

1 ALSO PRESENT:

2 Lee Lowder, DCFS Legal;
3 Rebecca Balogh, Natural Mother;
4 Ryan Pfefferkorn, Natural Father
5 Darnesha Davenport, Caseworker, Bright Point;

6 Michelle S. Blanks,
7 Official Court Reporter
8 C.S.R. No. 084-004123
9 2245 W. Ogden Avenue
10 5th Floor
11 Chicago, IL 60612

12 * * * * *

1 THE COURT: Calling the matter of
2 Balogh-Pfefferkorn, 19-932. If the parties
3 could please identify themselves for the
4 record.

5 MS. KWON: Assistant State's Attorney,
6 Soyoung Kwon.

7 MR. BOYER: Good morning, Judge. Bruce
8 Boyer from the Loyola Child Law Clinic. I am
9 accompanied by Stacey Platt. Our office
10 represents the minor.

11 MS. McALLISTER: Good morning. Assistant
12 Public Defender, Jaclyn McAllister on behalf of
13 the mother, Rebecca Balogh, who is present via
14 Zoom.

15 MR. JAFFE: Good morning. My name is
16 Stephen Jaffe. I represent Ryan Pfefferkorn,
17 who is the father of the minor, he's also
18 present on Zoom today.

19 MR. PFEFFERKORN: Good morning, Iris's
20 father.

21 MS. BALOGH: Good morning, Judge. Rebecca
22 Balogh, Iris's mother.

23 THE COURT: Good morning.

24 MS. LOWDER: Lee Lowder, DCFS, Legal.

1 MS. DAVENPORT: Good morning, Judge.
2 Darnesha Davenport, Bright Point, caseworker
3 for the family.

4 THE COURT: The matter appears on the call
5 for what purpose, State?

6 MS. KWON: For argument on Public
7 Defender's motion for case closure.

8 THE COURT: Are the parties ready to
9 proceed?

10 MR. BOYER: Yes, Judge.

11 MS. McALLISTER: Yes, your Honor.

12 THE COURT: Let's make it clear, we are on
13 Zoom today, and as such, I do not give
14 permission to anyone, other than the Official
15 Court Reporter to record this hearing. Does
16 anyone have any objections? Hearing none,
17 we'll proceed.

18 Ms. McAllister, it's your motion, go
19 ahead.

20 MS. McALLISTER: Your Honor, I would ask
21 that I waive this argument and do rebuttal --
22 or the reply, since it is my motion.

23 THE COURT: All right. State.

24 MS. KWON: Judge, your Honor, has heard

1 much of the arguments at this point. It's true
2 that, at this point, all of the services that
3 are in place are services that were continued
4 on this case after the case closure simply
5 because of the services being accessed
6 privately through mother and father's own
7 volition and needs.

8 The issue, at this point, is whether
9 or not the case should be closed because there
10 is currently a Domestic Relations case that is
11 still open. The concern regarding the Domestic
12 Relations case is really the motions and the
13 actions of the mother's attorney in that
14 matter.

15 Your Honor is in receipt of the
16 mother's and father's -- some of the
17 transcripts from the mother and father's
18 Domestic Relations cases, including the
19 mother's response to the father's motion to
20 bifurcate the Domestic Relations proceeding so
21 that the divorce matter can proceed.

22 In that particular response, Paragraph
23 14-B, mother states, asking to strike, saying
24 as alleged findings by the Juvenile Court are

1 irrelevant and, certainly, are not an example
2 of how, quotation mark, this proceeding -- she
3 has in quotation mark, has a detrimental impact
4 on the child. That particular portion of
5 mother's response gives me great pause, but
6 being, Judge, going into case closure.

7 I say this because, Judge, in that
8 particular response, mother makes it very clear
9 to the Domestic Relations judge that any of the
10 findings that your Honor has made in Juvenile
11 Court really are irrelevant and has no impact
12 on the divorce proceeding, and that is really a
13 concern given the extent of hearings, and
14 evidence, and testimonies that your Honor has
15 heard related to the abuse and neglect, and
16 proven with respect to the minor. It becomes a
17 concern that, even despite all of your Honor's
18 findings, that mother still informs the Court
19 in Domestic Relations that this Court's finding
20 is irrelevant.

21 Judge, because of that particular
22 response that mother filed, unfortunately,
23 Judge, I can't agree to case closure simply
24 because of mother's actions making it very

1 clear that mother will do whatever is necessary
2 in the Domestic Relations Court to minimize
3 this Court's findings. And the concern that
4 this Court has and, really, Judge, the problem
5 we have right now is, I think, until we have
6 some idea of how the Domestic Relations Court
7 will be proceeding, we may have to keep this
8 case open.

9 Judge, overall, I do think that this
10 case needs to be closed. We need to close this
11 case out because we can't continue to hear this
12 matter continuously but we also know the impact
13 of Domestic Relations case -- the impact that
14 the Domestic Relations case has had on Iris
15 before this Court's involvement, and that is
16 the concern that I have. And mother,
17 basically, sweeping aside the last four years
18 of this Court's work, and that is what's
19 concerning, Judge.

20 So, until we have an idea of the
21 Domestic Relations findings regarding the
22 motions, I think, Judge, that this motion for
23 case closure may be a bit premature. Thank
24 you.

1 THE COURT: Mr. Boyer.

2 MR. BOYER: Judge, thank you. First of
3 all, I know that we -- as Ms. Kwon has
4 indicated -- have had a number of opportunities
5 over the last significant period of time to
6 address the question of case closure. And I
7 would just begin by saying, first of all, that
8 I would ask your Honor to take notice of all of
9 the arguments that you've heard on this subject
10 during the Court's previous hearings and also,
11 as a consequence of that, I will try to be
12 relatively brief.

13 Your Honor, the question about case
14 closure has to be governed by the provisions of
15 the Juvenile Court Act and, in particular,
16 Section 231, which makes it clear that the
17 paramount issue is what's in the best interests
18 of this child. I know that over time you've
19 heard a lot about the financial costs to DCFS
20 or the administrative burden or their desire
21 given that the Department is not providing any
22 services to the family to put an end to that
23 responsibility.

24 And, frankly, I just want to begin by

1 reminding the Court that when you look at the
2 provisions of the statute, the financial and
3 administrative burdens that maybe carried by
4 any of us are just not relevant. The only
5 question that's really relevant here is what's
6 in the best interest of this child.

7 You have heard a lot, Judge, about the
8 things that have gone on in the Domestic
9 Relations Court. And we spent a considerable
10 period of time at the last hearing talking
11 about what's happened in the Domestic Relations
12 Court and about the concerns that were
13 described as a consequence of the
14 representations that were made by Ms. Balogh
15 through her Counsel to the Domestic Relations
16 Court indicating that -- there's no respect for
17 what's happened in this court or for the
18 history of what's occurred with regard to Iris
19 and this family over the last four years.

20 I agree with Ms. Kwon that that is a
21 very deep cause for concern. The reason that
22 it is a cause for concern is that our
23 collective responsibility and by 'collective',
24 I mean to include both the Domestic Relations

1 Court and the Juvenile Court, our collective
2 responsibility is to protect the best interest
3 of this child. I agree with Ms. Kwon that the
4 recent history of what's transpired in the
5 Domestic Relations Court raises a serious
6 concern about the capacity of that Court to do
7 the things that are necessary to ensure that we
8 are able to continue to protect the interests
9 of this child. And those concerns are
10 amplified by several additional things.

11 Number one, they are amplified just by
12 the nature of the Domestic Relations process
13 and by questions that we have touched on in the
14 past about the ability and the willingness of
15 Judge Forti -- I assume he'll continue to hear
16 the case -- to replicate the kinds of
17 protections and interventions that have been
18 imposed by this Court and that have been
19 premised in all of the information that has
20 been provided to this Court over the last
21 several years; and to leave that responsibility
22 when things are still in a concerning posture
23 to the Domestic Relations Court, I think raises
24 a real threat to the welfare of this child; and

1 your Honor, obviously, has demonstrated the
2 Juvenile Court's capacity, even though DCFS is
3 not formally involved, other than through its
4 monitoring, to make sure that Iris is
5 protected.

6 The other significant concern that I
7 think amplifies questions about the Domestic
8 Relations Court's capacity is that there has
9 been not a shred of evidence suggesting that
10 Ms. Balogh has made any meaningful progress,
11 frankly, any progress in addressing the matters
12 that I think would provide us all with some
13 assurance that things might get better. Yes,
14 she has been in therapy. Yes, she has
15 addressed questions, but none of those
16 questions, at least, according to the
17 information that has been provided to the
18 Court, have ever touched on whether she is
19 willing to recognize the role that she has
20 played in doing serious harm to this child over
21 a significant period of time. And unless and
22 until that progress can be demonstrated and by
23 'progress', I mean, recognizing the role that
24 she has played and, at least, beginning to try

1 to reflect an understanding of that role so
2 that we have some basis for thinking that
3 things may change. Unless and until that
4 happens, I think that there continues to be an
5 acute concern about Iris and her welfare. And
6 I remain very worried about what would happen
7 if this Court seated that responsibility in its
8 entirety through a process that historically
9 has simply not demonstrated an ability to
10 protect Iris in the way that she has been
11 protected by your Honor.

12 There is a fair amount that still goes
13 on. Iris continues to have regular visits with
14 her mother. There is increasing conflict and
15 resistance over those visits. And I think that
16 there are steps that can and should be taken to
17 try and address those concerns. And I remain
18 convinced that this is the appropriate forum in
19 which to try and make that happen.

20 For those reasons and for all of the
21 things that I have touched on in the past, I
22 continue to believe, your Honor, that as I've
23 said when we last were in court, that you have
24 given this child a gift of peace and that the

1 threat of closing the case or the prospect of
2 closing this case represents a threat that that
3 peace is going to come to an abrupt end.

4 So I believe that while I understand
5 from Ms. Kwon and agree with Ms. Kwon that
6 there will need to come a point when the Court
7 would have to consider closure. I don't
8 believe that we are there, yet, so I remain
9 opposed to the request to close this case.

10 THE COURT: Mr. Jaffe, on behalf of father.

11 MR. JAFFE: Judge, I concur with everything
12 said by the State's Attorney and by
13 Ms. McGuire, the guardian ad litem, and Loyola
14 as well this morning. I'm not going to repeat
15 those arguments.

16 The GAL did reference the Juvenile
17 Court Act, it's also based off the Illinois
18 Supreme Court, I'm not going to read
19 everything, I believe everybody's familiar with
20 this, but there's no balancing test here.
21 There's only one issue, and that issue is
22 Iris's well-being; nothing else is on the other
23 side of the scale. I think this isn't
24 everything. It is for best interest, and

1 what's best for her is for this case to remain
2 open, at this point, and not to throw her back
3 into the same whirlpool turmoil that she was in
4 when the case came in.

5 Thank you, Judge.

6 THE COURT: Ms. Lowder.

7 MS. LOWDER: Judge, it's DCFS's position
8 that the case should be closed. We're a
9 Juvenile Court.

10 THE COURT: Thank you. Ms. McAllister.

11 MS. McALLISTER: I'm going to try to go
12 slow. I know I have a tendency of speeding
13 when I'm doing my closings.

14 Your Honor, according to 705 ILCS,
15 405/2-3, the purpose of the Act over these
16 proceedings is to protect the minor who is
17 either neglected and abused. The ultimate goal
18 of this Court is for the trial to reach
19 permanency.

20 Intact family services are designed to
21 provide short-term voluntary services intended
22 to make reasonable efforts to stabilize,
23 strengthen, enhance and preserve family life by
24 providing services that enable children to

1 remain safely at home. Despite permanency
2 being reached, voluntary services that are
3 meant to be short-term, still being intact, and
4 this Court finding that placement is safe and
5 appropriate and there is no safe or health risk
6 in the placement, this Court is requesting that
7 a State agent that is already overwhelmed with
8 actual cases of neglect and abuse, continue to
9 monitor this case.

10 Under 705 ILCS 405/2-31, a case is
11 closed when written factual findings that the
12 health, safety and best interests of the minor
13 and public no longer require wardship of the
14 Court. This court shall order the wardship
15 terminated and all proceedings under this Act
16 respecting that minor finally be closed -- that
17 this case be closed and discharged.

18 On the last court date and today, the
19 GAL and father's attorney has continuously
20 stated that this is not the best interest.

21 Under 705 ILCS where a best interest
22 determination is required, the following
23 factors shall be considered in the context:

24 The physical safety and welfare of the

1 child, including food, shelter and clothing;
2 the development of the child's identity; the
3 child's background and ties, including
4 familial, cultural, and religion; the child's
5 sense of attachment; the child's sense of
6 security; the child's sense of familiarity;
7 continuity of affection for the child; the
8 least disruptive placement for the child; the
9 child's wishes and long-term goals; and there's
10 a whole list. However, not one has been
11 mentioned by the GAL, State, or father's
12 attorney.

13 Ultimately, what the GAL is requesting
14 is that you carve out a special exception for
15 this case. Intact services are assigned to
16 cases to monitor, for not less than a year;
17 however, in this case, the Court is requesting
18 that the State agency now provide monitoring
19 for services for almost four. The goal of
20 intact services is for the family to remain
21 intact, provide community-based services, which
22 the family here gets private services, and for
23 the family to achieve permanency.

24 All of these goals have been met; but

1 yet, we are here today to say that the State
2 agency, which has been requesting this case to
3 be closed for almost two years now, continues
4 to sit on this case as we waste valuable
5 resources. If this Court is concerned for the
6 safety of this child or the permanency that it
7 set, then, why has the child been allowed to
8 stay in her placement with her father?

9 This exception we are making for this
10 case sparks concern. We have multiple parents
11 coming in when the child is returned home to
12 another parent and fight for placement. This
13 family's action oftentimes need the support of
14 DCFS, whether it be the services or financial
15 support, but, yet we do not find exception for
16 those cases. Oftentimes, when a child has
17 returned home to one parent, this Court, as a
18 maximum, keeps the case open for six months,
19 and the case is ultimately closed.

20 However, here, we have a child that
21 was returned home now for over three years, and
22 the father and the GAL still here today
23 requesting that this case be opened. The only
24 thing that has been brought up as to why is

1 because of the Court proceeding in Domestic
2 Relations and speculations of what can go on in
3 the Domestic Relations. It cannot seem to find
4 anything under the statute or case law as to
5 this reason this case should be left open.

6 In fact, I've previously quoted, as a
7 statute for case closure, this Court nor the
8 GAL can state what the actual best interest
9 concern currently is. Isn't it the best
10 interest of Iris to have her reach permanency,
11 which has already been accomplished, according
12 to this Court and the agency who monitors this
13 case?

14 I have continuously argued what a
15 waste of resources of taxpayer money being paid
16 to Children's Home & Aid who have yet to
17 provide a service for this family. And no
18 fault of CHASI, this case was placed in intact
19 services, which for any other case remain in
20 services provided for a year to make sure the
21 child was safe and secure in her placement.

22 Here, placement is guaranteed. There
23 are no safety issues with the caregiver or home
24 environment. There's food, water and clothing,

1 and there are no signs of abuse or neglect by a
2 caregiver; but, yet, this case is still open.

3 In fact, permanency is set; services
4 have been put in place with no assistance of
5 intact. Further, this Court has kept this case
6 open despite the family having private service
7 providers along with a private visitation
8 supervisor. In what case before this Court has
9 there ever been a private paid supervisor?

10 We hear time and time again in this
11 court about the shortages of caseworkers, but
12 yet, you are requesting that this case continue
13 to be monitored by DCFS. All the goals and
14 services are already put in place and have been
15 in place for three years. A total of \$67,543
16 has been wasted on a case that has their own
17 private services. Those funds could be used
18 for actual children who are being neglected and
19 abused, not for children who have two parents
20 who love her but continues to allow their egos
21 to take over. Yes, I say both parents, at this
22 point, because now Ryan is playing the
23 I-gotcha-game.

24 It is clear to see that both parents

1 have played the controlling part. If someone
2 who had the upper hand, you heard Ryan's
3 attorney, it should be noted that he has been
4 allowed into these closed proceedings and spoke
5 on his view of what is occurring in Domestic
6 Relations. In fact, Mr. Gordon informed this
7 Court about the response that was filed by my
8 client's Domestic Relations it has been brought
9 up by both the State and the GAL today. It was
10 stated that my client was already starting with
11 all the filings in family domestic.

12 What was actually filed by my client's
13 Domestic Relations attorney was a response to a
14 petition filed by Mr. Gordon. If I'm not
15 mistaken, the attorney has a responsibility and
16 duty to respond; however, it was represented
17 that my client has already started filing
18 petitions. My client has -- again, this is a
19 required response.

20 It was further misrepresented, the
21 responses show Rebecca isn't accepting the
22 Court's finding because she objects and moves
23 to strike same alleged finding by the Juvenile
24 Court. If you read further, it clearly states

1 that the order speaks for itself. I would like
2 to draw your attention that this specific
3 petition for bifurcated, deals with financials,
4 not with the child.

5 So, it seems that what the GAL,
6 Mr. Gordon, is doing is attempting to bully my
7 client and use this Court to admonish her for
8 filing or requesting to litigate the
9 Dissolution of Marriage. As for Mr. Gordon's
10 own petition request to reserve parental
11 allocation which, therefore, this dissolution
12 should have zero impact on the child.

13 The mother takes full accountability
14 of why this case came in and understands that
15 she has played a major part. I mean, for three
16 years, a mother has only had once-a-week visits
17 with her daughter during her daughter's crucial
18 years. However, every time we come into this
19 court, there always has to be a consistent
20 issue. You have the father's attorney making
21 allegations that my client has an uncontrolled
22 mental health issue. However, I didn't know
23 that lawyers are now clinicians.

24 Rebecca, since the inception of this

1 case, has seen a psychiatrist and also a
2 therapist. She has been consistent with both
3 of these services. In fact, she sees her
4 therapist weekly and her psychiatrist
5 regularly. There has never been any evidence
6 before this Court that she has mental health
7 issues. It is this Court and lawyers sometimes
8 restate this, and have been allowed to do so,
9 without any such proof from an actual clinician
10 and not an attorney.

11 I, too, can start throwing accusations
12 that Ryan is a narcissist who is alienating his
13 own child for control which has Ryan believing
14 he won this fight. He will learn that he lost
15 the war when his daughter realizes what both
16 parents have done.

17 No Judge nor attorney, no parent can
18 substitute the actual biological parent. Both
19 parents have played a part in turning this
20 child against the other. We sit here today and
21 say that Ryan isn't turning Iris against
22 Rebecca but, yet -- this is just -- strike
23 that.

24 I sit here today stating that Ryan is

1 turning this child against Rebecca, and that's
2 putting it in a nice term. What both parents
3 need to understand is that as Iris gets older
4 and understands and sees the bigger picture and
5 her own thoughts, Iris is going to feel guilty
6 for her actions against either of these
7 parents. She is being told she doesn't need
8 her mother at this point. During visits with
9 her mother, she has informed her mother, she
10 does not need her because she has a grandmother
11 and aunt. No matter how many times you tell a
12 child this, a mother's love, just like a
13 father's love, is not something that can be
14 substituted.

15 We also cannot forget the allegations
16 that Rebecca allegedly pierced the child's ear,
17 however -- strike that.

18 As you've heard from Pat Anderson, the
19 previous supervisor, the order put in place is
20 public places. During COVID, as you've heard,
21 there were no public places open. The visits
22 for seven hours had to be held in a van or a
23 car. Finally, the limitation of public places,
24 but, yet, no third parties are to be included.

1 You want a public place, but, how in the world
2 do you expect no third parties to be present in
3 a public place. There was an issue with Iris
4 being in a public park in the neighborhood she
5 grew up in, and Pat Anderson testified that
6 Iris had friends who were at the same park.
7 How and why this is an issue is absurd.

8 Ultimately, is the father or the GAL
9 thinking it is her best interest that this
10 child not socialize? Is this really the best
11 interest of the child? Iris even is aware that
12 she cannot have third parties around her, which
13 we cannot blame Rebecca for it, as she is not
14 the one who has an issue if they are at public
15 places. Obviously, others are going to be
16 around when the children socializes. Even when
17 asked how the child is made aware of the order,
18 no one had an answer; but, yet, clearly, this
19 child is aware of the order because she has to
20 go home and report to her father. It is as if
21 she's walking on egg shells.

22 Of course, We are going to sit here
23 and say because of what mother has alleged and
24 why this case came in; however, the GAL wants

1 to know when the mother is going to move
2 forward; but the real question is, is when is
3 every single person within this courtroom going
4 to move forward.

5 We have parents who come in this
6 courtroom who actually, physically abuse a
7 child and aren't nearly punished as severe as
8 the Court has done to Rebecca. For three years
9 you have only allowed a mother to visit her
10 child for 8 hours a week. A mother nor her
11 family have been allowed to spend holidays
12 together because, as this Court finds, it
13 didn't want the mother coaching this child.
14 Again, as I do not want to be sworn about the
15 severity of these allegations, as the Court has
16 found them, but she does take accountability.

17 We also cannot forget the allegation
18 that Rebecca allegedly pierced the child's ear;
19 however, everybody in this courtroom with no
20 pierced ears, you may not understand. When you
21 pierce your ears, depending on the back of the
22 earring, some larger than the original
23 piercings, you may have trouble getting another
24 pair in. Also, if you have not worn earrings

1 for awhile, the hole may slowly be closing;
2 therefore, you put a pair of earrings in it may
3 pierce through. As you've heard, the child
4 wanted a new pair of earrings, and Mom bought
5 them and put them in for her; nothing out of
6 the ordinary.

7 We also heard about how Rebecca
8 allegedly discussed with the child about her
9 menstrual cycle, which, again, Ryan called to
10 express such concern. It was Iris who actually
11 asked her mother not Rebecca just talking about
12 it. She was being a mother to the child when
13 asked a question. However, a mother discussing
14 with her child about a menstrual cycle is,
15 again, not abnormal. In fact, nowadays,
16 parents are encouraged to talk with their
17 children about this beginning at an earlier
18 stage.

19 What is actually interesting is that I
20 bought before this Court on October 7, 2021, a
21 motion requesting supervised visits be held in
22 the home. Parties objected to it because
23 despite no one ever seeing the mother's home,
24 they believed Rebecca's home was big and that

1 the supervisor would not be able to watch Mom
2 with the child.

3 How can Iris and her mother actually
4 bond for the past three years in a public place
5 set for one day a week for 8 hours. As I
6 cannot predict the issue at the pool, as I am
7 sure the GAL and father's attorney -- the issue
8 that arose at the pool where Iris went back to
9 and was upset, Ms. Anderson testified that when
10 she was asked what was wrong, Iris said her
11 mother had told her that the reason they could
12 not do something, and Ms. Anderson could not
13 recall what exactly it was is because the
14 father would not allow this.

15 Looking at all the issues that arose
16 with the restricted public places, should
17 Rebecca have lied to the child? There have
18 been limited restrictions on visits when the
19 child's grandparents cannot even be present.
20 Nothing like parental alienation and family
21 alienation.

22 I will continually state that I
23 clearly understand the reason this case came in
24 and so does Rebecca and accepts full

1 accountability for her actions. However, as
2 I've previously stated, this Court expects a
3 mother to move forward but clearly other
4 parties making accusations of the situation
5 that the supervisor came in to testify that did
6 not occur as they perceived them, wants to
7 continue to use this -- to use whatever they
8 can, not to move forward.

9 We also cannot forget, now, the child
10 was allegedly saying that she does not want to
11 see her mother. What is rather telling is what
12 is dad doing to facilitate this relationship?
13 Nothing. Because he has the control now and is
14 sitting back enjoying my client watch her
15 daughter grow from afar. The GAL, who has no
16 clinical experience is the one who's dictating
17 if and when it should start, when family
18 therapy should start. In my two years here,
19 I've never had a therapist say they have to ask
20 the GAL.

21 The GAL discussed how the child's
22 relationship with her mother is the concern.
23 For over three years Rebecca has requested that
24 family therapy be put in place; however, it has

1 continuously been rejected. Although, a
2 therapeutic setting could have helped
3 facilitate with how the child feels with the
4 bond between them.

5 Further, if there's something that is
6 necessary, this Court can recommend the
7 Domestic Relations Court to order this under
8 750 ILCS 5-607.6, which allows Domestic
9 Relations to order family therapy.

10 We also heard from Kelly LaBrocco, the
11 child's therapist since January 2019, she
12 testified that she always wants to make sure
13 that Iris has the support and assistance from
14 the people around her who have helped her
15 through this journey to make sure she is being,
16 again, heard and advocated for. However, she
17 went on to say that Iris has been very vocal
18 about her own concerns, about what things look
19 like, and how she feels about them.

20 When asked about what can protect this
21 child, the therapist testified that she has not
22 been exposed to any accusations or had any
23 communication during the pendency of the child
24 protection case. When questioned on where the

1 child does her therapy, this Court was informed
2 that the child does her therapy in her bedroom.
3 When I asked the therapist if she was aware
4 that a camera existed on this child's dresser,
5 she stated that she was not.

6 This Court was informed back on
7 March 16, 2020, by Nicole, GAL, the previous
8 caseworker, that there is a camera on Iris's
9 dresser. I asked the question since Iris, who
10 is now 11, deserves to have privacy,
11 especially, in her own bedroom. I was informed
12 that this camera was placed there due to the
13 allegations of this case; however, this child
14 is now 11, and the findings were unfounded
15 against dad. The child should be free and able
16 to talk with the caseworker and also the
17 therapist without any cameras on her. If we,
18 the parties, are moving forward and these
19 allegations were unfounded on the father, what
20 is the necessary to have a camera in Iris's
21 room.

22 Clearly, the therapist states that
23 what is needed is that the service provider
24 stay in place to help this minor. The service

1 providers are the ones who came from Domestic
2 Relations minus Pat Anderson; however, the new
3 supervisor will continue to do visits. All
4 therapists will be put in place as they are not
5 service providers through DCFS. There's
6 nothing outstanding in this case that requires
7 DCFS intact services to continue to monitor
8 this case.

9 If we are looking at the best interest
10 of this case, is this case staying open here
11 really the best interest? Shouldn't this be
12 sent back to Domestic Relations so that a
13 allocation agreement could be entered as soon
14 as possible? Isn't that more important than
15 Mr. Gordon's request in his motion that the
16 financial aspects of this Dissolution of
17 Marriage be finalized? Why? So Mr. Gordon can
18 come to this Court and use this to bully my
19 client to ultimately get what he wants and have
20 my client in fear if she responds to any of his
21 motions. This court can and previously allowed
22 Mr. Gordon to discuss it without any
23 representation from my client's Domestic
24 Relations attorney which is highly prejudicial

1 to my client to have no representation from
2 Domestic to speak on her behalf and why some
3 things are being done.

4 Our Illinois Supreme Court Rules allow
5 the judges to speak with other judges, such as
6 Judge Forti. There is no legal reason for this
7 case to stay open. In fact, this Court's
8 ultimate goal is permanency which can further
9 be reached by Domestic Relations than to enter
10 into an allocation agreement, as the duties of
11 drafting and entering parental allegations are
12 outside the duties of a Public Defender under
13 Illinois statute. This case must return back
14 to Domestic.

15 On May 24, 2023, Illinois Supreme
16 Court adopted Supreme Court Rule 909 which
17 establishes parenting coordinator. Cook County
18 also adopted this Rule under Cook County Rule
19 13.10. A parenting coordinator is, basically,
20 a caseworker without wasting resources. Rule
21 909 defines parenting coordinator as a child
22 focus alternative dispute resolution process
23 conducted by a licensed mental health or family
24 law professional. The goal of a coordinator is

1 to shield the children from the impact of
2 parental conflict and helps sustain healthy
3 parent/child relationships.

4 Cook County Domestic Relations Court
5 has exactly what the GAL and father has worried
6 about if this case closes here; therefore, if
7 the case closes, as a recommendation to Judge
8 Forti for a parenting coordinator to be
9 assigned, we can recommend that and eliminate,
10 and actually be a tool within Domestic
11 Relations.

12 For the reasons stated, and the fact
13 that this Court, in the four years that Iris
14 has returned home to her father, has found him
15 fit, able and willing, and deemed him
16 appropriate and safe with no signs of abuse or
17 neglect, permanency has been achieved with her
18 father and it is the best interest that
19 parental allocation be entered as Iris's needs
20 should be more of a priority than
21 Mr. Pfefferkorn's financials.

22 Finally, the GAL nor father's attorney
23 make any reference of what the best interests
24 follows under the definition of factors that

1 this Court is required to look at as factors.
2 It's just a word that is used.

3 Your Honor, we ask that you close this
4 case and please put this back to Domestic
5 Relations where this child can actually reach
6 permanency and having these parents have a
7 parental allocation and not worry about the
8 financials which is clearly what is occurring
9 here, whereas, Mr. Gordon is filing that is the
10 most important thing. The only thing that is
11 holding this child up from being able to move
12 forward is that parental allocation.

13 Thank you, your Honor.

14 THE COURT: Ladies and gentlemen, I'm going
15 to take a ten-minute break and I'll come back
16 with my comments and decision.

17 MR. BOYER: Judge, if I may, just very
18 briefly. I'm observing -- I understand that
19 Ms. McAllister would rather not have anyone
20 respond, but I would just begin by saying that
21 wasn't a rebuttal, that was an obvious attempt
22 to try and make sure that there were no
23 meaningful opportunity provided to opposing
24 Counsel to address her argument. And while I

1 don't think that much of what she said really
2 requires any response, I do believe that it
3 really isn't appropriate to take what is
4 clearly functionally an argument and pretend
5 that it's rebuttal. I would like the
6 opportunity to just make a couple of very brief
7 points, Judge.

8 THE COURT: If there's anything new,
9 Mr. Boyer, that you believe needs to be
10 addressed, I will allow you brief argument as
11 to that; but as you requested, I am taking
12 notice of all past arguments. We have, I think
13 for the most part, argued so many things on
14 this, and I'm well-aware of the history.

15 So, again, if there's a comment you
16 would like to make about something that has
17 been introduced for the first time in
18 Ms. McAllister's argument, I will give you a
19 brief argument as to that.

20 MR. BOYER: Two very brief points that I do
21 think fit within that parameter, Judge.

22 First of all, a number of the things
23 that Ms. McAllister said addressed questions
24 about family therapy and suggested that I'm

1 somehow controlling what ought to be clinical
2 decisions, and nothing could be further from
3 the truth. We have not addressed questions
4 about family therapy in this court and, so, I
5 don't know why that's an appropriate
6 consideration; but I do want to be clear that
7 to the extent that that is in any way relevant,
8 a number of the comments that Ms. McAllister
9 made are simply just very far afield from the
10 reality of our circumstances.

11 The other observation that I would
12 like to make, Judge, is that much of what she
13 said in this closing argument was really
14 replete with references to things that are
15 simply not of record; for example, charges
16 about Ryan's engagement with Iris and claims
17 that he is somehow responsible for alienating
18 Iris from his mother. Without going into any
19 details, I would simply ask the Court, as you
20 are considering what to do, please keep in mind
21 the vast difference between factual
22 representations that are made in an oral
23 argument and actual evidence that has been
24 tendered to the Court because I think they were

1 pretty far afield in terms of the comparison of
2 those two issues.

3 If there are other questions, I am
4 happy to address them; but, as your Honor
5 indicated, we have been on this subject for
6 quite some time. Otherwise, I'm prepared to
7 stand on the arguments that have been made
8 previously.

9 THE COURT: I'll be back at noon, and I
10 will render my decision at that time.

11 MS. McALLISTER: Your Honor, just really
12 quick, as to Mr. Boyer's communication about
13 the therapist, we do have the email that states
14 she has to contact them. I would be more than
15 happy to provide that, if needed.

16 (OFF THE RECORD.)

17 THE COURT: We're back on the record. The
18 State is here, Mr. Boyer and Ms. Platt are
19 here, Ms. McAllister as well as Mr. Jaffe,
20 mother and father both are here on the Zoom
21 monitor. I've asked for a few moments to
22 gather my thoughts after the arguments have
23 been completed.

24 This has been a prolonged argument

1 over several months and I have, in fact,
2 considered the arguments that have been made in
3 the past. What I've focused more is on the
4 facts of this case, both where we're at now, as
5 well as how this case came into the system and
6 what has happened in the course of it.

7 Let me make a few things clear, I am
8 in no way usurping the authority of the
9 Domestic Relations Court. This matter was
10 referred to the Department of Children & Family
11 Services and from thereafter it followed its
12 usual course and was assigned to this court.

13 The Domestic Relations judge had
14 deferred proceedings until we resolved our
15 matter here. I also made it clear on a prior
16 court date, by way of my order, that I believe
17 a copy of which was sent to the Domestic
18 Relations judge, that I have no objection to
19 the Domestic Relations matter proceeding but
20 that I was going to retain jurisdiction over
21 matters dealing with the custody and care of
22 the minor Iris.

23 I now address the issue of case
24 closure, and I concur and agree partly with

1 what the State has said, at some point this
2 matter is going to have to be closed; but what
3 I'm going to focus upon and have focused upon
4 and will continue to focus upon is the best
5 interest of the minor.

6 I am mindful of the origin of this
7 case for purposes of the child protection case
8 of the multiple interviews, examinations, and
9 evaluations that Iris had to endure due to what
10 I've determined as a baseless accusation of, in
11 essence, a sexual assault of the minor by her
12 father into the penetration of the minor in a
13 public area while she was en route to a store
14 with her father, who was holding her, in the
15 presence of others and, I believe, also
16 included a supervisor.

17 Now, I am aware of the pressures of
18 divorce. I'm also aware of the pressures of
19 litigation, generally, including what we have
20 pending before us today. Human emotions are
21 raw, however, they have a tremendous impact on
22 a child's development; and the minor is now 11,
23 but was much younger when this case began.

24 I would resent any attempt to use the

1 minor as a pawn or a bargaining chip in this or
2 any other type of a case because of the impact
3 it would have on the minor. I am aware --
4 let's just say common sense tells us that
5 children are often used to gain leverage in
6 some way, and I'm going to be very protective
7 of the minor Iris here because I am mindful of
8 what has happened in the past.

9 I do not know what caused mother to
10 make the allegations she did, but I have
11 certain concerns when I see that mother is
12 questioning the impact or affect of this
13 Court's findings; it triggers my own internal
14 alarms. Forgive the colloquialisms, but
15 there's an old saying that goes, I sure was
16 born at night, but not last night.

17 I'm also concerned when I see that
18 mother does not have a clear acceptance of her
19 role in this litigation, it causes me further
20 concern. And I believe the argument is founded
21 to hear that there's still a risk or even a
22 clear and present danger of the same or similar
23 issues that brought this case here returning or
24 reemerging, and if that would mean that

1 unnecessary scrutiny in the form of physical
2 examinations, interviews -- having to subject
3 her to more evaluations, examinations, and
4 scrutiny similar to what she's already
5 undergone, causes me concern and makes me be
6 more protective.

7 Minimizing this Court's findings makes
8 me wonder is there going to be an attempt at a
9 second bite at the apple. We have been taught
10 and trained here in Juvenile Court -- one
11 family, one judge -- to maintain our continuity
12 as it deals with the children, the most fragile
13 component here. I can argue that it would make
14 sense for judicial economy for me to retain
15 this case here while the Domestic Relations
16 judge, should it be Judge Forti or anyone else,
17 continue on with the non-trial portion of the
18 divorce. We don't have calculators here. We
19 don't have economists, that's for the divorce
20 itself.

21 And it may be argued that I'm being
22 speculative, but I take a look at the facts
23 that brought us here. I take a look at the
24 facts that I've been presented with now. And I

1 also note, in fact, it was Ms. McAllister that
2 argued she should not be a public defender
3 representing mother since she has a private
4 attorney in Domestic Relations. I'll let that
5 speak for itself.

6 In terms of the case closure, the
7 motion, at this time, is going to be denied,
8 and I'm doing that because I believe that the
9 minor, whose case will be closed eventually,
10 needs certain additional protection of this
11 Court. I believe we have greater resources
12 here than in a Domestic Relations court
13 environment. And if this case were to be
14 closed and something were to trigger a similar
15 need for a child protection case, I do not want
16 there to be any sort of a delay in addressing
17 what is happening. I believe minimal oversight
18 is required now, here, but it should still be
19 monitored because what is important is the best
20 interest of the child, and I'm focusing on the
21 health and safety of the child. When I say
22 that, I mean, the emotional stability of the
23 child.

24 The non-trial custody matters have

1 been and are still before the Domestic
2 Relations judge. An issue of family therapy, I
3 believe, is something that does fall within the
4 purview of this Court; and if Iris's therapist
5 believes that there should be family therapy
6 considered, that is something that the
7 caseworker can raise, inform the attorneys, and
8 can be addressed at that time.

9 The issue of parental allocation is
10 going to be deferred until we approach closure
11 of this case.

12 The issue of visitation is something
13 that can be reviewed and, if appropriate,
14 according to the minor's therapist taking the
15 lead, can be expanded.

16 There is no financial interest or gain
17 involving Iris. I'm going to focus on her best
18 interest. I want stability for her. I want
19 safety for her. I don't want her to be stuck
20 in the middle. I'm not going to comment on
21 what maybe going on between mother and father.
22 I just want to make sure that she is going to
23 be safe for as long as I have oversight of her,
24 and I will continue that oversight.

1 The motion to close case is denied. I
2 believe it is in minor's best interest that
3 this matter stay open based on how this case
4 came into the system, the evidence that I've
5 heard over the course of the entire case,
6 including adjudication, disposition, and
7 various hearings since then. I am also mindful
8 of the activity in Domestic Relations court.

9 I'm also asking that a transcript of
10 my findings be prepared and be forwarded to
11 Judge Forti for none of the Domestic Relations
12 judge is handling this matter.

13 I will maintain control of the care
14 and custody portion of Iris's case -- I should
15 say of the Domestic Relations matter until
16 further order of this court.

17 Is there anything else, Ms. Kwon?

18 MS. KWON: No, Judge, if we can go off the
19 record to select the next court date.

20 MS. McALLISTER: I have something, your
21 Honor.

22 THE COURT: I'll get to you in a moment.
23 Guardian?

24 MR. BOYER: No, Judge, thank you.

1 THE COURT: Mr. Jaffe.

2 MR. JAFFE: No, thank you.

3 THE COURT: Ms. McAllister.

4 MS. McALLISTER: Your Honor, there have
5 been missed visits that have been canceled
6 last-minute and not made. So, since this case
7 is staying open, I would like an order that any
8 and all visits that previously have been missed
9 and canceled be made up since it is the same
10 week that mom gets with this child.

11 And I would also request that only the
12 caseworker discuss with the minor's therapist
13 whether or not she's -- for the family therapy,
14 as it has been brought up in an email stating
15 that she has to discuss this with the GAL.

16 THE COURT: I do not understand that last
17 part, you have to be clear.

18 MS. McALLISTER: My concern is that there
19 is influence here with the GAL being -- not a
20 clinical, nothing -- this should be only on
21 Kelly LaBrocco to make the decision of whether
22 the child should move forward because we have
23 mixed emails. In one email, she's stating to
24 let her know; and all of a sudden, after Bruce

1 found out, we have another email saying we
2 don't know if she's clinically ready.

3 So, I have concerns that there is
4 influence here. I don't know why there would
5 be an issue when I think that having a
6 clinician there for mother and daughter to work
7 through these things would be beneficial.

8 MR. BOYER: Judge, I can respond, if I may.

9 THE COURT: I don't have a problem with
10 anyone providing data, information or anything
11 that would be beneficial to treatment of the
12 minor on the issue of individual therapy or
13 family therapy. The recommendation of whether
14 or not family therapy is something that should
15 be pursued and/or when it should be pursued
16 will be the recommendation of the therapist.
17 They are certainly welcome to obtain
18 information from mother, father, GAL, anyone
19 that it would be relevant.

20 Mr. Boyer, is there something else you
21 wanted to add?

22 MR. BOYER: Yes, Judge. First of all, with
23 regard to the issue of visits, I certainly
24 agree that if there are missed visits, the

1 default should be that they should be made up.
2 I don't have any reason to believe that Ryan
3 would take a different position.

4 With regard to the issue of family
5 therapy, Judge, I just want to respond to that.
6 Our recent conversations outside of court began
7 when Ms. McAllister sent me an email that
8 flatly misrepresent the status of what was
9 going on with the therapy. Her representation,
10 I don't know whether this came from Rebecca or
11 Ms. McAllister, but the representation was that
12 Iris's therapist was supporting moving to
13 family therapy, and I did what I believe any
14 GAL should do, which is to verify that. In
15 fact, the representations that were made by
16 Ms. McAllister turned out to be flatly wrong.

17 I have attempted to engage
18 Ms. LaBrocco to find out what's going on. In
19 fact, I've asked her to consider whether or not
20 she believes that Iris is ready for family
21 therapy. So, I just want to say in the
22 strongest possible term, first of all, I object
23 to the characterization of my engagement with
24 Iris's therapist because it's just simply not

1 true; more importantly, the suggestion that I
2 should be prevented from communicating with
3 Iris's therapist is simply outrageous and it is
4 a bald attempt to try and find some way to
5 manipulate the presentation of facts in a
6 manner that I fear would be consistent with the
7 misrepresentations that began this most recent
8 series of conversations about family therapy.

9 If Ms. McAllister is asking for this
10 Court to enter some sort of an order that would
11 prohibit me from verifying the representations
12 that are being made about what is coming out of
13 Iris's therapy, I object to that in the
14 strongest possible terms.

15 THE COURT: Forgive me, but I think I have
16 violated my own principle by now letting the
17 attorneys provide input on a request; but I
18 believe, after having said what I've said, it,
19 pretty much, circumvents, I would think, the
20 need for any further argument.

21 As I have stated, the attorneys, the
22 parents certainly have the opportunity to
23 provide input to the therapist on how Iris is
24 doing, provide any information that would be

1 relevant to treatment of Iris. Getting beyond
2 that, I'm not going to turn this into a
3 he-said, she-said divorce court proceeding, and
4 forgive me if it sounds disparaging to my
5 working colleagues over in Domestic Relations,
6 but I'm not going to engage in that.

7 I would hope that the attorneys and
8 the parents and anyone having information that
9 would be relevant to the stability or the
10 treatment of Iris would be able to provide that
11 information to the therapist for the therapist
12 to use as would be deemed necessary and
13 appropriate in that professional context. I
14 will leave it at that.

15 Anything else in terms of the make-up
16 time, of course, if an order is necessary, that
17 would be fine. I don't know if the caseworker
18 is still here, if she's heard my comments, I
19 want to make sure that any lost visitation is
20 made up. Is there anything else,
21 Ms. McAllister?

22 MS. McALLISTER: Your Honor, I understand
23 what you've stated. Can we just request a DCFS
24 clinical, therefore, we have a third-party with

1 all the providers, dad, and have them,
2 clinical, look at this to see if she's ready?

3 THE COURT: We are going to start with the
4 therapist. Why don't we find out what the
5 therapist says first and then take it from
6 there. I would ask once the therapist makes
7 his or her recommendation that that be provided
8 to all counsel, that counsel, he or she discuss
9 amongst themselves what their position is going
10 to be, and then there maybe the possibility of
11 an agreed order or discuss any parameters you
12 want to propose in terms of going forward with
13 family therapy, if and when it is right.

14 That will be my ruling as to that.
15 Anything else?

16 MS. BALOGH: Judge, Darnesha Davenport, the
17 caseworker is on the phone.

18 THE COURT: Hold on. The rule here is,
19 I'll listen to anything you have to say;
20 however, I'd ask, one, that you wait your turn,
21 and you have; and two, I'd ask you to consult
22 with your attorney before you say anything so
23 you don't say anything that might be
24 detrimental to your position. You have an

1 attorney. I'd ask that you consult with your
2 attorney before you say anything.

3 Ms. McAllister, you want to confer
4 with your client?

5 MS. McALLISTER: Your Honor, I think she
6 was just letting you know that Darnesha is
7 still on the call for the visitation issue.

8 THE COURT: Is there anything else, Mom?

9 MS. BALOGH: Yes.

10 MS. McALLISTER: You want to go in the
11 breakout room?

12 MS. BALOGH: Yes.

13 THE COURT: Off the record.

14 (OFF THE RECORD.)

15 THE COURT: On the record, next court date,
16 October 19th at 9:15, that will be for status.

17 As I've indicated, the copy of my
18 findings, transcript to be forwarded to the
19 Domestic Relations judge hearing this matter.

20 That concludes the Court's involvement
21 with this matter now. I've already indicated
22 that missed visitation could be made up for
23 mother and the issue of family therapy is
24 something that's going to be considered by the

1 individual therapist for the minor. With that,
2 I'll be signing off.

3 (Which were all the proceedings had in the
4 above-entitled cause.)

1 STATE OF ILLINOIS)
)
2 COUNTY OF C O O K)

3
4 CERTIFICATE OF REPORTER

5
6 I, MICHELLE S. BLANKS, CSR#
7 084-004123, do hereby certify that I reported
8 in machine shorthand the proceedings had on the
9 hearing in the above-entitled cause and
10 transcribed the same by Computed-Aided
11 Transcription, which I hereby certify to be a
12 true and accurate transcript of the proceedings
13 had before Judge Demetrios G. Kottaras.

14 *Michelle S. Blanks*
15 _____
MICHELLE S. BLANKS, CSR

16
17
18 Dated this 25th day of
19 July, 2023.