

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

FATHER,  
Petitioner,  
  
and  
  
MOTHER,  
Respondent.

No. 2014 D XXXXXX

**REPORT OF THE GUARDIAN AD LITEM**  
August 11, 2016

**Procedural Overview**

Chicago Volunteer Legal Services was appointed as Guardian *ad Litem* of the minor child, S.L. (“The minor child”) on June 13, 2016. The minor child is a one-year-old boy who currently lives with his mother (“Mother”). His father (“Father”) has not had parenting time with the minor child since April 2016. The case originally began when Father filed a Petition to Establish Parentage on October 2, 2014, seeking to establish custody and child support. Each party also filed a Cross-Petition for an Emergency Order of Protection in early October 2014. Both Petitions were denied on October 14, 2014.

On October 17, 2014, Father filed another OP Petition, alleging that Mother threatened to kill Father and the minor child, and that she came toward him with a knife. Father attempted multiple failed service attempts until he was finally able to personally serve Mother on November 20, 2014. On January 9, 2015, the Court granted Father a two-year Plenary OP by default with the child as a protected party. Mother responded on January 30, 2015 with a Motion to Vacate Father’s OP, alleging that Father had falsified court documents, has a history of

misusing the court system, and that she has a meritorious defense to his allegations. The matter was taken off-call on March 12, 2015, when the Court vacated Father's Plenary OP and ordered Mother to attend anger management classes at her expense.

The case returned before the Court on May 17, 2016, when Father filed a Petition for Sole Allocation of Parental Responsibilities. Father then filed another OP Petition on June 13, 2016, alleging that Mother made keys to his apartment without his permission and stole his cell phone, debit card, and Social Security card. Father's Petition was granted and an Emergency OP was issued by the Court on June 13, 2016. That same day, the Court appointed CVLS as Guardian *ad Litem*. The OP is set for hearing and set to expire on August 11, 2016, at which time the Court will hear status regarding CVLS's appointment as GAL.

### **Mother**

I interviewed Mother and the minor child on August 2, 2016 at CVLS. Mother arrived an hour later than our scheduled appointment time because she told me she had to secure a babysitter for her two other children. The minor child was adequately dressed and remained quiet for most of our interview. We played with toy cars and blocks, and he liked to hear me make loud car noises. The minor child frequently attempted to leave the interview room, and Mother would reprimand him by telling him "no" and picking him up by the arm. The child listened to Mother, and babbled and smiled at her. Overall, S.L. appeared happy and healthy. Mother told me the child's last visit to the doctor was in March 2016 and that he is up to date on his shots. She also reported that S.L. has not seen a dentist yet.

Mother currently resides with Maternal Grandmother, and her 27-year-old sister, Monique, at 1234 S. Kedzie Ave. in Chicago, Illinois. Mother has three children, all of whom

live with her: J.B., age 6; the minor child; age 1; and I.B., born July 12, 2016. Mother believes Father is the biological father of I.B., but Father is not listed on I.B.'s birth certificate. She told me that J.B.'s father is currently incarcerated. Mother is unemployed, but she receives \$733.00 per month in Social Security Income and is supported by her family. Maternal Grandmother is unemployed, but Mother's sister makes about \$2,000.00 per month running her own hairstyling business.

Mother told me she met Father in March 2012 and they began a dating relationship. However, she told me the parties did not begin to live together until December 2015. Mother stated that, throughout her relationship with Father, he was physically and verbally abusive to her and her six-year-old son, J.B. She said Father was angry most of the time, and he took it out on J.B. and his two oldest daughters, once going as far as hitting them with a broom. Mother told me she left Father in September 2014 after he had repeatedly threatened her with violence during her pregnancy. The minor child resided with Mother until Father was granted exclusive possession of the child as a result of the Emergency OP entered in October 2014 and Plenary OP entered in November 2014. The OP was terminated on March 12, 2015, and Mother resumed taking care of the child. Mother eventually moved back in with Father in December 2015 and left with the minor child in April 2016. She admits that Father has not seen the minor child since April 2016.

When asked about her goals regarding this case, Mother told me she wants both parents to be involved in S.L.'s life, but she does not want to interact with Father; she would prefer an intermediary during any parenting time exchange. Mother has several concerns regarding Father's past behavior. She alleges Father to be physically and verbally abusive to her and to his children. Mother recalled a time when Father picked S.L. up and shook him violently when he

was only a few months old. Mother also alleges that Father is in the middle of an ongoing DCFS investigation regarding two of his daughters. She stated that the daughters' mother, Taniya, told Mother that the children were sexually abused by Father. I have yet to obtain DCFS records and verify any of these allegations.

I performed a criminal background search of Mother at the Daley Center. Her background check results are as follows:

1. Case No. 2014 DV 123456 (10/24/14) – one count of Harassment.  
Disposition: Nolle Prosequi.
2. Case No. 2014 DV 654321 (10/24/14) – one count of Aggravated Assault with Use of a Deadly Weapon. Disposition: Nolle Prosequi.

Mother explained that these charges were brought against her because of Father's allegations in his OP Petition in early October 2014. Father had alleged Mother to have harassed him at his workplace and to have come at him with a knife in hand. Mother denies that these events took place, and she told me that Father decided not to prosecute her because he realized he could not prove their occurrence.

### **Father**

I interviewed Father on August 3, 2016 at CVLS. Father arrived on time with his two-year-old daughter, K.L., and an eight-month-child whom Father identified as his cousin's son. Father told me he has five children: J.L., age 5; M.B., age 4; K.B., age 2; S.L., age 1; and A.L., age 6 months. He stated he lives alone with his 18-year-old sister, Ebony. They live together in an apartment at 3333 W. Huron St., Apt. #1 in Chicago, Illinois. Father first told me he has sole custody of his two oldest daughters, but then he said he currently sees them only twice a week

because of an ongoing DCFS investigation. He told me he sees his youngest daughter every day and he sees K.B. only a couple times per year because her mother lives in Nigeria. Father said he has not had any parenting time with S.L. since April 27, 2016.

Father told me he is employed at ABC Detective Agency as a private investigator for Chicago Housing Authority and other real estate companies. He stated he works anywhere from 40-60 hours per week and makes about \$2,500 per month in gross income. His last paystub shows a gross pay of \$656.50 per week at a rate of \$13.00 per hour. Father says his work schedule is flexible because ABC is open 24 hours a day; he is allowed to schedule his own eight-hour shifts as long as he works 40 hours per week. Father told me his 24-year-old sister and their mother live about 10 minutes away, and they frequently help him with childcare while he is at work.

During our interview, Father stated that he has known Mother for about four years. He told me that when Mother found out she was pregnant with S.L., she did not want to keep him. Father said he and Mother lived together when S.L. was born, but Father had to obtain an OP in October 2014 against Mother because she threatened to kill the minor child. Father recalled that Judge Jean-Baptiste took Father to his chambers and informed DCFS of these allegations. According to Father, the DCFS investigation did not result in a finding because of a lack of evidence. Father then cared for the child from November 2014 to March 2015, when he says he voluntarily dismissed his OP against Mother and allowed her parenting time with the child twice a week. Sometime in May 2015, Mother began to live with Father, S.L., and J.L. at Father's home until about December 2015 when she moved out. Father then alleges that Mother came back and took the child from him on April 27, 2016. He recalls that he was held in contempt of court in Maybrook for omitting his address on an OP pleading and taken into custody. It was at

that time that Mother snuck into his home and retrieved the minor child. Father told me he did not call the police because he had no legal grounds to keep S.L. at his home, but he stated that he has videotapes of Mother entering his home.

Father said that he is currently seeking an OP to protect himself from Mother's negative behavior. He alleges her to have broken his windows, stolen from him, filled the gasoline tank of his car with sugar, and threatened him with death and violence on countless occasions. Father believes Mother is in need of anger management therapy and alcohol rehabilitation. Father told me Mother has spanked his daughters and S.L. with belts, hangers, and shoehorns; and that Mother once struck his oldest daughter and left her with a black eye. His goal is to have residential custody of S.L. and to restrict Mother's parenting time to professionally supervised visitation. He would like to retain sole decision-making, particularly regarding S.L.'s medical care. Father alleges S.L. to have developmental disabilities and gave me the contact information for S.L.'s social worker. Father indicated to me that S.L. used to receive physical and occupational therapy services while in Father's care.

I also performed a criminal background search of Father at the Daley Center. His background check results are as follows:

1. Case No. 2009 11111111 (10/29/00): one misdemeanor count of Disorderly Conduct – False Reporting of Offense. Disposition: Stricken Off with Leave to Reinstate.
2. Case No. 2011 CR 22222222 (12/22/11): four felony counts of Disorderly Conduct – False Reporting of Offense. Disposition: Dismissed with Prejudice.
3. Case No. 2011 33333333 (6/10/11): one felony count of Disorderly Conduct – False Reporting of Offense. Disposition: No Probable Cause – Dismissed.

4. Case No. 2011 4444444: one misdemeanor count of Battery with Intent to Cause Bodily Harm. Disposition: Finding of Not Guilty.
5. Case No. 2015 DV 55555555 (8/28/15): one count of Reckless Conduct and three counts of Child Endangerment. Disposition: Finding of Guilty, Sentenced to 12 months of Court Supervision under Special Conditions.
6. Case No. 2015 DV 6666666 (12/2/15): one count of Domestic Battery. Disposition: Nolle Prosequi.
7. Case No. 2015 7777777 (2/10/15): one count of Possession of a Revoked Firearm FOID, one count of Possession of Ammunition without Valid FOID, and one count of Driving on Shoulder. Disposition: Nolle Prosequi.
8. Case No. 2016 CR 8888888 (2/10/16): one count of Disorderly Conduct – False Reporting of Offense. Disposition: pending.
9. Case No. 2016 9999999 (1/30/16): one count of Disorderly Conduct – False Reporting of Offense. Disposition: transferred to Criminal Division; Defendant released on bond.

I asked Father about each of these arrests during our interview. Father stated that he does not remember many of the earlier offenses. He could not recall the details of his 2009 arrest for Disorderly Conduct or the details of his 2011 arrest for Battery with Intent to Cause Bodily Harm. He explained his two 2011 Disorderly Conduct arrests by stating that he was arrested for refusing to give his name to a police officer in Forest Park after a routine traffic stop. None of these arrests resulted in convictions.

In August 2015, Father told me he was arrested and charged with one count of Reckless Conduct and three counts of Child Endangerment, but he stated that he was only convicted of the

one count of Reckless Conduct. Father explains that four children were left alone with Taniya while he was at work. Father told me that one of his daughters has several health issues, including cerebral palsy, which manifests in biting behavior. The daughter bit A.L. while the children were alone in the home and one of the children pressed a panic button, informing law enforcement. Father told me during our interview that he has a surveillance system set up at his home with numerous cameras and a panic button. According to Father, police arrested him for leaving the children unattended and for failing to take J.L. to the hospital. Father told me he did not think A.L. needed to go to the hospital. He also stated that DCFS investigated the event and did not make a finding. Father was placed under court supervision for 12 months and ordered to take parenting classes.

As for his January 2015 arrest for Domestic Battery, Father said that his ex-girlfriend, Latasha, lied to get him arrested and that the case was dismissed for lack of evidence. In February 2015, Father was arrested for possessing a revoked firearm license and ammunition. Father admits he was pulled over for driving in the shoulder on the highway and carrying a gun for his job. He told me the case was dismissed because he did not know his firearm license was revoked due to an Emergency OP issued to Taniya. Father went on to say that he currently has valid firearm and concealed-carry licenses, which he needs for his employment. He explained he has two firearms that he keeps under the spare tire in the trunk of his car. Father insisted that he does not keep any guns in the home, but he told me that if he did, he would store them in a lockbox he owns.

Finally, Father explained his two 2016 arrests for False Reporting of an Offense by stating that Latasha started a fight with him at his home. He called the police, and a detective who had previously arrested him showed up. Father said Latasha left his home before the

detective arrived and the detective vindictively arrested him for false reporting. Father maintained that his criminal history has no bearing on his ability to parent S.L. because most of his arrests did not result in convictions. He further stated that the alleged offenses have nothing to do with his parenting ability.

**Colleen Flaherty, DCFS Supervisory Regional Counsel**

I requested DCFS records from Ms. Flaherty on August 1, 2016. She notified me by e-mail that Mother has no DCFS reports on file, despite Father's allegation that Judge Jean-Baptiste called DCFS after the OP proceeding in October 2014. Ms. Flaherty informed me that Father has a pending investigation: SCR 1234AAA. The investigation began on April 22, 2016 and is scheduled to be completed by July 20, 2016. The allegations are sexual penetration as to J.L. and M.L. There is also an allegation of internal injuries as to J.L. The allegation is that Father punched J.L. in the back, and she was diagnosed with a punctured kidney. The DCFS investigator on this case is Richard Richardson, but I have been unable to reach him. Ms. Flaherty will send me the DCFS report when it is completed.

**ANALYSIS AND RECOMMENDATION**

The parties have given me conflicting information and timelines, but it is clear that S.L. has been shuffled back and forth between his parents throughout his lifetime. Both parties acknowledge that Father was S.L.'s primary caretaker after the entry of the Order of Protection in October 2014 until March 2015. However, the parties dispute who took care of S.L. from March 2015 until December 2015. The parents acknowledge that they moved in together in December 2015 and took care of the child jointly for a few months. Both parties also admit that

Mother has been S.L.'s primary caretaker since April 2016 and that Father has not seen the child since that time.

Criminal background checks of both parties revealed one arrest for Mother and nine arrests for Father. Mother has never been convicted and only one of Father's nine arrests has led to a conviction. Yet in the last six years, Father has been charged with eight counts of False Reporting of an Offense. Father's one conviction resulted from three counts of Child Endangerment, and it concerns me that Father does not believe his criminal history has any bearing on his parenting ability considering he may have left several minor children, including one minor child with a severe disability, home alone unsupervised. Furthermore, Father admitted to carrying firearms on his person as part of his employment, and I worry about any potential access to those weapons by minor children.

Since I have yet to receive records from DCFS, my investigation remains incomplete. Both parties allege the other to have been physically abusive and neglectful toward S.L. I am particularly troubled by Father's Reckless Conduct conviction in August 2015. I would like to request more time from the Court to review DCFS records and acquire collateral sources of information. More specifically, I would like to contact DCFS staff, Father's family members, healthcare providers, the child's social worker, and Father's ex-girlfriend, Latasha. In light of the parties' accusations, Father's previous conviction, Father's possession of firearms, and given the limited amount of information at my disposal, I also recommend that this Court order OACCA to conduct home studies of both parties' home environments.

**Respectfully submitted to this Honorable Court on August 11, 2016 by:**

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