

No. 1-11-1669

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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JAMES G.,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellant,	)	Cook County.
	)	
v.	)	No. 07 D 8848
	)	
SUZETTE G.,	)	
	)	Honorable
	)	Thomas J. Kelley,
Respondent-Appellee.	)	Judge Presiding.

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PRESIDING JUSTICE LAVIN delivered the judgment of the court.  
Justices Pucinski and Sterba concurred in the judgment.

**ORDER**

*Held:* The trial court did not err in awarding sole custody of the parties' children to respondent, given the plentiful evidence of petitioner's mental health issues that were manifested with a troubling hoarding habit. Petitioner's complaints as to the length of the proceedings, the trial court's final determinations, arguments made by the children's representative, inadmissibility of a non-testifying evaluator's written opinion, and the particular judge presiding over the trial, lacked sufficient merit to warrant any reversal, and were, in fact all forfeited.

¶ 1 During divorce proceedings between petitioner James G. and respondent Suzette G., the custody of their children became an issue and after trial, sole custody was granted to respondent. Petitioner now appeals that ruling, contending that: (1) the child custody proceedings exceeded the time limitations provided in Illinois Supreme Court Rule 922 (eff. July 1, 2006); (2) the trial court did not properly consider the best interests of the children in determining custody; (3) the

trial court erred in accepting "testimonial" evidence from the children's representative; (4) the trial court erred in failing to allow petitioner to cross-examine the appointed evaluator under section 604(b) of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/604(b) (West 2008)); (5) the trial court erred in refusing to admit into evidence a "report" by petitioner's evaluator under section 604.5 of the Act (750 ILCS 5/604.5 (West 2008)); and (6) the trial judge should not have been permitted to preside over the trial because he was not previously involved in the proceedings. We affirm the trial court in all respects.

¶ 2

## I. BACKGROUND

¶ 3 Only a brief recitation of the facts is necessary to understand the essence of this appeal. Petitioner and respondent met in 2000. At that time, respondent owned her own residence and had sole custody of a child, Gabby, from a prior relationship. Petitioner resided in the Pullman neighborhood of Chicago. In 2002, petitioner moved into respondent's residence and the two married in November 2003. Their union produced twins boys, Michael and Phillip, who were born on September 6, 2005, whose custody was at issue at trial and now on appeal.

¶ 4 The record shows that on August 30, 2007, petitioner filed a "Petition for Dissolution of Marriage" based on "irreconcilable differences," and sought, *inter alia*, custody of the children. Despite this, petitioner and respondent continued to reside together at respondent's residence. On October 8, 2007, however, there was a domestic incident which resulted in James obtaining an emergency order of protection against Suzette and possession of the residence. Respondent then resided for a short time with her father until October 25, 2007, when she agreed to give petitioner temporary possession of the children in return for her and Gabby to have exclusive

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possession of her residence. To that end, the circuit court granted petitioner temporary custody of the children. Petitioner and the children moved into petitioner's mother's residence in Tinley Park and then eventually back into his own residence in Chicago's Pullman neighborhood.

¶ 5 Lengthy proceedings transpired over the next few years, where several continuances and substitutions of attorneys occurred. The trial court appointed a child representative, James Palmisano, to the children on July 28, 2008. Dr. Keri Smith was also appointed by the trial court a month later, to make custody recommendations pursuant to section 604(b) of the Act (750 ILCS 5/604(b) (West 2006)). The parties also later individually moved to appoint evaluators under section 604.5 of the Act (750 ILCS 5/604.5 (West 2006)). The trial court granted both motions and, to that end, Dr. Leslie D. Star was appointed on February 22, 2010, as respondent's section 604.5 evaluator, and on September 21, 2010, Dr. Daniel Hynan was appointed as petitioner's section 604.5 evaluator.

¶ 6 The proceedings eventually culminated in a five day trial which commenced on April 19, 2011, with extensive testimony being heard from petitioner, respondent, petitioner's neighbor, and Dr. Star. After trial, the trial court awarded sole custody of the children to respondent. Petitioner now timely appeals.

¶ 7 II. ANALYSIS

¶ 8 A. Illinois Supreme Court Rule 922

¶ 9 Petitioner first contends that the trial court erred by "extending the proceedings beyond an appropriate time frame." Specifically, petitioner argues that the trial court failed to comply with Illinois Supreme Court Rule 922 (eff. July 1, 2006) during the underlying proceedings. As

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a result of this, petitioner argues that the trial court's initial order granting him temporary custody should have been later transformed into an award of permanent custody.

¶ 10 Supreme Court Rule 922 (eff. July 1, 2006) provides that "all child custody proceedings shall be resolved within 18 months from the date of service of the petition or complaint to final order." It further provides, however, that the time limit shall not apply if the parties "agree in writing and the trial court makes a written finding that the extension of time is for good cause shown." Ill. Sup. Ct. R. 922 (eff. July 1, 2006). Rule 922 is one of several rules which are intended to "expedite cases affecting the custody of a child, to ensure the coordination of custody matters filed under different statutory Acts, and to focus child custody proceedings on the best interests of the child, while protecting the rights of other parties to the proceedings." Ill. Sup. Ct. R. 900(a) (eff. July 1, 2006). The committee comments in Rule 900 further state that the "900 series" of rules are intended to "ensure that child custody proceedings are expeditious, child-focused and fair to all parties," placing "great emphasis on the best interest of the child." Ill. Sup. Ct. R. 900, Committee Comments (adopted February 10, 2006).

¶ 11 In the instant case, the petition for a dissolution of marriage, which also requested that petitioner be awarded sole custody of the children, was served upon respondent in September 2007. The final order awarding custody to respondent was not entered until May 2011, nearly four years later. At first blush, the amount of time that transpired might sound alarming in light of the aforementioned rule, but a close examination of the record belies any suggestion of error by the trial court in this regard, while actually revealing that petitioner had agreed to and was responsible for much of the delay.

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¶ 12 The underlying proceedings appeared to move apace for the first year and a half.

Pertinent events included an attempted mediation, the appointment of a child representative pursuant to section 506 of the Act (750 ILCS 5/506 (West 2006)), the appointment of two evaluators pursuant to section 604(b) and 604.5 of the Act (750 ILCS 5/604(b), 604.5 (West 2006)), issuance of written discovery, and the scheduling of a pretrial conference. Shortly thereafter, however, several delays occurred. First, the 604(b) evaluation was a lengthy process and took many months to complete. During that time, there were no less than four status hearings on the 604(b) evaluation and three agreed orders continuing the evaluation. After the evaluation was finally completed and tendered, a flurry of motions between the parties ensued over the next several months, with approximately a dozen agreed continuance orders.

Furthermore, petitioner substituted his counsel in 2010, only for counsel to later withdraw due to "irreconcilable philosophical differences," with petitioner then electing to represent himself *pro se*. These events, which were initiated by petitioner, necessitated further continuances.

Petitioner also moved for an appointment of an additional 604.5 evaluator (750 ILCS 5/604.5 (West 2008)), late in 2010, which had the effect of cancelling the original trial date and postponing proceedings even further over the objection of respondent. Finally, it is significant to note that petitioner himself moved for yet another continuance after the first day of trial in April 2011. The trial court, however, denied this request, observing that the time limitations in Rule 922 had expired long ago and specifically stating that no further continuances would be granted.

¶ 13 After examining the underlying proceedings, we find petitioner's contention here suffers from a number of infirmities. First, to preserve any alleged error for review, "a party must, even

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in child custody cases, object at trial and filed a written posttrial motion addressing it." *In re William H.*, 407 Ill. App. 3d 858, 869-70 (2011). A failure to do so results in forfeiture of the issue. *Id.* at 870. Petitioner not only explicitly agreed to the numerous continuances which contributed to the delay in the underlying proceedings, but he was also directly responsible for a significant portion of it. Petitioner never objected to the timeliness of the proceedings, did not invoke Rule 922, or file a motion at any time seeking to expedite the proceedings. Furthermore, after 18 months, petitioner could have moved to sever the issue of child custody under section 2-1006 of the Code of Civil Procedure (735 ILCS 5/2-1006 (West 2006)) and request trial solely on the issue of custody. As a result of petitioner's failure to preserve this issue, it is forfeited. Forfeiture, however, is a limitation on the parties and not the reviewing court, and can be relaxed to, *inter alia*, reach a just result. *In re Darius G.*, 406 Ill. App. 3d 727, 732 (2010). Because this case involves the custody of a child, we find it prudent to briefly examine the issues raised to ensure a just result was achieved.

¶ 14 Turning back to the issue of the length of the proceedings, we do note that the trial court could have severed, *sua sponte*, the issue of child custody but, again, petitioner cannot direct us to any conduct on his part to indicate a desire to expedite the proceedings. Petitioner's sudden conversion to timeliness is completely at odds with the manner in which he litigated this matter below, which was characterized by an acquiescence to delay and purposeful delay on his part that materially added to the delay in bringing this matter to a conclusion. It also merits mention that the trial court's time limits regarding responding to motions and related hearings were reasonable in length, with status hearings being continuously conducted in a transparent effort to

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keep the case moving. Finally, after trial, the trial court acknowledged the amount of time that had passed and stated that it would therefore make its final findings and judgment orally to conserve as much time as possible. Pursuant to this, the trial court conveyed a comprehensive and detailed judgment, outlining and discussing all the issues presented at trial.

¶ 15 Despite all this, petitioner asserts that the mere fact that the proceedings exceeded 18 months should have impelled the trial court to treat the temporary order of October 25, 2007 (in which he prevailed) as a permanent award of custody. This claim is singularly lacking in merit and is, again, remarkably inconsistent with his conduct during the proceedings below. See *In re Marriage of Saheb and Khazal*, 377 Ill. App. 3d 615, 629 (2007) (holding that a party may not request to proceed in one manner and then later contend on appeal that the course of action was erroneous). We do acknowledge petitioner's citation of *In re Marriage of Hefer*, 282 Ill. App. 3d 73, 77 (1996), which provides: "Where there has been a lengthy period of temporary custody, the case may be more like a petition to modify custody than like an initial award of custody."

Section 610(b) of the Act provides that a prior custody judgment shall only be modified where there is clear and convincing evidence that "modification is necessary to serve the best interest of the child." 750 ILCS 5/610(b) (West 2008). Neither the case nor the Act itself provides that a lengthy period of temporary custody mandates that the temporary custody order should automatically be deemed to be permanent. At best, it only provides that lengthy periods of temporary custody are a significant factor to consider in making a final custody determination.

¶ 16 We acknowledge that the underlying proceedings exceeded 18 months and that petitioner had temporary custody of the children during that time. Nevertheless, for the reasons given

above, we must disagree with petitioner's assertion that such circumstances required the trial court to find that the temporary custody order became permanent or otherwise award petitioner custody in its final order. To hold otherwise would be contrary to the purposes of the "900 series" rules. As stated, child custody proceedings are intended to be conducted with the primary emphasis being on a child's best interest. Ill. Sup. Ct. R. 900(a) (eff. July 1, 2006). The trial court in the case *sub judice* determined, after five days of trial, that it would be in the children's best interest to award custody to respondent. Petitioner, however, asks this court to reverse that well-informed determination and reinstate the temporary custody order, which was made without the benefit of the five days of extensive testimony and the other considerable evidence which was presented. In our view, petitioner's request for relief is markedly self-serving and is not in any meaningful way based on the typically relevant factors to be considered in awarding custody. Bluntly put, what is in petitioner's best interests is not necessarily what is in the children's interests.

¶ 17 B. Custody of the Children

¶ 18 A trial judge has broad discretion in determining custody issues, and a reviewing court should only reverse if the determination is against the manifest weight of the evidence or if a manifest injustice is apparent. *In re A.S.*, 394 Ill. App. 3d 204, 212-13 (2009). Factors to be considered in such a determination are enumerated in section 602 of the Act, which include:

- "(1) the wishes of the child's parent or parents as to his custody;
- (2) the wishes of the child as to his custodian;
- (3) the interaction and interrelationship of the child with his parent or parents, his siblings

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- and any other person who may significantly affect the child's best interest;
- (4) the child's adjustment to his home, school and community;
- (5) the mental and physical health of all individuals involved;
- (6) the physical violence or threat of physical violence by the child's potential custodian, whether directed against the child or directed against another person;
- (7) the occurrence of ongoing or repeated abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, whether directed against the child or directed against another person;
- (8) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child;
- (9) whether one of the parents is a sex offender." 750 ILCS 5/602(a) (West 2008).

Petitioner now argues that the trial court did not properly consider the best interests of the children in coming to its custody determination. As an initial matter, we observe that the reports of the section 604(b) and 604.5 evaluators are not included within the record on appeal. Although petitioner has included copies of the reports in an appendix of his brief, it is well established that the record on appeal cannot be supplemented by attaching documents to a brief's appendix. *Whittmanhart, Inc. v. CA, Inc.*, 402 Ill. App. 3d 848, 852 (2010). Nevertheless, based on the testimony and findings at trial, it was made clear that Dr. Smith and Dr. Star both recommended that respondent be given sole custody.

Related to petitioner's previous contention, we first find that while discussing the fourth factor of a child's adjustment to his or her home, school and community, the trial court did

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expressly find that the factor favored petitioner. The trial court stated that although the children were relatively young and had "not been entrenched in the same school or same neighborhood with substantial friends," they had nevertheless been living with petitioner the past years, thus accumulating significantly more parenting time with petitioner. The trial court, however, expressly decided to not give undue weight because they were relatively young and had recently moved. Evidence and testimony at trial confirms this to be the case and we see no reason to disturb this factual finding, which was the only factor that favored petitioner.

¶ 19 The trial court properly placed great weight on petitioner's mental health and his lack of willingness to facilitate and encourage a close and continuing relationship between the children and their mother. The court heard significant evidence about petitioner's depression and obsessive compulsive disorder, which expressed itself as a "hoarding" disorder. Witness testimony and documentary evidence indicated that petitioner's residence was so cluttered with haphazardly stored possessions that it resembled a non-navigable garage sale maze. The court also viewed photographs of petitioner's car which was littered with various items, including a rake, food packaging, garbage and a toilet. The trial judge noted that it was impossible to see out the car's back window because of the abundance of obstructive trash, and also that there was so much trash near the gas pedal that it could well create a safety hazard. The trial judge quite properly described this as a "dangerous situation." Despite the obvious nature of this disorder, the court heard evidence that petitioner had sought counseling but once in the preceding four years to address his disorder. Finally, there was precious little evidence of any significant amelioration of this psychological condition, as photographs taken of petitioner's residence just

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prior to trial indicated that the hoarding issues were ongoing. The trial court concluded, "[t]he children can never live with [petitioner] at his residence if he was still hoarding." This statement represents the sort of sound judgment that will not be disturbed on appeal.

¶ 20 As to the second concern, the trial court found that petitioner was manifestly unwilling to encourage a close relationship between the children and their mother. The trial court agreed with Dr. Star's comments that if sole custody was awarded to respondent, there would be two involved parents, whereas if it was awarded to petitioner, there would only be "one-and-a-half" involved parents. The evidence and testimony at trial supports this somewhat colloquial stated conclusion. For example, on several occasions, petitioner refused to cooperate with respondent's request to pick up the children despite the fact that he was working and would not lose any parenting time. Evidence also showed the petitioner (a Caucasian) repeatedly called respondent (an African-American) various racial epithets in the presence of their young sons. The court also heard sad evidence of petitioner's refusal to allow respondent to visit one of the boys in the hospital where he was recuperating from injuries, merely because it was not "her [visitation] day." In contrast, respondent had consistently and promptly notified petitioner of issues relating to the children, wanted petitioner to have liberal visitation rights, and exhibited a strong desire to facilitate a meaningful relationship between the children and petitioner throughout the proceedings.

¶ 21 As to the remaining factors, the trial court did not find that they heavily favored one party of the other. It was noted that regardless of the parties' feelings towards each other, both petitioner and respondent cared for the children and wished to provide for their needs, thus

reinforcing the importance of maintaining the involvement of both parents. To the extent petitioner challenges all of the above findings, however, he only subjectively disagrees with the trial court's decisions and does not offer any significant argument that the court's factual findings were manifestly incorrect. We find no evidence to support petitioner's argument that he was somehow the victim of a manifest injustice and thus will not reverse any of the determinations made below. See *In re A.S.*, 394 Ill. App. 3d at 212-13. The trial stated that its findings were based on the testimony and demeanor of the witnesses, the exhibits submitted by the parties, and the arguments made by the parties. After a careful review of the record, we find that the trial court's final custody determination was properly based on competent evidence and was made in the best interests of the children.

¶ 22

#### C. Child Representative

¶ 23 Petitioner next argues that the trial court erred in "accepting testimonial evidence from the court-appointed children's attorney," James Palmisano. Petitioner advances accusations that Palmisano failed in the performance of his duties under Illinois Supreme Court Rule 907 (eff. July 1, 2006). In his eight sentence argument, petitioner takes issue with what he perceives to be a lack of research in the underlying case, such that Palmisano was unable to "give a proper opinion which would not be considered hearsay." We note that petitioner did not object or raise issue with Palmisano's performance or statements until the instant appeal. As discussed above, petitioner has therefore forfeited this issue as it was not properly preserved in the trial court. Nevertheless, we will briefly examine it for the sake of completeness.

¶ 24 To the extent petitioner now objects to Palmisano's "testimony," we observe that

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Palmisano, as the appointed children's representative, did not provide any testimonial evidence. Instead, as the attorney for the children, he examined the various witnesses that testified and provided a lengthy closing argument based on his review of various evaluations, the testimony of witnesses elicited by himself and the other parties, as well as his own extensive interactions with petitioner and respondent throughout the proceedings. Furthermore, although petitioner argues that Palmisano should have interacted more with the children in providing his "testimony," presumably a reference to Palmisano's closing argument, we find it significant that the focus of Palmisano's closing argument did not relate to the children as much as it did to petitioner and respondent. To that end, Palmisano commented that the children were not old enough or sufficiently developed enough to give an opinion as to their wishes,<sup>1</sup> although they appeared to be attached to both parents. Accordingly, Palmisano suggested that those factors did not favor either petitioner or respondent as to custody and then moved on to discuss several other factors, generally focusing on the relationship between petitioner and respondent, petitioner's mental health, and how such things would affect the nurturing of the children. Based on this, we do not find the fact that Palmisano did not spend a significant amount of time with the children here adversely affected his representation of the children.

¶ 25 Our review of the five day trial also indicates that Palmisano thoroughly cross-examined the witnesses on issues relating to the children's best interests. Palmisano indicated a strong

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<sup>1</sup> The underlying proceedings indicated that the children had various developmental issues, physically and mentally, requiring varying levels of physical, occupational, and speech therapy.

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degree of familiarity with the issues and the parties throughout trial and during his closing argument. During his closing argument, Palmisano accurately referenced several specific events relating to petitioner's and respondent's relationship, cited to the reports submitted by the evaluators, and discussed portions of testimony given at trial. In discussing custody, Palmisano also analyzed in detail several of the factors we have already outlined in our analysis above. We find nothing in the record supporting petitioner's conclusory statement that Palmisano "failed to perform the minimum of his duties," and instead find sufficient support in the record indicating that Palmisano took all reasonable steps necessary to obtain relevant information pertaining to issues affecting the children, as required under Illinois Supreme Court Rule 907 (eff. July 1, 2006).

¶ 26 D. Dr. Smith and Dr. Hynan

¶ 27 Petitioner next contends, in a short paragraph, that the trial court abused its discretion in "failing to allow petitioner to cross examine Dr. Smith \*\*\* or to admit the report of Dr. Hynan." First, petitioner argues that because Dr. Smith was not cross-examined, her evaluation should not have been admitted. As a threshold matter, this argument is forfeited. Pursuant to the legal principles already discussed above, petitioner was required to object to the admission of Dr. Smith's evaluation in the underlying proceeding to preserve them for appeal. Petitioner, however, did not.

¶ 28 Furthermore, Dr. Smith was appointed under section 604(b) of the Act, which provides that the court "may seek the advice of professional personnel" on custody issues, and that the advice "shall be in writing and made available by the court to counsel." 750 ILCS 5/604(b)

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(West 2006). Section 604(b) of the Act also provides that "[c]ounsel may examine, as a witness, any professional personnel consulted by the court, designated as a court's witness." *Id.* We find nothing in section 604 of the Act or any relevant case law requiring that the advice sought by the court is inadmissible unless the individual is cross-examined. Instead, section 604(b) provides that the advice itself will be provided in the form of writing and that counsel "may" examine the individual if desired. *Id.* Petitioner, however, argues that he was improperly precluded from cross-examining Dr. Smith. The record reveals that this is a complete misrepresentation. The trial transcript indicates the trial court directly asked petitioner, just prior to trial, "Would you want Dr. Smith to testify?" Petitioner responded, "It doesn't matter to me," and at no later time did he change his answer. Respondent also declined to examine Dr. Smith and therefore she was ultimately not called as a witness. The trial court clearly did not prevent petitioner from cross-examining Dr. Smith but, in fact, explicitly gave him the option of doing so. Accordingly, petitioner's assertion on appeal that the trial court erred "in failing to allow petitioner to cross examine Dr. Smith," lacks any merit whatsoever and petitioner is not entitled to any relief here.

¶ 29 Next, petitioner argues that a "report" of Dr. Hynan, the evaluator selected by petitioner under section 604.5 of the Act, should have been admitted. This argument is also forfeited as petitioner did not object to this during the proceeding. Moreover, although petitioner now takes great issue with the fact the Dr. Smith's report was admitted and Dr. Hynan's was not, petitioner fails to recognize that the two individuals were appointed under two different sections of the Act. As discussed, an evaluation under section 604 of the Act is required to be submitted in writing to the court and, only if desired, the evaluator may be called as a witness by either party. 750 ILCS

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5/604(b) (West 2006). Section 604.5 of the Act, on the other hand, employs vastly different language than section 604.

¶ 30 Unlike section 604, section 604.5 does not provide that the opinion of the evaluator must be submitted in writing to the court. Instead, we find that any opinion of a section 604.5 evaluator shall generally be disclosed through trial testimony, as section 604.5(e) of the Act provides that a "person calling an evaluator to testify at trial shall disclose the evaluator as an opinion witness in accordance with Supreme Court Rules." 750 ILCS 5/604.5(e) (West 2008). Pursuant to this, we observe that the language used in section 604.5 of the Act closely mirrors that of Illinois Supreme Court Rule 215 (eff. Mar. 28, 2011), which provides for the physical and mental examination of parties and other persons. The committee comments in Rule 215 also clarify that examining professionals under the rule are classified as opinion witnesses under Illinois Supreme Court Rule 213(g) (eff. Jan. 1, 2007). Ill. Sup. Ct. R. 215, Committee Comments (adopted June 1, 1995).

¶ 31 Accordingly, we find that evaluators under section 604.5 of the Act must satisfy the same requirements under Rule 213(g). Relevant here is the requirement that all opinions must be disclosed in an answer to a Rule 213(f) interrogatory, or in a discovery deposition, which defines the scope of the testimony that can be given. Ill. Sup. Ct. R. 213(g) (eff. Jan. 1, 2007). Information not provided in a discovery deposition or disclosed in an interrogatory answer is inadmissible upon objection at trial. *Id.* In the instant case, petitioner attempted to submit a document labeled as a "report" by Dr. Hynan into evidence, but respondent objected to its admissibility based on a failure to satisfy a single disclosure requirement. Furthermore,

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petitioner had stated prior to trial that he would not be calling Dr. Hynan as a witness and, thus, he was not on any witness list and none of the disclosures noted above were made at any time. Petitioner did later mention, during trial, that he wished to bring Dr. Hynan in as a witness, to which respondent also objected. When the trial court later inquired further as to petitioner's oral motion on using Dr. Hynan as a witness, petitioner responded, "I'll waive it." The trial court nevertheless entertained brief arguments as to whether Dr. Hynan could be brought in as a witness, with petitioner eventually declining to pursue the issue any further. In our view, the trial court not only properly deemed Dr. Hynan's opinion to be inadmissible based on a failure to comply with the applicable statute and supreme court rules, but was also rather lenient in affording petitioner an opportunity to make a case on his oral motion. Accordingly, the trial court did not err here.

¶ 32

#### E. Trial Judge

¶ 33 Petitioner last contends that it was improper to have Judge Thomas Kelley preside over the trial because Judge Marya Nega had presided over the underlying motions and hearings prior to trial. Again, we observe that petitioner's argument is rather brief, spanning all of seven sentences, and he again failed to object or raise an issue with the order assigning the underlying case to Judge Kelley during the underlying proceedings, thereby forfeiting the issue.

Furthermore, Illinois Supreme Court Rule 903 (eff. July 1, 2006) does not strictly require that all child custody proceedings be conducted by a single judge, but only states they should be "[w]henever possible and appropriate." Petitioner himself admits that he does not know why the case was assigned to Judge Kelley or if it was even possible to have Judge Nega preside over the

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trial. Petitioner provides no relevant citation to authority besides Rule 903 itself, and does not allege that he was prejudiced in any particular way.

¶ 34 Bare contentions without argument or citation to relevant authority do not merit consideration on appeal. *Hassan v. Wakefield*, 204 Ill. App. 3d 155, 159-60 (1990).

Furthermore, even *pro se* litigants are not excused from following the rules that dictate the form and content of appellate briefs. *In re Marriage of Barile*, 385 Ill. App. 3d 752, 757 (2008).

Failures to comply with these requirements on an issue on appeal result in forfeiture of that issue. *Vilardo v. Barrington Community School District 220*, 406 Ill. App. 3d 713, 720 (2010).

Accordingly, petitioner has forfeited this issue by not only failing to object during the underlying proceedings but also by failing to properly develop his argument. For these reasons, we decline to find that any error occurred here.

¶ 35 III. CONCLUSION

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

¶ 37 Affirmed.