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2013 IL App (4th) 120925-U

NO. 4-12-0925

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED  
May 24, 2013  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

In re: Marriage of	)	Appeal from
JONATHAN E. CAMPBELL,	)	Circuit Court of
Petitioner-Appellant,	)	Macon County
and	)	No. 09D172
CHRISTINA L. CAMPBELL, n/k/a CHRISTINA L.	)	
HOUSTON,	)	Honorable
Respondent-Appellee.	)	James R. Coryell,
	)	Judge Presiding.

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JUSTICE HARRIS delivered the judgment of the court.  
Presiding Justice Steigmann and Justice Turner concurred in the judgment.

**ORDER**

- ¶ 1     *Held:* (1) The trial court committed no error in denying husband's motion for substitution of judge where the judge had already ruled on substantial issues in the case.
- (2) The trial court committed no error in finding husband in indirect civil contempt for willfully failing to comply with the court's order that he reimburse wife for the purchase price of her engagement ring.
- (3) In the absence of an appellee's brief, husband, as the appealing party, demonstrated *prima facie* reversible error that was supported by the record as to the amount he owed for minor child's uninsured medical expenses.
- (4) The trial court committed no error in imposing mandatory attorneys fees pursuant to section 508(b) of the Illinois Marriage and Dissolution of Marriage Act (750 ILS 5/508(b) (West 2010)), however, the remainder of its award was not supported by sufficient factual findings.
- ¶ 2     On October 14, 2010, the trial court entered its judgment dissolving the marriage of petitioner, Jonathan E. Campbell, and respondent, Christina L. Campbell, n/k/a Christina L.

Houston. Jonathan appeals the court's postdissolution orders, arguing it erred in (1) denying his motion for substitution of judge, (2) finding him in indirect civil contempt for willfully failing to make payments set forth in the dissolution judgment, (3) ordering him to pay \$333.19 for his minor child's uninsured medical expenses, and (4) ordering him to pay \$3,000 in attorney fees. We affirm in part, reverse in part, and remand for further proceedings.

¶ 3

### I. BACKGROUND

¶ 4 On January 12, 2008, Jonathan and Christina were married. One child was born during the marriage, Lillian Campbell (born November 28, 2008). On April 8, 2009, Jonathan filed a petition for dissolution of marriage and, on April 22, 2009, Christina filed a counterpetition. On October 14, 2010, the trial court entered the judgment of dissolution of marriage. Relevant to this appeal, the court awarded custody of the minor child to Christina subject to Jonathan's reasonable right of visitation, ordered each party to pay one-half of the child's uncovered medical expenses, and ordered Jonathan to reimburse Christina "for the purchase price of [the] engagement ring purchased for [Christina] and charged on [her] Sam's Club credit card." Jonathan filed a motion to reconsider the court's judgment, which the court denied.

¶ 5 The record reflects the parties had an acrimonious divorce and each made several postdissolution filings. We detail only those relevant to the resolution of this appeal.

¶ 6 On March 23, 2011, Christina filed a petition for adjudication of indirect civil contempt, alleging Jonathan willfully failed or refused to reimburse her for any portion of the price of her engagement ring as required by the dissolution judgment. On June 17, 2011, the trial court conducted a hearing on Christina's petition. Christina testified Jonathan made payments on

the ring while the parties were married but made no payments following their divorce. Specifically, she received no money from Jonathan to apply to the indebtedness on the engagement ring following October 2010, when the dissolution judgement was entered. Christina identified credit card statements and a summary she prepared of information contained in the statements and which also detailed amounts Jonathan paid toward the ring. She agreed that the dissolution judgment failed to contain any specific requirements as to when Jonathan had to make payments. Christina's summary stated the original purchase price of the ring was \$1,920.72; interest accrued totaled \$890.32; payments made toward the ring totaled \$1,428; and the balance on the ring as of May 2011 was \$1,383.04.

¶ 7 Jonathan testified and agreed he made monthly payments on the ring prior to the parties' separation but made no payments following the entry of the trial court's judgment. However, he stated he was confused because he thought the ring had been almost entirely paid for and the judgment did not set forth either a time frame for payments or the amount owed. Jonathan further testified that he received no statements from Christina regarding the ring and did not really have the ability to make payments.

¶ 8 The trial court declined to find Jonathan in contempt. However, it ordered Christina to provide Jonathan with a schedule outlining the total sums she paid toward the engagement ring within 30 days. It further ordered that "[t]hereafter, [Jonathan] shall reimburse [Christina] in the sum of \$75.00 per month commencing August 1, 2011, with a like sum to be paid each month thereafter until the balance is discharged in full."

¶ 9 On August 22, 2011, Christina filed a second petition for adjudication of indirect civil contempt, arguing Jonathan willfully and contumaciously failed to comply with the trial

court's June 2011 order and make the \$75-per-month payments. On December 13, 2011, the court conducted a hearing in the matter and addressed Jonathan's *pro se* motions to dismiss Christina's petition for adjudication of indirect civil contempt and for summary judgment. In connection with his motion to dismiss, Jonathan complained that Christina did not produce the additional information requested by the court when it entered its June 2011 order, rendering his obligation to make payments as required by that order "moot." Christina's attorney explained she had been unable to produce any other information as none was available. The court denied both motions and set the matter for hearing on Christina's contempt petition.

¶ 10 On January 27, 2012, Jonathan filed a *pro se* motion for substitution of judge as of right, alleging the current presiding judge had not ruled on any substantial issues in the case. On March 13, 2012, the trial court denied Jonathan's motion. On May 8, 2012, Christina filed an amended petition for adjudication of indirect civil contempt, alleging she had incurred healthcare expenses for the parties' minor child that were not covered by insurance and Jonathan willfully failed or refused to pay one-half of those expenses as required by the dissolution judgment.

¶ 11 On June 8, 2012, the trial court conducted a hearing and addressed Christina's second contempt petition regarding Jonathan's failure to reimburse her for the cost of the engagement ring. Christina testified that, although the court's June 2011 order required her to provide information outlining amounts that had been paid toward the engagement ring, she had no further information she could provide to the court that she had not already submitted. Christina identified credit card statements and a summary of the statements that she had prepared. She noted the documents had been submitted as an exhibit at the June 2011 hearing and had been updated to reflect current information. Christina's summary showed the purchase

price of the ring was \$1,920.72; applied interest totaled \$1,056.21; payments for the ring totaled \$1,457.40; and the remaining balance was \$1,519.53. Christina's summary further showed Jonathan made payments of \$1,428 toward the ring between April 2008 and February 2009. Additionally, on January 9, 2012, he made a payment of \$29.40 for the ring and indicated to Christina that he believed his obligation paid in full.

¶ 12 Christina testified Jonathan quit making ring payments after February 2009 and, as a result she incurred interest charges because she was unable to pay the ring off within the specified deferred interest period. Christina acknowledged, in October 2011, she filed for bankruptcy and obtained a discharge on interest charges. She stopped assessing interest charges on the ring at that time. She testified Jonathan never made the \$75-per-month payments required by the trial court's June 2011 order.

¶ 13 Jonathan appeared *pro se* and testified on his own behalf. He asserted he found notes Christina prepared that revealed additional payments he made toward the ring. Jonathan testified his \$29.40 payment in January 2012 was the remainder he owed toward the original purchase price of the ring. Upon inquiry by the trial court, Jonathan acknowledged that he did not make the \$75-per-month payments to Christina as required by the court's June 2011 order. He believed making those payments was contingent upon Christina providing additional information regarding the ring payments which he testified he did not receive. Christina's attorney clarified that information was provided to the attorney who was representing Jonathan at that time and was the same as the information she was presenting to the court.

¶ 14 At the conclusion of the evidence, the trial court found Jonathan in willful contempt for failure to make payments of \$75 on August 1, September 1, and October 1, 2011,

prior to Christina's bankruptcy filing. The court noted those amounts totaled \$225 and, subtracting Jonathan's January 2012 payment of \$29.40, ordered Jonathan could purge himself of contempt by paying the sum of \$195.60.

¶ 15 On June 29, 2012, Jonathan filed a *pro se* motion to reconsider the trial court's contempt finding. On September 4, 2012, the court conducted a hearing on all pending issues. During that hearing, it denied Jonathan's motion to reconsider. The court also addressed Christina's amended petition for adjudication of indirect civil contempt, alleging Jonathan willfully failed or refused to pay for half of their minor child's uncovered medical expenses. Christina testified the parties were required to share equally in their minor child's uncovered healthcare expenses. She identified receipts for medical expenses incurred for the child and a spreadsheet summarizing the parties' payments through May 17, 2012. Christina testified her figures showed Jonathan owed a balance of \$333.19. She stated her contempt petition was initially filed at a time when Jonathan was not paying medical expenses. Christina further testified Jonathan was the party who carried insurance on the child and received the explanations of benefits from his insurer.

¶ 16 Jonathan submitted two receipts, showing payments made to medical providers in June 2012. The first receipt, dated June 5, 2012, showed a payment to "DMH medical group" for \$161.30. The receipt did not specify the nature of those charges. The second receipt showed Jonathan made a payment on June 22, 2012, to the child's dental provider in the amount of \$162. On cross-examination, Christina acknowledged neither payment was listed in her spreadsheet.

¶ 17 Jonathan testified he was confused regarding his obligation to pay because of the many different bills and providers. He stated he had "started paying a lot more" and he believed

the parties were "pretty much dead even on who owes who."

¶ 18 The trial court determined Jonathan was not in contempt. However, it believed Christina's figures were accurate and Jonathan owed \$333.19 for his portion of their child's uncovered medical expenses. The court ordered Jonathan to pay that amount.

¶ 19 Finally, the trial court also ordered Jonathan to pay \$3,000 in attorney fees. The court found it was mandated to impose fees because Jonathan (1) filed a petition to modify custody within two years of the court's judgment without seeking leave of the court and (2) was found in contempt. The court also imposed fees on the basis that Jonathan filed frivolous pleadings.

¶ 20 Jonathan filed this *pro se* appeal.

¶ 21 II. ANALYSIS

¶ 22 Initially, we note Christina has not filed an appellee's brief. *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133, 345 N.E.2d 493, 495 (1976), the supreme court addressed such circumstances, stating as follows:

"We do not feel that a court of review should be compelled to serve as an advocate for the appellee or that it should be required to search the record for the purpose of sustaining the judgment of the trial court. It may, however, if justice requires, do so. Also, it seems that if the record is simple and the claimed errors are such that the court can easily decide them without the aid of an appellee's brief, the court of review should decide the merits of the appeal. In other cases if the appellant's brief demonstrates *prima*

*facie* reversible error and the contentions of the brief find support  
in the record the judgment of the trial court may be reversed."

Thus, absent an appellee's brief, a reviewing court has three distinct, discretionary options and may (1) serve as an advocate for the appellee and decide the case when the court determines justice so requires, (2) decide the merits of the case if the record is simple and the issues can be easily decided without the aid of the appellee's brief, or (3) reverse the trial court when the appellant's brief demonstrates *prima facie* reversible error that is supported by the record.

*Thomas v. Koe*, 395 Ill. App. 3d 570, 577, 924 N.E.2d 1093, 1098-99 (2009) (citing *Talandis Construction Corp.*, 63 Ill. 2d at 133, 345 N.E.2d at 495). "'*Prima facie*' means, '[a]t first sight; on first appearance but subject to further evidence or information' and '[s]ufficient to establish a fact or raise a presumption unless disproved or rebutted.'" *Thomas*, 395 Ill. App. 3d at 577, 924 N.E.2d at 1099 (quoting Black's Law Dictionary 1228 (8th ed. 2004)).

¶ 23 On appeal, Jonathan first argues the trial court erred by denying his *pro se* motion for substitution of judge as of right. He maintains his motion should have been granted because the judge had not yet ruled on any substantial issue in the case.

¶ 24 In a civil action, each party is entitled to one substitution of judge without cause and as a matter of right. 735 ILCS 5/2-1001(a)(2)(i) (West 2010). A motion for substitution of judge as of right must be made before trial or hearing begins and before the judge has ruled on a substantial issue in the case. 735 ILCS 5/2-1001(a)(2)(ii) (West 2010). "A ruling on a substantive issue is one that directly relates to the merits of the case." *Curtis v. Lofy*, 394 Ill. App. 3d 170, 176, 914 N.E.2d 248, 253 (2009). "Examples of rulings on substantial issues include situations in which the trial court has ruled on a motion to dismiss, made pretrial rulings of law

or where the party moving for a substitution of judge has discussed issues with the trial judge, who then indicated a position on a particular point." *Partipilo v. Partipilo*, 331 Ill. App. 3d 394, 398, 770 N.E.2d 1136, 1140 (2002). However, "[e]ven in the absence of any substantive ruling, a motion for substitution of judge may be denied if the movant had an opportunity to 'test the waters' and form an opinion as to the judge's reaction to her claim." *In re Estate of Gay*, 353 Ill. App. 3d 341, 343, 818 N.E.2d 860, 863 (2004).

¶ 25 The purpose of rules related to motions for substitution of judge as of right is to prevent litigants from " 'judge shopping' " once the litigant has formed an opinion that the judge may be unfavorably disposed toward his or her cause. *Curtis*, 394 Ill. App. 3d at 176, 914 N.E.2d at 253. In the context of postdissolution proceedings, a trial judge's substantive ruling on one petition will preclude substitution of judge as of right in connection with another petition. *In re Marriage of Kozloff*, 101 Ill. 2d 526, 531-32, 463 N.E.2d 719, 722-23 (1984). On review, we apply a *de novo* standard when considering the trial court's ruling on a motion for substitution. *Curtis*, 394 Ill. App. 3d at 176, 914 N.E.2d at 253.

¶ 26 Here, Jonathan's motion for substitution of judge as of right was filed during postdissolution proceedings before Judge James R. Coryell. The record reflects that, prior to the filing of Jonathan's motion, Judge Coryell made rulings on the following: (1) Jonathan's motion for order extending time to answer and file counterclaim, (2) Jonathan's motion to dismiss and for sanctions filed in response to Christina's petition for adjudication of indirect civil contempt for failure to pay engagement ring expenses, (3) Jonathan's motion for summary judgment and sanctions filed in response to Christina's petition for adjudication of indirect civil contempt for failure to pay engagement ring expenses, (4) Jonathan's motion to quash subpoena *duces tecum*,

(5) a motion to continue, and (6) Jonathan's former attorney's petition for fees and costs. Judge Coryell's rulings on Jonathan's motions to dismiss and for summary judgment constituted rulings on "substantial issues" in the case. As a result, Jonathan's motion for substitution of judge as of right was untimely and the trial court committed no error in denying that motion.

¶ 27 Jonathan next argues the trial court erred in finding him in contempt of court for failing to reimburse Christina for the purchase price of the engagement ring. He maintains the evidence failed to show he willfully violated the court's order.

¶ 28 "In general, civil contempt is 'a sanction or penalty designed to compel future compliance with a court order.'" *Felzak v. Hruby*, 226 Ill. 2d 382, 391, 876 N.E.2d 650, 657 (2007). "The existence of an order of the court and proof of willful disobedience of that order must be shown for a finding of indirect contempt." *In re Marriage of Smithson*, 407 Ill. App. 3d 597, 607, 943 N.E.2d 1169, 1177 (2011). "The burden in resisting a finding of contempt rests on the alleged contemnor to show noncompliance was not willful and he has a valid excuse for failure to follow the court order." *Smithson*, 407 Ill. App. 3d at 607, 943 N.E.2d at 1177.

"Whether a party is guilty of contempt is a question of fact for the trial court, and a reviewing court will not disturb such a finding unless it is against the manifest weight of the evidence or the record reflects an abuse of discretion." *In re Marriage of Deike*, 381 Ill. App. 3d 620, 633, 887 N.E.2d 628, 639 (2008).

¶ 29 Here, the judgment of dissolution of marriage required Jonathan to reimburse Christina "for the purchase price of [the] engagement ring purchased for [Christina] and charged on [Christina's] Sam's Club credit card." Following the trial court's judgment, Christina filed two petitions for indirect civil contempt alleging Jonathan willfully failed or refused to follow the

court's order. In connection with the first petition, the court declined to find Jonathan in contempt but ordered that he begin making \$75-per-month payments, beginning August 1, 2011, toward the price of the ring until his obligation was paid in full. The record reflects Jonathan never made those payments.

¶ 30 On appeal, Jonathan argues his obligation to make the \$75-per-month payments was never triggered because the trial court also required Christina to provide additional documentation regarding ring payments and she failed to provide those materials. First, we reject Jonathan's contention that the court's order required Christina to provide additional material as a condition precedent to Jonathan's obligation to pay. Instead, Jonathan's obligation to pay for the ring stemmed from the dissolution judgment which clearly required him to reimburse Christina for the purchase price of the ring.

¶ 31 Second, at both contempt hearings, Christina submitted credit card statements and a summary she prepared, setting forth the purchase price of the ring, accumulated interest, and Jonathan's payments. Christina's documentation was sufficient to show the ring had been purchased in February 2008 for \$1,920.72, and, prior to the parties' divorce, Jonathan made payments totaling \$1,428. Her submissions were sufficient to apprise Jonathan that there remained a relatively substantial amount owed toward the purchase price of the ring.

¶ 32 Although the dissolution judgment required Jonathan to reimburse Christina for the "purchase price" of the ring, Christina's evidence showed he had not complied with the court's order. In fact, following dissolution of the parties' marriage, Jonathan made only a single payment to Christina toward the ring of \$29.40, and that payment was not made until January 2012. Jonathan contends he paid the purchase price of the ring in full and states he submitted

"accurate math" to the court as well as a payment not included in Christina's figures. However, his brief fails to cite to the portion of the record where this evidence was presented and this court's own review of the record fails to reflect he presented any evidence to support payments other than those alleged by Christina. The court's contempt finding was neither against the manifest weight of the evidence nor an abuse of discretion.

¶ 33 On appeal, Jonathan further argues the trial court erred during contempt proceedings in finding that he owed \$333.19 for his minor child's uninsured medical expenses. He contends the court failed to review his accounting of medical expenses which showed Christina actually owed him \$162.95 and also failed to consider evidence he presented of payments he made for their child's medical expenses. Again, this issue involves questions of fact and the court's findings will not be disturbed on review unless they are against the manifest weight of the evidence or the record reflects an abuse of discretion. *Deike*, 381 Ill. App. 3d at 633, 887 N.E.2d at 639.

¶ 34 Here, Christina filed a petition for indirect civil contempt, alleging Jonathan willfully failed to pay his portion of their minor child's uninsured medical expenses and asserted the amount he owed totaled \$333.19. To support her position, Christina submitted statements for medical expenses incurred for the parties' child and a spreadsheet summarizing the parties' payments through May 17, 2012. The trial court declined to find Jonathan in contempt but found Christina's figures were accurate and Jonathan owed the amount Christina alleged. However, the record reflects Jonathan submitted two receipts showing payments for medical expenses totaling \$323.30 that he made in June 2012 and which were not reflected in Christina's documentation. The court's ruling does not reference Jonathan's receipts.

¶ 35 Jonathan's contention that he did not owe \$333.19 in medical expenses for his minor child's uninsured medical expenses and that, instead, the parties were "pretty much dead even on who owes who" was supported by evidence that he made recent payments that were not accounted for in Christina's documentation. Absent an appellee's brief, we find Jonathan has demonstrated *prima facie* reversible error that is supported by the record. We reverse the trial court's order that Jonathan owes the sum of \$333.19, credit him the two payments totaling \$323.30, and find he owes a total of \$9.89 for the minor child's uninsured medical expenses.

¶ 36 Finally, on appeal, Jonathan argues the trial court erred in ordering him to pay \$3,000 in attorney fees. He contends the court lacked authority to order him to pay attorney fees and improperly failed to consider either party's financial resources. Further, he maintains his pleadings during the divorce proceedings were filed in compliance with the law and the court improperly failed to file a written order regarding its imposition of attorney fees.

¶ 37 At the September 2012 hearing, Christina's attorney alleged she incurred \$3,600 for legal services in connection with postdissolution matters between June 2010 and July 2012. The trial court ordered Jonathan to pay \$3,000 in attorney fees finding it was mandated to impose fees based on Jonathan's filings to modify custody and the court's contempt finding. It also found attorney fees warranted under Illinois Supreme Court Rule 137 (eff. Feb. 1, 1994) based upon Jonathan's filing of frivolous pleadings. The court stated as follows in its oral ruling:

"THE COURT: Okay. I'm going to show the arguments are heard on the issue of fees. [Jonathan], I think, the standard for frivolous is not whether or not you believe it's frivolous. The standard for frivolous is whether or not it has any basis in fact or

law. In this particular case, we've had hearings that should have taken about 15 minutes that have gone on for hours because of garble, nonsensical, questioning that you've engaged in.

We—we had a petition to change custody that was filed, it was not filed in compliance with the law. You say that your motives were pure, but you didn't file it at statute [*sic*], you filed the thing within a two-year period, you didn't ask leave of court, you didn't do what you were supposed to do—

[JONATHAN]: Your Honor, if I may—

THE COURT: —just don't interrupt, it's my turn now. I have listened to you for days on end. You've been held in contempt on the ring issue. You filed these memorandums of law and points of authority that were incoherent or semi-coherent, you consumed everyone's time wading through them. I think under the statute I'm mandated to impose fees on the custody issue. I'm mandated on the contempt and under Rule 137 on some of the frivolous pleadings you filed. I am going to award attorney's fees."

¶ 38 We first address the trial court's imposition of attorney fees in connection with its contempt finding. Pursuant to section 508(b) of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/508(b) (West 2010)), the trial court has a mandatory obligation to award attorney fees in certain circumstances. That section provides as follows:

"In every proceeding for the enforcement of an order or judgment

when the court finds that the *failure to comply with the order or judgment was without compelling cause or justification*, the court shall order the party against whom the proceeding is brought to pay promptly the costs and reasonable attorney's fees of the prevailing party. \*\*\* If at any time a court finds that a hearing under this Act was precipitated or conducted for any improper purpose, the court shall allocate fees and costs of all parties for the hearing to the party or counsel found to have acted improperly. Improper purposes include, but are not limited to, harassment, unnecessary delay, or other acts needlessly increasing the cost of litigation." (Emphasis added.) 750 ILCS 5/508(b) (West 2010).

"[F]inding a party in contempt for failing to comply with a court order implies a finding the failure to comply was without cause or justification." *Deike*, 381 Ill. App. 3d at 634, 887 N.E.2d at 640. Additionally, "[a]n award under section 508(b) does not depend on a party's inability to pay the fees or the other party's ability to pay." *In re Marriage of Walters*, 238 Ill. App. 3d 1086, 1098, 604 N.E.2d 432, 442 (1992).

¶ 39 Here, Jonathan was found in contempt for failing to comply with a court order. As a result, the imposition of attorney fees was mandatory under section 508(b) of the Act and did not depend upon the parties' financial resources. That section also does not require a written order. An imposition of attorney fees related to Christina's successful pursuit of a contempt finding was appropriate under section 508(b) of the Act. However, it is impossible to glean from the record how much of the \$3,000 in attorney fees awarded by the court were related to that

contempt proceeding. We remand to the trial court with directions that it make such a finding.

¶ 40 As stated, the trial court also imposed attorney fees based upon two additional grounds. First, the court found fees were mandatory due to Jonathan's filings to modify custody. Under the Act, "no motion to modify a custody judgment may be made earlier than [two] years after its date, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously his physical, mental, moral or emotional health." 750 ILCS 5/610(a) (West 2010). The Act further provides that "[a]ttorney fees and costs shall be assessed against a party seeking modification if the court finds that the modification action is vexatious and constitutes harassment." 750 ILCS 5/610(c) (West 2010).

¶ 41 Here, the trial court did not specifically reference section 610(c) and, notably, made no express finding that Jonathan's *pro se* filing to modify custody was vexatious or harassing. Instead, the court noted Jonathan filed a petition to change custody that "was not filed in compliance with the law" because it was filed within two year of the court's custody order and without Jonathan first seeking leave of the court. These findings do not provide a basis for mandatory attorney fees under section 610(c).

¶ 42 Finally, the trial court also awarded attorney fees pursuant to Illinois Supreme Court Rule 137 (eff. Feb. 1, 1994) on the basis that Jonathan filed frivolous pleadings. Rule 137 requires attorneys or *pro se* parties to sign pleadings and provides as follows:

"The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other paper; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing

law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." Ill. S. Ct. R. 137 (eff. Feb. 1, 1994).

Where a pleading, motion, or other document is signed in violation of Rule 137, the court may impose an appropriate sanction, including a reasonable attorney fee. Ill. S. Ct. R. 137 (eff. Feb. 1, 1994). Where a sanction is imposed under the rule, "the judge shall set forth with specificity the reasons and basis of any sanction so imposed either in the judgment order itself or in a separate written order." Ill. S. Ct. R. 137 (eff. Feb. 1, 1994).

¶ 43 Here, the trial court filed no written order setting forth the reasons for its imposition of sanctions under Rule 137. Moreover, even the court's oral ruling failed to set forth its reasoning with any specificity. In particular, the court did not identify which pleadings, motions, or other documents Jonathan signed in violation of Rule 137 and which could have served as a basis for its imposition of fees. The proper disposition where the court has failed to make specific findings pursuant to Rule 137 is to reverse the order awarding sanctions and remand the case so that the trial court may make specific findings of fact or law in support of its decision which will facilitate appellate review. See *North Shore Sign Co., Inc. v. Signature Design Group, Inc.*, 237 Ill. App. 3d 782, 791-92, 604 N.E.2d 1157, 1163 (1992).

¶ 44 Therefore, we reverse the trial court's order that Jonathan pay \$3,000 in attorney fees and remand the cause with directions that the court make specific, written findings to support its award of attorney fees related to Christina's successful pursuit of a contempt finding

against Jonathan, award of attorney fees related to Jonathan's filings to modify custody pursuant to section 610(c) of the Act, and imposition of sanctions under Rule 137, all as addressed above.

¶ 45

### III. CONCLUSION

¶ 46 For the reasons stated, we affirm in part and reverse in part the trial court's judgment and remand with directions that it make specific written findings as to attorney fees consistent with this decision.

¶ 47 Affirmed in part and reversed in part; cause remanded with directions.