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2018 IL App (5th) 170415-U

NO. 5-17-0415

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE  
This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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<i>In re</i> MARRIAGE OF	)	Appeal from the
	)	Circuit Court of
JOHN D. BROOKS,	)	Madison County.
	)	
Petitioner-Appellee,	)	
	)	
and	)	No. 15-D-281
	)	
DENESSA A. BROOKS,	)	Honorable
	)	Martin J. Mengarelli,
Respondent-Appellant.	)	Judge, presiding.

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JUSTICE CHAPMAN delivered the judgment of the court.  
Justice Overstreet concurred in the judgment.  
Justice Cates dissented.

**ORDER**

¶ 1 *Held:* The trial court's decision to give the father sole parental responsibility for significant decisions and the majority of parenting time was not against the manifest weight of the evidence where there was significant evidence showing that the mother damaged the children's relationship with their father.

¶ 2 This is an appeal from the allocation of parental responsibility and parenting time in an order dissolving the marriage of the petitioner, John Brooks, and the respondent, Denessa Brooks. The court gave John sole parental responsibility and the majority of parenting time. The court found it necessary to restrict Denessa's time with the children

because there was substantial evidence that she had interfered with the children's relationship with their father. On appeal, Denessa argues in substance that the court's decision was against the manifest weight of the evidence. Her primary complaint is that the court erred by relying on the testimony of the guardian *ad litem* (GAL) appointed to represent the interests of the children. She alleges that the GAL demonstrated a bias against her and breached her duty to the children by failing to adequately investigate and represent the children's best interests. We affirm.

¶ 3 The parties were married in March 1998. Six children were born during their marriage. During the marriage, the parties fought often. Denessa was a stay-at-home mother, while John worked long hours. At the beginning of January 2014, John moved out of the family home. The following day, Denessa's boyfriend, Terry Whitehead, moved in. At the time, the parties' children ranged in age from 15 to 2. Neither party filed a petition for dissolution for more than a year. During this period, the parties agreed informally to a schedule of parenting time in which the children lived primarily with Denessa but spent every Wednesday night and every other weekend with John.

¶ 4 On March 23, 2015, John filed a petition for dissolution. He requested that the parties be given joint parental responsibility and that the children continue to live primarily with their mother. According to John, Denessa stopped bringing the children for visits with him almost immediately after he filed this petition.

¶ 5 Shortly thereafter, in June 2015, the parties' four-year-old daughter, Arora, began seeing psychologist Dr. Rachel Tompkins. Denessa alleged that she sought counseling for Arora because Arora began having difficulty sleeping and crying out at night, saying

things like, "Daddy, stop!" or "No more butt cream." According to Dr. Tompkins, Arora eventually disclosed two incidents of abuse to her; however, Arora never said anything to her about John putting "butt cream" on her. Although Dr. Tompkins eventually provided counseling to the parties' other daughters as well, the only children she saw on an ongoing basis were the two youngest girls, Arora and Aria.

¶ 6 On June 29, 2015, John filed a petition for temporary relief. He alleged that Denessa "ceased all contact" between him and the six children "upon the filing" of his petition for dissolution. He asked that he be given reasonable parenting time with the children. Denessa filed a response to the petition for temporary relief on July 10. In it, she admitted that she stopped allowing visitation when her four-year-old daughter began having nightmares and told her, "Daddy keeps putting butt medicine on me." On July 22, the court entered a temporary custody order providing that John was to have visitation with all six children at his home every Sunday from 9 a.m. until 6 p.m. This schedule was subsequently modified to Thursdays from 5 p.m. to 8 p.m. and Sundays from noon to 5 p.m.

¶ 7 At Denessa's request, the court appointed a GAL to represent the children's interests. Initially, Kathy Buckley was appointed; however, she was later permitted to withdraw due to a conflict of interest. On October 21, 2015, Bonnie Levo was appointed to act as the children's GAL.

¶ 8 Throughout the pendency of these proceedings, multiple hotline reports were made to the Department of Children and Family Services (DCFS), most of which alleged sexual abuse of the parties' daughters by John. Two of these reports were made by Dr.

Tompkins involving allegations that Arora had been abused. The first report involved an allegation that John made a wiping motion over Arora's buttocks and genitals. According to Dr. Tompkins, Arora made this allegation after more than 20 sessions. The second report involved a later allegation that John touched Arora's "front butt" while hiding in a closet with her during a game of hide-and-seek involving all of the children. Patty Gregory, a social worker who began counseling one of the older daughters, Arissa, also made two or three hotline reports alleging abuse of Arissa. DCFS investigated each of these reports and determined that they were unfounded. Dr. Tompkins made a third hotline report alleging prior abuse of the oldest daughter, Alaina. However, because Alaina was then 18 years old, DCFS could not investigate the allegations.

¶ 9 Denessa made one hotline report after the parties' son, Riley, was injured in an ATV accident. Some of the testimony at trial indicated that other reports were made; however, as Denessa points out, there was no evidence concerning the precise number. John testified that he "lost track" of how many DCFS investigations were initiated, but he thought there were at least 10. All of these reports were investigated and determined to be unfounded.

¶ 10 No DCFS reports appear in the record and none of the caseworkers involved in investigating the reports testified at trial. However, Jennifer Clayton, one of the DCFS caseworkers involved, interviewed the children in the presence of the GAL and spoke to both the GAL and the psychologist later appointed by the court to perform a custody evaluation. Clayton indicated that three of the older children told her that they witnessed

Denessa telling the two youngest girls, Arora and Aria, what to say when they had counseling sessions with Dr. Tompkins.

¶ 11 On July 18, 2016, John filed an amended petition for dissolution. He requested that he be given sole parental responsibility and the majority of parenting time, alleging that this was in the best interests of the children.

¶ 12 On July 20, the court entered an order modifying the temporary visitation schedule. In light of a pending DCFS investigation, the court ordered that Arora and Aria have no visitation with John pending completion of the investigation. The previously ordered schedule was to remain in effect for the four older children.

¶ 13 In November 2016, GAL Bonnie Levo filed a verified motion for an order of protection. We note that the motion itself does not appear in the record, and there is no transcript from the hearing on the motion. However, Levo testified at the final hearing about conversations she had around this time with three of the children about their concerns. According to Levo, the two boys, Riley (who was then a month away from turning 17) and Jaret (who was 14), begged her to get them removed from their mother's house. They told her that Arissa (who was then 12) also wanted to move out of their mother's house, but Arissa told Levo that she felt "torn" and said she did not want to leave her mother or her sisters. Levo testified that Riley and Jaret also told her that their mother pressured them to say bad things about their father and alleged that their oldest sister, Alaina (almost 18 at the time) acted as the "overseer" during visits with their father and that she reported to their mother everything that went on during these visits.

¶ 14 On November 14, 2016, the court held a hearing on the motion for a protective order. As noted, the record does not contain a transcript from that hearing. The court entered an order that same day. In the order, the court stated, "The court reserves ruling on the order of protection, but based on recommendation of the GAL regarding stress to children \*\*\* treats the Petition for OP as an emergency petition in this case." The court then ordered, in pertinent part, that (1) Riley and Jaret were to be allowed to move to their father's house immediately, (2) all four girls were to remain in their mother's home, (3) Denessa was to have visitation with the two boys Saturdays from noon to 5 p.m. and Tuesdays from 5 p.m. to 8 p.m., (4) John's visitation with Arora and Aria was to resume, (5) both parties and all six children were to undergo an evaluation with Dr. Robert Clipper, and (6) neither parent was to interrogate the children about their visits with the other parent or to coach the children in what to say.

¶ 15 The final hearing in this matter was held in August 2017. By then Alaina had turned 18, so the hearing focused on the best interests of the remaining children—17-year-old Riley, 15-year-old Jaret, 13-year-old Arissa, 6-year-old Arora, and 5-year-old Aria. Dr. Clipper's report was entered into evidence. Because the court relied heavily on Dr. Clipper's findings in its ruling, we will discuss his report in detail.

¶ 16 Dr. Clipper interviewed both parties and all six children multiple times. Denessa told Dr. Clipper that John had been sexually abused as a child. She alleged that he had an addiction to pornography and that she found a 55-gallon drum filled with pornographic materials. (We note that John acknowledged having a "problem" with pornography at the hearing, which, he explained, was limited to looking at pictures.) Denessa admitted that

her boyfriend, Terry, moved in immediately after she and John separated. She also admitted that she did not consider how this might impact her children. Denessa acknowledged that she was not concerned about John having visits with the children when she and John initially separated. She explained that she believed he was only having sexual relationships with adults and thought that her children would be safe. (We note that there is no evidence that John was having any sexual relationships during this time.) Denessa alleged that she first became concerned when Arora was unable to sleep for two weeks and screamed "Daddy, stop" during the night.

¶ 17 John told Dr. Clipper that Denessa had no problem with visitation until he filed for dissolution. He stated that she then abruptly stopped bringing the children for visits and began making allegations of abuse. He told Dr. Clipper that his relationship with the children was good prior to that time. He admitted that he told Alaina to stop coming to visits after she turned 18 because she had become very disruptive and antagonistic. He alleged that she destroyed his property. He also alleged that she was in contact with Denessa by telephone the entire time she was in his house, enabling her to report to Denessa on everything that happened in the house and to put Denessa on speaker phone so she could "bark orders" to the other children.

¶ 18 Dr. Clipper interviewed most of the children individually. However, he interviewed Arora and Aria together because he thought this would make them more comfortable. He described them as being nervous at first, but he noted that they soon relaxed and became more animated in their responses. Arora told Dr. Clipper, "Terry is our new Dad," and both girls noted that their mother referred to their father as "John"

rather than "Daddy." Both girls told Dr. Clipper that they enjoyed visiting their father. Arora said that she wanted to spend more time with him but she knew that her mother would not like that. Arora remembered that they used to have overnight visits with their father. She remembered that these visits stopped when she had a "sudden scare," but she did not remember what frightened her. Arora confirmed that Alaina reported to Denessa about what happened during their visits with John. She also told Dr. Clipper that her mother said mean things about her father. Neither Arora nor Aria said that John ever spoke ill of their mother.

¶ 19 Although Riley and Jaret were interviewed separately, many of their comments were similar. Riley told Dr. Clipper that he did not like living with his mother because she was overly controlling. Both boys told him that their mother hates their father. Both also told him that during the marriage, their parents became physically aggressive with each other during arguments, but that Denessa was more likely to be the aggressor. Both Riley and Jaret told Dr. Clipper that they and their sister Arissa got into trouble with their mother if they said that they enjoyed their visits with their father. Jaret added that he also got into trouble for refusing to say that John was abusive.

¶ 20 Alaina likewise told Dr. Clipper that there were physical altercations between her parents during the marriage, but unlike the boys, she saw her father as the aggressor. Alaina referred to her two youngest sisters, Arora and Aria, as "the babies." She told Dr. Clipper that she had to go to visits with John to protect "the babies." She alleged that Arora told John, "Daddy, no more butt medicine." She also alleged that this incident caused her to remember being abused by John years earlier.

¶ 21 Dr. Clipper interviewed Arissa three times. He interviewed her twice in February 2017 and once in April. According to Dr. Clipper, her demeanor changed dramatically between the first two interviews and the third. He observed that during the February interviews, Arissa seemed relaxed and comfortable and she was "more spontaneous" in her answers. In April, however, "she was tense, avoided eye contact, [and was] defensive if not angry."

¶ 22 During the February interviews, Arissa told Dr. Clipper that her parents' separation was not a surprise because she knew they were unhappy. Like her older siblings, she recalled that her parents became physically aggressive with each other during fights. She believed they were equally likely to be the aggressor. She noted that her mother often accused her father of cheating on her. Arissa did not see how John had time to cheat on Denessa because he worked very long hours. Arissa stated that although she was not surprised when her parents separated, she *was* surprised when Terry moved in suddenly. She wanted to discuss this with her mother but was afraid that it would "not go over well." Arissa reported that both parents said negative things about each other. However, she said that it was primarily her mother and Alaina saying bad things about John.

¶ 23 Arissa also told Dr. Clipper that she had some counseling sessions with Dr. Tompkins but had nothing to report to her. She told him she was uncomfortable talking to Dr. Tompkins because she was afraid of the reaction if she did not agree with what others had told her. (We note that although this is not specifically stated, we presume that she was referring to a reaction from Denessa, not Dr. Tompkins.) After these interviews,

however, Arissa did make an allegation that John had sexually abused her. It was also around this time that Alaina stopped attending visits with John.

¶ 24 Dr. Clipper interviewed Arissa again in April 2017, after she made the allegation of abuse and after Alaina stopped going to visits with John. As previously noted, Dr. Clipper observed a dramatic change in her demeanor. This time, Arissa told Dr. Clipper that she did not want to visit with her father if Alaina was not there. She denied telling Jennifer Clayton that her mother had been coaching Arora and Aria on what to say to Dr. Tompkins. She also told him that John did not really interact with the children during their visits, which was the opposite of what she told him in February. She did not want to discuss the allegation of abuse with him, claiming that this was because her father threatened to kill her mother and "put her in concrete."

¶ 25 Dr. Clipper also interviewed Dr. Tompkins, GAL Bonnie Levo, DCFS investigators Jennifer Clayton and Michael King, and Arissa's therapist, Patty Gregory. In pertinent part, he learned that when Arissa was interviewed by Jennifer Clayton, she denied the allegation that John hid in the closet with Arora during a game of hide-and-seek, where he allegedly molested her. He also learned that the children told Levo many of the same things they told him. In addition, he noted that Arissa told Levo that her mother often embarrassed her by screaming at her father when she dropped the children off at his home for visits, calling him a rapist and a child molester. He also learned that Arissa told Levo that Denessa conveyed to Arora and Aria that hugs from their father were a form of "bad touching."

¶ 26 Dr. Clipper acknowledged that both Patty Gregory and Dr. Tompkins believed that the children they were counseling had not been coached on what to tell them about the alleged abuse. He also acknowledged that victims of sexual abuse are often reticent to disclose the abuse. However, he pointed out that Arora herself never clearly stated that John molested her in the closet during a game of hide-and-seek or complained about John applying cream to her buttocks. In addition, Denessa's description of Arora's sudden nighttime disturbances over the "butt cream" had internal inconsistencies. Dr. Clipper also emphasized that there were numerous DCFS investigations as well as additional investigations by the Madison County Sheriff's Department, all of which led to the conclusion that the allegations were unfounded. One investigation involved an allegation by Denessa that John burned Jaret's forehead with a cigarette. However, when an officer investigated, he could see for himself that there was no burn on Jaret's forehead, and both boys denied that the incident happened.

¶ 27 Dr. Clipper recommended that John be given sole decision-making responsibility and the majority of parenting time. He found that Denessa was "the more abusive parent" because her emotional and psychological abuse had been "damaging and indifferent to the well-being of her children." Dr. Clipper opined that Denessa had already inflicted significant damage on the relationship between John and the children, and he predicted that she would continue to harm their relationship if she were left in charge of decision-making for the children. Dr. Clipper also recommended that all of the children receive professional counseling in order to help them repair their relationships with their father

and to help them understand why their mother, "someone who loved them[,] would put them in such a position."

¶ 28 Bonnie Levo testified at the hearing that when she observed John's interactions with the children in his home, their interactions seemed positive. She confirmed that Alaina followed the children around and acted as "overseer" during these visits. Levo testified that Riley, Jaret, Arissa, and Arora all told her that Denessa coached them on what to say about John. She also testified that she sat in during an interview conducted by DCFS investigator Jennifer Clayton during which Arora specifically told Clayton that Denessa told her what to say to Dr. Tompkins. Like Dr. Clipper, Levo noticed a dramatic change in Arissa's behavior in the spring of 2017. Levo believed that this change came about because Arissa felt pressure to care for her younger sisters during visits with John now that Alaina was not joining them. We note that John acknowledged that the older girls provided some of the care. Asked for her recommendation regarding parenting time and parental responsibility, Levo testified that she agreed with Dr. Clipper's recommendation. She feared that if any of the children remained in Denessa's care, they would not be allowed to have a relationship with their father at all.

¶ 29 John admitted at the hearing that before he and Denessa separated, he worked long hours and Denessa "took care of 99%" of the children's needs. He testified that there were no problems with visitation from the time the parties separated until the day he filed for dissolution. He also testified that there were never any allegations of abuse against him before he filed the petition. He testified that since filing for dissolution, he had been the subject of two investigations by the Madison County Sheriff's Department and at least 10

investigations by DCFS. He described Denessa's reaction to his petition for dissolution as follows: "She told me whenever she found out I filed for divorce—and this is her words to me as far as my recollection—that she was going to take three things from me. She was going to take my children, my job, and my faith."

¶ 30 Dr. Tompkins testified at the hearing that Arora and Aria were her clients, although she also saw Arissa and Alaina for "a limited amount of work." Dr. Tompkins noted that she regularly spoke with Denessa for approximately 5 to 10 minutes at the beginning of every two to three sessions with Arora and Aria so that Denessa could provide information that very young children might not be able to remember accurately. Dr. Tompkins was aware of allegations that Arora had been coached on what to tell her. She gave three reasons for her belief that this was not the case. First, she noted that ordinarily children who have been coached give the coached response very quickly, which did not happen in this case. Second, she emphasized that it is not uncommon for victims of sexual abuse to be reluctant to disclose the abuse early on. Third, she noted that Arora used very childish language to describe the incidents, while children who have been coached often repeat the more mature language used by the adults who have been coaching them. Dr. Tompkins agreed with the GAL that Arissa felt pressure to act as a caregiver to Arora and Aria, and she acknowledged that some of this pressure may have come from Denessa.

¶ 31 Patty Gregory and Alaina Brooks also testified at the hearing; however, the court did not give weight to their testimony. Gregory admitted that she had been counseling Arissa for only the past four months and had never spoken to any member of the family

other than Denessa and Arissa. The court found Alaina's testimony not to be credible based largely on her demeanor on the stand.

¶ 32 The court entered a dissolution order on August 25, 2017. Most of the order addressed the statutory factors pertinent to the allocation of parental responsibility. See 750 ILCS 5/602.5(c) (West 2016). The court found that it was not appropriate to consider the wishes of the children due to the overwhelming evidence that they were alienated from John due to Denessa's behavior. See *id.* § 602.5(c)(1). The court noted that the children's adjustment to their home, school, and community was not a significant factor because the parents lived in the same area. See *id.* § 602.5(c)(2). The court found that all family members were in need of counseling. See *id.* § 602.5(c)(3), (8). The court further found that John and Denessa had no ability to cooperate or share in decision-making for their children. See *id.* § 602.5(c)(4).

¶ 33 The court considered each parent's level of participation in decision-making for the children in the past. See *id.* § 602.5(c)(5). The court found that before the parties separated, they shared in the decision-making, but that due to John's work schedule, Denessa made most of the decisions for the children. The court found that this pattern continued after the parties separated until John filed for dissolution. The court found that once John filed for dissolution, "various DCFS investigations were initiated wherein JOHN was accused of abuse which limited JOHN's contact with the children thereby necessitating DENESSA to make all decisions for the children."

¶ 34 The court found that the allegations of abuse by John had no merit and agreed with Dr. Clipper's finding that Denessa had been emotionally abusive to the children. See *id.*

§ 602.5(c)(13). The court further found that it was necessary to restrict Denessa's parental responsibility and parenting time due to her efforts to interfere with the relationships between John and the children. See *id.* §§ 602.5(c)(10), (11); 603.10(a). In making these last three findings, the court quoted extensively from Dr. Clipper's report. The court expressly found the opinion of Dr. Clipper to be more persuasive than the opinions of Dr. Tompkins and Patty Gregory.

¶ 35 The court gave John sole parental responsibility and the majority of parenting time for all five of the children who were still minors. The court provided that Denessa was to have one hour per week of supervised parenting time at Kids' Corner. The court also placed restrictions on Denessa's contact with the children outside of these supervised visits. The court further provided, however, that these provisions were to be subject to periodic review with the eventual goal of lifting the restrictions and increasing Denessa's parenting time. The court directed both parties to seek referrals for counseling for themselves and ordered John to seek referrals for counseling for the minor children.

¶ 36 On September 20, 2017, Denessa filed a posttrial motion, arguing that the court's allocation of parenting time and parental responsibility was against the manifest weight of the evidence. She argued that the court did not take into account John's past sexual abuse of his children. The court denied the motion on September 29. This appeal followed.

¶ 37 On appeal, Denessa argues that the court erred in making its decision for three reasons. First, she argues that the court erred in following the recommendation of the GAL, Bonnie Levo, because she claims that Levo demonstrated a bias in favor of John

and failed to adequately investigate the children's best interests. Second, she argues that the court relied on inaccurate testimony from the GAL concerning the number of DCFS investigations and how many were initiated due to reports by Denessa. Third, she argues that the court erroneously blamed her for the fact that "the onset of the divorce and various DCFS investigations" limited John's role in making decisions for the children.

¶ 38 Before addressing these claims, we must address John's contention that Denessa has forfeited her claims by failing to raise them in her posttrial motion. As noted, she argued in that motion only that the court's decision was against the manifest weight of the evidence because it did not take into account the allegations of abuse by John. However, while forfeiture acts as a limitation on the parties, it is not a limitation on this court's jurisdiction. *In re Marriage of Haller*, 2012 IL App (5th) 110478, ¶ 24. Due to the importance of the interests at stake in this case, we choose to address Denessa's arguments on their merits. We do not find her arguments persuasive.

¶ 39 This court gives substantial deference to a trial court's custody determination "because the trial court is in a superior position to judge the credibility of witnesses and determine the best interests of the child." *In re Marriage of Ricketts*, 329 Ill. App. 3d 173, 181 (2002). We will not reverse a decision regarding parenting time and parental responsibility unless that decision is against the manifest weight of the evidence. *Id.* A decision is against the manifest weight of the evidence only if the court's findings are unreasonable, arbitrary, or not based on the evidence, or if it is apparent that the court should have reached the opposite conclusion. *Id.* at 181-82.

¶ 40 We have set forth the evidence before the court in this case in detail. We believe that this evidence overwhelmingly supports the court's conclusion that Denessa deliberately interfered with the children's relationships with their father to the detriment of the children. There was also ample evidence to support the court's conclusion that the allegations of sexual abuse against John were the result of coaching by Denessa. We recognize, as did the trial court, that there was conflicting evidence on this question. However, the court gave more weight to Dr. Clipper's findings than to those of Dr. Tompkins or Patty Gregory. We find this decision to be reasonable. Dr. Clipper was appointed by the court, not hired by Denessa. In addition, he met with all of the members of the family multiple times, administered psychological tests to both parents, discussed the matter with DCFS investigators, and reviewed police reports. In light of his comprehensive investigation, we believe the court's reliance on Dr. Clipper's findings and recommendations was appropriate.

¶ 41 It is also worth noting that Denessa does not point to any evidence that would support the result she wants. She does not argue, as she did in her posttrial motion, that the court should have given weight to the allegations that John had sexually abused his daughters. She also does not argue that the evidence did not support the court's finding that she interfered with the children's relationships with their father, although she surmises that if the GAL had performed her duties more diligently, her recommendation to the court may have been different. In short, Denessa has given this court no reason to find it obvious or apparent that the trial court should have reached the opposite

conclusion from the one it reached. As she acknowledges, that is what she must demonstrate to warrant reversal. See *Ricketts*, 329 Ill. App. 3d at 181-82.

¶ 42 We find all of the contentions Denessa does make to be without merit. Her first two arguments relate to the GAL's performance of her duties. As we have discussed, the court relied primarily on the findings of Dr. Clipper in reaching the decision it did. As such, even if we were to accept Denessa's allegations, we would not be persuaded to reverse the trial court's decision.

¶ 43 Moreover, we do not find Denessa's allegations about the GAL persuasive. She claims that Levo breached her duties as GAL in two ways: First, she argues that Levo exceeded her statutory duties and demonstrated a bias against Denessa by filing a verified motion for an order of protection. As Denessa correctly notes, the statute setting forth the duties of a GAL does not require a GAL to file motions on behalf of the children; it merely requires her to investigate the facts, interview the children and the parents, and provide her recommendations to the court, either through testimony or a report. 750 ILCS 5/506 (West 2016). We note that the statute does not *prohibit* a GAL from performing additional duties on behalf of the children. However, even assuming it was improper for Levo to file the motion, it would not alter our decision. Levo testified that Riley and Jaret begged her to have them removed from their mother's custody. She surmised that the boys approached her with the request because they saw her as a representative of the court. At the time, she had been involved in this case for over a year. We do not believe Levo's actions on behalf of the children demonstrated a bias against Denessa, nor do we

believe that the order entered pursuant to her motion—which was essentially a temporary custody order—played any role in the court's final decision.

¶ 44 Second, Denessa contends that Levo breached her duties as GAL by failing to adequately investigate the facts. In support of this claim, Denessa points to testimony in which Levo noted the presence of a security camera on the front porch of John's home. She explained that John indicated the camera was necessary because his neighborhood was "not the best area." Denessa posits that a GAL looking out for the best interests of the children would not recommend placement with a parent who lives in a high-crime neighborhood. As we have discussed at length, however, the primary consideration in this case was Denessa's interference in the children's relationship with the father. There was additional evidence that she made a drastic change in their lives—moving in with her boyfriend the day after the parties separated—without considering the impact this would have on her children. The fact that Levo considered these factors more crucial than the fact that there was enough property crime in John's neighborhood to prompt him to mount a security camera on his front porch does not show that she neglected her duties.

¶ 45 Denessa further complains that the court relied on inaccurate testimony from Levo concerning the number of DCFS investigations that were made and how many of those were initiated by Denessa. We disagree. Although Denessa correctly notes that there was no testimony or other evidence establishing a precise number of DCFS investigations, there were multiple witnesses who testified that there were numerous investigations. In addition, while the evidence does show, as Denessa contends, that many of the hotline reports were made by Dr. Tompkins, Patty Gregory, and other professionals involved

with the children, all of the allegations involved in these investigations turned out to be unfounded and appeared to be based on Denessa's coaching of her children. The court did not err in considering this evidence. Moreover, the court's decision was based on an overall pattern of interference and alienation engaged in by Denessa, not just the DCFS investigations.

¶ 46 Finally, we consider Denessa's claim that the court erroneously blamed her for the parties' divorce and separation interfering with John's role in the decision-making for the children. She contends that the court considered the parties' previous roles in decision-making a significant factor and that the court weighed this factor in John's favor. She claims that the court erred in doing so because John was the one who chose to move out of the house and file for divorce. We disagree.

¶ 47 We note that this argument misstates the evidence. The evidence at trial showed that the parties jointly decided to separate, and that John filed for dissolution 14 months later. More importantly, Denessa's argument misreads the court's decision. The court discussed all of the statutory factors to be considered in allocating parental responsibility, even those it did not find particularly relevant. In discussing the past level of participation of the parties in decision-making for the children (750 ILCS 5/602.5(c)(5) (West 2016)), the court found that Denessa made most of the decisions for the children. The court also found that John's role was limited first by his work schedule, and later by the unfounded DCFS investigations against him. If anything, the court's findings on this factor weighed in favor of Denessa; however, the court found this factor to be far outweighed by the damage she did to her children's emotional well-being through her campaign to

undermine their relationships with their father. We find no error in the court's finding as to this factor or any of its other findings.

¶ 48 For these reasons, we affirm the court's judgment allocating parental responsibility and the majority of parenting time to John.

¶ 49 Affirmed.

¶ 50 JUSTICE CATES, dissenting:

¶ 51 After reviewing the record, I find that the trial court repeatedly denied requests by the mother's attorneys for interim awards of attorney fees pursuant to section 501(c-1) of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/501(c-1) (West 2016)), which effectively denied her legal representation in these proceedings. The trial court ignored the plain language of the statute, which was enacted to level the playing field among litigants. Unfortunately, the actions of the trial court left mother to act *pro se*. Perhaps if mother would have had the benefit of counsel, some of the actions taken by the guardian *ad litem*, which I find troubling, would have been tempered. I also find troubling that portion of the trial court's order that required the parties to escrow their future income tax refunds to hold for future GAL fees, that may, or may not, ever be incurred. Given the aforementioned concerns, I have no faith in the findings and judgment of the court, and respectfully dissent.