

2026 IL App (2d) 250382-U
No. 2-25-0382
Order filed September 8, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

In re MARRIAGE OF SHANNON HOFFMEISTER, Petitioner-Appellee,

and

FRANK PROCACCIO, Respondent-Appellant.

Appeal from the Circuit Court of Lake County.
Honorable Patricia L. Cornell, Judge, Presiding.
No. 20-F-644

PRESIDING JUSTICE KENNEDY delivered the judgment of the court.
Justices Jorgensen and Mullen concurred in the judgment.

ORDER

- ¶ 1 *Held:* The trial court did not err in reducing respondent's parenting time, requiring that it be supervised, and assigning sole parental decision making to petitioner where respondent seriously endangered the child's mental health by failing to attend court mandated therapy and telling the child not to speak with the child's therapist. Affirmed.
- ¶ 2 Respondent Frank Proccacio appeals from the trial court's May 19, 2025, order which reduced his parenting time to supervised visitation one evening per week and every other weekend

on Saturdays and assigned all decision-making responsibilities to petitioner Shannon Hoffmeister. For the following reasons we affirm the judgment of the circuit court.¹

¶ 3

I. BACKGROUND

¶ 4 The parties were never married and had one child together, N.P., born on June 25, 2019. An allocation judgement was entered on May 2, 2022, and provided that the parties would have joint decision making in education, health, religion, and extracurricular activities. Shannon was the custodial parent for purposes of schooling and had the majority of parenting time. The parties had difficulties co-parenting N.P., who would ultimately be diagnosed with post-traumatic stress disorder as a result of witnessing his parents' conflicts.

¶ 5 On September 23, 2022, Shannon filed an emergency motion to modify the allocation of parenting time and temporarily restrict or suspend Frank's parenting time. In that motion Shannon alleged that she had obtained an emergency order of protection against Frank after receiving harassing communications from him following the entry of a judgment ordering him to pay retroactive child support. She also alleged that Frank had gone to Shannon's home for a parenting time exchange, in violation of the allocation judgment. The emergency order of protection required parenting time exchanges to occur at the Libertyville police station. Shannon further alleged that Frank had withdrawn his consent for N.P. to continue seeing his therapist, Dr. Laurie Benton, after he learned of the emergency order of protection. A message from Frank stated that he had consented to the child attending therapy only if he could be present.

¹Good cause exists for failing to issue this decision within 150 days of the filing of the notice of appeal as prescribed by Illinois Supreme Court Rule 311(a)(5) (eff. July 1, 2018), as there was significant delay attributable to the parties in the certification of the bystander's report in this case.

¶ 6 On October 3, 2022, an agreed order was entered consolidating the order of protection case with the family case. The parties were only to communicate regarding N.P. and only via Our Family Wizard (OFW). Parenting exchanges would take place at the police station. Finally, the parties would begin co-parenting therapy with Donna Crunkilton-Stiegel. On October 7, 2022, another order was entered withdrawing Shannon's emergency motion to modify the allocation judgment, requiring all communications to take place on OFW, and setting all exchanges at either N.P.'s daycare or the police station.

¶ 7 On June 2, 2023, Shannon filed a motion for continuation of counseling, in which she alleged that N.P. had been seeing Benton once every two weeks for approximately a year. Frank refused to take N.P. to a therapy session scheduled for May 10, 2023. Frank then unilaterally cancelled a session scheduled for May 31, 2023, and advised Benton that he no longer consented to N.P. engaging in therapy with her. Frank asserted that Benton had "quit on the parties" and she refused to provide further services without a court order.

¶ 8 On June 26, 2023, Shannon filed a motion to modify/clarify the allocation judgment. The motion sought to modify the parties' parenting schedule to promote more consistency in N.P.'s daily routine, sought to address where N.P. would participate in extracurricular activities, and sought to have N.P. take the bus to school on the days N.P. was with Frank. The motion also alleged that Frank was communicating with Shannon outside of OFW and sending her multiple messages to an extent she considered harassing.

¶ 9 On July 6, 2023, Shannon filed another motion to modify the allocation judgment. The motion alleged that the parties and N.P. went to Florida together to visit N.P.'s paternal grandmother. While on the trip Frank became violent with Shannon in front of the N.P., and police were called. The motion requested that Shannon be given sole decision-making responsibility.

¶ 10 On August 15, 2023, the trial court entered an order granting Shannon's motion for continuation of counseling. The order required both parties to bring N.P. to sessions with Benton as Benton directed and to follow her recommendations regarding how best to help N.P. The order made it clear that Benton was not to be used as a co-parenting counselor. The same day the court appointed attorney Robert Ackley to serve as N.P.'s guardian *ad litem* (GAL) via separate order.

¶ 11 On August 31, 2023, Frank filed a motion for sanctions, which alleged that Shannon had fabricated the allegations of abuse contained in her July 6, 2023, order and argued that since returning from Florida, Shannon had voluntarily "got together" with Frank on numerous occasions.

¶ 12 On September 14, 2023, Frank filed a motion to reconsider the court's August 15, 2023, order, wherein he reiterated that Benton had "quit" on the parties.

¶ 13 On September 21, 2023, Shannon filed an answer to Frank's motion for sanctions, in which she alleged that the occasions on which Shannon and Frank "got together" primarily involved parenting exchanges and described how Frank used these exchanges to harass and coerce Shannon into spending more time with Frank.

¶ 14 On September 22, 2023, Shannon filed an answer to Frank's motion to reconsider, in which she alleged that Benton quit because of Frank's inconsistency in taking N.P. to counseling. She also claimed that Benton would not continue counseling absent a court order requiring the parties to consistently take N.P. to appointments, not use her as a co-parenting counselor, and not question her regarding what the other party was saying in counseling.

¶ 15 On October 2, 2023, the trial court denied Frank's motion to reconsider stating that it had previously found that it was in N.P.'s best interest for N.P. to continue counseling with Benton.

¶ 16 On January 10, 2024, Frank filed a motion to continue counseling with co-parenting therapist Crunkilton-Stiegel. In that motion, Frank alleged that on March 20, 2023, at a session

with Crunkilton-Stiegel, the parties agreed to no longer use Benton as N.P.'s therapist. Frank alleged that on or about March 18, 2023, Shannon spoke with Crunkilton-Stiegel individually and Frank was subsequently informed that further sessions with Crunkilton-Stiegel would be cancelled. Frank also alleged that on November 21, 2023, during a parenting exchange with N.P. present, Shannon told Frank that she hoped his plane crashed and he died (Frank had an upcoming trip to Europe). Shannon subsequently sent Frank several messages stating that she hoped Frank killed himself.

¶ 17 On January 25, 2024, Shannon filed an answer to Frank's motion to continue counseling, in which she denied agreeing to discontinue N.P.'s therapy with Benton. Shannon further alleged that Frank utilized the co-parenting sessions to engage with Shannon rather than to work on co-parenting. Shannon also alleged that in the parties' final session, Crunkilton-Stiegel terminated the session and told the parties that their issues could not be solved through co-parenting therapy and that they would need to go through the court to address their issues.

¶ 18 On February 6, 2024, Shannon filed a motion for individual counseling and family counseling between Frank and N.P. Her motion alleged that Frank had not engaged in the court ordered therapy sessions with Benton. Benton recommended that Frank engage in family therapy with N.P., as well as separate individual therapy, with a therapist who would coordinate with Benton to ensure consistency for N.P.

¶ 19 On April 24, 2024, the trial court entered an order for the GAL to speak with Crunkilton-Stiegel regarding the possibility of resuming co-parenting therapy, and Frank was to continue attending individual therapy.

¶ 20 On May 17, 2024, the trial court entered an order appointing Dr. Kara Anast as a section 604.10 expert to opine on decision making and parenting time.

¶ 21 On May 20, 2024, the trial court entered an order denying Frank's motion for co-parenting counseling. The court granted Shannon's motion for individual counseling, ordering Frank to engage in family counseling with N.P. during his parenting time.

¶ 22 On August 26, 2024, the GAL filed his initial report. According to the report, N.P. was then five years old. At age three, he was found to be eligible for special education due to delay in his social emotional development. An individual education plan was developed with the goals of improving his functional behavior and emotional regulation via a behavioral improvement plan. N.P. was in counseling with Benton, who believed that N.P.'s behavior was attributable to the underlying trauma and stress he endured because of the parties' constant conflict, which N.P. had witnessed since he was a baby. Benton wanted N.P. to undergo a neuropsychological evaluation for diagnostic clarity. N.P. had recently started seeing Denea Bialeschki for family therapy with Frank. Bialeschki was still familiarizing herself with N.P. and was willing to work with Benton to coordinate care and treatment.

¶ 23 The GAL had also spoken with Shannon, who lived in Libertyville and had two children from a previous marriage, a 13-year-old daughter who lived primarily with Shannon, and a 15-year-old son who lived primarily with Shannon's ex-husband, Dave. Shannon reported that there was ongoing domestic violence between her and Frank. Frank would push and choke her. He was manipulative and tried to sabotage her.

¶ 24 Frank reported to the GAL that Shannon had ADHD and believed that her mental health issues prevented her from helping N.P. Frank told Benton that Shannon had bipolar disorder; Shannon reported having ADHD, but not bipolar disorder. Frank reported that Shannon's older children did not have a good relationship with each other merely tolerating one another, and that

the son had a difficult time with Shannon and Dave's divorce. Frank believed that the only reason Shannon's other children were doing well was that he was there to take care of N.P.

¶ 25 Shannon's older son denied Frank's assertions and told the GAL he did not trust Frank. He reported that Shannon took care of N.P. and Frank did not. Frank would spank N.P. and yell at Shannon. He was worried for his mother when she was with Frank.

¶ 26 Frank was not currently employed and lived in Chicago in his mother's basement. Frank had a 24-year-old daughter from a prior relationship, but Frank had not seen or had contact with her in over 20 years. Frank had a medical marijuana prescription for a purported PTSD diagnosis, but his therapist said that Frank did not meet the criteria for that diagnosis.

¶ 27 Dave reported having a good co-parenting relationship with Shannon. He reported that his children had a good relationship with N.P. Dave had no concerns about Shannon's parenting abilities. Frank did not like that Dave spent time near or around N.P. and stated that "Dave will not raise my son." Shannon, Dave, their children, and N.P. would occasionally attend church services together, which Frank objected to. Frank thought that Shannon was trying to get back together with Dave, which she denied.

¶ 28 Staff at N.P.'s school reported that N.P.'s backpack would occasionally smell like marijuana and that Frank's clothing would smell heavily of marijuana, noting that they would open the windows prior to meeting with Frank.

¶ 29 Crunkilton-Stiegel reported that in co-parenting therapy, whatever Shannon brought up Frank resisted, and stated that they had a love-hate relationship. Shannon had tried to set boundaries, but Frank wanted to stay engaged with her. Crunkilton-Stiegel tried to redirect them but was unsuccessful. They both spoke to her about the Florida trip where both may have been abusive to each other in front of N.P.

¶ 30 Regarding extracurricular activities, Shannon had wanted to register N.P. for soccer in Libertyville, so he could socialize with other children who might attend his school. Frank opposed soccer without giving an explanation why and suggested N.P. participate in basketball, STEM, music, or some other sport without designating a specific area other than somewhere closer to him.

¶ 31 The GAL report also described an incident which occurred at a parenting exchange in December 2020, where a bystander called police to report that Frank was yelling and screaming at Shannon in N.P.'s presence. The bystander reported that Frank and Shannon were pushing each other.

¶ 32 The GAL reported that Frank did not like Benton, believed she was an awful therapist, and believed Shannon was manipulating N.P.'s therapy for her own purposes and that the two had secret meetings. N.P. disclosed to Benton that Frank had told him not to speak with her. The GAL believed that Frank's interference with N.P.'s therapy severely undermined and sabotaged N.P.'s mental health, behaviors, and best interests, describing it as a "completely unacceptable" and "repugnant intrusion." Frank denied telling N.P. not to speak with Benton and suggested that it must have been Shannon. But N.P. has repeated to Benton that Frank tells him not to speak with her. The GAL believed that Frank's undermining of Shannon could have a profound effect on N.P., teaching him that being honest with someone in a relationship is not important, that manipulation is acceptable, and that it is ok to break rules and not honor boundaries.

¶ 33 The report stated that, in addition to witnessing physical abuse on the part of his parents, N.P. had been the victim of physical abuse. N.P.'s pediatrician reported seeing bruising on N.P.'s thigh, and N.P. said someone had hurt him, but would not say who. Frank had been in the room when N.P. was asked who had hurt him. N.P. had told Benton and Shannon that he did not like to go to Frank's house because he got spanked there. Frank denied spanking N.P.

¶ 34 Frank had previously pled guilty to criminal damage to property relating to an incident in 1999 at the home of Frank's daughter's mother. An order of protection issued, and Frank was placed on supervision. Frank violated his supervision and the order of protection when, on Valentine's Day 2000, he went back to her home, pushed his way in, and insisted on talking to her. Frank was arrested and pled guilty to violating his supervision and the order of protection and was sentenced to a term of conditional discharge, which was completed on February 28, 2021. On July 31, 2014, an emergency order of protection was issued against Frank, with the petitioner being another ex-girlfriend. The two agreed on the entry of a stay away order. On September 30, 2014, Frank was charged with phone harassment/lewd comment and disorderly conduct. Pursuant to a negotiated plea, Frank pled guilty to disorderly conduct and the phone harassment charge was dismissed.

¶ 35 The GAL ultimately recommended, *inter alia*, that Shannon be given sole decision-making power for education, health, and extracurriculars, that both parties undergo a Rule 215 mental health evaluation and that they follow any recommendations for medication, treatment, counseling or therapy arising from the evaluation, that the parties engage in parallel parenting, and that Benton be provided with N.P.'s individual education plan to determine whether a neuropsychological for N.P. evaluation should be undertaken.

¶ 36 On September 3, 2024, Shannon filed an emergency motion for temporary and permanent supervised parenting time. Shannon's motion raised the issues of N.P.'s suspicious bruising and Frank telling N.P. not to speak with Benton. It further alleged that Frank was telling N.P. not to speak to Dave, causing him to become dysregulated when Dave was present.

¶ 37 On September 16, 2024, the GAL filed a supplemental report, recommending that Frank’s parenting time be restricted and supervised. The GAL reported that Frank had recorded a therapy session with N.P.’s therapist Denea N. Bialeschki.

¶ 38 A hearing was held beginning on October 15, 2024, on Shannon’s September 3, 2024, motion. At the hearing, the GAL testified to the matters contained in his report. Frank and Shannon also testified.²

¶ 39 On January 7, 2025, the trial court entered an order denying Shannon’s September 3, 2024, motion, and made the following findings. The court heard several hours of testimony regarding the Florida trip. The GAL reported that there was mutual combat and that it was difficult to tell who was telling the truth. The court described the parties’ testimony as four afternoons “where each parent took the opportunity to point out the other parent’s defects,” including, but not limited to: physical abuse to each other and to the child; rape; coaching the minor child; poor communication; marijuana use and Xanax misuse; Frank recording Shannon without permission at various events; and various other testimony regarding incidents from 2021 to the present.

¶ 40 The court had to repeatedly admonish Frank during the hearing due to his behavior. It was “apparent to [the] Court that Frank does not have boundaries, cannot follow directions, blames

²No court reporter was present at the October 2024 hearing, nor at the subsequent March 2025 hearing, that resulted in the instant judgment. The parties submitted a bystander’s report of the March 2025 hearing which indicated that the parties had incorporated the testimony from the October 2024 hearing into that hearing. The bystander’s report purports to contain summaries of the testimony from both hearings but is not always clear which hearing it is describing. The parties also submitted over 800 pages of exhibits, with little to no explanation of what they are or for what purpose they were admitted. As such, we relied primarily on the experts’ written reports and the findings made in the trial court’s written orders.

everyone else and is always right.” The court gave as an example of this behavior that Frank blamed Shannon for his failure to attend therapy with N.P. as required by the court’s May 20, 2024, order because she would not let him use her insurance, despite the fact that Shannon used her insurance to cover her therapy with N.P. and no additional therapy was covered. Further, Frank’s first therapy sessions with N.P. were terminated because Frank was recording the session without the therapist’s permission.

¶ 41 The court admonished Shannon on the last day of the hearing for her behavior and gum chewing. The court was disgusted by Shannon’s comments made through text messages and video calls that Frank should kill himself. Further, despite alleging that Frank was abusive and attempting to push her into a relationship, messages between the parties showed that before the final day of the hearing, Shannon had been messaging Frank to arrange to sneak him into her home without alerting the children.

¶ 42 The trial court ultimately found neither party to be credible and was very concerned that the parties were still texting each other and spending time together despite possibly causing trauma to N.P. The court denied Shannon’s motion, finding that the conduct alleged in her motion, which related to exchange issues and Frank’s feelings towards Dave, did not rise to the level of serious endangerment.

¶ 43 A hearing was held from March 18 to March 20, 2025, addressing Shannon’s motions to modify allocation judgment filed June 16 and July 6, 2023. The parties agreed that all testimony and evidence from the October hearing would be incorporated into the March 2025 hearing. The GAL, Frank, Shannon, Benton, and Dr. Jeffrey O’Koon testified at the hearing.

¶ 44 By agreement of the parties, O’Koon performed a comprehensive cognitive/social evaluation of N.P. in December 2024 and January 2025, and his report was admitted into evidence.

According to O’Koon’s report, N.P. presented with post-traumatic stress disorder characterized by significant hypervigilance regarding loss of control, triggering aggressive behaviors. N.P.’s exposure to the parties’ physical and verbal aggression contributed to his experience of trauma. N.P. developed a highly aggressive response in order to gain increased control, and this behavior could become reinforced by adults. N.P. required high levels of predictability and structure. O’Koon recommended that N.P. and his parents continue to work with Benton in attachment-focused and trauma-informed treatment to help foster a supportive and safe environment. O’Koon recommended that the parties work with a provider for co-parenting as N.P. needed consistency regarding timeouts, bedtime, and transitions.

¶ 45 O’Koon testified that anyone that had not engaged in therapy could not manage N.P. and that this applied to any caregiver. O’Koon believed that co-parenting was necessary given N.P.’s diagnosis, as the parties would need to implement a variety of specific requirements, which would be hard to institute without a co-parenting therapist.

¶ 46 Anast did not testify at the hearing, but she had evaluated the parties pursuant to section 604.10(b) of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/604.10(b)(West 2022)) and her January 20, 2024, written evaluation was admitted as evidence. Anast’s report concluded that there was a history of physical and verbal conflict between the parties, which had been witnessed by N.P. Each party blamed the other for the conflict and had subjected N.P. to trauma in observing the conflict.

¶ 47 Her report indicated that she did not have any significant concerns regarding either parties’ ability to care for N.P., but she had the utmost concern about the parties’ inability to keep the conflict between them and their feelings about each other away from N.P. She was also concerned about the parties’ inability to effectively communicate with one another regarding N.P.’s care.

Additionally, she was concerned about Frank trying to dictate how Benton was treating N.P., stating that it was not in N.P.'s best interest to have Frank interfering in N.P.'s treatment. Further, the report expressed concern about the parties' inability to take responsibility for their role in N.P.'s behaviors, with each party trying to blame the other rather than working in N.P.'s best interests.

¶ 48 Anast recommended that the parties each have decision-making power, but with ultimate decision-making power given to Shannon, and that the parties engage in co-parenting therapy and separate therapy with Benton and N.P.

¶ 49 The GAL's testimony was largely duplicative of his previous testimony, with the following additions. There had been a decline in N.P.'s behavior since he was appointed. Frank had engaged in three or four remote counseling sessions with Deane Bialeschki before she terminated therapy after discovering Frank had been illegally recording the sessions without her permission.

¶ 50 The GAL spoke with Crunkilton-Stiegel, the parties' co-parenting therapist, who reported that the sessions boiled down to a simple pattern: Shannon proposing something, and Frank opposing it. It seemed to her that Frank wanted to continue to engage with Shannon rather than participate in actual therapy. Crunkilton-Stiegel felt Frank's behavior was abusive and therefore she terminated services. When the GAL spoke to Crunkilton-Stiegel about restarting co-parenting therapy, she said there would need to be specific, concrete boundaries in place to prevent prior behaviors from recurring.

¶ 51 The GAL discussed a video in which N.P. stated that he wanted to spend one half of the week with Shannon and the other with Frank. The GAL seriously doubted a five-year-old would come up with this idea on his own, and believed Frank was discussing these things with N.P. Additionally, after spending the weekend with Frank, N.P. approached the GAL and said that the GAL was a liar.

¶ 52 The GAL recommended that Frank's parenting time be restricted and supervised because Frank told N.P. not to speak with his therapist, Frank was no longer in therapy with N.P., N.P. reported he did not like going to Frank's house because he got spanked, and when questioned about the bruising observed by his pediatrician, N.P. would not say who had hurt him. The GAL believed Frank was abusive and would not change until he engaged in therapy with the child. Frank lied and refused to respect boundaries, which set a bad example for N.P. Further, Frank's relationship with N.P. was about manipulating the process to get what Frank wanted instead of what N.P. needed.

¶ 53 Dr. Benton testified that, prior to May 2023, Frank, Shannon, and N.P. attended two sessions together. She felt she needed to shift the dynamic so that each parent could have time with her to focus on what would be beneficial in family therapy for N.P. She believed it was better to meet individually to have a structure of support for each parent and N.P. She worked with Shannon and N.P. on regulation and believed that Shannon was critical to the child's success. N.P. was dysregulated due to trauma, and the adults in his life needed to regulate themselves or he would continue to feel stress unless his parents were properly equipped to deal with his behavior.

¶ 54 Benton testified that N.P. needed predictability and consistency between his parents' homes. Children understand schedule, routine, and expectations. Creating a stable baseline for N.P.'s nervous system was important so that he could operate with a "learning brain" rather than a "survivor brain." She would be willing to re-engage in therapy with Frank only if she were provided with an assessment of his readiness and willingness to engage in therapy. She could not opine on whether parallel parenting or co-parenting would be in N.P.'s best interest, as she had not been in contact with Frank.

¶ 55 Shannon testified that she was unable to make decisions jointly with Frank because he interrupts or will not answer, then the conversation becomes circular and escalates to conflict. She

gave several examples including discussions of daycare, schooling, busing, therapy, and insurance. Frank sent her numerous OFW messages which were overwhelming, and he would often communicate outside of OFW or try to meet in person to talk.

¶ 56 Frank testified that he had not participated in therapy with N.P. from March 2023 to June 2024. He testified that he had brought N.P. to five different therapists over the last year and believed he was entitled to use the “child’s” insurance. He “didn’t know” if Bialeschki terminated their sessions and blamed the fact that N.P. was no longer seeing her on Shannon for not letting him use her insurance (despite previously admitting that the sessions were terminated due to him recording the sessions). Frank claimed both parties had agreed to stop seeing Benton, even though Shannon had filed a motion to allow N.P. to continue seeing her.

¶ 57 The trial court ultimately found Frank’s testimony not to be credible and all the other witnesses’ testimony to be credible. The court admonished Frank during the hearing and had to discuss contempt of court with him. The court found that Frank had not learned the appropriate trauma therapy necessary to manage the minor child. Frank had not engaged in any real therapy with the child for over nine months. The court found that Frank’s inability to effectively parent N.P. seriously endangered the minor child’s mental and emotional health and significantly impaired N.P.’s emotional development.

¶ 58 The court found that the parties were not able to effectively communicate regarding N.P.’s care. Frank intentionally violated the court’s previous orders by communicating outside of OFW. He also allowed his paranoia regarding Shannon’s relationship with Dave and Shannon’s interactions with Benton to get in the way of effective communication. Accordingly, the court found that joint decision making was no longer viable.

¶ 59 The court did not believe that co-parenting therapy was a viable option, despite the recommendation of Anast and O’Koon. The court noted that the GAL did not recommend it and that the court had gotten to observe the parties over the course of two and a half years, two lengthy hearings, and countless text messages and video calls. The court believed that Frank would use co-parenting therapy as a vehicle to “get to” Shannon, and that, whether mutual or not, there had been instances of domestic violence between the parties.

¶ 60 On May 19, 2025, the trial court entered an order giving Shannon “sole significant decision-making responsibilities for the minor child in education, medical, religion, and extra-curricular activities.” The order limited Frank’s parenting time to supervised parenting time one evening each week and every other weekend on Saturdays for two hours. The order also contained other provisions regarding communication between the parties and participation in therapy. Notably Frank would need to be evaluated by another therapist, who would need to find Frank was ready and willing to participate in therapy with Benton before he could resume therapy with Benton.

¶ 61 Frank timely appealed.

¶ 62 II. ANALYSIS

¶ 63 On appeal, Frank argues that the trial court erred in reducing his parenting time, requiring that it be supervised, and in allocating all parental decision making to Shannon.

¶ 64 To begin, the trial court’s order made findings under both the “best interests” and the “serious endangerment” standards. The serious endangerment standard applies to restrictions in parental responsibilities and parenting time, as set forth in section 603.10 of the Act (750 ILCS 5/603.10) (West 2024)). The best interests standard applies to modifications as set forth in section 610.5 (*id.* § 610.5). The serious endangerment standard is more onerous than the best interests

standard. *In re K.E.B.*, 2014 IL App (2d) 131332, ¶ 33. Because a restriction in parenting can include a reduction in a parent’s decision-making responsibilities and/or parenting time, it can be unclear whether the change constitutes a restriction or a modification. Rather than look at the change itself, we look to the purpose of the change to determine whether it constitutes a restriction or a modification. *In re Marriage of Chehaiber*, 394 Ill. App. 3d 690, 697 (2009) (“[I]t is not the result—the actual change in visitation—that distinguishes a restriction from a modification; it is the purpose for the change.”). A restriction represents a limitation of the parent to something less than they would be reasonably entitled under normal circumstances, whereas a modification represents an adjustment based on a change in circumstances. *Id.* at 694.

¶ 65 When considered as a whole, the provisions of the trial court’s order are clearly aimed at placing limitations on the parties’ conduct to protect N.P.’s mental health. Accordingly, we find that the changes Frank is challenging constitute restrictions rather than modifications.

¶ 66 “After a hearing, if the court finds by a preponderance of the evidence that a parent engaged in any conduct that seriously endangered the child’s mental, moral, or physical health or that significantly impaired the child’s emotional development, the court shall enter orders as necessary to protect the child.” 750 ILCS 5/603.10(a) (West 2024). This can include a reduction or elimination in both decision-making responsibilities and parenting time, and/or ordering that parenting time be supervised. *Id.* §§ 603.10(a)(1), (2). We review the trial court’s finding of serious endangerment under the manifest weight of the evidence standard. *In re Marriage of Hipes & Lozano*, 2023 IL App (1st) 230953, ¶ 51. “We review the trial court’s determination that certain restrictions are necessary for an abuse of discretion.” *Id.* ¶ 54. “In determining whether a judgment is contrary to the manifest weight of the evidence, the reviewing court views the evidence in the light most favorable to the appellee.” *In re Marriage of Bates*, 212 Ill. 2d 489, 516 (2004). “A

custody determination, in particular, is afforded great deference because the trial court is in a superior position to judge the credibility of the witnesses and determine the best interests of the child.” (Internal quotation marks omitted.) *Id.* “A trial court abuses its discretion when it acts arbitrarily, without conscientious judgment, or, in view of all of the circumstances, exceeds the bounds of reason and ignores recognized principles of law, resulting in substantial injustice.” *In re Marriage of Haken*, 394 Ill. App. 3d 155, 160 (2009).

¶ 67 Frank argues that the basis for the trial court’s decision was that Frank had not participated in the court ordered trauma-based therapy. Frank maintains that his failure to comply with the trial court’s May 20, 2024, order to see a family therapist was due to difficulty in finding a therapist who could accommodate N.P.’s specific needs during Frank’s limited parenting time and was also due to Shannon’s interference, as Frank reached out to four therapists and Shannon called each of them to say that Frank could not use her insurance. As such, Frank maintains that his failure to comply with the court’s order was a “delay related to insurance” and did not seriously endanger the child.

¶ 68 Further, Frank argues that the trial court’s decision was based on the GAL’s recommendation but the GAL stated that Frank’s parenting time “possibly” caused issues for the child and that the GAL expressed that he was not sure if he was qualified to opine on the matter as he was not a mental health professional. Frank also points to the recommendation of O’Koon who believed that instilling consistent expectations and responses for the child from both parents was important. Further, Dr. Benton found that N.P.’s behavior had been improving, and Dr. Anast did not have significant concerns about either party’s ability to parent.

¶ 69 Shannon responds that Frank’s behavior went well beyond failing to attend therapy. Rather, Frank used co-parenting therapy sessions as a means of harassing her, refused to engage in the

separate parenting sessions recommended by Benton, and actively undermined N.P.'s therapy by disparaging Benton to N.P. and telling him not to speak to her. Further, she argues that Frank's efforts to attend sessions with other therapists were perfunctory and made in bad faith as evidenced by Frank making illegal recordings of sessions with Bialeschki. She also argues that Frank inappropriately tries to shift his failings onto Shannon by blaming his lack of engagement with therapy on Shannon's refusal to allow him to use his insurance, where she is not obligated to cover the costs of his therapy.

¶ 70 The trial court disagreed with Frank's characterization of events, as do we. The trial court was primarily concerned with N.P.'s mental health. O'Koon diagnosed N.P. with PTSD as a result of exposure to sustained physical and verbal conflict in his home. O'Koon further testified that anyone that had not engaged in therapy would not be able to manage N.P.'s behavior.

¶ 71 The record reflects that N.P. had been kicked out of several day cares due to behavioral issues, forcing Shannon to hire a nanny. N.P. had been removed from his kindergarten and moved to a new school so that he could attend special education courses aimed at improving his behavior. Benton opined that, if untreated, N.P. was at risk of developing increased anxiety, substance use issues, and risk-seeking behavior. Accordingly, the parties' conflict had seriously endangered N.P.'s mental health and impaired his emotional development. However, Shannon was actively engaging in therapy and was, as Benton described, was critical to N.P.'s success. The record reflects that not only had Frank failed to meaningfully engage in therapy with N.P., but he was also actively sabotaging N.P.'s therapy with Benton.

¶ 72 Further, Frank refused to take responsibility for his role in these matters. Crunkilton-Stiegel terminated the parties co-parenting therapy because she felt Frank's conduct was abusive. Frank chose to discontinue therapy with Benton on his own, and then after attending three or four sessions

with Bialeschki, sabotaged that relationship by recording the therapy sessions without permission. Frank would like to blame his failure to attend therapy on Shannon for informing providers that they could not use her insurance, but as the trial court explained, Shannon was using her insurance for N.P.'s sessions with Benton and it would not cover additional family therapy. Accordingly, there was sufficient evidence to show that Frank seriously endangered N.P.'s mental health and emotional development by (1) failing to engage in the necessary trauma-based therapy to properly parent N.P. and (2) by actively sabotaging the child's therapy with Benton and Shannon. Accordingly, the trial court's finding that Frank's behavior seriously endangered N.P.'s mental health and emotional development was not against the manifest weight of the evidence. See *In re H.B.-H.*, 2025 IL App (1st) 242275, ¶ 69 (finding child was neglected where mother failed to follow the recommendations of several doctors that inpatient treatment was necessary to address the child's behavioral issues).

¶ 73 Next, we must consider whether the restrictions were necessary to protect N.P. The record reflects that Frank is unwilling to comply with court orders. He has violated protective orders in the past and has failed to comply with several court orders in the instant case, particularly orders that he communicate solely over OFW and not to discuss the case with N.P. Additionally, Frank told N.P. that the GAL was a liar and not to speak with him.

¶ 74 In light of the trial court's findings related to Frank's previous failures to comply with court orders and lack of respect for boundaries, the trial court's determination that it was necessary to restrict Frank's parenting time in order to protect the child was not an abuse of discretion. We see no way to prevent Frank from engaging in further conflict with Shannon or sabotaging N.P.'s therapy other than for his parenting time to be supervised. Further, because Frank's parenting time is to be supervised and N.P. struggles with transitions, restricting Frank's parenting time is

appropriate. Accordingly, we find that the trial court did not abuse its discretion in restricting Frank's parenting time and requiring that it be supervised.

¶ 75 Turning to the trial court's decision to vest sole decision-making responsibilities with Shannon, Frank argues that he wanted to cooperate on decision making and participate in co-parenting therapy and that Shannon was the one who wanted to terminate co-parenting therapy and not cooperate. Frank's assertion is belied by the record. While Frank did seek to continue attending co-parenting sessions with Shannon, Frank ignores the fact that Crunkilton-Stiegel terminated the parties' coparenting sessions because she believed Frank's behavior was abusive and that he was using the sessions as a means to harass Shannon. The trial court found this testimony to be credible, and we have no basis in the record to doubt the trial court's findings. While Frank states that he wishes to have a co-parenting relationship with Shannon, his actions do not reflect this. For example, Frank claims to want to co-parent, yet has shown extreme insecurity about Shannon's relationship with her ex-husband Dave, to the point where he threatened not to return N.P. to Shannon because Dave would be driving Shannon to the custody exchange. By all accounts, Shannon and Dave have a healthy co-parenting relationship and N.P. has a healthy relationship with his half-siblings. Co-parenting with Shannon means accepting that Dave and N.P. will sometimes both attend events involving N.P.'s half-siblings.

¶ 76 Regardless, the record is clear that joint decision making led to increased conflict between the parties, which further traumatized N.P. As we found that the trial court did not abuse its discretion in restricting Frank's parenting time, we also find no abuse of discretion in restricting Frank's parental responsibilities as Shannon now has the significant majority of the parenting time. The trial court did not permanently foreclose Frank's participation in N.P.'s life, but instead provided for his possible return to more regular parenting. See *In re Marriage of Kriley*, 2025 IL

App (1st) 241923, ¶ 83. (affirming the trial court's order restricting mother's parenting time while allowing for increased parenting time should she obtain treatment for her mental illness).

¶ 77

III. CONCLUSION

¶ 78 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 79 Affirmed.