2015 IL App (4th) 140238-U

NO. 4-14-0238

FILED
February 11, 2015
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

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.

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

ORDER

¶ 1 *Held*: The trial court committed no error in ordering the former husband to pay attorney fees incurred by his former wife during postdissolution proceedings.

¶ 2 Petitioner, Jonathan E. Campbell, appeals the trial court's order requiring him to pay a total of $3,000 in attorney fees incurred by respondent, Christina L. Campbell, now known as Christina L. Houston, during the parties' postdissolution proceedings. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Jonathan and Christina were married on January 12, 2008, and had one child, L.C. (born November 28, 2008). In April 2009, Jonathan filed a petition for dissolution of marriage. The same month, Christina filed a counterpetition. On June 29, 2010, the trial court entered a written order granting custody of L.C. to Christina subject to Jonathan's right of reasonable visit-

ation. On October 14, 2010, the court entered a judgment dissolving the parties' marriage and incorporating the language of its previous custody order.

¶ 5 The record reflects the underlying proceedings were highly contentious. Following the trial court's judgment, each party made numerous postdissolution filings, resulting in continued proceedings before the trial court and an appeal by Jonathan to this court addressing several postdissolution matters. On appeal, we remanded the matter to the trial court so that it could make specific written findings as to its award to Christina of postdissolution attorney fees. *In re Marriage of Campbell*, 2013 IL App (4th) 120925-U, ¶ 44. The subject of this appeal concerns the propriety of the trial court's attorney fee order on remand and we address only those postdissolution matters relevant to a resolution of that issue on appeal.

¶ 6 A. Postdissolution Proceedings

¶ 7 1. *Contempt—Engagement Ring Payments*

¶ 8 On March 23, 2011, Christina filed a petition for adjudication of indirect civil contempt, alleging Jonathan willfully failed or refused to reimburse her for the price of her engagement ring as required by the dissolution judgment. Following a June 2011 hearing, the trial court declined to find Jonathan in contempt but ordered him to pay Christina "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." On August 22, 2011, Christina filed a second petition for adjudication of indirect civil contempt, alleging Jonathan willfully and contumaciously failed to comply with the court's June 2011 order and make the $75-per-month payments. Jonathan responded by filing *pro se* motions to dismiss Christina's petition for adjudication of indirect civil contempt and for summary judgment. On December 13, 2011, the court denied Jonathan's *pro se*

motions and, following a hearing on June 8, 2012, found him in willful contempt for failing to make $75 payments on August 1, September 1, and October 1, 2011. On June 29, 2012, Jonathan filed a *pro se* motion to reconsider the court's contempt finding, which the court denied on September 4, 2012. On appeal, we upheld the court's contempt finding. *Campbell*, 2013 IL App (4th) 120925-U, ¶ 32.

¶ 9 2. *Motion for Substitution of Judge*

¶ 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. Jonathan raised this issue on appeal and we found the court committed no error, noting the motion was untimely as the judge at issue had made rulings on substantial issues in the case. *Campbell*, 2013 IL App (4th) 120925-U, ¶ 26.

¶ 11 3. *Petition To Modify Custody*

¶ 12 On April 27, 2012, Jonathan filed a *pro se* petition for modification of custody. He alleged a substantial change in circumstances had occurred which justified the immediate modification of child custody, visitation, and support. Specifically, Jonathan alleged L.C. was no longer an infant; Christina had conducted herself in a manner detrimental to L.C.'s well-being; Christina exercised neglect and wanton disregard for L.C.'s health, safety, and basic needs; Christina repeatedly violated the custody order; Christina had not demonstrated an ability or willingness to foster L.C.'s emotional health or continuing close bond with Jonathan; Christina intended to relocate with L.C. to Maryville, Illinois, which Jonathan asserted would interfere with his visitation; and Christina's move was "based on her speculation for a successful [seventh]

marriage" and "her hope for acceptance into a full-time, university nursing program."

¶ 13 On April 30, 2012, Christina filed a motion to dismiss Jonathan's petition to modify custody. She asserted the petition was filed in direct contravention of section 610(a) of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/610(a) (West 2010)), which prohibits modification of a custody judgment within two years after its entry unless permitted by the court "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." Christina argued less than two years had passed since the trial court awarded her custody of L.C. and Jonathan had neither requested nor been granted leave to seek modification of that judgment. She asked the court to award her attorney fees for the filing of her motion to dismiss.

¶ 14 On May 4, 2012, Jonathan filed a *pro se* motion for leave to file a petition for modification of custody and for an evidentiary hearing. Again, he asserted substantial changes in circumstances had occurred which justified the immediate modification of child custody, visitation, and support. Jonathan also alleged there was "reason to believe the child's present environment may endanger seriously her physical, mental, moral or emotional health." He submitted an amended petition for modification of custody with his motion, which included a section entitled "AFFIDAVIT OF PETITIONER," in which he reiterated and expounded upon the allegations set forth in his original petition to modify custody. Jonathan also attached the affidavits of two individuals who each positively described Jonathan's relationship with L.C. and asserted L.C. would suffer harm if uprooted from her environment or if her visitations with Jonathan were disrupted.

¶ 15 On May 10, 2012, Christina filed a response asserting Jonathan failed to allege

facts to support the allegations in his motion for leave to file a petition to modify custody and that the two affidavits attached to his filings were also factually deficient. She asked the trial court to deny Jonathan's motion and impose an award of mandatory attorney fees pursuant to section 610(c) of the Act (750 ILCS 5/610(c) (West 2010)). On May 22, 2012, Jonathan filed an answer to Christina's response and, again, set forth his affidavit—the same affidavit included in his amended motion to modify custody.

¶ 16 On June 8, 2012, the trial court conducted a hearing to address all matters pending as of April 30, 2012, including Jonathan's initial petition to modify custody and Christina's motion to dismiss that petition as premature. (We note both Christina's filings and arguments before the court indicated she viewed the date of the October 14, 2010, dissolution judgment as the date on which section 610(a)'s two-year time period began to run; however, the record shows June 29, 2010, is actually the controlling date for purposes of section 610(a), as that is the date the court entered its written permanent custody order. See *In re Marriage of Marsh*, 343 Ill. App. 3d 1235, 1243, 799 N.E.2d 1037, 1044 (2003) (holding "section 610's two-year proscription on motions to modify custody, absent affidavits showing serious endangerment, starts to run when the trial court enters a permanent custody order, regardless of whether such order is entered contemporaneously to the final judgment of dissolution or earlier in the dissolution proceedings"). Nevertheless, Jonathan's April 27, 2012, petition to modify was premature utilizing either date.) Following the parties' arguments, the court granted Christina's motion to dismiss Jonathan's April 27, 2012, petition to modify custody. The record fails to reflect whether the court ever addressed Jonathan's May 4, 2012, motion for leave to file a petition for modification of custody and for an evidentiary hearing.

¶ 17 4. *Contempt—Visitation Abuse*

¶ 18 On May 30, 2012, Jonathan filed a 21-page, *pro se* "petition for a rule to show cause re: indirect civil contempt for visitation abuse." He asserted the current visitation order allowed him weekday visitations with L.C. on Mondays and Thursdays from 5:30 to 8:30 p.m., provided that he would forfeit a visitation in the event he was "more than one-half hour late," and identified the pick-up and drop-off location for the parties' child as Christina's "residence." Jonathan asserted that, at the time the current visitation order was entered, Christina and L.C. resided in Argenta, Illinois, a distance of 51 miles from his home in Springfield. He alleged that, on May 19, 2012, Christina moved with L.C. to Maryville, Illinois, which increased the distance between the parties' homes to 82 miles. Jonathan asserted Christina's move with L.C. to Maryville impeded his ability to exercise visitation in the manner set forth by the court, in that it was "geographically impossible" for him to exercise his weekday visitations by 6:00 p.m. He also expressed his belief that the court's visitation order was specific to Christina's Argenta residence.

¶ 19 On June 4, 2012, Christina filed a motion to dismiss Jonathan's petition for indirect civil contempt. She argued Jonathan had been fully advised of her change of residence and that, although Jonathan's petition was based upon the premise that the term "residence" as used in the visitation order applied only to the residence Christina had in Argenta, "the court order [did] not so specifically define" that term. Christina asserted an individual could only be held in contempt when there was a violation of a specific court order. She argued Jonathan's petition was meant to harass and otherwise cause her to incur substantial attorney fees. Christina requested the court dismiss Jonathan's petition and order him to pay the attorney fees she incurred in con-

junction with her motion to dismiss.

¶ 20 On June 7, 2012, Jonathan filed a response to Christina's motion to dismiss. He reiterated his position that his filing was based upon Christina's "willful failure to follow the existing court order, whereby she [was] ordered to provide the child for visitation at her residence at the time of the order's entry."

¶ 21 On June 8, 2012, the trial court addressed the parties' filings. The court inquired as to whether Jonathan had "given any thought to filing, rather than a contempt petition, a petition to modify visitation based on the fact that everybody's circumstances have changed." The following colloquy then occurred:

> "[JONATHAN]: Your Honor, first, before I even did that, I have tried to work it out with [Christina], and she—she doesn't want to do that. And I have—
>
> THE COURT: I understand that you guys can't agree on anything. But have you thought about just filing a petition to modify the visitation and so that I can impose a—or give you a new visitation schedule, if that's what's appropriate.
>
> [JONATHAN]: I didn't do that.
>
> THE COURT: Do you think that might be a good plan?
>
> [JONATHAN]: You know, I'm sure that would be, but my first attempt was to try to, you know, it's incumbent upon [Christina] because she's the one who moved the minor child to try to make arrangements to try to help me carry out my visitation as pre-

> scribed by the Court, you know, by Judge Griffith. It's a very thoughtful order and she's made no attempt to do so, has, you know, flagrantly just, you know, thumbed her nose at the court in every possible way on the issue. And you know, in fact, she asserts that her residence is a term that's transient, it is not 283 East Park Street, you know, Argenta, but the place that is set in the order—
>
> THE COURT: Do you understand what I'm—or asking you is do you want to file a petition to modify the visitation reflecting the changed circumstances that now exist?
>
> [JONATHAN]: I do, Your Honor, but I would like to hold [Christina] accountable for her willful—willful disregard of the order."

¶ 22 The trial court next heard argument on Christina's motion to dismiss Jonathan's contempt petition. Ultimately, the court ruled Jonathan's petition failed to "allege anything that [it could] grant a contempt order on." The court found the motion to dismiss well-taken and dismissed Jonathan's petition. However, it granted him leave to file a petition seeking modification of visitation based upon changed circumstances. (We note the record reflects Jonathan subsequently filed a motion asking to modify visitation with respect to transportation; however, by September 2012, the parties' visitation issues and Jonathan's motion had been rendered moot by Christina's relocation back to Argenta with the minor child.)

¶ 23 5. *Day-Care Expenses*

¶ 24 On August 22, 2011, Christina filed a petition to modify the dissolution judgment, alleging the judgment did not address the issue of day-care expenses for L.C. Christina noted that at the time the judgment was entered, she was unemployed, but she had recently obtained full-time employment. She referenced statements by Jonathan in recent filings before the trial court in which he requested contact information for L.C.'s day care so that he could begin paying for his share of the expenses. Christina asked the court to modify the dissolution judgment to require Jonathan to pay half of all day-care expenses she incurred while working.

¶ 25 On June 8, 2012, the trial court conducted a hearing and addressed the issue of day-care expenses. During the hearing, Jonathan agreed to pay for half of L.C.'s day-care expenses, stating as follows:

> "[JONATHAN]: That was an agreed issue. I agreed that I should be, you know, paying half of the daycare [*sic*] costs. I think the only disagreement was on how to determine, you know, how to split those costs. ***
>
> THE COURT: This petition—you're agreeing to the petition to modify is that what you're saying?
>
> [JONATHAN]: As far as, you know, paying half the daycare [*sic*] expenses, yes."

The court made a docket entry reflecting Jonathan's agreement and ordered his payment of day-care expenses retroactive to August 22, 2011.

¶ 26 On June 22, 2012, Christina filed a motion to modify the day-care-expenses order. She alleged the trial court's previous order "provided for day[-]care expenses while [Christina]

works." She asked the court to expand its order to include day-care expenses she incurred while attending college to obtain her nursing degree. On June 29, 2012, Jonathan filed a *pro se* motion to dismiss Christina's motion. He asserted there had been no change in circumstances since the entry of the June 8, 2012, order; Christina never complied with a December 2011 order to submit a financial affidavit; the parties' child was eligible for free or subsidized preschool while Christina was a student; Christina was "not attending a 'nursing' program" and had "not completed her general education requirements for an Associate's Degree"; Christina quit her full-time employment to move in with her boyfriend and "become a full-time, speculative student during daytime hours" and her school attendance did not benefit the parties' child; and he was financially unable to share day-care costs at that time.

¶ 27 Also on June 29, 2012, Jonathan filed a motion for reconsideration of several of the trial court's previous rulings, including its June 8, 2012, ruling as to day-care expenses. He asserted he was "blindsided" by the issue at the June 8, 2012, hearing; he had attention deficit disorder, which was "triggered" due to the stress of the hearing and inhibited his ability to fully focus; Christina's original petition to modify was moot because she was in school and not employed at the time of the hearing, and because she had not submitted a financial affidavit as ordered by the court; his proposed order regarding day-care expenses was never addressed by the court and, therefore, no agreement between the parties had been reached; day care was elective and not in L.C.'s best interests; Christina was an unemployed student and could send L.C. to free or subsidized preschool; Christina hid past day-care expenses and "dragged the matter out" for malicious purposes; Christina provided no proof of incurred day-care expenses and would "lie to obtain judgment against [him]"; and the court's order was vague and invited further abuse.

¶ 28 On July 10, 2012, the trial court conducted a hearing in the matter and addressed the parties' day-care-related filings. A docket entry shows the court denied Jonathan's motion to reconsider the agreed day-care-expenses order, denied Jonathan's motion to dismiss Christina's motion to modify the day-care-expenses order, and granted Christina's motion to modify the day-care-expenses order.

¶ 29 B. Original Attorney Fee Award

¶ 30 On September 4, 2012, the trial court conducted a hearing in the matter and ordered Jonathan to pay $3,000 in attorney fees incurred by Christina during the parties' postdissolution proceedings. The court determined it was "mandated to impose fees on the custody issue" and "mandated on the contempt and under [Illinois Supreme Court] Rule 137 [(eff. Feb. 1, 1994)] on some of the frivolous pleadings [Jonathan] filed." Jonathan challenged the trial court's attorney fee award on appeal. We reversed the court's order and remanded with directions that it make specific, written findings to support an award of attorney fees. *Campbell*, 2013 IL App (4th) 120925-U, ¶ 44.

¶ 31 On appeal, we first agreed that an imposition of attorney fees was mandatory under section 508(b) of the Act (750 ILCS 5/508(b) (West 2010)) due to Christina's successful pursuit of a contempt finding against Jonathan; however, we found it impossible to determine from the record how much of the $3,000 in attorney fees awarded by the court was attributable to those contempt proceedings. *Campbell*, 2013 IL App (4th) 120925-U, ¶ 39. Second, we found that while the Act mandates the imposition of attorney fees when a court has found that an action to modify custody was " 'vexatious and constitute[d] harassment,' " the trial court made no such findings in the instant case, concluding only that Jonathan's petition to modify was not filed in

compliance with the law. *Campbell*, 2013 IL App (4th) 120925-U, ¶¶ 40-41 (quoting (750 ILCS 5/610(c) (West 2010)). Third, we acknowledged Rule 137 permits a court to impose attorney fees as a sanction for a violation of the rule, but we held the trial court in this case did not comply with the requirements of the rule by failing to make specific, written findings to support its imposed sanction. *Campbell*, 2013 IL App (4th) 120925-U, ¶¶ 42-43.

¶ 32 C. Proceedings on Remand

¶ 33 On November 13, 2013, the trial court conducted a hearing regarding the issue of attorney fees on remand. Jonathan appeared *pro se* and Christina's attorney, Richard Hopp, presented testimony regarding the attorney fees incurred by Christina during postdissolution proceedings at his hourly rate of $200. He testified regarding time he spent on the engagement ring contempt issue, Jonathan's filings which sought to modify custody, Jonathan's motion for substitution of judge, filings and proceedings regarding the payment of day-care expenses, and proceedings in which Jonathan alleged visitation abuse and sought to have Christina held in contempt. Hopp stated his belief that many of Jonathan's filings were frivolous, not well-founded in the law, or for the purpose of harassment. Along with his testimony, he submitted his billing statement, showing fees Christina incurred from June 25, 2010, through July 5, 2012, totaling $3,600, and a printout of docket entries in the case. After Hopp's testimony, the following colloquy occurred:

> "THE COURT: So you're saying you got 1130 on the ring issue, 880 on the petition to modify custody, 180 on the substitution of judge] issue; and the balance of your $3,000 came from visitation abuse regarding the move to Maryville, Illinois and the peti-

tion to modify the agreed [day-care-expenses] order?

MR. HOPP: That is correct."

¶ 34 Jonathan cross-examined Hopp, questioning him regarding several of the filings and proceedings referenced by Hopp during his testimony. He did not inquire as to the reasonableness of Hopp's fees or any specific charges Hopp associated with the filings or proceedings at issue. Neither party presented any further evidence.

¶ 35 At the close of the hearing, the trial court ordered Jonathan to pay Christina a total of $3,000 in attorney fees, representing (1) $1,130 for expenses related to Christina's pursuit of contempt against Jonathan for failure to make payments toward her engagement ring, (2) $880 for expenses related to Jonathan's petition to modify custody and "subsequent related pleadings," (3) $180 for expenses related to Jonathan's motion for substitution of judge, and (4) $810 for expenses related to Jonathan's pursuit of contempt for visitation abuse and his challenge to the parties' agreed day-care-expenses order. On February 24, 2014, the court followed up with a written order.

¶ 36 This appeal followed.

¶ 37 II. ANALYSIS

¶ 38 Jonathan appeals, challenging the trial court's imposition of attorney fees. He argues the court failed to follow this court's order directing that the trial court make specific, written findings to support its decision, and that the trial court abused its discretion.

¶ 39 Initially, we note that, as in the previous appeal, Christina has not filed an appellee's brief. In the absence of an appellee's brief, a reviewing court may exercise three distinct, discretionary options: "(1) it may serve as an advocate for the appellee and decide the case when

the court determines justice so requires, (2) it may 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) it may 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 *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133, 345 N.E.2d 493, 495 (1976)). With these options in mind, we address the merits of Jonathan's appeal.

¶ 40 A. Attorney Fees Related to Jonathan's "Ring Contempt"

¶ 41 Pursuant to section 508(b) of the Act (750 ILCS 5/508(b) (West 2010)), a trial court has a mandatory obligation to award attorney fees in certain circumstances. In particular, that section provides that "[i]n 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." (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 [that] the failure to comply was without cause or justification ***." *In re Marriage of Deike*, 381 Ill. App. 3d 620, 634, 887 N.E.2d 628, 640 (2008).

¶ 42 Jonathan first argues the trial court erred in its award of attorney fees based upon the "ring contempt" issue because the court did not adhere to this court's order on appeal. Specifically, he argues the trial court's findings were vague, unspecific, and not supported by the facts of the case. We disagree and find the trial court appropriately followed this court's direction.

¶ 43 In connection with Jonathan's previous appeal, we agreed Jonathan's contempt

mandated the imposition of attorney fees against him under section 508(b), but we found it impossible to determine the specific amount of fees attributable to the contempt proceedings and remanded with directions that the trial court make such a finding. *Campbell*, 2013 IL App (4th) 120925-U, ¶ 39. On remand, the court conducted a hearing, at which Hopp testified regarding his charges to Christina during postdissolution proceedings and the court determined $1,130 was the amount of attorney fees Christina incurred as a result of the "ring contempt" issue. Our previous order on appeal did not require the trial court to be any more specific.

¶ 44 Jonathan's further arguments on appeal implicate a challenge to the reasonableness of the attorney fees imposed by the trial court. Specifically, he argues it was not possible from the proceedings on remand "to come to any coherent figure for attorney's fees for the ring contempt." Jonathan describes the court's finding as ambiguous and unsupported, and he complains Hopp inflated the cost of his services.

¶ 45 "The trial court has broad discretion to determine the reasonableness of the attorney fees." *In re Marriage of Shinn*, 313 Ill. App. 3d 317, 325, 729 N.E.2d 546, 552 (2000). "The party seeking fees must present sufficient evidence from which the trial court can accurately determine the services rendered and the amount of money that constitutes reasonable fees." *Shinn*, 313 Ill. App. 3d at 325, 729 N.E.2d at 552.

¶ 46 Here, Hopp presented a billing statement which provided a breakdown of the services he performed for Christina, time expended on each service, and his hourly rate ($200). He further provided testimony regarding the information contained within that billing statement. With respect to the "ring contempt" issue, Hopp highlighted portions of his billing statement and made notations regarding services and charges specifically related to the "ring contempt" pro-

ceedings. Under these circumstances, we find there was sufficient evidence from which the trial court could determine the amount of attorney fees Christina incurred as a result of the "ring contempt" issue and whether Hopp's charges were reasonable.

¶ 47 Additionally, to the extent Jonathan challenges Hopp's specific calculation of fees, we find the issue forfeited. " 'Issues not raised before the trial court are [forfeited] on appeal.' " *In re Marriage of Culp*, 399 Ill. App. 3d 542, 550, 936 N.E.2d 1040, 1047 (2010) (quoting *Arcor, Inc. v. Haas*, 363 Ill. App. 3d 396, 406, 842 N.E.2d 265, 274 (2005)). Here, although Jonathan cross-examined Hopp at the hearing on remand, he asked no questions regarding Hopp's services or specific charges, nor did he present any argument as to that issue to the trial court. As a result, he has forfeited the issue for purposes of review.

¶ 48 B. Attorney Fees Related to Jonathan's Petition To Modify Custody

¶ 49 Pursuant to section 610(a) of the Act (750 ILCS 5/610(a) (West 2010)) "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." Further, section 610(c) of the Act (750 ILCS 5/610(c) (West 2010)) requires a trial court to assess attorney fees and costs "against a party seeking modification [of custody] if the court finds that the modification action is vexatious and constitutes harassment." "Allowance of attorney fees is within the discretion of the circuit court and should not be overturned absent clear abuse." *In re Marriage of Weaver*, 228 Ill. App. 3d 609, 621, 592 N.E.2d 643, 651 (1992).

¶ 50 Jonathan argues the trial court erred in awarding Christina $880 in attorney fees in connection with the proceedings he initiated to modify custody. He contends Hopp never pro-

vided $880 as an estimate of the cost of litigation in connection with the attempt to modify custody. Jonathan also argues the court erred in finding there was no basis in law or fact for his petition to modify and that he initiated modification proceedings for an improper purpose.

¶ 51 Here, we find no error by the trial court in determining an award of attorney fees based upon Jonathan's custody filings was appropriate. The court found no basis in law or fact for Jonathan's petition for modification and that Jonathan filed his petition to "annoy" Christina and "interfere with her goings and comings." The court stated: "It was obvious to the Court from the proceedings *** that [Jonathan] could not let go and did not want to let go and didn't let go of the issues litigated in the dissolution case and kept filing additional pleadings that had no basis." The record supports the court's findings, showing Jonathan's custody filings were not filed in accordance with the relevant statutory provisions. Additionally, the record reflects the court had several opportunities to observe the parties during the underlying proceedings and to review Jonathan's numerous and lengthy filings. We cannot say its findings, indicating Jonathan's modification filings were vexatious and for the purpose of harassment, constituted an abuse of discretion.

¶ 52 As stated, Jonathan also contends Hopp never provided $880 as an estimate of the cost of his services in connection with Jonathan's attempt to modify custody. Contrary to Jonathan's assertion on appeal, Hopp did present that $880 figure to the court, testifying that "$880 *** was associated with [Jonathan's] ill-thought and ill-brought motions to modify custody." Additionally, we find any challenge by Jonathan to Hopp's calculation of fees has been forfeited because he failed to raise the issue with the trial court. See *Culp*, 399 Ill. App. 3d at 550, 936 N.E.2d at 1047.

¶ 53 C. Attorney Fees Related to Jonathan's Motion for Substitution of Judge, Contempt Petition for Visitation Abuse, and Challenge to Agreed Day-Care-Expenses Order

¶ 54 Pursuant to Rule 137(a), attorneys and *pro se* parties must sign every pleading, motion, or other document they file.

> "The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; 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(a) (eff. Feb. 1, 1994).

When a pleading, motion, or other document is signed in violation of Rule 137, the trial court "may impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion or other document, including a reasonable attorney fee." Ill. S. Ct. R. 137(a) (eff. Feb. 1, 1994). If the court imposes a sanction, it must "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(d) (eff. Feb. 1, 1994).

¶ 55 A trial court's imposition of sanctions pursuant to Rule 137 is reviewed for an abuse of discretion. *McNeil v. Ketchens*, 397 Ill. App. 3d 375, 397, 931 N.E.2d 224, 242 (2010).

An abuse of discretion occurs "only if no reasonable person could agree with the court's decision." *McNeil*, 397 Ill. App. 3d at 397-98, 931 N.E.2d at 242.

¶ 56 1. *Motion for Substitution of Judge*

¶ 57 Here, the trial court imposed attorney fees of $180 against Jonathan in connection with his motion for substitution of judge, finding there had been no basis for the motion. The record shows Jonathan alleged the current presiding judge had not ruled on any substantial issue in the case. However, the record contradicted his assertion, showing the judge at issue had actually made numerous rulings in the case, including rulings on substantial issues, *i.e.*, rulings on motions to dismiss and for summary judgment. The record refutes Jonathan's argument on appeal that his motion "was strongly supported with statutory and case law." Thus, the court did not abuse its discretion in imposing attorney fees related to Jonathan's motion for substitution of judge.

¶ 58 2. *Contempt Petition Alleging Visitation Abuse and Proceedings Challenging the Agreed Day-Care-Expenses Order*

¶ 59 Finally, the trial court imposed attorney fees of $810 against defendant in connection with his pursuit of a contempt finding against Christina for visitation abuse and his challenge to an agreed day-care-expenses order. With respect to the contempt issue, the court found no court orders or provisions of law existed which prohibited Christina from moving within Illinois; Jonathan could have asked to modify visitation to deal with issues arising out of Christina's move; Jonathan, instead, filed a contempt proceeding; and the only purpose of the contempt proceeding was to "harass [Christina] and make her life difficult." As to the day-care-expenses issue, the court found an agreed-upon order was entered, Jonathan later challenged the agreed order, and his challenge was without a basis in fact or law.

¶ 60 We find no abuse of discretion by the trial court in finding an award of fees to Christina was appropriate. The record supports the court's finding that there were no legal or factual bases for Jonathan's filings. Further, the record reflects no abuse of discretion in the court's finding that Jonathan's purpose in pursuing a contempt finding was to harass Christina and make her life difficult.

¶ 61 On appeal, Jonathan argues the trial court's order is unclear and it cannot be ascertained that the court—in referencing the proceedings for contempt for Christina's "move to Maryville, Illinois"—was referring to his "petition for rule to show cause re: indirect civil contempt for visitation abuse." We disagree. From both the hearing on remand and the court's written order addressing attorney fees, it is clear the court was imposing attorney fees related to Jonathan's pursuit of contempt against Christina for "visitation abuse," the primary focus of which was Christina's move with the parties' child from Argenta to Maryville, Illinois.

¶ 62 Jonathan also argues there was no factual basis for the $810 in attorney fees awarded by the trial court. Again, because Jonathan failed to raise this issue with the trial court, we deem it forfeited. *Culp*, 399 Ill. App. 3d at 550, 936 N.E.2d at 1047.

¶ 63 III. CONCLUSION

¶ 64 The trial court committed no error in ordering Jonathan to pay Christina's attorney fees associated with various postdissolution proceedings. We affirm the court's judgment.

¶ 65 Affirmed.