

SIXTH DIVISION
December 23, 2015

No. 1-14-3350

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

| | | |
|----------------------|---|------------------|
| TURKESSA GRIGGS, |) | Appeal from the |
| |) | Circuit Court of |
| Plaintiff-Appellant, |) | Cook County. |
| |) | |
| v. |) | No. 10 D 79250 |
| |) | |
| MARWIN PRICE, |) | Honorable |
| |) | Pamela E. Loza, |
| Defendant-Appellee. |) | Judge Presiding. |

JUSTICE DELORT delivered the judgment of the court.
Justices Hoffman and Hall concurred in the judgment.

ORDER

- ¶ 1 **Held:** The trial court may order a non-custodial parent to pay child support, and without a record of the proceedings on the parent's motion to reduce the ordered amount of child support, the trial court's determination of support will not be disturbed.
- ¶ 2 Respondent Turkessa Griggs appeals *pro se* the trial court's order denying her motion to reduce the amount of child support she was ordered to pay to petitioner Marwin Price for the care of their minor child. On appeal, Griggs asks that her motion for reduction in the child support amount be reconsidered by this court. For the reasons set forth below, we affirm.

¶ 3 Although Price has not filed a brief in this court, we may consider this appeal on Griggs's brief only under the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 4 The record on appeal establishes that in September 2010, Griggs and Price entered into a parenting agreement under which Price had visitation rights every other weekend and at other specified times. Price filed a *pro se* motion seeking full custody of the child “[o]n the grounds of maternal neglect [and] abandonment.” Price stated the child now lived in his household because Griggs had relapsed into drug addiction and had failed to pick up the child at a designated time.

¶ 5 The court set the case for emergency intervention and served Griggs with notice. Griggs did not appear, and the court ordered the child to remain with Price until the next emergency intervention in June 2011. Griggs appeared in court on that date, and the court ordered her to enroll immediately in an in-house addiction rehabilitation program. The court awarded temporary legal custody of the child to Price. In August 2011, Price filed a motion seeking full custody of the child. The court granted the motion and ordered that Griggs follow the visitation schedule that previously applied to Price. In March 2012, Price filed a motion for joint legal custody of the child, stating he and Griggs had verbally agreed he would retain primary physical custody. The court entered a joint custody agreement stating the child would primarily reside with Price.

¶ 6 In August 2014, Price petitioned the court for a change in visitation, alleging Griggs was homeless and unable to provide a safe environment for the child. Price sought child support from Griggs to assist in the child's “care, medical, dental, school fees, etc.” On October 3, 2014, the court ordered Griggs to pay \$50 per week in child support, along with \$6,000 in retroactive support dating back to April 2012. On October 9, 2014, Griggs filed a motion asking that her

\$50 weekly support obligation be reduced. On October 31, 2014, after a hearing in which both parties participated, the court denied Griggs's motion to reduce child support.

¶ 7 On appeal, Griggs seeks reconsideration of the trial court's order denying her motion to reduce child support. We note at the outset that Griggs's one-page filing in this court is in the form of a letter and is devoid of the usual features of an appellate brief, such as citations to the record on appeal or to legal authority. See Ill. S. Ct. R. 341(h) (7) (eff. Feb. 6, 2013). Still, this court can ascertain Griggs's position from the contents of her filing. Essentially, Griggs contends she should not be required to pay child support because she and Price have joint custody of the child and the child spends equal time in each of their homes.

¶ 8 "Child support is an obligation the parents owe for the benefit of the child." *In re Marriage of Deem*, 328 Ill. App. 3d 453, 458 (2002). As such, support may be awarded even where the parents have joint custody and a primary physical custodian has been designated. *Id.* at 458; see also *In re Marriage of Abu-Hashim*, 2014 IL App (1st) 122997, ¶ 35. Therefore, Griggs's status as the non-custodial parent does not relieve her from the obligation to pay child support as ordered by the trial court.

¶ 9 Section 505(a)(1) of the Marriage and Dissolution of Marriage Act (the Act) (750 ILCS 5/505(a)(1) (West 2012)) establishes guidelines for the minimum amount of child support to be paid by the non-custodial parent. In the case of one child, the minimum amount of support is 20% of the supporting parent's net income. *Id.* Here, the trial court ordered Griggs to pay monthly support of \$50 and a large amount of retroactive support to Price, who had primary physical custody of the child. It is not clear from the record if the monthly child support award constituted 20% of Griggs's net income; however, we lack any basis to disturb the court's award.

¶ 10 Because Griggs is the appellant in this case, it is her burden to present a sufficiently complete record of the proceedings to support her claim of error. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984); see also *In re Marriage of Gulla*, 234 Ill. 2d 414, 422 (2009). Accordingly, any doubts and deficiencies arising from an insufficient record will be construed against Griggs, and a reviewing court must presume the circuit court's order was in conformance with the law. *Id.* Without a transcript of the relevant proceeding, Griggs cannot support her claims of error. Even if Griggs had provided this court with a record of the proceedings on her motion to reduce child support, we note that the amount of a child support award is a matter within the sound discretion of the trial court that will not be disturbed on appeal absent an abuse of that discretion. See *In re Marriage of Mitter*, 2015 IL App (1st) 142695, ¶ 8. Accordingly, this court has no basis to reverse the trial court's support award or the court's denial of Griggs's request to reduce the amount of child support she must pay.

¶ 11 Accordingly, the judgment of the trial court is affirmed.

¶ 12 Affirmed.