

from filing any further motions or pleadings, except for a notice of appeal, without first obtaining leave of court.

¶ 4 Ryan appeals, arguing (1) the trial court unduly restricted his visitation with T.R.M.; (2) Meagan failed to meet her burden of showing Ryan's visits would seriously endanger T.R.M.; (3) the court's decision to terminate all contact with T.R.M. was a manifest injustice and abuse of discretion; and (4) the court abused its discretion in denying Ryan's request for a plenary order of protection. We affirm.

¶ 5 I. BACKGROUND

¶ 6 Ryan and Meagan have never been married. T.R.M. was born on December 4, 2004. In April 2005, Ryan filed a paternity petition to establish parentage and to seek temporary and permanent custody of T.R.M. The parties' relationships and the litigation in this case have been tortuous.

¶ 7 Ryan and Meagan both signed a voluntary acknowledgment of paternity following T.R.M.'s birth. In June 2005, Ryan filed a petition to rescind the acknowledgment, claiming Meagan told him he is not T.R.M.'s father. The limited guardian's report reflects Ryan withdrew this petition following deoxyribonucleic acid (DNA) testing that established paternity. However, no motion to withdraw is contained in the record. The docket sheet reflects a hearing was held on the petition to rescind on October 11, 2005, where both parties appeared with counsel, evidence and arguments were heard, and the motion was denied. No report of these proceedings was included in the record on appeal

¶ 8 Over three days in November 2009, the trial court heard evidence on various motions filed by the parties, including Meagan's motion to restrict visitation. In an order filed

November 16, 2010, the court refers to findings it made on the record on November 13, 2009, finding serious endangerment. No report of proceedings for the November 2009 evidentiary hearing was included with the record on appeal. On December 3, 2009, the court filed a written order restricting Ryan's visitation with T.R.M. and appointing Trevor Kendrick to supervise all visitation. (Kendrick was recommended by T.R.M.'s psychologist, Judy Osgood.) This order further (1) required T.R.M. to continue counseling with Judy Osgood; (2) directed Ryan to obtain a psychological evaluation with Helen Appleton; and (3) directed both parties to cooperate with Appleton. A review hearing was set for May 12, 2010. An amended order was filed on December 30, 2009, appointing Appleton to conduct a visitation evaluation and requiring both parties to submit to a psychological evaluation.

¶ 9 Apparently the December 2009 order was considered to be a temporary order by the trial court. In its docket entry of January 14, 2010, the court, in denying Ryan's motion to reopen and rehear evidence, stated as follows. "The Court notes that it intends to allow the Petitioner [Ryan] to present any relevant evidence at the final hearing of this cause, even if said evidence was in existence prior to last hearing in November [2009]."

¶ 10 The trial court heard evidence over four days from October 25 to October 28, 2010, on Meagan's motion to restrict visitation and Ryan's motion to modify visitation. Ryan was seeking extended alternate weekend visitation from Wednesday to Sunday, and Meagan was seeking to restrict Ryan's visitation.

¶ 11 On November 16, 2010, the trial court entered an order denying Meagan's motion to restrict visitation. In its 23-page written order, the court found Meagan failed to meet her burden of proving serious endangerment. The court indicated it planned to transition to the

visitation schedule enjoyed by Ryan under a visitation order of August 7, 2009, so long as Ryan complied with certain conditions. (While the court states "August 7, 2009" in its order, this appears to be a scrivener's error, as the record reveals the date of the order was August 7, 2008.) Those conditions were as follows: Ryan was (1) to complete a parenting class; (2) to refrain from making negative comments about Meagan while he was with T.R.M.; and (3) to refrain from discussing custody issues with T.R.M. or making other inappropriate comments to T.R.M. during his supervised visitation.

¶ 12 The order provided for supervised visitation every other weekend and some limited unsupervised visitations. The trial court's order also directed Meagan not to speak negatively about Ryan to T.R.M. and not to question T.R.M. about his visits with Ryan. T.R.M. was to continue to counsel with Osgood. The court set a review hearing for January 18, 2011.

¶ 13 At the review hearing on January 18, 2011, the trial court's docket entry indicates Ryan was not seeking visitation with T.R.M. at that time. The reason for the declination of visitation is reflected in the court's current order on appeal. Ryan was then the subject of a sexual abuse investigation by the Gurnee police department relating to T.R.M. The review hearing was continued from time to time thereafter.

¶ 14 Three different attorneys withdrew from their representation of Ryan between 2005-09. Beginning in 2010, the Law Office of Jeffrey Leving, Ltd., entered its appearance on Ryan's behalf and over the course of 2010, 2011, and the first half of 2012, various attorneys with that firm alternately withdrew and then reappeared on Ryan's behalf on several occasions. Ryan began to represent himself continuously in June 2012.

¶ 15 On August 30, 2011, Ryan filed, *inter alia*, an amended petition to modify

custody, wherein he sought sole custody of T.R.M. and if granted, sought to restrict Meagan's visitation. On October 14, 2011, a docket entry reflects the parties agreed to reinstate supervised visitation between Ryan and T.R.M. every other weekend commencing October 29, 2011, from 12 p.m. until 2 p.m. Kendrick was to supervise the visitation once again. The matter was set for review on January 27, 2012.

¶ 16 Meagan filed a motion for supervised visitation on January 13, 2012. The motion alleged the following. Ryan refused to comply with requests and protocols set by Kendrick, the visitation supervisor. T.R.M. spontaneously confided in Kendrick he had been sexually abused by Ryan, became distraught and unwilling to visit Ryan. According to the motion, Ryan tried to persuade T.R.M. during the visits T.R.M.'s maternal grandfather was "The Man" and the one who was abusive to T.R.M. (T.R.M. reportedly referred to Ryan as "The Man" according to teachers, his counselor, Osgood, and Kendrick.) Ryan attempted to engage the maternal grandfather in a physical confrontation, upsetting T.R.M. The motion alleged continued visitation with Ryan would seriously endanger T.R.M.'s mental, emotional, and physical well-being.

¶ 17 On that same day, January 13, 2012, Ryan filed a motion to discontinue supervised visitations and to terminate review. This motion sought immediate reinstatement of unsupervised visitations.

¶ 18 On January 27, 2012, the parties appeared before the trial court. After reviewing the procedural history of the case and noting the court had appointed Appleton to do a section 604(b) visitation evaluation (750 ILCS 5/604(b)) (West 2010) and a psychological examination of both parties back in December 2009, the court ordered an updated visitation evaluation from Appleton. The court then found Meagan had the burden of proof with respect to serious

endangerment with regard to the amended motion to restrict visitation, and Ryan had the burden to show compliance with the court's order of November 16, 2010, and the burden to show it was in the best interest of T.R.M. to have unsupervised visitation with Ryan.

¶ 19 The trial court proceeded to hear evidence. Trevor Kendrick testified she is a marriage and family therapist with a master's degree in marriage, family, and child counseling who was appointed to supervise visits between Ryan and T.R.M. She supervised a visit between Ryan and T.R.M. on October 29, 2011. Ryan, who was required to pay Kendrick to supervise the visits, gave Kendrick a check. In the memo portion of the check, Ryan wrote "The Man."

¶ 20 Kendrick was to meet Ryan in the food court of the Champaign mall. While walking with T.R.M. to the food court, T.R.M. told Kendrick he wished he had a gun so he could kill "The Man," so he would not be able to lick T.R.M.'s privates again. T.R.M. also told Kendrick the judge and his mom "don't believe him" because if they knew "The Man" (Ryan) had licked T.R.M.'s privates, they "wouldn't make him come visit, so they must not believe him."

¶ 21 Ryan, who had not seen T.R.M. for over 10 months, brought gifts to the visit and was physically affectionate to T.R.M., hugging and kissing him.

¶ 22 T.R.M. and Ryan went to ride on a carousel. T.R.M. had been smiling and having fun. Ryan was standing close to T.R.M. and talking to him. Kendrick noticed T.R.M.'s face "just fell" and she knew Ryan had said something upsetting to T.R.M.

¶ 23 Kendrick tried to talk to T.R.M. about what happened on the carousel, but Ryan interrupted her, saying "Don't worry Trevor, I didn't talk about The Man." Kendrick testified this statement confused her because T.R.M. calls Ryan "The Man." Kendrick said to Ryan "But you're The Man." Ryan told her "That's not what the police think."

¶ 24 Kendrick told Ryan this was inappropriate conversation and that conversation ended. Later during the visit, Ryan said "Be careful Trevor, when you're surrounded by hate, it consumes you."

¶ 25 While T.R.M. was in the restroom washing his hands, Ryan approached Kendrick and said "Trevor, didn't you find out what the police know? They found out who The Man is, and it's not me, and I can't wait for my high-priced attorney to call the Gurnee detective, and I hope you're in the courtroom to hear who The Man really is." While walking from the restroom back to the mall, Kendrick was walking behind Ryan. She testified "all of a sudden," Ryan grabbed a chair and pulled it out behind him so it would be right in front of Kendrick and she would run into it as they were walking. Later during this same visit, while behind Kendrick, Ryan, in a singing voice said "I'm not The Man, Trevor; I'm not The Man." Then he flexed his biceps, slapped them, and said "but these are."

¶ 26 Kendrick described T.R.M. as "very shaken and confused" during the visit. While T.R.M. was playing on some equipment, Ryan sat beside Kendrick and said "Why am I not in jail, Trevor?" Kendrick responded she was not going to talk about that issue.

¶ 27 After the visit was over and Ryan had left, T.R.M. told Kendrick what Ryan had said to him on the carousel. Ryan said bad things about her, called T.R.M.'s mom a bitch and told T.R.M. "Papaw's The Man and you need to tell people this." (Papaw is how T.R.M. refers to his maternal grandfather.) T.R.M. then said "Trevor, we know Ryan's The Man" or words to that effect.

¶ 28 Kendrick testified she was very concerned about this visit because of Ryan's inappropriate discussion of issues in front of T.R.M., his hostile and aggressive behavior toward

her, T.R.M.'s high anxiety level, and Ryan's coaching T.R.M. on what to tell people about who The Man is.

¶ 29 Following this visit, Kendrick sent a letter to the parties' lawyers. In the letter, Kendrick set forth guidelines for future visits and told the lawyers if Ryan did not follow the guidelines, she would stop the visits. The guidelines were as follows: (1) no discussion of court-related proceedings in any way; (2) no negative comments about Meagan or family members; (3) no prompting of T.R.M. to say anything about the issues related to the court proceedings; (4) no disparaging comments to T.R.M. about the visit supervisor or to the visit supervisor directly; (5) no bullying, threatening, or harassing behavior; (6) no comments to Meagan or any family member during drop-off or pickup; and (7) no family members or friends of Ryan to attend the visits.

¶ 30 The next visit took place on November 12, 2011, at the mall. T.R.M. kept glancing around, asking Kendrick "Is The Man here yet, is The Man here yet?" When Ryan approached, T.R.M. went behind Meagan's leg. Meagan encouraged T.R.M. to visit, saying "[G]o have fun. Trevor will be there. You'll be fine."

¶ 31 During the visit, T.R.M. and Ryan were running around the play area. Kendrick checked the time and then "all of a sudden" she could not see either Ryan or T.R.M. She found them in a small tunnel under a slide with their feet poking out from opposite ends of the tunnel. They were face to face in the tunnel and when Kendrick approached, T.R.M. looked up at her "with this look on his face." After the visit, T.R.M. told Kendrick "The Man" kissed him on the lips under the slide and "the last time he did that he was wearing lipstick." T.R.M. reported Ryan also told him "remember to tell people Papaw's The Man." Kendrick noticed T.R.M. was

anxious, stressed, and confused.

¶ 32 At the next visit on November 26, 2011, when T.R.M. approached Ryan at the mall, Ryan was sitting on a bench. He did not hug or kiss T.R.M. like he usually did. According to Kendrick, Ryan just sat there, very quiet. When T.R.M. said he wanted to see Santa, Ryan told him he was too sad to see Santa, because he had not been able to see or play with T.R.M. T.R.M. became anxious and stressed and according to Kendrick, confused about how to respond to such comments. Later in the visit, Ryan told T.R.M. he was sad because "really bad things" had happened to T.R.M.

¶ 33 At the end of this visit, upon returning T.R.M. to Meagan and her father (Papaw), Ryan tried to engage T.R.M.'s grandfather in an altercation, calling the grandfather a child abuser. Ryan had his arms out and told the grandfather to "bring it on." While T.R.M. could not hear this altercation, he was able to see it. Afterward T.R.M. said "Papaw, what did The Man say to you?" T.R.M. also said he hated "The Man."

¶ 34 The next visit was December 23, 2011. Kendrick noticed a marked difference in T.R.M. For the first time, he absolutely refused to walk into the mall.

¶ 35 Kendrick, Meagan, and Meagan's father all tried to talk T.R.M. into going into the mall. He refused and asked Kendrick not to let Ryan come outside. T.R.M. was angry with Meagan for trying to make him go into the mall.

¶ 36 When Kendrick went into the mall to explain the problem to Ryan, Ryan accused Meagan's mother of coaching T.R.M. and accused the grandparents of severely beating T.R.M. Kendrick stated to Ryan she never observed evidence of coaching or beatings. Kendrick tried to explain to Ryan the need to give T.R.M. space and consider T.R.M.'s feelings. Ryan responded

he did not care about T.R.M.'s feelings because in his opinion, these were not T.R.M.'s feelings, but the result of coaching.

¶ 37 Kendrick asked Ryan to stay inside while she went out to talk to T.R.M.

Unbeknownst to her, Ryan followed her out of the mall and grabbed the hat off T.R.M.'s head. Kendrick said T.R.M. was petrified and ran behind Meagan.

¶ 38 Kendrick ended the visit and told Meagan to take T.R.M. to the car. Ryan then "went off" verbally on Meagan's father and taunted him to hit Ryan, which the grandfather declined to do.

¶ 39 At the January 7, 2012, visit, T.R.M. refused to get out of the car. Despite encouragement from Kendrick, Meagan, and his grandfather, T.R.M. would not get out of the car. When Kendrick went to explain the situation to Ryan, he once again accused the Millers of beating T.R.M. He also said he did not care about his son's feelings.

¶ 40 During the time Kendrick was with T.R.M. on January 7, 2012, T.R.M. told her "The Man" told him if T.R.M. let him lick his privates, it would be healthy for him. T.R.M. looked at Kendrick and said "that's ridiculous."

¶ 41 On January 21, 2012, T.R.M. again refused to get out of the car at the mall. When Kendrick went inside to talk to Ryan, he criticized Kendrick, telling her she was not any good at her job, accused her of lying on the witness stand, and told her she really ought to think about a different career.

¶ 42 Kendrick then was asked to testify about a visit back on December 10, 2010. This visit followed the one unsupervised visit in November 2010. During this visit, T.R.M. was playing with Play-Doh at a table in the food court. He looked up at Ryan and said "remember

that time you touched my you-know?"

¶ 43 When Kendrick asked him what "you-know" was, T.R.M. said Ryan had touched his privates and licked them. T.R.M. told Kendrick he wanted to tell the mall security officer about it. Kendrick told T.R.M. she would tell the appropriate person and he did not need to tell the mall security guard. Kendrick called a report in to the Illinois Department of Children and Family Services (DCFS) hotline, as she was mandated to do. At the end of the visit, Ryan whispered into T.R.M.'s ear. T.R.M. later told Kendrick Ryan called him a "dumb ass" in his ear.

¶ 44 Kendrick testified she had been supervising visits for two years in this case and was concerned about the emotional abuse T.R.M. suffers with Ryan during the visits. Ryan degrades Meagan, T.R.M.'s family, and Kendrick during visits; talks about court issues; and rarely asks T.R.M. about himself. Ryan failed to respect boundaries with T.R.M. by picking him up after T.R.M. said he did not want to be picked up, and by kissing T.R.M. more when T.R.M. has pulled back from a kiss.

¶ 45 Detective Robb Morris with the Champaign police department testified he was present at the Child Advocacy Center (CAC) in Champaign to observe, by closed circuit television, an interview of T.R.M. in December 2010. During the interview, T.R.M. disclosed "The Man" had touched his private parts, his genitals, with his hands and mouth. Morris said T.R.M. referred to his father as "The Man." T.R.M. was six years old at the time of the interview. The recorded interview was sent to the Gurnee police department, because T.R.M. said this incident occurred at The Man's house, which was in Gurnee. In Morris's opinion, T.R.M. was absolutely credible. He advised Meagan not to permit visitation between Ryan and T.R.M. until this issue was addressed.

¶ 46 Ryan's counsel called Detective John Metcalf of the Gurnee police department to testify. Metcalf reviewed the CAC interview of T.R.M. after Morris sent it to the Gurnee police department. According to Metcalf, T.R.M. disclosed during the interview he had been touched in the genital area and licked over his clothing. T.R.M. indicated he was around two years old when this happened. When Metcalf interviewed Ryan, he denied sexually abusing T.R.M. Metcalf presented all of this information to the Lake County State's Attorney's Office, but the State's Attorney declined to prosecute Ryan. According to Metcalf, this decision was based on the timing of the incident and the tumultuous relationship between Ryan and Meagan, and that the fact pattern was not strong enough to support a charge.

¶ 47 On cross-examination, Metcalf testified after viewing the video, he believed T.R.M. sounded credible.

¶ 48 Ryan testified about the unsupervised visit with T.R.M. in November 2010. Toward the end of the visit, T.R.M. said "Hey dad, remember when you touched my privates?" and started to laugh. Ryan yelled "No, you don't say that."

¶ 49 Ryan also testified during a supervised visit in December 2010, while Kendrick was present, T.R.M. said "Hey dad, remember that time you touched my privates?" According to Ryan, T.R.M. was joking and giggling.

¶ 50 In testifying about the October 29, 2011, visit, the first visit in over 10 months, Ryan said he and T.R.M. were excited to see each other. T.R.M. wanted to ride the carousel. When they rejoined Kendrick, she berated them, asking what happened and saying "I know something happened." Ryan said "[D]on't worry Trevor, we weren't talking about The Man." According to Ryan, Kendrick said "You're The Man, Ryan" and Ryan told Kendrick that was not

what the cops think.

¶ 51 Ryan testified he then "roasted" Kendrick for a solid 15 seconds about how inappropriate she was acting. This occurred in T.R.M.'s presence.

¶ 52 During the November 21, 2011, visit, Ryan testified he was distraught and depressed and moped around during the visit. T.R.M. told Ryan he (Ryan) looked scared. Ryan told him he (Ryan) had been beat up pretty bad at that point, apparently referring to the lack of visits and issues with Kendrick during the visits. (However, on cross-examination, Ryan denied that was what he meant.) Ryan then pulled himself out of his funk and the rest of the visit was fine.

¶ 53 On cross-examination, Ryan testified about T.R.M.'s statements to him on November 25 and December 17, 2010, where T.R.M. asked if Ryan remembered when he touched T.R.M.'s privates. Ryan admitted saying in a strong voice "No, you don't say that" and admitted using a strong voice to make it clear T.R.M. should not talk about that. Ryan also said he received the visitation protocol Kendrick sent to his attorney. After reading the first two guidelines, he never read the rest of it.

¶ 54 At the conclusion of the day, without making a finding of serious endangerment, the trial court suspended further visitation, stating:

¶ 55 "[Ryan's] conduct is obviously evidence of poor parenting skill, demonstrates a lack of self-control and is obviously inappropriate. The concern of this Court is that although such conduct is quite common in adversarial custody and visitation battles, it's unusual to have such direct evidence in that regard. Indeed, if Petitioner is

unable to refrain from such comments and questioning while his visitation is being monitored and supervised, what would he do in an unsupervised setting.

There's no question that the activities of the—of Mr. Wilson are totally inappropriate. I don't know what world he thinks he's in. There's some psychological problems there that seriously need to be addressed."

¶ 56 The trial court set the matter for further hearing and asked the lawyers to urge Appleton to conduct the visitation evaluations and psychological examinations promptly.

¶ 57 In June 2012, Appleton submitted her 45-page report to the trial court. She met several times with Meagan and Ryan separately and met with T.R.M. individually. She also observed Meagan and T.R.M. together. She was unable to observe T.R.M. and Ryan together because T.R.M. refused to get out of the car at Appleton's office, despite encouragement from Meagan, her father, Appleton, and Osgood. Osgood, as T.R.M.'s counselor, was present in order to assist T.R.M. with feeling safe during the scheduled observation appointment.

¶ 58 Appleton reviewed extensive information, including the transcript of the January 27, 2012, evidentiary hearing. Her report indicated, in summary, both parents had failed miserably in facilitating a relationship between T.R.M. and the other parent. In Appleton's opinion, T.R.M. was not functioning adequately in his home, school, or community. She was unable to discern which parent's behavior caused T.R.M. the most distress. Appleton felt no plan of visitation would work unless both parents and T.R.M. participated in treatment. Parent

coordination, an approach used with high-conflict parents was not viewed as feasible, as both parents were too distressed and upset with each other to meet together. Appleton recommended T.R.M. continue in counseling. She also recommended counseling for Ryan and Meagan so they could learn to recognize how their behavior was negatively impacting T.R.M.

¶ 59 Further, Appleton recommended the trial court select a new visitation supervisor, as Kendrick, in Appleton's opinion, had become an advocate for having Ryan's visits decreased or eliminated. She recommended the goal be to return to the visitation plan in place in the summer of 2009 (standard alternate weekend visitation, plus Wednesdays). She also recommended Meagan's father not participate in taking T.R.M. to visits.

¶ 60 Appleton opined, at the first visit after her recommended counseling had been completed, Ryan tell T.R.M. he had remarried and had a baby daughter and a step-daughter. After two visits where Ryan did not make inappropriate statements, Appleton recommended including Ryan's new family in the visits and thereafter allowing his wife to serve as the supervisor of visitation. (The trial court questioned Appleton about these recommendations.)

¶ 61 T.R.M. was evaluated by a pediatrician, Dr. Kathleen Buetow, on June 13, 2012. Dr. Buetow found T.R.M. was severely disturbed, as exhibited by sexualized and destructive behavior. She observed a video provided by Meagan of T.R.M. exposing his genitals and then laughing maniacally. Meagan reported incidents where T.R.M., now seven years old, would try to touch his dog's genitals. He was not only exposing himself at home, but also in public places, like the grocery store and school bus. T.R.M. wet himself while in the waiting room while Meagan was talking to Dr. Buetow. He also ran out deliberately into traffic and tried to jump out of a car while moving, then talked of going to heaven.

¶ 62 Buetow felt T.R.M.'s significant mental health needs were of primary importance. She recommended a comprehensive psychiatric evaluation due to his maniacal behavior, his concerns about death, and his threats of self-injury. She recommended T.R.M. continue to counsel with Osgood, as he had a stable, helpful relationship with her. In the short term, Buetow felt T.R.M.'s distrust and fear of Ryan needed to be respected. Otherwise, increasing T.R.M.'s stress over these issues was likely to have a serious negative effect on his mental health and well-being.

¶ 63 Judy Osgood, a licensed clinical psychologist who had been T.R.M.'s counselor since May 2009, submitted a 25-page report to the trial court on June 20, 2012. She had seen T.R.M. in her office 55 times and had conducted 13 home visits. Her report indicated T.R.M.'s severe emotional and behavioral problems had increased in frequency and severity since Appleton had tried to get him to meet with Ryan at her office.

¶ 64 Osgood reported T.R.M. made credible disclosures of physical, sexual, and emotional abuse by Ryan. In 2009, T.R.M. reported to Osgood bruises on his leg resulted when Ryan pushed him down in the bathtub because T.R.M. was "crying about mommy." He reported to Osgood Ryan touched his privates while he was sleeping. DCFS investigations determined the reports unfounded after Ryan told the investigator T.R.M. fell off his bike and got bruised and he had put cream on T.R.M.'s privates to heal a rash.

¶ 65 The emotional abuse stemmed from Ryan calling T.R.M. "dumb ass" and "stupid" and using profanity with him.

¶ 66 During the time Ryan's visits were suspended, from December 2010 until October 2011, T.R.M. demonstrated progress in his behavior at home and at school. He was not

exhibiting physical aggression or sexually inappropriate behaviors, and his anxiety appeared to diminish significantly.

¶ 67 With the resumption of visits between October 2011 through January 2012, Osgood noticed T.R.M. engaged in increased aggressive, high risk behaviors, along with sexually inappropriate behavior. Osgood noticed increasingly severe behaviors after Appleton told T.R.M. he would be meeting with Ryan at her office. These behaviors included not sleeping, exposing himself at home and on the school bus, and urinating outside. He also made statements about wanting to go to heaven so he did not have to see The Man. Osgood felt T.R.M.'s behavior was consistent with Post-Traumatic Stress Disorder (PTSD).

¶ 68 Following Buetow's evaluation of T.R.M., Osgood spoke to her about treatment recommendations, including psychotropic medication and possible psychiatric hospitalization. T.R.M. was acting out at school, having difficulty concentrating, trying to hurt other children, exposing himself, having sleep problems, and exhibiting irritability and outbursts of anger. Osgood found T.R.M.'s behaviors consistent with PTSD and present in children who have experienced ongoing abuse and trauma.

¶ 69 Osgood felt T.R.M. recognized, even with supervised visits, Ryan was able to engage in inappropriate behaviors, calling T.R.M. names, disparaging Meagan and Kendrick, and trying to engage his grandfather in an altercation. These incidents and the attempt by Appleton to get T.R.M. to see Ryan in her office had the effect of retraumatizing T.R.M. and exacerbating his fear of Ryan.

¶ 70 During all 13 home visits, Osgood observed T.R.M. to be relaxed, secure, and at ease in the home with his mother and maternal grandparents. All three adults communicated

with T.R.M. in a loving, supportive, and responsible manner. They redirected T.R.M. when he became angry, profane, or aggressive. Osgood stated "It is apparent that Meagan and her parents provide [T.R.M.] with a child-focused, loving and supportive home and family environment.

*** With [T.R.M.], Meagan and her parents present themselves as very positive role models in regards to their communication, behavior and lifestyles."

¶ 71 Osgood felt T.R.M.'s mental health needs were imperative and would be negatively impacted by contact with Ryan. She also told Meagan she and her parents needed to provide constant supervision to T.R.M.

¶ 72 On June 20, 2012, the trial court heard Appleton testify. This was the continued evidentiary hearing from January 27, 2012. Appleton testified consistent with her updated report outlined above.

¶ 73 On July 18, 2012, Ryan filed a petition for an order of protection on behalf of T.R.M. He sought an order requiring Meagan to stay 1,000 feet away from him and seeking custody of T.R.M. In the allegation section of the petition, Ryan indicated the date of his allegations to be May 15, 2009. The petition basically discusses the DCFS reports, the deterioration of T.R.M.'s behavior, and ends with the following statement: Munchausen by Proxy Syndrome.

¶ 74 On July 30, 2012, the trial court heard further evidence following the continued June 20, 2012, hearing and had scheduled Ryan's petition for order of protection for hearing that same day. At this hearing, Osgood testified consistent with her report as noted above. In addition, she had three more home visits since her report, the last one on July 24, 2012. Osgood had been there for three hours, playing games with the family and observing T.R.M. with his

mother and grandparents. She had not discussed any of the visitation issues nor had she mentioned Ryan at all during the three hours. At the end of the home visits, T.R.M. asked to speak to Osgood in private. He told her he did not want to see The Man or his family again, did not want The Man to lick his privates again, and did not want him to call T.R.M. a "stupid ass bitch." Osgood felt T.R.M. was making a cry for help to her.

¶ 75 Osgood also reported T.R.M. had been seen by a child psychiatrist, Dr. Gerald Welch, who prescribed two medications for T.R.M.; a generic drug for Tenex to help T.R.M. overcome his impulsive behaviors and Prozac for depression and anxiety. Osgood related it was very unusual for a seven year old to be on such medications. Osgood testified in her opinion further contact of any kind between T.R.M. and Ryan would seriously endanger T.R.M. The proceedings were then continued to August 9.

¶ 76 At the continued hearing on August 9, 2012, Dr. Buetow testified she was part of a child-protection team and had training in the identification of child abuse. She saw 80-100 children per year who suffered from abuse. Her testimony was consistent with her report noted above.

¶ 77 In addition to the previously filed petition for order of protection, on August 9, 2012, Ryan filed a motion for unlawful visitation and parenting time interference, a third petition for rule to show cause for failure to allow visitation as required by court order, and a motion for rule to show cause for failure to share information provided during the psychological evaluation for visitation. The trial court declined to hear those motions because it wanted to decide the restricted visitation motion that was the true subject of the hearing. The court expressed displeasure with Ryan for filing the petition for order of protection as a means to obtain custody

in light of the extensive hearings on the issue of restricted visitations. The court directed the parties to file written closing arguments within 30 days.

¶ 78 On November 19, 2012, the trial court issued its 29-page order. After laying out the procedural history of the case, the court took notice of all the evidence presented in October 2010 and considered the evidence from the four days of hearings outlined above. After reviewing the evidence, the court found Meagan met her burden of proving serious endangerment to T.R.M. if he were to have any contact with Ryan. The court based its finding on the opinions, conclusions, reports, and recommendations of Kendrick, Osgood, and Buetow. The court stated:

"The [c]ourt finds that this child needs to solely focus on his mental health issues for a period of time without any parenting or visitation time or contact with [Ryan]. This child simply needs for a certain period of time to be removed by this [c]ourt from the battleground created by his parents."

The court ordered no contact until December 15, 2013, and set the matter for review on December 16, 2013. The court directed Meagan to continue T.R.M.'s counseling with Osgood and to follow the recommendations of Dr. Welch, the child psychiatrist.

¶ 79 While the trial court indicated its belief Ryan did not sexually abuse T.R.M., it further indicated its belief Ryan has

"some type of mental condition that keeps him from appropriately behaving around this child. Indeed, a major part of the child's stress and anxiety is the constant intimidation of [Meagan and her parents] and the visitation supervisor by [Ryan], the constant

inappropriate behavior around the child by [Ryan], the constant involvement of the child in the court proceedings by [Ryan], the constant negative statements to the child about Meagan and the maternal grandparents by [Ryan], and the constant inappropriate comments directed to the child by [Ryan]."

¶ 80 The trial court also voiced its suspicions Meagan and her parents were exacerbating T.R.M.'s stress and anxiety by engaging in some alienating behaviors directed to T.R.M. in regard to Ryan. However, the court was convinced only a cessation of hostilities was appropriate at the present time.

¶ 81 With respect to Ryan's request for an order of protection, the trial court found the petition to be a confusing mix of allegations going back to 2009. The court found Ryan failed to prove abuse by Meagan within the meaning of the Illinois Domestic Violence Act of 1986 (750 ILCS 60/101 *et seq.* (West 2008)) and dismissed the petition.

¶ 82 The trial court also noted Ryan's motion to modify custody had been pending for over two years with absolutely no activity, and it noted Ryan's statement to the court he was not really seeking custody but filed the motion solely to gain advantage in obtaining additional visitation time. Finally, the court noted it was inconceivable it would transfer custody to Ryan in light of the very limited contact he had with T.R.M. for the last two years. The court dismissed the motion for change of custody for want of prosecution.

¶ 83 The trial court then denied the four pending motions, three of which were filed on August 9, 2012, finding the subject matter of the motions adequately covered by the "myriad" evidentiary hearings the court had held. The court then expressed its concern with Ryan's

numerous *pro se* filings. "A major objective of this *** order is to give the child some time to recuperate and work on his problems. The objective would certainly be frustrated by continued motions and contempt petitions by [Ryan]."

¶ 84 This appeal followed.

¶ 85 II. ANALYSIS

¶ 86 On appeal, Ryan contends (1) Meagan failed to meet her burden of proof visitation with Ryan would seriously endanger T.R.M.; (2) the trial court's order suspending all visitation was a manifest injustice to T.R.M. or Ryan and an abuse of discretion; and (3) the court's denial of the order of protection was an abuse of discretion.

¶ 87 A. Standard of Review

¶ 88 Section 14(a)(1) of the Illinois Parentage Act of 1984 (750 ILCS 45/14(a)(1) (West 2010) provides "[i]n determining custody, joint custody, removal, or visitation, the court shall apply the relevant standards of the Illinois Marriage and Dissolution of Marriage Act [(Act)]." Both parties agree the serious endangerment standard found in section 607(a) of the Act applies here. See 750 ILCS 5/607(a) (West 2010). Under that section, a noncustodial parent is entitled to reasonable visitation rights unless the court finds, after a hearing, visitation would "endanger seriously the child's physical, mental, moral, or emotional health." 750 ILCS 5/607(a) (West 2010).

¶ 89 When there is a request to modify a preexisting visitation order, as here, section 607(c) of the Act provides as follows:

"The court may modify an order granting or denying
visitation rights of a parent whenever modification would serve the

best interest of the child; but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger seriously the child's physical, mental, moral or emotional health."

750 ILCS 5/607(c) (West 2010).

¶ 90 The custodial parent shoulders the burden of proving, by a preponderance of the evidence, visitation with the noncustodial parent would seriously endanger the child. *In re Marriage of Diehl*, 221 Ill. App. 3d 410, 429, 582 N.E.2d 281, 294 (1991). Both parties agree the trial court is vested with wide discretion when deciding visitation issues and also agree unless the court has abused its discretion or a manifest injustice has been done to the child or parent, the trial court's decision should be affirmed. The parties cite *Diehl*, 221 Ill. App. 3d at 429, 582 N.E.2d at 294, and *In re Marriage of Anderson*, 130 Ill. App. 3d 684, 688, 474 N.E.2d 911, 913-14 (1985), as support for the abuse of discretion standard to be applied. In general, a trial court abuses its discretion "when its decision is fanciful, arbitrary, or unreasonable to the degree that no reasonable person would agree with it." *People v. Ortega*, 209 Ill. 2d 354, 359, 808 N.E.2d 496, 500-01 (2004).

¶ 91 In *Heldebrandt v. Heldebrandt*, 251 Ill. App. 3d 950, 954, 623 N.E.2d 780, 783 (1993), this court said it would not reverse a decision to modify visitation unless it was against the manifest weight of the evidence or an abuse of discretion. "A finding is against the manifest weight of the evidence only if the opposite conclusion is clearly evident or where a decision is unreasonable, arbitrary, and not based on any evidence." *Quinlan v. Stouffe*, 355 Ill. App. 3d 830, 836, 823 N.E.2d 597, 602 (2005).

¶ 92 Since the custodial parent has the burden of proof by a preponderance of the

evidence, the manifest weight of the evidence standard is the appropriate standard of review. See *Best v. Best*, 223 Ill. 2d 342, 348-49, 860 N.E.2d 240, 244 (2006) ("[w]hen a trial court makes a finding by a preponderance of the evidence, this court will reverse that finding only if it is against the manifest weight of the evidence.") We can look to see whether the court's findings were against the manifest weight of the evidence and then determine, based on those findings, whether it was an abuse of discretion for the court to restrict visitation. However, we find we must affirm the trial court's decision under either standard as the court's decision was not against the manifest weight of the evidence or an abuse of discretion.

II. Ryan's Claims Meagan Failed To Prove Serious Endangerment and The Trial Court Abused Its Discretion

¶ 93 We have laid out the testimony and the contents of the reports from the psychologists and pediatrician in some detail above. Osgood, Buetow, and Kendrick all testified T.R.M.'s fragile mental condition would be seriously endangered by further contact with Ryan. Ryan's behavior during supervised visitation was appalling. Some of his conduct was undisputed; he admitted pulling a chair behind him so Kendrick would run into it, and also admitted "roasting" Kendrick for 15 seconds about how terrible she was at her job. Kendrick did not know Meagan or her family prior to supervising the visits, she had no reason to lie about T.R.M.'s reports to her of Ryan calling him a "dumb ass" in his ear, calling Meagan a bitch, and other similar conduct. Ryan admitted T.R.M. said in front of Kendrick "Remember when you touched my you-know?" and also admitted yelling at T.R.M. "Don't say that" when T.R.M. said the same thing to him during unsupervised visitation.

¶ 94 While the trial court agreed with Appleton he might have to replace Kendrick as

the supervisor in the future as she seemed to have become an advocate for T.R.M. and his family as opposed to a neutral supervisor, the court obviously accepted her testimony about Ryan's conduct as true. Indeed, the court stated in its order it relied on Kendrick's testimony in deciding to restrict Ryan's visitation. The court expressed its well-founded sentiment—if the father behaved as described above during supervised visitation, how indeed would he behave if he had unsupervised visitation with T.R.M. Frankly, based on the evidence and the problems Kendrick experienced during the visits, it is simply no wonder she would feel compelled to advocate for this child. She, a neutral third party, witnessed firsthand Ryan's repeated inappropriate and aggressive behavior.

¶ 95 Osgood, the child's psychologist, had a long-term relationship with T.R.M. She had 55 therapy sessions with T.R.M. in her office and made 16 home visits lasting between 1 1/2 to 3 hours. She was the professional with the most extensive view of T.R.M. and his problems. She was extremely concerned with T.R.M.'s mental state and believed T.R.M. had been sexually abused by Ryan. She supported T.R.M.'s taking medication and was worried he would need to be psychiatrically hospitalized if forced to visit or talk to Ryan. In her opinion, visitation or contact of any kind with Ryan would seriously endanger T.R.M.

¶ 96 Dr. Buetow indicated she believed the child had been sexually abused, and at a minimum, T.R.M. *believed* he had been sexually abused. She agreed there was no proof of sexual abuse, *i.e.*, no physical proof. However, she was of the opinion forcing T.R.M. to visit Ryan, whom he distrusted and feared, would have a serious negative effect on his mental health and well-being.

¶ 97 Even Appleton, whose report was the most favorable to Ryan, indicated no plan of

visitation would work unless both parents and T.R.M. participated in treatment.

¶ 98 The evidence in this case overwhelmingly supported the trial court's decision to suspend all contact between Ryan and T.R.M. Thus the court's decision was not against the manifest weight of the evidence. While the court stated it did not believe Ryan sexually abused T.R.M., it clearly recognized the severe harm further contact would have on T.R.M.'s fragile mental state. As stated previously, the evidence in this regard was overwhelming.

¶ 99 Ryan also argues the trial court's decision to cease all contact between Ryan and T.R.M. was an abuse of discretion because the court did not consider less onerous solutions. To the contrary, however, the court had implemented a less onerous solution; it had ordered supervised visitation. Only when presented with the multiple problems caused by Ryan during supervised visitation and learning the child adamantly refused to even get out of the car when Ryan was around, did the court decide to cease all contact between Ryan and T.R.M. The court wisely recognized forced contact at this point would be counterproductive and would seriously endanger T.R.M. We are unable to say no reasonable person would do what the trial judge did here. Therefore, we find the court did not abuse its discretion in suspending contact between Ryan and T.R.M.

¶ 100 III. Ryan's Claim The Trial Court Abused Its Discretion In Denying His Petition For Order Of Protection

¶ 101 Ryan fails to make much of an argument on the issue of whether the trial court abused its discretion in denying his request for an order of protection. The petition, filed in July 2012, requested custody of T.R.M. and restricted visitation for Meagan. The allegations related back to 2009. Clearly the court was in the middle of a contested restriction-of-visitation hearing.

