THIRD DIVISION
March 20, 2019

No. 1-18-0866

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

LAITH SAUD,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 15 L 9735
	)	
MARY K. GARDNER,	)	Honorable
	)	Moira S. Johnson,
Defendant-Appellee.	)	Judge Presiding.

JUSTICE HOWSE delivered the judgment of the court.
Presiding Justice Fitzgerald Smith and Justice Cobbs concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm the judgment of the circuit court of Cook County granting summary judgment and dismissing plaintiff's compliant; defendant was entitled to absolute immunity from civil liability by virtue of her appointment as a court-appointed expert and neither of the two exceptions to absolute immunity are applicable.

¶ 2 Plaintiff, Laith Saud, filed a four count complaint against defendant, Dr. Mary K. Gardner, an expert appointed pursuant to section 604(b) of the Illinois Marriage and Dissolution of Marriage Act during a postjudgment custody modification proceeding with his ex-wife. Defendant subsequently moved for summary judgment on plaintiff's complaint arguing, among other things, that defendant was entitled to absolute immunity from civil suit as a court-appointed 604(b) expert. Plaintiff argued that summary judgment was inappropriate. He raised

various exceptions to the general rule of absolute immunity including where the actor's conduct is malicious or corrupt and posited that a genuine issue of material fact existed as to whether defendant's conduct was malicious, corrupt or otherwise constituted an exception that would preclude defendant's absolute immunity defense. Following a hearing, the trial court granted summary judgment in favor of defendant finding that she was entitled to absolute immunity despite allegations of bad faith, malice and corruption.

¶ 3 For the following reasons, we affirm.

¶ 4 BACKGROUND

¶ 5 This appeal involves claims of alleged misconduct arising from defendant's appointment as a 604(b) child custody evaluator, (750 ILCS 5/604(b) (West 2010)), in a post-decree divorce proceeding.

¶ 6 Plaintiff and his now ex-wife, Zainab Aziz (Aziz), were married in 2000. During the marriage, one child, Y.S., was born to plaintiff and Aziz in 2002. Plaintiff and Aziz entered into a marital settlement agreement and a judgment of divorce was entered in 2009. A joint parenting agreement dated February 17, 2009 was incorporated into the divorce judgment. Pursuant to the joint parenting agreement, plaintiff and Aziz share joint custody of Y.S. and have visitation with Y.S. wherein Aziz has the majority of time during the child's summer break and plaintiff has the majority of time during the child's academic year.

¶ 7 On February 18, 2011, Aziz commenced a postjudgment divorce proceeding requesting a modification of the parties' joint parenting agreement. During the proceeding, on April 13, 2011, a guardian *ad litem,* John King, was appointed by the trial court for the benefit of Y.S. On February 26, 2018, King issued a four page report summarizing his observations of the family

and suggesting no change to the joint parenting agreement, but recommended that Y.S., plaintiff, and Aziz undergo counseling.

¶ 8 On July 22, 2011, Judge Barbara M. Meyer entered an order appointing defendant as the court's custody expert pursuant to section 604(b) of the Illinois Marriage and Dissolution of Marriage Act and required plaintiff and Aziz to cooperate with defendant "in all respects to conduct her evaluation."

¶ 9 On January 24, 2012, defendant issued her 26 page report in plaintiff's and Aziz's postjudgment proceeding. In the "discussion/recommendations" section of her report, defendant recommended, among other things, that the court (1) consider Aziz as the residential parent for Y.S.; (2) if Y.S.' residential placement is changed, restrict plaintiff's and his mother's visitation with Y.S. for a week or so with the first visit taking place at the office of a mental health professional familiar with alienation dynamics and with visitation gradually increasing thereafter if plaintiff is able to make progress in understanding the harm done to Y.S. with the current dynamics; (3) have plaintiff and Aziz communicate through Our Family Wizard; (4) have transfers between plaintiff and Aziz occur at a neutral location; (5) protect Y.S. from conflict between plaintiff and Aziz by prohibiting either parent from making negative comments, gestures, insinuations, or other expressions of negativity about the other parent, their friends, or other associations; and (6) require the family to be in therapy with a senior mental health clinician familiar with the impact of alienation on children. Specifics were given with respect to a visitation schedule for plaintiff including telephone calls with Y.S. There were also recommendations for vacation and holiday time. Aziz ultimately withdrew her petition to modify the joint parenting agreement and no changes were made to the agreement or plaintiff's visitation time set forth therein.

¶ 10 On September 24, 2015, plaintiff filed a four count complaint against defendant alleging intentional infliction of emotional distress in Count I; interference with custodial privileges in Count II; civil conspiracy in Count III; and violation of the Illinois Civil Rights Act of 2003 (740 ILCS 23/5 (West 2014)) for discrimination on the basis of race, national origin, and gender in Count IV.

¶ 11 On December 13, 2015, defendant filed a motion to dismiss pursuant to section 2-619.1 of the Illinois Code of Civil Procedure which was later amended on March 22, 2016. On June 2, 2016, after hearing on the motion to dismiss, the trial court entered an order dismissing counts III and IV of plaintiff's complaint without prejudice.

¶ 12 The parties subsequently commenced discovery including the depositions of plaintiff; defendant; Aziz; and Dr. Sol Rappaport, defendant's expert.

¶ 13 In 2017, plaintiff was given leave to file a first and subsequently a second amended complaint. Defendant again filed a combined motion to dismiss the amended complaint. In his second amended complaint, plaintiff points to specific objectionable conduct alleged to have been committed by defendant. Plaintiff's allegations include the following: (1) defendant, as part of her investigation, did not meet, interview, email, or return the calls of the five collateral witnesses plaintiff provided; (2) defendant excluded portions of plaintiff's collateral witness statements from her report; (3) defendant included hearsay about plaintiff in her report such as statements stemming from events that occurred prior to the divorce; (4) defendant considered as a source of information a jointly written translated statement from Aziz's parents as part of her investigation; (5) defendant did not interview plaintiff's mother as part of her investigation where plaintiff's mother had helped care for the child on weekdays for five years; (6) defendant's explanations for not interviewing plaintiff's mother stated in defendant's deposition taken during

the custody modification proceeding that (a) plaintiff's mother was not interviewed because no information from plaintiff's mother was required by defendant, (b) plaintiff's mother could have submitted a collateral letter but did not, and (c) English was not plaintiff's mother's first language where plaintiff claims that defendant told plaintiff that as a member of his household his mother did not have to submit a collateral witness questionnaire and where his mother had lived, worked and raised a family in the United States for 35 years and communicated with plaintiff and Y.S. primarily in English, which defendant observed on two occasions during her investigation; (7) defendant falsely claimed in her custody report that she saw a picture of the ex-wife in an photo album with her face cut out leaving the child with her arm around a blank hole concluding, without discussion with anyone, that it was Aziz's face and plaintiff who cut her out because Y.S., at age seven, did not have the dexterity to do so; (8) defendant's omission from her report that a photograph of Aziz hung in Y.S.' bedroom at plaintiff's home; (9) defendant's omissions from her report of any discussion of whether there were photographs of plaintiff in Aziz's home and that there were several photographs of Aziz in the photo album defendant observed as well as a framed photograph of Aziz next to Y.S.' bed in plaintiff's home; (10) defendant's statements in her report that plaintiff's schedule and workload was less predictable and that plaintiff's mother does a great deal of the parenting where plaintiff contended otherwise; (11) defendant's statement in her report that Y.S. was alienated by plaintiff and his mother which created issues where plaintiff contended otherwise; (12) defendant's statements in her report that created overtly negative inferences against plaintiff and were contradictory in plaintiff's view; (13) defendant's use of disagreements between Aziz and plaintiff to paint plaintiff as intense and angry including arguments started by Aziz which plaintiff believed would cause any reasonable parent to be upset; (14) defendant's under-weighing and under-representing any facts that negatively

implicated Aziz; (15) defendant's omission from her report of important information provided by plaintiff; (16) defendant's deposition testimony during the custody modification proceeding that she did not interview plaintiff's collateral witnesses because she knew they would corroborate what plaintiff had said; (17) defendant's deposition testimony during the custody modification proceeding that Aziz was "a woman in transition" and plaintiff was "authoritarian" and "intense"; (18) defendant's conclusions about Y.S. which plaintiff believed were unreasonable and contrary to fact; (19) defendant's ignoring positive statements about Y.S.' relationship with plaintiff and implying that some of these comments were the product of influence or intimidation on the part of plaintiff; and (20) defendant's dismissal of Y.S.' negative statements about her mother as stemming from a fear of plaintiff or an attempt to be submissive to him. In addition to the issues raised in his complaint, plaintiff has raised other issues with defendant including defendant's statement in her report that Y.S. has her own room at her mother's house when Y.S. slept in the living room and defendant's recommendation in her report that plaintiff's mother undergo therapy.

¶ 14 On November 6, 2017, defendant filed a motion for summary judgment arguing, among other things, that defendant was entitled to absolute immunity as a court-appointed expert. Only counts I and II of plaintiff's complaint remained at issue at the time of the summary judgment hearing, counts III and IV having otherwise been disposed of.

¶ 15 On March 9, 2018, plaintiff filed an emergency motion for sanctions relating to discovery issues, specifically, defendant's production in the instant case of a 33 page document entitled Parent Self-Report Questionnaire ("parenting questionnaire") completed by Aziz and submitted to defendant during defendant's custody evaluation which, when produced by defendant in this case, had a duplicate of page 20 in place of page 30, which was missing from

the document entirely. The 33 page parenting questionnaire was produced by defendant to petitioner as part of her 1,231 page discovery compliance in this matter. On March 26, 2018, there was an evidentiary hearing on plaintiff's emergency motion to compel and for sanctions. Defendant was the only witness called. Arguments were also heard by the trial court. At the conclusion of the hearing, the trial court issued a ruling denying plaintiff's motion relying on defendant's unrebutted testimony that she did not intentionally remove page 30 or duplicate page 20 of the parenting questionnaire. The trial court declined to sanction defendant concluding that she did nothing frivolous in any way.

¶ 16 On March 29, 2018, the trial court conducted a hearing on defendant's motion for summary judgment. Defendant argued that she was entitled to summary judgment because (1) as a court-appointed expert, she had absolute immunity; (2) count I of plaintiff's complaint for intentional infliction of emotional distress did not set forth that defendant's conduct was outrageous and unreasonable with plaintiff having testified that he doubted he would have filed his complaint against defendant had she written the same report with a different conclusion recommending against a modification of the joint parenting agreement; and (3) plaintiff testified that defendant's recommendations were never effectuated and custody and visitation pursuant to the parties' joint parenting agreement were never changed thereby defeating plaintiff's claim of interference with custodial privileges under count II of plaintiff's complaint. In response, plaintiff argued that according to both federal and state case law, “quasi-judicial immunity” did not extend to defendant because her conduct was malicious, corrupt and transgressed the boundaries of her court-appointed duties.

¶ 17 The trial court granted defendant's motion for summary judgment and dismissed plaintiff's complaint finding that defendant enjoyed absolute immunity from civil suit as a court-

appointed expert pursuant to section 604(b) of the Illinois Marriage and Dissolution of Marriage Act.

¶ 18 On April 25, 2018, plaintiff timely filed his notice of appeal.

¶ 19 This appeal followed.

¶ 20 ANALYSIS

¶ 21 Standard of Review and Summary Judgment

¶ 22 The appellate court reviews a trial court's decision to grant a motion for summary judgment *de novo*. *Home Insurance Co. v. The Cincinnati Insurance Co.*, 213 Ill. 2d 307, 315 (2004). A grant of summary judgment can be confirmed on any basis appearing in the record regardless of whether the lower courts relied on that ground. *Id*. A trial court is permitted to grant summary judgment where "the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and that the moving party is entitled to a judgment as a matter of law." 735 ILCS 5/2-1005(c) (West 2018).

¶ 23 Merely alleging that there is a genuine issue of material fact does not create such an issue and does not avoid imposition of summary judgment. *Giampa v. Sunbeam Corp.*, 68 Ill. App. 3d 425, 431 (1966). A party defending against summary judgment is not entitled to rely on the allegations in their pleading to raise a genuine issue of material fact, but must affirmatively controvert evidence adduced by the moving party. *CitiMortgage, Inc. v. Bukowski*, 2015 IL App (1st) 140780, ¶ 19. Conclusions, unsupported by facts admissible in evidence, do not create a genuine issue of material fact. *Lesnik v. Estate of Lesnik*, 82 Ill. App. 3d 1102, 1106 (1980).

¶ 24 While summary judgment is an inappropriate remedy when a party seeks to draw inferences on the question of intent, unsupported allegations in a compliant do not raise a

question of fact when affidavits and depositions in support of a motion for summary judgment contain evidentiary facts to the contrary. *Id*.

¶ 25 The issue in this appeal is whether the court-appointed expert pursuant to section 604(b) of the Illinois Marriage and Dissolution of Marriage Act is entitled to immunity from suit where (1) the complained-of conduct was allegedly committed while acting outside the scope of her expert appointment or (2) the complained of conduct constituted self dealing or was otherwise malicious or corrupt. Plaintiff contends that summary judgment was inappropriate because there exists a genuine issue of material fact as to whether defendant's conduct warrants an exception to the application of absolute immunity in this case because defendant exceeded the scope of her expert appointment and her motive was malicious or corrupt.

¶ 26 Absolute Immunity and its Exceptions

¶ 27 Plaintiff concedes that defendant is entitled to immunity by virtue of her role as a court-appointed expert, but argues that there is an exception to absolute immunity when the alleged conduct is a product of bad faith, malice or corruption. As plaintiff points out, as early as 1871, the United States Supreme Court recognized the common law doctrine of absolute immunity for judicial acts exempting judges from civil suit for such acts. *Bradley v. Fisher*, 80 U.S. 335, 354 (1871). The Court reasoned that absolute immunity cannot be affected by any consideration of the motives with which the acts are done as allegations of malicious or corrupt motives could always be made, and if the motives could be inquired into, judges would be subject to the same vexatious litigation upon such allegations, whether the motives had or had not any real existence. *Id.*

¶ 28 The United States Supreme Court has extended the principal of absolute immunity to various other actors. In *Cleavinger v. Saxner*, the Court outlined a six part tests to determine

whether a person is entitled to absolute immunity as follows: “(a) the need to assure that the individual can perform his functions without harassment or intimidation; (b) the presence of safeguards that reduce the need for private damages actions as a means of controlling unconstitutional conduct; (c) insulation from political influence; (d) the importance of precedent; (e) the adversary nature of the process; and (f) the correctability of error on appeal." *Cleavinger*, 474 U.S. 193, 202 (1985).

¶ 29 In *Vlastelica v. Brend*, this court highlighted the United States Supreme Court's recognition of common law absolute immunity for judges and extension of this same absolute immunity to other court-appointed experts who serve as "arms of the court." *Vlastelica*, 2011 IL App (1st) 102587, ¶ 21. In *Heisterkamp v. Pacheco*, the Second District determined that a 604(b) court-appointed expert is also entitled to absolute immunity from civil liability for work performed as a 604(b) custody expert reasoning that such experts, asked by the court to advise on what disposition will serve a child's best interests in a custody proceeding, require absolute immunity to fulfill their obligation without the worry of intimidation and harassment from dissatisfied parents. *Heisterkamp*, 2016 IL App (2d) 150229, ¶ 11.

¶ 30 As noted above, plaintiff argues that there is an exception to absolute immunity where the conduct of a quasi judicial officer is alleged to be malicious or corrupt. Plaintiff argues the allegations of corruption and malicious conduct distinguish this case from *Cooney v. Rossiter*, 583 F.3d 967 (2009); *Heisterkamp*; *Vlastelica*; and other cases cited by defendant.

¶ 31 For the following reasons we disagree. The United States Supreme Court has clearly and unequivocally stated that malice or corruption is not an exception to absolute judicial immunity, and therefore by extension, quasi judicial immunity. The Supreme Court reasoned “that judicial immunity is an immunity from suit, not just from ultimate damages, and thus *the immunity is not*

overcome by allegations of bad faith, malice or corruption which ordinarily cannot be resolved without engaging in discovery and eventual trial." (Emphasis added.) *Mireles v. Waco*, 502 U.S. 9, 11 (1991). The stated purpose of absolute immunity is not for the protection of a wrongdoer but for the benefit of the public, whose interest it is that judges be at liberty to exercise their functions with independence and without fear of consequences. *Pierson v. Ray*, 286 U.S. 547, 554 (1967); *Bradley*, 80 U.S. at 349; and *Coleson v. Spomer*, 31 Ill. App. 3d 563, 566 (1975). "It is a judge's duty to decide all cases within his jurisdiction that are brought before him, including controversial cases that arouse the most intense feelings in the litigants. His errors may be corrected on appeal, but he should not have to fear that unsatisfied litigants may hound him with litigation charging malice or corruption. Imposing such a burden on judges would contribute not to principled and fearless decision making but to intimidation." *Pierson*, 286 U.S. at 554. This same logic is applicable to a court-appointed 604(b) expert. See *Heisterkamp*, 2016 IL App (2d) 150229, ¶ 11.

¶ 32 Consistent with the stated purpose of absolute immunity, the Court further held there are only two exceptions to judicial immunity stating "immunity is overcome in only two sets of circumstances. First, a judge is not immune from liability for nonjudicial actions, *i.e.*, actions not taken in the judge's judicial capacity. *Forrester v. White*, 484 U.S. at 227-29; *Stump v. Sparkman*, 435 U.S. at 360. Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction. *Id*. at 356-57; *Bradley v. Fisher*, [80 U.S. at 351]." *Mireles*, 502 U.S. at 11-12.

¶ 33 The Court's application of the two exceptions to absolute immunity has been followed by the Third District in *Moncelle v. McDade* where the court held that a judge is not liable for malicious and corrupt judicial conduct as there are only two exceptions to judicial immunity, the

first, where acts are nonjudicial and, the second, where acts are taken outside the judge's subject matter jurisdiction, *Moncelle,* 2017 IL App (3d) 160579, ¶ 18, and the Fifth District in *Coleson* where the court held that absolute immunity applies "even when the judge is accused of acting maliciously and corruptly, and it 'is not for the protection or benefit of a malice or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their functions with independence and without fear of consequences.' [Citation.]") *Coleson,* 31 Ill. App. 3d 563, 566 (1975).

¶ 34 Judges in Illinois and their court-appointed experts are entitled to absolute immunity from civil suit. Writing in exceptions to this doctrine for malicious or corrupt conduct precludes absolute immunity as proceedings are almost always necessary to determine the motives of the actor. We agree with the cases holding that the purpose of absolute immunity from civil suit for actors such as judges and their court-appointed experts cannot be accomplished with exceptions for conduct that is allegedly in bad faith, malicious or corrupt. Thus we find only two exceptions exist barring a defense of absolute immunity: where (1) the action is not taken in the judge's judicial capacity and (2) the action is taken in the complete absence of all jurisdiction. *Generes*, 277 Ill. App. 3d at 355. Finding otherwise would open the door for unsatisfied litigants to hound immune actors with litigation charging malice or corruption resulting in decision-making based on fear and intimidation. Precisely the outcome the doctrine of absolute immunity is intended to avoid.

¶ 35 Application of the Two Exceptions to Absolute Immunity

¶ 36 Having determined that the only two exceptions to absolute immunity from suit are where (1) the action is not taken in the judge's judicial capacity and (2) the action is taken in the complete absence of all jurisdiction, we turn to the question of whether either of the two

exceptions to the doctrine of absolute immunity apply to defendant's conduct in this case. *Id.* We find that neither exception is applicable to the conduct of the defendant.

¶ 37 As to the first exception, an action is taken in the capacity as a court-appointed expert when it is a function normally performed by a court-appointed expert and to the expectations of the parties, *i.e.*, whether they had the authority or power to act. *Generes*, 277 Ill. App. 3d at 355. Defendant was appointed by the court pursuant to section 604(b) of the Illinois Marriage and Dissolution of Marriage Act to prepare a report, make findings, and render an opinion with respect to custody, visitation and the minor child's best interests. As to the second exception, the question is whether defendant was acting in the clear absence of all subject matter jurisdiction. *Id*. at 356. With respect to defendant who was a 604(b) expert, jurisdiction to act stems from the court's order of appointment. See *Heisterkamp*, 2016 IL App (2d) 160229, ¶¶ 9-11.

¶ 38 We cannot say that either exception applies to defendant's complained-of conduct and thus defendant is entitled to absolute immunity. Defendant was appointed to conduct a custody evaluation pursuant to section 604(b) of the Illinois Marriage and Dissolution of Marriage Act during a postjudgment custody modification proceeding between plaintiff and Aziz.

¶ 39 Section 604(b) of the Illinois Marriage and Dissolution of Marriage Act allows for the appointment of an expert to provide recommendations as to custodial issues[1] and states in pertinent part as follows:

> "[t]he court may seek the advice of professional personnel, whether or not employed by the court on a regular basis. The advice given shall be in writing

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[1] Effective January 1, 2016, section 604 of the Illinois Marriage and Dissolution of Marriage Act was repealed. Currently, section 604.10 of the Illinois Marriage and Dissolution of Marriage Act permits the appointment of a professional to provide advice to the court to assist in determining the child's best interests. 750 ILCS 5/604.10 (West 2016).

> and made available by the court to counsel. Counsel may examine, as a witness, any professional personnel consulted by the court, designated as the court's witness." 50 ILCS 5/604(b) (West 2010).

¶ 40 In *Johnston v.* Weil, this court discussed the role of a 604(b) expert stating as follows:

> "[S]ection 604(b) provides a mechanism for court appointment of an independent evaluator on custody and visitation issues. The purpose of the statute is to make the information available to assist the circuit court and the expert witness is appointed to protect the interests of minor children regarding issues of custody and visitation. ***
>
> Consequently, under the terms of section 604(b), the expert is the court's witness and it is the duty of the court-appointed evaluator to conduct an independent investigation and provide the court and each party with her findings. In addition, any party may call the evaluator to testify at trial. See 750 ILCS 5/604(b) (West 2006) ("Counsel may examine, as a witness, any professional personnel consulted by the court, designated as a court's witness"). The statute provides no limitations or exceptions when the court-appointed evaluator is a psychiatrist or other mental health professional and this court must not depart from the plain language by reading such an exception into section 604(b). [Citation.]" *Johnston*, 396 Ill. App. 3d at 786.

¶ 41 In the instant case, defendant committed all of the complained-of acts after being appointed as the trial court's 604(b) expert and in pursuit of her duties to perform an independent investigation as to issues of custody and visitation, provide the court and the parties with her findings, and to testify at trial.

¶ 42 We disagree with plaintiff's argument that once defendant completed her report, all further work such as deposition testimony during the custody modification proceeding was outside the scope of her appointment. As noted above, part of a 604(b) expert's role is to testify at trial. Accordingly, deposition testimony taken in anticipation of the trial is necessarily within defendant's capacity and jurisdiction as the court-appointed 604(b) expert.

¶ 43 We also disagree with plaintiff's assertion that defendant acted outside the scope of her appointment in relation to the missing page 30 and duplicate page 20 of the parenting questionnaire completed by Aziz during defendant's custody investigation and later produced by defendant in discovery in this case. Plaintiff states in his own briefs that the perpetrator, the intent behind the conduct, and whether it occurred during the child custody proceedings or after the commencement of this litigation remained unanswered and then incorrectly argues that this creates a genuine issue of material fact. However, during the hearing on plaintiff's sanctions motion, defendant provided unrebutted under oath testimony that she did not intentionally remove page 30 or duplicate page 20 of Aziz's parenting questionnaire. Not only does plaintiff fail to controvert the evidence adduced by defendant, he acknowledges that he does not know who created the issue, their intention in doing so, or when it even occurred. See *Giampa*, 68 Ill. App. 3d at 431; *CitiMortgage, Inc.*, 2015 IL App (1st) 140780, ¶ 19; and *Lesnik*, 82 Ill. App. 3d at 1106. Accordingly, no material issue of fact exists. Further, even if the complained-of conduct had occurred during defendant's investigation, it would have been within defendant's capacity and jurisdiction as the court-appointed 604(b) expert.

¶ 44 We find the circumstances of this case analogues to *Vlastelica*, 2011 IL App (1st) 102587, ¶ 29. There, this court found that no issue of material fact existed and the child representative's conduct was subject to absolute immunity because all of the alleged misfeasance

and malfeasance occurred after the child representative's appointment and in pursuit of his duties as child representative. *Id*. In *Vlastelica*, mother argued that the child representative stepped outside his role when he allegedly bullied mother and insisted she agree to give physical custody of her minor son to the father and limit her visitation, chose not to respond to various pleadings or attend certain hearings, chose not to argue the minor child's best interests relating to the child's desires, lied to the custody evaluator about mother being the cause of the litigation, lied to the trial court about the minor child's feelings about the visitation schedule, and threatened to go after mother personally if she told the court about the father violating court orders. *Id*. ¶ 28. Plaintiff here similarly argues that defendant lied and otherwise failed to conduct an appropriate 604(b) investigation consistent with her court appointment. As in *Vlastelica*, the complained-of conduct occurred after defendant's appointment and in furtherance of her duties as the 604(b) expert and thus is protected by absolute immunity.

¶ 45 Because neither exception to absolute immunity applies, defendant was immune from suit and the trial court properly granted summary judgment.

¶ 46 CONCLUSION

¶ 47 For the foregoing reasons, the judgment of the circuit court of Cook County is affirmed.

¶ 48 Affirmed.