

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).

2015 IL App (4th) 150328-U

NO. 4-15-0328

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

December 10, 2015
Carla Bender
4th District Appellate
Court, IL

EMILY L. KACICH,)	Appeal from
Petitioner-Appellee,)	Circuit Court of
v.)	Champaign County
JOSHUA K. KEMPLIN,)	No. 13F434
Respondent-Appellant.)	
)	Honorable
)	Holly F. Clemons,
)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.
Justices Appleton and Pope concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court dismissed the appeal for failure to comply with Illinois Supreme Court Rule 341 (eff. Feb. 6, 2013).

¶ 2 In October 2013, the trial court entered an order requiring respondent, Joshua K. Kemplin, to pay child support. In February 2015, the Illinois Department of Healthcare and Family Services (DHFS) filed a motion to modify, stating respondent was in prison. In March 2015, the court denied the motion.

¶ 3 On appeal, respondent asks this court to modify his current child-support obligation. We dismiss the appeal.

¶ 4 I. BACKGROUND

¶ 5 In August 2013, DHFS filed a complaint for support against respondent, asking the trial court to order him to pay child support for his minor child. In October 2013, the court

entered a default order, finding respondent's net income to be \$814.98 per week. The court entered a temporary uniform order of support, requiring respondent to pay \$162.99 per week effective September 11, 2013.

¶ 6 In November 2013, respondent filed a *pro se* motion to set aside the default judgment. In December 2013, defendant withdrew his motion.

¶ 7 In June 2014, respondent filed a *pro se* petition to modify, suspend, or abate the order for support. Claiming a substantial change in circumstances since the entry of the last order, respondent stated he had lost all income and employment and had been in jail since March 11, 2014. Respondent asked the trial court to suspend or modify his payments from the start of his incarceration until he was released and could obtain employment. In August 2014, the court entered a summary order denying respondent's petition to modify.

¶ 8 In February 2015, DHFS filed a petition to modify child support. The petition stated that, since the October 2013 order, there had been a substantial change in circumstances in that respondent had been in prison, with a projected release date of March 7, 2016. The petition asked the trial court to enter an order setting an amount of child support. Respondent also sent a letter to the court, noting he was incarcerated and asking the court to modify his support obligation.

¶ 9 In March 2015, the court entered an order denying DFHS's petition to modify. The court noted "incarceration is a voluntary act." This appeal followed.

¶ 10 II. ANALYSIS

¶ 11 Supreme court rules governing the contents of appellate briefs are not mere suggestions. *Niewold v. Fry*, 306 Ill. App. 3d 735, 737, 714 N.E.2d 1082, 1084 (1999). "The purpose of the rules is to require parties to proceedings before a reviewing court to present clear

and orderly arguments so that the court may properly ascertain and dispose of the issues involved. [Citation.] Where an appellant's brief fails to comply with the rules, this court has inherent authority to dismiss the appeal for noncompliance with its rules.' " *La Grange Memorial Hospital v. St. Paul Insurance Co.*, 317 Ill. App. 3d 863, 876, 740 N.E.2d 21, 32 (2000) (quoting *Collier v. Avis Rent A Car System, Inc.*, 248 Ill. App. 3d 1088, 1095, 618 N.E.2d 771, 776 (1993)); see also *Niewold*, 306 Ill. App. 3d at 737, 714 N.E.2d at 1084 (stating the appellate court has "discretion to strike the plaintiffs' brief and dismiss the appeal for failure to comply with Rule 341").

¶ 12 In the case *sub judice*, respondent's *pro se* brief fails to adhere to Illinois Supreme Court Rule 341(h) (eff. Feb. 6, 2013)), pertaining to appellate briefs. The 1-1/2-page brief does not contain a proper summary statement, an introductory paragraph, a statement of issues presented for review, a statement of the standard of review, a statement of jurisdiction, a statement of facts referencing pages in the record, a defined argument section, or a conclusion. Instead, the brief is more akin to a letter wherein he asks this court to modify his child-support order because he is currently incarcerated. We decline to do so. Given respondent's failure to comply with Rule 341(h), we dismiss the appeal.

¶ 13 III. CONCLUSION

¶ 14 For the reasons stated, we dismiss the appeal.

¶ 15 Appeal dismissed.