2002. This is the man that Destiny's guardians believed molested Destiny. Peter and Gloria said that when Destiny told them in early December that Eric hurt her, Gloria called Diana. Diana responded that she had already broken up with Eric. This June, she told me she broke up with him three months ago.

THE GUARDIANS

Peter and Gloria are only peripherally related to Destiny. Peter considers himself Destiny's step-grandfather as he lived with her maternal grandmother for nine years and helped raise Destiny's father, Peter.

Peter, age 39, is an insurance salesman for XXXX Insurance Company, a high-risk automobile insurance broker. He has worked for XXXX for seven years and works standard daytime hours. Gloria, Peter's wife, age 43, has been a customer service representative for XXX for several years. She works from 2:00 p.m. until 10 p.m. Destiny is in preschool from 1:00 p.m. until 6:00 p.m. Peter and Gloria have been married 8 years. They have no children.

ABUSE ALLEGATIONS

On December 3 Gloria called me with the following information: In mid-November Destiny complained that her arm hurt. They took her to her pediatrician who asked Destiny what happened. Destiny said that her grandma had given her a "boo boo" when she said that she wanted to go home. Although there was no bruise on the arm, Gloria had seen bruises on the arm the prior week. At that

time, Destiny had said that she fell. The pediatrician called DCFS to report possible physical abuse. DCFS later reported to the guardians that they had investigated Diana's home and that everything appeared to be ok. No case was opened.

Then, on November 25, Destiny came back from a visit to her mother's home exceptionally quiet and subdued. She seemed to be afraid, but refused to talk about what was wrong. During her bath two days later, Destiny pointed to her genital area and said that she had a "boo-boo" there and said "Daddy Eric". They knew that Diana's boyfriend, was named Eric, but they didn't know his last name. He usually drove Diana when she came to pick up Destiny for her weekend visits. Destiny also said that mommy was working and that Eric tickled her.

Peter made a videotape of him asking Destiny what Eric had done to her. He and Gloria took the child to the pediatrician for an exam. The pediatrician called me and told me his exam was inconclusive and Destiny refused to talk to him.

Peter and Gloria reported the suspected sexual abuse to DCFS. Although the caseworker, Julie Camacho, recommended that Destiny be examined a 2nd time, she closed the case as "unfounded" before the 2nd exam was done. The 2nd physical exam was conducted at Loyola University Medical Center by Dr. Miriam Bar-On. The doctor was not able to interview Destiny because the child was too shy, but conducted a physical exam which noted anal trauma suggestive of inflicted trauma. In addition, she noted that the guardians described behavioral changes suggestive of something unpleasant happening in the mother's home. The doctor recommended counseling or play therapy for the child and cessation of visits to the mother's home.

Although the DCFS caseworker reviewed the case following this medical report, she did not re-open it because, she felt, the VSI was not compelling, Destiny's videotaped statements were not spontaneous and the 2nd physical exam was inconclusive. According to DCFS, there was not enough evidence to say that Eric molested the child.

Diana made a similar report against Peter on January 24, 2002. Elias C of DCFS investigated it and closed it as unfounded on February 7, 2002.

Peter and Gloria have arranged for counseling for Destiny through The Pillars Community Services in Berwyn. She was assigned a therapist in June.

Two other items to note here:

1. On May 14, Peter reported that the Illinois State Police came to his home looking for "Eric R". They showed him a picture of a man that may have been Diana's boyfriend, Eric. The police also asked for Diana's address. The next day, Peter called police headquarters to find out why they

were looking for Eric R. He said that they told him that he was a sex offender who had failed to register with them.

2. DCFS did a family assessment on Peter and Gloria when they sought guardianship in 1999. Their guardianship was highly recommended. The case worker noted at the time that the mother was unstable and let other people take care of her children.

VISITATION

Last summer, when CVLS was appointed GAL, the mother had not had visitation with Destiny for several months. Peter and Gloria said that they were afraid she would take the child and flee out of the country. Eventually, Diana gave me her passport and the guardians agreed that Diana would have weekly visits with Destiny from Saturday morning until Sunday afternoon. The weekend visits lasted until the allegations of sexual abuse surfaced. On December 12, an Order was entered giving Diana supervised visits every Saturday morning. The visits had to take place in public with Peter or Gloria supervising.

Saturday morning visits were rare. Peter complained that Diana never called to arrange them or arranged a visit and then failed to come. He left me voice mail messages every weekend detailing events—whether or not Diana called, whether or not she showed up, his attempts to reach her, etc. Diana only called once, in January, to tell me that she had missed two visits because her infant son was hospitalized with pneumonia. She subsequently blamed Peter for her lack of visits, claiming that he had stymied her attempts to visit by not being available by telephone.

Finally, at a status hearing in court on March 13, I spoke with all of the parties and their counsel in the hall. I told Peter and Diana that they were each to call me and let me know any time there was any problem with a visit. I made it very clear to Diana, with her attorney present, that it was her responsibility to call me *every time* she had a problem arranging a visit. I told her I was going to keep a record of her visits and her calls. I also told her that, if I did not hear from her, I would assume that either she had had a visit or that she had chosen to not visit. Diana said she understood.

Peter has continued to leave me voice mail messages every weekend telling me if Diana has called for a visit. There have been 18 Saturdays between that March 13 meeting and July 15. Diana has visited her daughter four times. She called me once to complain that Peter had given the State Police her address when they were looking for Eric R. When I asked her why she had not been visiting, she said that her work schedule had changed and she had to work Saturdays. She seemed unconcerned and did not ask me about changing the visitation schedule. In fact, as it turns out, her work schedule only conflicted with her visitation schedule for a few weeks.

When I re-interviewed Diana in late June I asked her about her lack of visits. She had a variety of excuses, none of which held up under questioning. She told me that she couldn't get rides—until I pointed out that locations were chosen based upon public transportation availability. She told me that her son was often sick, but could not explain why she didn't leave him at home with her mother or her mother's boyfriend, who usually babysat for Estefany during visitation times. She said she doesn't like Peter and doesn't want to see him. When I asked her why she would forgo seeing her daughter because she doesn't like Peter, she had no answer.

Peter also reported to me that Diana's calls to arrange or cancel visits often come during the wee hours of the morning—1:00 or 2:00 a.m.

RECOMMENDATION

I cannot recommend that the guardianship be discharged at this time.

I understand that Diana wants custody of her daughter back. However, I believe that Diana sees Destiny as the prize in a fight against Peter. Destiny belongs to Diana—Peter stole her. I have no sense that Diana sees Destiny as an individual person with her own needs. In addition, Diana doesn't recognize her responsibility in this mess—Peter and Gloria didn't "steal" her child—they stepped in to rescue Destiny when Diana was in trouble.

Peter and Gloria took guardianship of Destiny because her mother's life at the time was chaotic. Although Diana's life appears to be somewhat stabilized—she hasn't run away from home for a while and she has held her current job for 18 months—she still cannot manage any kind of regular visitation schedule. Her erratic visitation and communication, with post-midnight telephone calls to Peter, don't indicate a lifestyle conducive to raising a three-year old. In fact we don't really know how stable Diana's life is. Diana is still a teenager. I believe that she needs to grow up and focus on the needs of her daughter, instead of her own. She "needs" Destiny back. Destiny needs the kind of stability that she is getting from Peter and Gloria. In addition, it is troublesome that Diana's mother is still guardian to Diana's oldest daughter.

Diana wants her daughter returned to her, but doesn't actually seem to want to spend much time with her. True, supervised visitation is difficult—artificial and constrained. But if that is Diana's only chance to maintain contact with her child, then she must make the best of it. Diana has had ample opportunity to develop and enjoy a solid relationship with Destiny. She has failed to do so

I understand the guardians' reluctance to agree to unsupervised visitation. Diana, in addition to erratic visitation and communication, is secretive, untrustworthy and lacks credibility. She denies that her boyfriend Eric was ever alone with Destiny, but I can't believe what she tells me and there is

no way to verify her statements. Diana has a history of leaving her children in other people's care. However, there is so much animosity between Peter and Diana that neither he nor his wife is an appropriate supervisor.

Diana could benefit from parenting instruction and support. It would be wonderful if she could visit with Destiny in a therapeutic setting, so that she could learn how to develop a mature, parental relationship with her daughter while also enjoying visits. If Diana were to get the help she needs, spend the time and effort learning how to be Destiny's mother (in fact, not just in name) and grow up some, I believe that the guardianship could be discharged in the future. Diana still has time to learn to be a mother to Destiny if she gets to work now.

I recommend that Destiny stay under the guardianship of Peter and Gloria and that counsel for both parties try to find a parenting program in the near western suburbs, convenient to public transportation, for Diana and Destiny. Visitation could take place there. If that is not possible, counsel should consider finding a supervised visitation center. I don't recommend unsupervised visits until Diana has shown progress with visitation, with her communication with the guardians and with a parenting program.

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