2018 IL App (4th) 180035-U

NO. 4-18-0035

FILED
April 23, 2018
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

MICHAEL CADENA,	)	Appeal from the
Petitioner-Appellant,	)	Circuit Court of
v.	)	McLean County
AMBER BUCK,	)	No. 14F145
Respondent-Appellee.	)	
	)	Honorable
	)	Lee Ann S. Hill,
	)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.
Justices Holder White and DeArmond concurred in the judgment.

ORDER

¶ 1 *Held*: Petitioner failed to establish his due process right to a fair hearing was denied.

¶ 2 Pursuant to Illinois Supreme Court Rule 307(a)(1) (eff. Nov. 1, 2017), petitioner, Michael Cadena, appeals the McLean County circuit court's November 14, 2017, order allowing the amended petition for injunctive relief filed by respondent, Amber Buck. The injunction required petitioner to return the parties' minor child, M.B.C. (born in 2014), to Illinois within 60 days. On appeal, petitioner contends his due process right to a fair hearing was violated because the court erred by (1) barring the testimony of Natalie Roberts, (2) barring the testimony of Dr. Carol Garfinkle, and (3) misstating the facts in a related juvenile case. We affirm.

¶ 3 I. BACKGROUND

¶ 4 A. Earlier Proceedings in This Case

¶ 5 In May 2014, petitioner filed a petition for custody of M.B.C. In July 2014, the

circuit court entered a temporary visitation order, granting petitioner visitation on alternate Saturdays and every Tuesday and Thursday evening. In April 2015, the parties entered into a parenting agreement, under which they both would have joint legal custody of M.B.C. with respondent having primary residential custody and petitioner having liberal parenting time. However, the court has never approved the agreement. In July 2015, the court entered an order, modifying the temporary visitation order to provide petitioner with alternating weekend visitation instead of Saturday visitation.

¶ 6 B. State Involvement

¶ 7 In April 2016, petitioner filed a motion to terminate child support. In the motion, he alleged the State of Illinois took protective custody of M.B.C. on March 30, 2016. An April 2016 docket entry mentions the involvement of the Department of Children and Family Services (DCFS) and possible need to consolidate this case with the juvenile case (In re M.C., No. 16-JA-25 (Cir. Ct. McLean County)). In a June 2, 2016, docket order, the court noted any child-related issues were to be heard by the judge in case No. 16-JA-25, if it is still open. Additionally, we note respondent had a second minor child, P.D., who was also the subject of a juvenile case (In re P.D., No. 16-JA-26 (Cir. Ct. Mc Lean County)). The two juvenile cases were consolidated. On appeal, petitioner sought to supplement the record on appeal with the common-law record in case No. 16-JA-25, and this court denied his request. Thus, the record on appeal lacks the court files for case Nos. 16-JA-25 and 16-JA-26. Accordingly, we have only the juvenile documents submitted by the parties during the proceedings in this case.

¶ 8 In case No. 16-JA-25 (M.B.C.'s case), the circuit court entered a September 22, 2016, permanency order, which found petitioner was fit and respondent remained unfit. The permanency goal for M.B.C. was remain home with petitioner. In a November 2016 order in this

case, the court allowed the termination of child support, noting the minor child currently resided with petitioner as a ward of the court in McLean County circuit court case No. 16-JA-25. On February 16, 2017, the court entered another permanency order in case No. 16-JA-25, finding petitioner fit, restoring legal custody and guardianship of M.B.C. to petitioner, releasing wardship, and closing the case.

¶ 9 In case No. 16-JA-26 (P.D.'s case), the circuit court entered a permanency order on June 21, 2017, finding respondent fit and changed the permanency goal to return home in five months. The order also noted it was in P.D.'s best interest to be transitioned home to respondent prior to the start of school in the fall. A September 22, 2017, docket entry in this case noted case No. 16-JA-26 was closed and any further child issues regarding M.B.C. were to be heard in this case.

¶ 10 C. Injunction Proceedings in this Case

¶ 11 In July 2017, respondent filed a petition for injunctive relief, asserting petitioner left the state with M.B.C. on March 17, 2017, and has since resided in Massachusetts. Respondent alleged petitioner did not filed a notice of intent to relocate. She further noted that, on June 21, 2017, the circuit court had found her fit in the juvenile case. On June 23, 2017, she requested parenting time with M.B.C., and petitioner had not responded to her request. Respondent asked to have petitioner return M.B.C. to Illinois. Petitioner filed a motion to dismiss the petition for injunctive relief, noting he had custody of M.B.C. under an order in the juvenile case and respondent had not been found fit as to M.B.C. Respondent sought leave to file an amended petition for injunctive relief, noting no final order had been entered in this case and her parental rights to M.B.C. had not been terminated. The court granted her leave to file the amended petition. Petitioner filed a response to the amended petition for injunctive relief, which

included a counterpetition that requested respondent's visitation be supervised and petitioner be allowed to relocate the child to Massachusetts. Respondent filed a motion to dismiss petitioner's counterpetition.

¶ 12 On November 14, 2017, the circuit court held a hearing on only respondent's amended petition for injunctive relief. It noted someone had requested the juvenile file to be at the hearing, but the file could not be located at that time. The parties testified on their own behalves, and petitioner attempted to present the testimony of Roberts, the foster care caseworker for M.B.C.'s case, and Dr. Garfinkle, a clinical psychologist that treated M.B.C. in Massachusetts.

¶ 13 Respondent testified she had lived in Normal, Illinois, while this case has been pending. For the past 18 months, she had worked as a bookkeeper. Respondent was currently on probation and had been convicted of illegal use of a property, manufacturing of marijuana, and possession of a controlled substance. She was compliant with the conditions of her probation.

¶ 14 She further testified M.B.C. had lived full time with her from his birth until he was two years old. Petitioner had lived with them from M.B.C.'s birth until he was three months old. Thereafter, petitioner saw M.B.C during his visitation time. When M.B.C. was 25 months old, DCFS became involved, and M.B.C. ended up in foster care. Initially, both parties had supervised visitation with M.B.C. Respondent visited with M.B.C. up to three times a week when he was in foster care. From July to December 2016, M.B.C. lived with petitioner, and respondent resided with them six nights a week. In December 2016, respondent was arrested and spent a month in jail. After her release from jail, respondent visited with M.B.C. multiple times a week through DCFS. According to respondent, petitioner was found fit in February 2017, and M.B.C.'s case was closed.

¶ 15 Additionally, around a month after M.B.C.'s case was closed, petitioner moved out of state and did not tell respondent for at least a week. She had driven by his house and noticed it was empty. Since moving out of state, respondent's only contact with M.B.C. had been through video calls, which were inconsistent. In December 2017, the calls abruptly stopped and were not resumed until a court order. Prior to petitioner's move, M.B.C. had never resided in Massachusetts and had only visited twice to see petitioner's family. Petitioner refused to give respondent his address. He also had not allowed respondent to visit M.B.C. in Massachusetts or bring M.B.C. back to Illinois for a visit.

¶ 16 Respondent also testified, P.D. was then nine years old and had a hard time not being able to see her brother. Both of respondent's DCFS cases had been closed, and her daughter was residing with her full time. It had been very difficult for respondent not having time with M.B.C. She was seeking to have M.B.C. brought back to Illinois, so an appropriate parenting time schedule could be established.

¶ 17 Respondent acknowledged she had a prior relationship with Tyler Shaffer. Respondent had reported to the police Shaffer fired a gun in a trailer. She denied living with Shaffer at the time. She also told the police Shaffer dropped M.B.C.'s car seat with M.B.C. in it. Neither of respondent's children was exposed to the methamphetamine lab run by Collin Dameron. Respondent denied living with Dameron when she was arrested in December 2016.

¶ 18 After respondent's testimony, petitioner sought to present Roberts's testimony. After Roberts's initial testimony identifying herself, respondent's counsel objected to her testimony based on relevancy. In response, petitioner's counsel stated Roberts's testimony would relate to petitioner's reasons for leaving the state. After more dialogue, the circuit court took a break to look at case law and found *In re Marriage of Troy S.* & *Rachel S.*, 319 Ill. App.

3d 61, 745 N.E.2d 109 (2001) (*Troy*). The court explained why it was barring Roberts's testimony based on the *Troy* decision. Petitioner's counsel then responded she wanted to call Roberts as an occurrence witness about an incident that happened during the juvenile proceedings. Counsel contended it went to petitioner's mindset and his emotional health. The court questioned whether it would be hearsay. Petitioner's counsel asked to make an offer of proof and noted she would ask Roberts about a certain letter that DCFS received in June 2016 that accused petitioner of certain immoral acts, and the allegations were subsequently unfounded by DCFS. Respondent's counsel noted that information is clearly confidential and would require the court to do an in camera inspection of all of the documents, which had not been requested. At that point, the court barred Roberts's testimony without further discussion or an offer of proof with Roberts's proposed testimony.

¶ 19 Petitioner then testified. He had been living in Massachusetts for eight months. In May 2016, DCFS received an anonymous letter, raising numerous allegations against petitioner and his sexual preferences. Around that time, M.B.C. was transitioning into petitioner's home. The letter was not admitted into evidence. M.B.C. had lived continuously with petitioner since September 2016. In February 2017, petitioner wrote his former counsel an e-mail, addressing an eight-page letter sent to the State's Attorney by respondent's father, Richard Buck. After petitioner wrote that e-mail, he was terrified. Petitioner's e-mail was also not admitted into evidence. When petitioner left Illinois on March 17, 2017, he was terrified. Petitioner also testified that, in January 2017, Richard was helping him with an issue with a house he was renting, and petitioner gave Richard his landlord's telephone number. Thereafter, he was evicted, and DCFS questioned petitioner's lack of housing. Petitioner also testified he was frightened by Shaffer. He did not feel safe in his home in Illinois. Petitioner denied

knowing he had to give notice to move out of state.

¶ 20 M.B.C. resided with petitioner and petitioner's mother. Petitioner had a very close relationship with his son. Petitioner is concerned about M.B.C.'s emotional well-being, which had an impact on his well-being. When they first moved to Massachusetts, M.B.C. cried, hid in closets, and was not emotionally connected. After six months of play therapy, M.B.C. opened up and began "reprocessing." M.B.C. no longer had asthma and was close to petitioner's large family. During the hearing, M.B.C. was with his grandmother in Massachusetts. Petitioner had not allowed a court ordered telephone call between respondent and M.B.C. the night before the hearing.

¶ 21 Petitioner currently worked for OpenText Software, which had offices all over the country but not in Illinois. If petitioner was forced to move back to Illinois, he would lose his job. He would also be scared and would start sleeping with a bat again. Petitioner slept with a bat in Illinois because of Shaffer and a 2012 incident with Jason, a former boyfriend of respondent. He was also fearful of Richard, who lived in Denver, Colorado, because Richard had always manipulated him. Petitioner also testified about drug usage by respondent's family members during a trip to Colorado. Petitioner further stated that, if he returned to Illinois, his posttraumatic stress disorder would be back and he would have to go back on medication. Additionally, petitioner testified that, in January 2016, he took M.B.C. to the Pediatric Resource Center because he was concerned about injuries the child had received. At that time, M.B.C. had deep scars on his legs and a bite mark on his arm.

¶ 22 Last, petitioner sought to present the testimony of Dr. Garfinkle, a clinical psychologist. Respondent's counsel objected to her testimony based on relevancy, hearsay, and a violation of the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS

110/1 *et seq.* (West 2016)). Another lengthy discussion ensued between the circuit court and the attorneys for the parties. Petitioner's counsel contended the reason behind the testimony was to show that requiring petitioner and M.B.C. to return to Illinois would be extremely detrimental to their mental health. Specifically, the witness would testify as to what she observed about M.B.C.'s trauma that was expressing itself now and the possible detriment to M.B.C. if he and petitioner were forced to return to Illinois. The circuit court responded both parents had been previously found unfit, had convictions, and had issues with drugs and alcohol. Petitioner became fit "four months" before respondent and left one month after becoming fit. The court noted this was not a perfect parent running off. Respondent's counsel pointed out petitioner hid M.B.C's location from respondent after learning he had violated the law by not giving notice. The court barred the witness's testimony based on relevancy. Petitioner's counsel did not ask to make an offer of proof.

¶ 23 After the parties' arguments, the circuit court granted respondent's petition and ordered petitioner to return with M.B.C. to Illinois within 60 days. In making oral findings, the court noted it had read the juvenile files.

¶ 24 On December 14, 2017, petitioner filed a motion to vacate and for rehearing, challenging the circuit court's barring of Roberts's and Dr. Garfinkle's testimony. Petitioner also noted the court referred to matters from the juvenile case that were not introduced as evidence in making an evidentiary ruling and then misstating the facts from the juvenile case. On January 5, 2018, the court held a hearing on petitioner's motion. At the hearing, petitioner's counsel argued the juvenile file was necessary to establish the facts in this case. In denying petitioner's motion, the court noted it had thoroughly reviewed the juvenile case file after it was closed. The court noted that, except for the November 2017 hearing, the juvenile file had always

been with the family case file.

¶ 25 On January 8, 2018, petitioner filed a timely notice of appeal in sufficient compliance with Illinois Supreme Court Rule 303 (eff. July 1, 2017). See Ill. S. Ct. R. 307(a) (eff. Nov. 1, 2017) (providing "the appeal must be perfected within 30 days from the entry of the interlocutory order by filing a notice of appeal designated 'Notice of Interlocutory Appeal' conforming substantially to the notice of appeal in other cases"). Thus, this court has jurisdiction of this appeal pursuant to Illinois Supreme Court Rule 307(a)(1) (eff. Nov. 1, 2017). We note the injunction order has not been stayed, and on January 16, 2018, respondent filed a verified petition for adjudication of indirect civil contempt, noting M.B.C. had not been returned to Illinois.

¶ 26 II. ANALYSIS

¶ 27 In this case, which is still a pending cause of action for allocation of parenting time, respondent sought injunctive relief under section 502 of the Illinois Parentage Act of 2015 (Parentage Act) (750 ILCS 46/502 (West 2016)). Specifically, she sought to have petitioner return M.B.C. to Illinois. Section 502(a) of the Parentage Act (750 ILCS 46/502(a) (West 2016)) provides, in pertinent part, the following:

> "In any action brought under this Act for *** the allocation of parental responsibilities or parenting time, *** the court, upon application of a party, may enjoin a party having physical possession or an allocation order or judgment from temporarily relocating the child from this State pending the adjudication of the issues of parentage, the allocation of parental responsibilities, and parenting time. When deciding whether to enjoin relocation of a child, or to order a party to return the child to this State, the court shall consider factors including, but not limited to:

(1) the extent of previous involvement with the child by the party seeking to enjoin relocation or to have the absent party return the child to this State;

(2) the likelihood that parentage will be established; and

(3) the impact on the financial, physical, and emotional health of the party being enjoined from relocating the child or the party being ordered to return the child to this State."

Additionally, section 502(c) of the Parentage Act (750 ILCS 46/502(c) (West 2016)) provides, in pertinent part, the following:

"Notwithstanding the provisions of subsection (a) of this Section, the court may decline to enjoin a domestic violence victim having physical possession or an allocation order or judgment from temporarily or permanently relocating the child from this State pending an allocation of parental responsibilities or an adjudication of parenting time. In determining whether a person is a domestic violence victim, the court shall consider the following factors:

* * *

(2) a sworn statement that the person fears for his or her safety or the safety of his or her children[.]"

While petitioner raises section 502(c)(2) of the Parentage Act in his brief, we note petitioner never explicitly claimed to be a domestic violence victim in the circuit court. After an evidentiary hearing, the circuit court granted respondent an injunction under section 502(a), requiring petitioner to return M.B.C. to Illinois.

¶ 28 On appeal, petitioner challenges several of the circuit court's evidentiary rulings

and contends those errors denied him a fair trial. Specifically, he contends the court erred by barring the testimony of Roberts and Dr. Garfinkle. He also contends the court erred by misstating the facts in case No. 16-JA-25. Respondent contends the court's rulings were proper and petitioner failed to preserve his claims for appellate review. We review evidentiary rulings for an abuse of discretion. *Gunn v. Sobucki*, 216 Ill. 2d 602, 609, 837 N.E.2d 865, 869 (2005). "A circuit court abuses its discretion when its ruling 'is arbitrary, fanciful, unreasonable, or where no reasonable person would take the view adopted by the trial court.' " *Taylor v. County of Cook*, 2011 IL App (1st) 093085, ¶ 23, 957 N.E.2d 413 (quoting *People v. Caffey*, 205 Ill. 2d 52, 89, 792 N.E.2d 1163, 1188 (2001)). To the extent the evidentiary ruling raises an issue of statutory construction as suggested by petitioner, our review of the statutory construction issue is *de novo*, as it presents a question of law. *Gunn*, 216 Ill. 2d at 609, 837 N.E.2d at 869. As to petitioner's due process claim, it too raises a question of law, and thus our review is *de novo*. *Lyon v. Department of Children & Family Services*, 209 Ill. 2d 264, 271, 807 N.E.2d 423, 430 (2004).

¶ 29 A. Roberts

¶ 30 The circuit court barred Roberts's testimony based on relevancy and confidentiality. Petitioner's counsel asked to make an offer of proof, noting she would ask Roberts "about a certain letter that was received by DCFS in June of 2016 that accused [petitioner] of certain immoral acts and that was subsequently unfounded by DCFS." The circuit court did not give her an opportunity to present an offer of proof with Roberts's proposed testimony. Thus, we disagree with respondent that petitioner has forfeited this issue by failing to make an offer of proof.

¶ 31 Section 11 of the Abused and Neglected Child Reporting Act (Reporting Act)

(325 ILCS 5/11 (West 2016)) provides, in pertinent part, the following:

> "All records concerning reports of child abuse and neglect or records concerning referrals under this Act and all records generated as a result of such reports or referrals, shall be confidential and shall not be disclosed except as specifically authorized by this Act or other applicable law. It is a Class A misdemeanor to permit, assist, or encourage the unauthorized release of any information contained in such reports, referrals or records."

In *Troy*, 319 Ill. App. 3d at 65, 745 N.E.2d at 112, the reviewing court held the aforementioned confidentiality provision also applied to testimony regarding information contained in such reports. Section 11.1 of the Reporting Act addresses access to the records described in section 11 and provides, in pertinent part, the records may be accessed by "[a] court, upon its finding that access to such records may be necessary for the determination of an issue before such court; however, such access shall be limited to in camera inspection, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it." 325 ILCS 5/11.1(8) (West 2016).

¶ 32 In this case, petitioner never requested the circuit court to conduct an in camera inspection of the letter to DCFS and/or an in camera interview of Roberts. Petitioner contends the *Troy* decision stands for the proposition a DCFS worker can testify as an occurrence witness. Since petitioner fails to even mention the Reporting Act, we assume he means testifying as an occurrence witness without first complying with the Reporting Act. We disagree. The only evidentiary rulings on appeal in *Troy* were the circuit court's (1) finding Elizabeth Delany, a therapist, could not testify an expert witness and (2) barring Rose Gossmeyer, a DCFS investigator from testifying as at all. *Troy*, 319 Ill. App. 3d at 62-64, 745 N.E.2d at 110-11.

Delany's testimony did not involve sections 11 and 11.1(8) of the Reporting Act. As to Gossmeyer's testimony, the *Troy* decision explicitly stated the circuit court conducted an in camera interview of her before barring Gossmeyer's testimony because the policy of confidentiality outweighed the probative value of the testimony where another person had already testified about the same matter. *Troy*, 319 Ill. App. 3d at 64, 745 N.E.2d at 111. The reviewing court addressed sections 11 and 11.1(8) of the Reporting Act and concluded the circuit court did not err in refusing to permit Gossmeyer's testimony. *Troy*, 319 Ill. App. 3d at 66, 745 N.E.2d at 113. See *Troy*, 319 Ill. App. 3d at 64-65, 745 N.E.2d at 111-12. The background facts in *Troy* do mention another witness Barbara Carlson, who testified about her interview of the minor child as part of the DCFS investigation process. *Troy*, 319 Ill. App. 3d at 63, 745 N.E.2d at 110-11. However, Carlson's testimony was not challenged on appeal, and thus it was not addressed by the reviewing court. Regardless, the facts set forth regarding Carlson's testimony suggest compliance with the Reporting Act with her testimony was well. The *Troy* court noted the circuit court ruled Carlson could testify as an occurrence witness but barred her from testifying as an expert witness. *Troy*, 319 Ill. App. 3d at 63, 745 N.E.2d at 110-11. While the background facts do not state explicitly whether the court conducted an in camera interview under section 11.1(8) of the Reporting Act, the facts do indicate the court considered the admissibility of Carlson's testimony before she testified at the hearing.

¶ 33 As stated, petitioner never requested an in camera inspection of the DCFS record and an interview of Roberts before seeking to present Roberts's testimony on a DCFS record. Since petitioner did not comply with section 11.1(8) of the Reporting Act, the court did not err by barring Roberts's testimony.

¶ 34 B. Dr. Garfinkle

¶ 35 Petitioner contends the circuit court erred by barring Dr. Garfinkle's testimony. However, as noted by respondent, petitioner's counsel never sought to make an offer of proof as to her testimony. Petitioner did not file a reply brief, responding to respondent's contention he failed to preserve the issue for review since he did not make an offer of proof.

¶ 36 Generally, when a circuit court refuses evidence, the party seeking to introduce the evidence cannot challenge the court's ruling on appeal unless a formal offer of proof is made. *Torres v. Midwest Development Co.*, 383 Ill. App. 3d 20, 26, 889 N.E.2d 654, 660-61 (2008). The purpose behind an offer of proof is to inform the circuit court, opposing counsel, and the reviewing court of the nature and substance of the evidence sought to be introduced. *Torres*, 383 Ill. App. 3d at 26, 889 N.E.2d at 661. "Where it is not clear what a witness would testify to, or what the basis for his testimony is, the offer of proof must be considerably detailed and specific, so that a reviewing court can thereby review whether the exclusion was proper." *Torres*, 383 Ill. App. 3d at 26, 889 N.E.2d at 661. However, an offer of proof is unnecessary where it is apparent the circuit court clearly understood the nature and character of the evidence sought to be introduced. *Torres*, 383 Ill. App. 3d at 26, 889 N.E.2d at 661.

¶ 37 Petitioner argued Dr. Garfinkle would testify as to her observations of M.B.C. Specifically, her testimony would pertain to M.B.C.'s trauma that was expressing itself and the possible detriment to him if petitioner must return M.B.C. to Illinois. We agree with respondent the information provided by petitioner's counsel is insufficient to review the barring of Dr. Garfinkle's testimony. We do not know what Dr. Garfinkle's observations were and how they related to things that occurred in Illinois. Thus, we find petitioner has forfeited this issue.

¶ 38 C. Due Process

¶ 39 Last, petitioner argues his due process right to a fair trial was violated because the

circuit court referenced some of the facts in the juvenile case that were not established at the hearing. Petitioner notes the court file for the juvenile case was missing on the day of the hearing, which prevented the circuit court from taking judicial notice of it. Petitioner noted the court file would have shown respondent was not found a fit parent until *nine* months after petitioner was found fit, not four months as noted by the circuit court. Respondent contends the circuit properly took judicial notice of the records from the juvenile case, and the small factual error did not affect the outcome of the hearing. "A fair trial in a fair tribunal is a basic requirement of due process." *People v. Hawkins*, 181 Ill. 2d 41, 50, 690 N.E.2d 999, 1003 (1998).

¶ 40 During the November 2017 hearing, petitioner's counsel noted she wanted the circuit court to have the court file, so it could take notice of the September 2016 order, in which petitioner was found fit and respondent was found unfit. The circuit court responded, "judicial notice." Thus, it appears the court did take judicial notice of that order. In rendering its decision on the injunction request, the court indicated it had reviewed the court file for the juvenile case, and again noted that fact in denying petitioner's motion for rehearing. The juvenile case had been the case addressing matters related to M.B.C. from March 2016 when the child was taken into protective custody until September 2017 when the juvenile case was closed. On appeal, petitioner states that, if the court file would have been available, it would have been at the hearing, and he would have asked the court to take judicial notice of the orders in that case. The record indicates the court did review the orders in the juvenile case. Thus, it appears petitioner is merely challenging the court's misstatement the period of time between the parties' fitness findings was four months, when it was actually nine months. We disagree with petitioner that error amounts to the denial of a fair hearing because the court's main point was petitioner was

also not a perfect parent. Accordingly, we find petitioner did not suffer any prejudice.

¶ 41 Additionally, we disagree with petitioner the fact the circuit court was familiar with the related juvenile case indicates the court prejudged the injunction motion. The court's statements indicate the two cases were kept together until the juvenile case was closed, and the court reviewed the juvenile file when it was closed in September 2017. The court barred petitioner's witnesses based on objections raised by respondent's counsel and did not make any statements that showed favor to either party. Accordingly, we find petitioner's due process rights were not violated.

¶ 42 III. CONCLUSION

¶ 43 For the reasons stated, we affirm the McLean County circuit court's November 2017 judgment granting respondent an injunction.

¶ 44 Affirmed.