

O R I G I N A L

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF BOONE

IN RE THE CUSTODY OF:)

██)

a minor child,)

NICHOLAS A. WISELY,)

Petitioner,)

vs.)

KATRINA AINLEY,)

Respondent.)

Case No. 2014-F-2
Status Hearing

REPORT OF PROCEEDINGS electronically recorded
before the HONORABLE JOHN H. YOUNG, ASSOCIATE JUDGE OF
SAID COURT, on June 27, 2018, in Courtroom 4,
Belvidere, Illinois.

APPEARANCES:

MR. DAVID L. MONTENEGRO,
Franks, Gerkin, & McKenna,
appeared with Petitioner;

MS. TAMIKA R. WALKER,
DeRango & Cain, LLC
appeared as guardian ad litem;

Respondent appeared pro se.

1 (Whereupon, the following proceedings
2 were held in open court, commencing
3 at 4:13 p.m.)

4 THE COURT: All right. Attorney Montenagro, and,
5 Attorney Walker, if you want to just approach, I don't
6 want to have all the people yet. I just want to make
7 sure I know where I'm at. Okay?

8 MR. MONTENEGRO: Thank you, Judge.

9 THE COURT: At this point I apologize. I'm
10 running late.

11 MR. MONTENEGRO: No apology, Judge. Thank you so
12 much.

13 THE COURT: So I sent both of them down to do
14 testing.

15 MR. MONTENEGRO: Yes, sir.

16 THE COURT: And it looks like they were both
17 clean, correct?

18 MS. WALKER: Yes, Your Honor.

19 MR. MONTENEGRO: Yes, Judge.

20 THE COURT: So both of these go in the file and
21 are sealed. Can I take a moment to make sure that...

22 MR. MONTENEGRO: Yeah, please.

23 THE COURT: Because there were several
24 kerfuffles. Can I use that word?

1 MR. MONTENEGRO: Yes.

2 MS. WALKER: Yes.

3 MR. MONTENEGRO: I haven't heard that in years.
4 We're dating ourselves. That's a good one.

5 THE COURT: There were several, apparently,
6 interactions between the parties that may or may not
7 have involved members of law enforcement.

8 MS. WALKER: There were, Judge.

9 MR. MONTENEGRO: Yes, sir.

10 THE COURT: And there was some confusion about
11 what court orders are in place or not in place. I
12 ordered a transcript of my proceedings.

13 MR. MONTENEGRO: Yes, sir.

14 THE COURT: Now, whatever happens outside of my
15 presence now has resulted in multiple pleadings,
16 correct?

17 MS. WALKER: Yes, Your Honor.

18 MR. MONTENEGRO: And what I did, Judge, is the
19 last that I filed in court is really the most
20 relevant, which is the motion to modify, and what I
21 did is I outlined what I believe the Court had done on
22 the May 18th, and I set it out in that motion as to --

23 THE COURT: May 18th or May 30th?

24 MR. MONTENEGRO: I mean the May 30th. But, also,

1 in the May 18th where you clarified what you had done
2 in the May 30th order when you revoked it.

3 THE COURT: Right. And I probably wasn't as
4 clear as I should have been. So I guess why I'm
5 bringing that up is that are all of these going to be
6 set for some kind of hearing today? You filed certain
7 motions.

8 MR. MONTENEGRO: I don't think we're going to
9 need to, Judge.

10 THE COURT: Katrina isn't represented. Am I
11 going to have formal written responses and set them
12 for hearings or --

13 MR. MONTENEGRO: I think we're all going to be
14 able to resolve --

15 THE COURT: We're all kind of just --

16 MR. MONTENEGRO: Yeah.

17 THE COURT: And we're going to try to move past
18 that?

19 MR. MONTENEGRO: Yeah.

20 THE COURT: So at this point I know that Katrina
21 is here and she can hear me and she is with her
22 support people on this side, and Nick is present and
23 he's on the other side.

24 MR. MONTENEGRO: Doesn't he look better than what

1 he used to?

2 THE COURT: At this point, Attorney Walker, this
3 is the first time you've appeared.

4 MS. WALKER: It is.

5 THE COURT: I ordered that you be appointed as
6 guardian ad litem.

7 MR. MONTENEGRO: And thank you for that, Judge.

8 THE COURT: Well, thank her. And what is the
9 status today?

10 MS. WALKER: First, I want to apologize, Your
11 Honor. I was a little late because I had a Winnebago
12 County matter at 1:30 so...

13 THE COURT: Well, I didn't get to you guys until
14 after 4:00.

15 MS. WALKER: That's all right.

16 THE COURT: So if anybody's late, it's me.

17 MS. WALKER: Well, it gave us time to talk about
18 the case. I think there were three issues that I've
19 outlined with the parties, as well as Mr. Montenegro,
20 today that are of concern to me. Number one was the
21 drug drop because there was allegations of drug use.
22 We've now taken care of that this afternoon. So at
23 least there's a baseline that both parties tested
24 negative.

1 THE COURT: Today.

2 MS. WALKER: Today.

3 The second issue, quite frankly, was I
4 think there was confusion at the last court date
5 regarding what Your Honor ordered.

6 THE COURT: Which is my fault.

7 MS. WALKER: I was not present. Mr. Montenegro
8 was not present. So I understand that Ms. Ainley had
9 an understanding of what Your Honor was ordering, and
10 I think Mr. Wisely and his counsel had a different
11 understanding of what you were ordering. I am not
12 you, and I was not here. So I don't know what Your
13 Honor was actually ordering. So that was my next
14 issue was what were you ordering and what was your
15 position?

16 THE COURT: I've ordered a transcript.

17 MS. WALKER: Okay.

18 THE COURT: I have the original. You can all get
19 copies for a fee, but I will tell you that here's my
20 recollection is that they were both self-represented.
21 They were both in front of me. She was objecting to
22 Nick having the parenting time pursuant to the other
23 order. He acknowledged to me that he had been
24 arrested for possession of a controlled substance.

1 MR. MONTENEGRO: Possession, yes, sir.

2 THE COURT: And so at that point I had some
3 indication that whatever, truthfully or not, he's
4 presumed innocent until proven guilty. And I get all
5 of that, but there's some corroboration to her
6 complaints. Judge Young -- and I'm going to refer to
7 myself in the third person and I get in trouble --
8 when Judge Young tries to move the ball down the court
9 and advance it when I probably should just -- you
10 know, to use a similar analogy, I don't throw the
11 ball. I don't hit the ball. I don't catch the ball.
12 I should just call balls and strikes. Okay?

13 But I had these handwritten pro se motions
14 in front of me, and I was trying to advance it.

15 MR. MONTENEGRO: Yes, sir.

16 THE COURT: My recollection to your client was
17 that I was attempting to get him some parenting
18 time --

19 MR. MONTENEGRO: Yeah.

20 THE COURT: -- but not overnight because that's
21 technically what Nicole was objecting to.

22 MR. MONTENEGRO: Agreed.

23 THE COURT: He and I got off on the wrong foot.
24 I used words from the bench I should not -- that he

1 was arguing with me that he didn't want to have just
2 certain days from certain times to certain times, not
3 overnight.

4 And here's my quote. His demeanor and
5 response of arguing with me was that he says:

6 "MR. WISELY: I'll take that
7 then. I mean, I want my
8 weekend.

9 THE COURT: There's part of the
10 issue. Okay? You're in a
11 courtroom. I'm the one
12 deciding, and you're going to
13 piss me off?"

14 THE COURT: We were on the wrong foot. Okay?
15 And then he says, using my word back:

16 "MR. WISELY: I'm not trying to
17 piss you off. I'm saying --

18 THE COURT: Then why are you
19 getting all angry at me about
20 it?

21 MR. WISELY: I'm not seeing my
22 kids. I haven't had my weekends
23 and stuff like that.

24 THE COURT: Here's the point,

1 Nicholas. This is about ready
2 to go in the waste can and you
3 don't get to see him at all for
4 about a month.

5 MR. WISELY: Okay. I'm sorry.

6 THE COURT: My perception is I'm
7 giving you a break, and your
8 perception is she's Attila the
9 Hun and has no point, although
10 you're arrested for a cocaine
11 possession in Stephenson County.

12 MR. WISELY: Okay."

13 THE COURT: Brief pause.

14 "THE COURT: All right. I've
15 appointed Attorney Tamika
16 Walker. She's actually one of
17 the leading ones of the guardian
18 ad litem in the whole state."

19 MR. MONTENEGRO: That's right.

20 "THE COURT: Her address is
21 technically in Rockford, but she
22 usually meets over here. I've
23 appointed the percentage
24 breakdown on the retainer.

1 She's going to scan it."

2 THE COURT: Meaning the clerk.

3 "THE COURT: You can get copies
4 of it downstairs so you can
5 contact her. This reads 'This
6 matter coming on for
7 presentment. The GAL is
8 appointed. See separate
9 order.'"

10 THE COURT: Then the order is:

11 "It's ordered Nicholas shall
12 have parenting time as follows:
13 June 1st, 12:00 to 5:00; June
14 6th, 12:00 to 5:00; June 13th,
15 12:00 to 5:00; June 15th, 12:00
16 to 5:00; June 20th, 12:00 to
17 5:00. No overnights. Nicholas
18 may not consume any drugs unless
19 prescribed by a physician, and
20 the matter is set for further
21 status on June 27th at 2:30.
22 It's a short leash, Nicholas.
23 All right? Thank you very
24 much."

1 THE COURT: I point to the bailiff, "Go out with
2 him." And at that point there's a disturbance, and
3 his demeanor is not what I expected. So then the
4 bailiff calls to him and I said:

5 "THE COURT: All right. Have
6 Nick -- have him come back all
7 the way back up here."

8 THE COURT: And then Ms. Ainley says -- starts to
9 say, "This is why...", and I yell at both of them to
10 stop. "Give me all the orders back." And I meant the
11 12:00-to-5:00, 12:00-to-5:00, 12:00-to-5:00 orders.

12 "THE COURT: "Give me all the
13 orders back. Right here,
14 Mr. Wisely. What was that?"

15 MR. WISELY: I'm just upset
16 by --

17 THE COURT: Give me the order.
18 Guardian ad litem is still
19 appointed. The other order is
20 just revoked."

21 THE COURT: I just revoked all of what I just
22 did.

23 MR. MONTENEGRO: Right.

24 "THE COURT: His motion for

1 modification is heard and
2 denied. Contact the guardian ad
3 litem, and when the guardian ad
4 litem reports to me that you're
5 able to see the child, you can."

6 THE COURT: I meant he has no visitation until
7 the guardian ad litem says he can.

8 "THE COURT: You are dismissed.
9 Thank you very much. Make sure
10 he's gone all the way out."

11 THE COURT: I was not very clear. He was mad; I
12 was mad. I get in trouble when I get mad. What I
13 intended was that based upon his presentation that
14 day, based upon his demeanor, based upon what he was
15 saying to me, and based upon he had an outstanding
16 arrest that hasn't been resolved, I was going to order
17 that he not have any visitation.

18 MR. MONTENEGRO: Right.

19 THE COURT: I was going to -- I was going to give
20 him some time; and then he got upset and, frankly, I
21 got upset and I was going to revoke it. I didn't mean
22 that it goes all the way back to the other one. I
23 meant he gets no visitation until she says that he's
24 clean and he can.

1 Now, that's where all the kerfuffle goes.
2 I should have had a specific order that says his
3 motion for modification is heard and denied and a big
4 court order: *There is No Visitation.*

5 MR. MONTENEGRO: Period.

6 THE COURT: Period.

7 MR. MONTENEGRO: Right.

8 THE COURT: I didn't do that.

9 MR. MONTENEGRO: Right.

10 THE COURT: So to the extent that that created
11 the confusion, I apologize to everybody -- to Katrina,
12 to Nicholas, to the police department, and to
13 everybody.

14 MR. MONTENEGRO: Okay.

15 THE COURT: But my intent, to answer your
16 question, Attorney Walker, is maybe I shouldn't have,
17 but my intent was he didn't get anything until you get
18 involved. Apparently, that's not what happened.

19 Now, to follow along, the Circuit Clerk
20 comes up about two days later and says, "I thought I
21 had ripped up all of the copies of the orders of
22 certain ones. Apparently, that did not happen." Now,
23 I'm not going to investigate it. I'm not sending up
24 the detectives. I don't know how he got -- I don't

1 know what order it is that he gave to the police
2 department to go and get the kids. If it's the very
3 old one that he thinks is still in place, my bad. I
4 should have revoked it and said no. If it's the one
5 that I ripped up and he got a copy from her or
6 someplace else and took it, his bad.

7 MR. MONTENEGRO: Right.

8 THE COURT: Because that's clearly not what I
9 meant.

10 MR. MONTENEGRO: Right. And he didn't -- that
11 wasn't the new order that you had ripped up.

12 THE COURT: So --

13 MR. MONTENEGRO: It was based upon the old
14 judgment.

15 THE COURT: That I think I intended to say no.
16 That's my bad. Okay?

17 MR. MONTENEGRO: Okay.

18 THE COURT: So now I think we're here today. I
19 have representation. I have the guardian ad litem,
20 and I have everybody present. I'm not going to try to
21 investigate anything else, but I think that's my
22 answer to your question is I intended nothing and then
23 he used the old order. My bad; I didn't write out
24 it's all revoked. And now we're here today.

1 MR. MONTENEGRO: Well, the order that he used
2 because, you know, Peggy and I are creatures of
3 procedure and interpretation, so when we read your
4 court order and interpreted it, I mean, and you saw I
5 put it in quotes --

6 THE COURT: Right.

7 MR. MONTENEGRO: Legible quotes.

8 THE COURT: And he went back to the other one.

9 MR. MONTENEGRO: It specifically only refers to
10 the May 30th order.

11 THE COURT: Right.

12 MR. MONTENEGRO: It doesn't say that there was
13 any findings going back to the original custody
14 judgment.

15 THE COURT: So that's all bad on me.

16 MR. MONTENEGRO: All right.

17 THE COURT: Okay?

18 MR. MONTENEGRO: So we didn't mistake the
19 interpretation of what it read.

20 THE COURT: Well, on the order. But that's not
21 what I said in court.

22 MR. MONTENEGRO: Right.

23 THE COURT: Or that's not what I meant in court.
24 And that's my bad.

1 MR. MONTENEGRO: All right, Chief. We're good.

2 THE COURT: And I apologize to everybody that I
3 think I caused that kerfuffle. Now, again, in my
4 defense, it's another day like today.

5 MR. MONTENEGRO: Yeah.

6 THE COURT: You know, there's multiple things. I
7 don't have any lawyers to help me and I'm doing, doing
8 it.

9 MR. MONTENEGRO: Now you do.

10 THE COURT: But now I do. But that's my
11 recollection.

12 So having said all of that, I'm really not
13 sure that any of that at this point if other people
14 are going to make claim someplace and other people are
15 going to file suit someplace, then so be it and they
16 can all go do that.

17 MR. MONTENEGRO: Right.

18 THE COURT: And then it shakes out --

19 MR. MONTENEGRO: Right.

20 THE COURT: -- whatever it is.

21 But what I'm really concerned about today
22 is for the child that is having police people come and
23 take them from Grandpa. Okay?

24 MS. WALKER: Right.

1 THE COURT: Or whomever.

2 MS. WALKER: And that was my concern as well,
3 Your Honor.

4 THE COURT: So I interrupted you, Attorney
5 Walker.

6 MS. WALKER: That's okay.

7 THE COURT: You asked me a question. I went on
8 for seven minutes about what I meant, and I take full
9 responsibility. I don't think the orders were as
10 clear as they should be.

11 So now what was the third question?

12 MS. WALKER: Well, I think that what you've
13 described was my interpretation of what occurred, even
14 though I wasn't there because that just made sense to
15 me. But I understand why there would be a different
16 interpretation of it. After I got on the case and
17 spoke with Mr. Montenegro, I think we were able to
18 say, look, we need to see what the judge says first.

19 My third issue for today, my other
20 recommendation, other than the drug drop, asking what
21 your intention was, was also to see if Your Honor
22 would order the parties to go to PACT class because I
23 think that they need to understand how to co-parent.
24 I think both of these parties are very young. I do

1 have some concerns about Mr. Wisely about his arrest.

2 I have concerns --

3 THE COURT: This is an F case. I think they were
4 both ordered to go to a PACT class.

5 MS. WALKER: Okay.

6 MR. MONTENEGRO: I already started an order so
7 I'll just put both Nick and --

8 THE COURT: Both parties are ordered to a PACT,
9 Parent and Children Together, PACT class.

10 MR. MONTENEGRO: Class, right.

11 THE COURT: Personally. Not online.

12 MR. MONTENEGRO: Right.

13 THE COURT: Okay?

14 MR. MONTENEGRO: Right. And I'll have him sign
15 up within -- I'll just say you've got to sign up within
16 seven days from here.

17 THE COURT: All right.

18 MR. MONTENEGRO: Okay.

19 THE COURT: And if they can't afford it, I
20 think --

21 MS. WALKER: They have a sliding scale.

22 THE COURT: -- has a sliding scale.

23 MR. MONTENEGRO: Yeah.

24 THE COURT: And they can get a reduced one.

1 MR. MONTENEGRO: Correct.

2 THE COURT: Okay?

3 MS. WALKER: Now that I understand your position
4 of parenting time, I understand what Katrina's concerns
5 are about Mr. Wisely. He is living right now with his
6 parents. I don't think that there is a concern about
7 his parents, necessarily, at this point. I think that
8 so long as he is living with his parents, he should
9 obviously be able to see the minor --

10 THE COURT: I don't think Nicole's ever objected
11 to --

12 MS. WALKER: Katrina.

13 THE COURT: Katrina. That's the other daughter,
14 sorry, Katrina. I don't think Katrina was ever
15 objecting to that, right?

16 MS. AINELY: Not then.

17 THE COURT: Not then. Are you objecting now?

18 MS. AINELY: I mean, only for the reason being,
19 like, after court the last time his mom, like, came up
20 to me and was, like, thanks, Katrina, and I'm ignoring
21 her. She keeps, like, talking to me, would not stop.
22 I go outside last time, and she's just yelling stuff at
23 me, yelling stuff at me, and yelling stuff at me.
24 Like, if you can't be an adult, how can you act around

1 my child. You know what I mean? I don't know if I
2 would be comfortable with that. I just don't know at
3 this point.

4 MS. WALKER: And I understand that. Everyone
5 here, Judge...

6 THE COURT: I caused the kerfuffle.

7 MS. WALKER: Let me just say this. These parties
8 are very young.

9 THE COURT: Right, I get it.

10 MS. WALKER: They have parents that are very
11 involved. That is a good thing. She also has a
12 husband who's also involved who helps care for this
13 child. That's a great thing for this child, has a lot
14 of support. Okay? I think everyone here has high
15 emotions because they care about this child.

16 Quite frankly, I think Nicholas has made
17 some really bad choices, and he's got a little bit of a
18 road he's got to hoe to get himself back to a point
19 where Katrina feels comfortable because of not only his
20 arrest, but his subsequent actions. Quite frankly,
21 Nicholas is acting like a 22 year old. Unfortunately,
22 he's a 22 year old with a child that he has to deal
23 with. And he can't do the things that normal 22 year
24 olds do such as spout off at the mouth on Facebook or

1 send ridiculous messages to people.

2 THE COURT: Or be disrespectful to --

3 MS. WALKER: Or be disrespectful to the Court.

4 THE COURT: -- a judge in a courtroom.

5 MS. WALKER: That's a problem. Okay? My
6 concern --

7 THE COURT: Mr. Montenegro's going to have to
8 deal with his client about that.

9 MS. WALKER: And my other concern was, to be
10 perfectly honest with Your Honor, if he's behaving like
11 this in court in front of Your Honor --

12 THE COURT: What's it like someplace else.

13 MS. WALKER: -- what is he doing in other places?
14 So those are my concerns.

15 THE COURT: Right. So how do I resolve and move
16 the ball forward today?

17 MS. WALKER: That's the question.

18 MR. MONTENEGRO: I have some recommendations.
19 Okay? But first of all, and I assured the young lady,
20 she's a nice young lady, that now that this young man
21 is under my and Peggy's, okay, guidance --

22 THE COURT: Well, I don't know how much control
23 you have either, but, okay, I appreciate that. And I
24 appreciate your involvement and --

1 MR. MONTENEGRO: And so far he has complied with
2 everything, and he's commenced a new path because he
3 now realizes how important it is --

4 THE COURT: Do you represent him over Stephenson?

5 MR. MONTENEGRO: No. I think it's someone from
6 Vecchio's office might be on that.

7 MS. WALKER: Mr. Peska.

8 MR. MONTENEGRO: Peska's on the case.

9 MR. MONTENEGRO: With regards to his child and of
10 course I've met both the grandparents. They're crazy
11 about the child. The child misses them and wants to be
12 with them as well.

13 THE COURT: And I get that. He wants to have and
14 he was upset with me because I was denying him
15 visitation, and I get that.

16 MR. MONTENEGRO: Right.

17 THE COURT: So I get -- my point is that
18 Katrina's made some comments today, what do I do today
19 until you can finish your report and make a full-blown
20 one with the understanding that he's not -- I used the
21 word, he's on a very, very short leash.

22 MR. MONTENEGRO: Oh, yeah. I've got him on a
23 short one, too.

24 THE COURT: Very short leash. She has some

1 legitimate concerns, but on the other hand, I'm not
2 sure that I'm going to bar --

3 MS. WALKER: Right.

4 THE COURT: -- him from ever seeing the child.

5 MR. MONTENEGRO: Right. And there's been no
6 findings, Judge, by this Court.

7 THE COURT: And there's been no findings other
8 than I got mad.

9 MR. MONTENEGRO: Right.

10 THE COURT: Okay?

11 MR. MONTENEGRO: Right.

12 THE COURT: And that's not a finding.

13 MR. MONTENEGRO: And I believe --

14 THE COURT: So I'm going to turn to Attorney
15 Walker --

16 MR. MONTENEGRO: Okay.

17 THE COURT: -- and say you're just involved. You
18 just got to meet some people. You just got to do that,
19 but what do I do between now and a very short court
20 date from now?

21 MS. WALKER: I think the same schedule that Your
22 Honor was going to implement before, like a 12:00 to
23 5:00 for several days a week is appropriate, provided
24 that it works for both parties' schedules.

1 THE COURT: Well, Katrina's going to object to
2 that, right?

3 MS. WALKER: You asked me, so I'm going to tell
4 you my recommendation.

5 THE COURT: Right. What's your recommendation?

6 MS. WALKER: My recommendation is a short -- no
7 overnights.

8 MR. MONTENEGRO: Correct.

9 MS. WALKER: That he has to have, you know, well,
10 I mean, because -- and any exchanges are going to be at
11 a public place.

12 THE COURT: Or at the police department.

13 MS. WALKER: Or at the police. I would prefer
14 like a Walmart or a Shopko or something like that so
15 it's a little more kid friendly than the police
16 department.

17 THE COURT: Yeah, I don't know.

18 MS. WALKER: Okay. And not have the parties'
19 parents involved.

20 THE COURT: Well, if I had the safe harbor, I
21 would have --

22 MS. WALKER: Right. And that was really what I
23 would like to do; but, obviously, we can't do that
24 because --

1 THE COURT: Boone County doesn't have a safe
2 harbor.

3 MS. WALKER: -- we're in Boone County.

4 MR. MONTENEGRO: Right.

5 MS. WALKER: We've got to work on that, Judge.

6 THE COURT: I have. All right.

7 MS. WALKER: Parenting time.

8 THE COURT: Parenting time between now and the
9 next short court date.

10 MR. MONTENEGRO: Yes.

11 MS. WALKER: Right.

12 THE COURT: No overnights with really structured
13 exchanges.

14 MS. WALKER: Yes.

15 MR. MONTENEGRO: Yes.

16 THE COURT: Just certain designated people.
17 Nobody else.

18 MR. MONTENEGRO: Correct.

19 THE COURT: No communications. No derogatory
20 statements, at least in a public place, if not the
21 sheriff's department, so that we don't have any
22 incidents, correct?

23 MS. WALKER: And no drug use by anybody.

24 THE COURT: Anybody.

1 MR. MONTENEGRO: And, Judge, I can assure you, I
2 mean, you know how Peggy and I --

3 THE COURT: Well, at this point I assume your
4 client's not going to object to any of that. Right?

5 MR. MONTENEGRO: No. But if he gets out of line,
6 let me tell you, the hammer will drop.

7 THE COURT: All right. Okay so -- well, the
8 hammer's going to drop that he's not going to get any.
9 Okay?

10 MR. MONTENEGRO: Yeah, that's right.

11 THE COURT: Okay. If I have incidents at the
12 exchange, if I have any indication from the guardian ad
13 litem or anything else of there's illicit drug use --

14 MR. MONTENEGRO: Yeah.

15 THE COURT: -- any of that stuff, it's going to
16 be suspended for a long time.

17 MR. MONTENEGRO: Right. But he'll also lose me
18 as counsel.

19 THE COURT: Well, I get that. Okay.

20 So then it goes back to Katrina, and at
21 this point I'm going to pick a really quick date.

22 MS. AINLEY: Okay.

23 THE COURT: And I apologize to you, Attorney
24 Walker, but this is moved up to the top of the front

1 burner.

2 MS. WALKER: I understand, Judge.

3 MR. MONTENEGRO: Oh, yeah.

4 THE COURT: Now, next week is July 4th so I'm
5 going to have to do something about that maybe because
6 that's not a court date for me.

7 MR. MONTENEGRO: Right.

8 THE COURT: So then two weeks is the 11th.
9 Technically, it's blocked, but today I put a bunch of
10 stuff in on that day.

11 MS. WALKER: I can't do the 11th. I have a DCFS
12 hearing all day.

13 MR. MONTENEGRO: Okay.

14 THE COURT: So then the next date is the 18th.

15 MS. WALKER: I can do the 18th in the morning.

16 THE COURT: In the morning.

17 MS. WALKER: I have a hearing in Ogle County in
18 the afternoon.

19 THE COURT: All right. So now --

20 MR. MONTENEGRO: July 18th? I could do the
21 morning.

22 THE COURT: July 18th in the morning.

23 MR. MONTENEGRO: I mean, either Peggy or I will
24 be here.

1 THE COURT: Status on all of it. So then the
2 question is what, if any, parenting time and under what
3 conditions do I do between now, which is June 27th, and
4 July 18th?

5 MR. MONTENEGRO: Only as what Tamika recommends.

6 THE COURT: Well, and she's going to go talk to
7 Katrina first.

8 MR. MONTENEGRO: Yes.

9 THE COURT: And then I'm going to step off, and
10 then we're going to reconvene so that at this point I
11 have expressed what I thought happened.

12 MR. MONTENEGRO: Yeah.

13 THE COURT: And I have now apologized three
14 times. This will be four times. I apologize for the
15 confusion. And at this point based upon those
16 comments, meet with Katrina and make the
17 recommendation, and then I'll retake the bench. Okay?

18 MR. MONTENEGRO: Okay.

19 MS. WALKER: Okay.

20 MR. MONTENEGRO: Thank you, Judge.

21 THE COURT: Thank you very much.

22 (A 48-minute recess ensued.)

23 THE BAILIFF: Please remain seated. Court is
24 back in session.

1 THE COURT: All right. Attorney Walker, and,
2 Attorney Montenegro, if you would approach? And,
3 Katrina, you can still hear me, correct?

4 MS. AINLEY: Oh, yes.

5 THE COURT: All right. I want them to stay
6 there.

7 MS. WALKER: Okay. We have an order, Judge, that
8 the parties will both sign up for the PACT class within
9 five days. Does Your Honor have the PACT class
10 brochures?

11 THE COURT: I don't think I have it here. I
12 think they're downstairs.

13 MR. MONTENEGRO: Yeah, we can get them
14 downstairs.

15 MS. WALKER: Oh, okay.

16 THE COURT: But I think they're closed.

17 MR. MONTENEGRO: Oh, okay.

18 MS. WALKER: Okay.

19 MR. MONTENEGRO: I'll -- I can email him. We
20 have them at our office. Online, too.

21 MS. WALKER: I can mail you yours, probably the
22 best that I can do right now. We have them in my
23 office, too, but I've got to get back to the --

24 MS. AINLEY: So they have them downstairs,

1 though, right?

2 THE COURT: Right.

3 MS. WALKER: Yes. They have them at the clerk's
4 office.

5 THE COURT: Right.

6 MS. AINLEY: I could come down tomorrow.

7 MS. WALKER: Okay. And there's various language
8 about the different pleadings, but I think the most
9 important orders are Mr. Wisely's going to exercise
10 parenting time. We have listed all of the specific
11 days and specific times --

12 THE COURT: Okay.

13 MS. WALKER: -- that his parenting time will
14 occur.

15 THE COURT: No overnights.

16 MS. WALKER: No overnights. That Mr. Wisely and
17 either Ms. Ainley or her husband will exchange the
18 minor at the Shopko in Belvidere, that no other persons
19 may be present at exchanges.

20 THE COURT: Okay.

21 MS. WALKER: That Mr. Wisely and his mother are
22 permitted to attend the child's tee ball, but then the
23 parties, nor their families, will have contact with
24 each other or engage in harassing conduct. The parties

1 will have no communication with each other except for
2 the purposes of discussing the minor by text or
3 telephone. Neither party shall consume illicit drugs.

4 Neither party shall, nor shall they permit
5 their parties to, speak negatively about the other
6 party when the minor is present. And we've set the
7 matter for status on July 18th at 9:00 o'clock.

8 THE COURT: In between now and then you're going
9 to try to attempt to do visits or what?

10 MS. WALKER: What do you mean attempt to do...

11 THE COURT: Who else are you going to meet with
12 before --

13 MS. WALKER: Well, that was my next question.
14 Does Your Honor require me to have a court order to
15 meet with collaterals? Because if so, I have to have
16 that court order. Or can I just do my investigation?
17 I know there's a local rule that gets a little
18 confusing about what you, the judges are --

19 THE COURT: On this one I want you to meet with
20 the collaterals.

21 MS. WALKER: Okay. Then I can do that.

22 MR. MONTENEGRO: Right. And I have an order to
23 that effect.

24 MS. WALKER: Okay.

1 MR. MONTENEGRO: I'd rather her have this order
2 in case someone tries to get in your way.

3 THE COURT: All right.

4 MR. MONTENEGRO: So let's let you have an order
5 on that.

6 MS. WALKER: Okay.

7 MR. MONTENEGRO: And I made it very broad for
8 you, too.

9 MS. WALKER: Thank you.

10 MR. MONTENEGRO: You're welcome.

11 THE COURT: I just want to ask Attorney Walker if
12 we could email your copies to you?

13 MS. WALKER: Yes.

14 THE COURT: So that Katrina can have the yellow
15 ones today and we're going to -- so if you would wait a
16 moment, Attorney Walker...

17 MS. WALKER: Okay.

18 THE COURT: Katrina's going to get the yellow
19 ones.

20 MS. WALKER: Okay.

21 THE COURT: Originals we're going to scan, and
22 she's going to copy them for everybody right now.

23 MS. WALKER: Thank you, Judge.

24 THE COURT: And then at this point, just another

1 comment to both parents: My standard is what's in the
2 best interest of your child. They should both remember
3 that. Okay? Thank you very much. See everybody in
4 July.

5 MS. WALKER: Thank you, Judge.

6 MR. MONTENEGRO: Thank you, Judge.

7 (Which were all of the proceedings of
8 record heard in the above-entitled
9 matter in this session, concluding at
10 5:28 p.m.)

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STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF BOONE

C E R T I F I C A T E

I, Gina I. Rubino, an Official Court Reporter for
the Circuit Court of Boone County, 17th Judicial
Circuit of Illinois, transcribed the electronic
recording of the proceeding of the above-entitled
cause to the best of my ability; and I hereby certify
the foregoing to be a true and accurate transcript of
said electronic recording, which recording contained
my operator's certification as required by General
Order 16.01(C).

Gina Rubino

Gina I. Rubino, CSR

Official Court Reporter

License No. 084.004378

Signed on July 11, 2018