

No. 1-12-2661

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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ZENIA CHRUSCINSKI,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	No. 06 D2 30399
	)	
MARK CHRUSCINSKI,	)	Honorable
	)	Jeanne M. Reynolds,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE FITZGERALD SMITH delivered the judgment of the court.  
Presiding Justice Lavin and Justice Epstein concurred in the judgment.

**ORDER**

- ¶ 1 **Held:** Judgment affirmed on presumption of correctness where defendant failed to provide a sufficiently complete record to support his claim of error, or comply with Supreme Court Rule 341 in presenting his argument.
- ¶ 2 Defendant Mark Chruscinski, *pro se*, appeals from an order of the circuit court of Cook County denying his petition to modify the amount of child support he was ordered to pay Zenia Chruscinski (Zenia) pursuant to the marital settlement agreement entered as part of their 2008 judgment for dissolution of marriage. Defendant contends that the trial court "should take in [*sic*] consideration [his] substantially lower net income history" from 2008 through 2011.

Although Zenia has not filed a brief in response, we will consider the appeal pursuant to the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976).

¶ 3 The common law record filed on appeal shows that defendant has filed several petitions seeking modification of his child support obligation. In the most recent petition, which defendant filed through private counsel on June 1, 2012, he alleges that his monthly income is less than the monthly amount of child support he is required to pay, and, as a result, he has been forced to access a home equity line of credit and use credit cards to survive financially. In his *pro se* brief on appeal, defendant claims that, in denying this petition, the court failed to consider his substantially lower net income history, as reflected in his income tax records from 2008 through 2011.

¶ 4 We find, however, that we cannot reach the merits of defendant's claim due to his failure to conform with the supreme court rules governing appellate briefs. Ill. S. Ct. R. 341(h)(eff. Jul. 1, 2008); Ill. S. Ct. R. 342 (eff. Jan. 1, 2005). Defendant's *pro se* brief consists of a recitation of facts without reference to the record, argument based on law, or any alleged error on the part of the trial court. His *pro se* status does not excuse him from complying with supreme court rules governing appellate procedure (*Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825 (2010)) and he is expected to meet a minimum standard before this court can adequately review the decision of the circuit court (*Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462 (1993)). Defendant has not done so here.

¶ 5 Defendant has also failed to provide this court with a sufficient record for review of any possible error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). The August 21, 2012, order from which defendant appeals, reflects that the court conducted a hearing on defendant's motion, but the record filed on appeal does not contain any transcripts of this hearing, or any substitute

report of proceedings pursuant to Supreme Court Rule 323 (eff. Dec. 13, 2005). Consequently, this court has no knowledge of what evidence or arguments were presented to the circuit court or the reasoning and rationale that provided the basis for the court's ruling.

¶ 6 For example, defendant attached copies of his tax returns from 2006 through 2011 to his appellate brief, but it is unclear whether he supplied this documentation to the court, as they are not attached to his petition or otherwise included in the record. In fact, the order entered on September 19, 2011, when the circuit court denied defendant's prior motion to reduce child support, reflects that defendant failed to bring any collaborative documents or tax returns, and in the order entered on September 30, 2011, the court "found no significant change in financial circumstances on 9/19/11. The same facts are present this date." In turn, the order denying defendant's current petition for modification of child support reflects that defendant "has not shown a substantial change in circumstances since Sept[ember] 2011."

¶ 7 It is thus unclear what supporting materials, if any, defendant provided to the circuit court after September 19, 2011, and in support of his petition, or what transpired during the August 21, 2012 hearing which resulted in the denial of his request. Under these circumstances, this court must presume that the circuit court acted in conformity with the law and ruled properly after considering the evidence before it. *Webster v. Hartman*, 195 Ill. 2d 426, 433-34 (2001); *Foutch*, 99 Ill. 2d at 391-92.

¶ 8 For these reasons, we affirm the judgment of the circuit court of Cook County.

¶ 9 Affirmed.