FOURTH DIVISION
December 28, 2017

No. 1-16-3318

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

EMILY HOCK,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellant,	)	Cook County
	)	
v.	)	No. 11 D 79613
	)	
KRISTOFER WEISS, Respondent,	)	Honorable
(BARCLAY LAW GROUP, P.C.,	)	Mary C. Marubio
Guardian *ad litem*-Appellee).	)	Judge Presiding.

JUSTICE ELLIS delivered the judgment of the court.
Justices McBride and Gordon concurred in the judgment.

ORDER

¶ 1 *Held*: Affirmed. Motion for substitution of judge as of right was properly denied. Trial court's award of fees was not abuse of discretion.

¶ 2 Petitioner, Emily Hock, *pro se,* appeals the trial court's order denying her motion for substitution of judge as of right, as well as the trial court's order granting fees to Barclay Law Group, P.C. We affirm the trial court's judgment in all respects. Petitioner failed to meet her burden to provide a complete record, namely reports of proceedings or bystander's reports, to support her positions. Pursuant to *Foutch v. O'Bryant*, 99 Ill. 2d 389 (1984), we must presume the trial court's orders were in conformance with the law. Our best efforts to review the limited record, in any event, persuade us that no error occurred.

¶ 3 I. SUPREME COURT RULES

¶ 4 Petitioner's brief does not comply with the relevant supreme court rules governing civil appeals. Illinois Supreme Court Rule 341(h)(6) requires that an appellant's brief contain a "Statement of Facts, which shall contain the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal." Ill. S. Ct. R. 341(h)(6) (eff. Jan. 1, 2016). Petitioner's statement of facts is slightly over two pages and contains not one cite to the record.

¶ 5 Illinois Supreme Court Rule 341(h)(7) requires that an appellant's brief contain "[a]rgument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities *and the pages of the record relied on*. Evidence shall not be copied at length, but *reference shall be made to the pages of the record on appeal where evidence may be found*. *** Points not argued are waived and shall not be raised in the reply brief, in oral argument, or on petition for rehearing." Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016). Petitioner's brief does not contain a single reference to a page *of the record*. We have repeatedly explained the importance of this rule, noting that our review of case starts with the *presumption* that the circuit court's ruling was in conformity with the law and the facts; this is a presumption that the *appellant* bears the burden of overcoming. See *McCann v. Dart*, 2015 IL App (1st) 141291, ¶ 15 (and cases cited therein).

¶ 6 Illinois Supreme Court Rule 341(h)(8) requires that the appellant's brief contain an appendix as required by Rule 342. Ill. S. Ct. R. 341(h)(8) (eff. Jan. 1, 2016). At the time she filed her brief, Rule 342 required that Petitioner's brief "include, as an appendix, a table of contents to the appendix, a copy of the judgment appealed from, any opinion, memorandum, or findings of fact filed or entered by the trial judge ***, any pleadings or other materials from the record

which are the basis of the appeal or pertinent to it, the notice of appeal, and *a complete table of contents, with page references, of the record on appeal*." (Emphasis added.) Ill. S. Ct. R. 342 (eff. Jan. 1, 2005). Although Petitioner's brief contains an appendix, and a table of contents *to the appendix,* it contains no table of contents *to the record*. And Petitioner's appendix contains numerous documents, including emails, that are not part of the record.

¶ 7 Petitioner "begs" this court to "review the numerous emails" and "[t]hen compare the dates of those emails to the [GAL]'s invoice." We cannot. This court ignores improperly appended documents, because a party cannot use briefs and appendices to supplement the record. *In re Parentage of Melton*, 321 Ill. App. 3d 823, 826 (2001); accord *Pikovsky v. 8440-8460 North Skokie Boulevard Condominium Ass'n, Inc.*, 2011 IL App (1st) 103742, ¶ 16 (reviewing court will not supplement record on appeal with documents attached to appellant's brief on appeal as appendix, where there is no stipulation between parties to supplement record and no motion in reviewing court to supplement record with that material).

¶ 8 Moreover, it is not the duty of the appellate court to search the record to find reasons to reverse the circuit court's judgment. *Calloway v. Bovis Lend Lease, Inc*., 2013 IL App (1st) 112746, ¶ 115. Nor is it the role of this court to comb the record to uncover possible errors, or to develop arguments on a party's behalf. *Stevens v. Village of Oak Brook*, 2013 IL App (2d) 120456, ¶ 30.

¶ 9 We are sympathetic to the difficulty a *pro se* litigant may have in complying perfectly with the supreme court rules. But a party's status as a *pro se* litigant does not relieve her of her obligation to at least substantially comply with the appellate practice rules. *Fryzel v. Miller*, 2014 IL App (1st) 120597, ¶ 26. "[*P*]*ro se* litigants are presumed to have full knowledge of applicable court rules and procedures and must comply with the same rules and procedures as would be

required of litigants represented by attorneys." *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009). Compliance with Rule 341 is mandatory, and we have the discretion to strike an appellant's brief and dismiss an appeal for failure to comply with Rule 341. *Fryzel v. Miller*, 2014 IL App (1st) 120597, ¶ 25.

¶ 10 Though we would be well within our authority to strike Respondent's brief or dismiss her appeal, we will do our best to address the issues on the merits.[1]

¶ 11 II. BACKGROUND

¶ 12 On April 13, 2011, Petitioner, through counsel, filed a petition in the circuit court seeking child support for her child, M.W., from Respondent, Kristopher Weiss. Respondent, who is now deceased, was Petitioner's former boyfriend and M.W.'s father. On September 2, 2011, Respondent filed a verified petition for temporary custody, support, and other relief. On April 12, 2012, Lester Barclay, now appellee, Barclay Law Group, P.C., was appointed as guardian *ad litem* (GAL).

¶ 13 The matter continued for over five years and as the record indicates, was quite contentious. In addition to the disputes regarding custody, parenting time/visitation, and child support, the record shows that the case involved orders of protection, criminal charges, appointment of a child's representative, a rule to show cause, and appointment of a child custody evaluator. Three judges presided over the matter throughout the years: Judge Sharon O. Johnson;

[1] We also note that, though petitioner discussed the trial court's August 11, 2016 order, the record contained no copy. Petitioner had attached a copy of the order in the appendix to her brief, but the copy was illegible and, as noted earlier, an improper supplement to the record. See *Melton*, 321 Ill. App. 3d at 826; *Pikovsky*, 2011 IL App (1st) 103742, ¶ 16. On our own motion, we allowed Petitioner the opportunity to supplement the record with the August 11, 2016 order.

Judge Melissa A. Durkin; and Judge Mary C. Marubio. This appeal involves Petitioner's motion for substitution of judge from Judge Marubio.

¶ 14 On March 9, 2016, on the court's own motion, Judge Durkin ordered the parties to obtain a phone for the minor to allow the child, when with one parent, to "videochat" with the other parent. Each party was allowed daily contact with the child. The parties were ordered to equally divide the cost of the phone and related expenses.

¶ 15 On April 13, 2016, Respondent filed a petition for adjudication of indirect civil contempt and a motion to compel compliance with three prior court orders, including the March 9, 2016 order.

¶ 16 On April 15, 2016, Judge Durkin issued a rule to show cause against Petitioner as to why she should not be held in contempt of court for failing to comply with the court's March 9, 2016 order. The court reserved ruling on the other matters raised in Respondent's petition. The court scheduled a hearing for July 28, 2016.

¶ 17 On May 17, 2016, the court held a pretrial conference during which both parties, their counsel, and the GAL were present. The court made recommendations and continued the matter to the previously set date of July 28, 2016.

¶ 18 Respondent passed away on July 24, 2016.

¶ 19 A. July 28, 2016 Court Hearing

¶ 20 At the hearing scheduled for July 28, 2016, the case was before Judge Marubio for the first time. The record contains no report of proceedings.

¶ 21 Petitioner was not present, nor was the GAL. But Petitioner's and Respondent's counsel both were present. Respondent's counsel informed the court that Respondent had passed away as

a result of injuries he sustained after an attack on July 23, 2016. The court entered the following order:

> "(1) the existing order for withholding on Respondent's employer is terminated/vacated *instanter*;
>
> (2) matter is set for status on dismissal and all matters to 8/11/16, 9:30 a.m.;
>
> (3) petitioner to appear on the 8/11/16, 9:30 a.m. date, and all counsel of record to also appear."

¶ 22 B. GAL's Petition for Fees Filed on August 5, 2016

¶ 23 On August 5, 2016, the GAL filed its petition for final fees, supported by affidavit, against Petitioner and Respondent. From Petitioner, the GAL sought $8,823.50 as final fees.

¶ 24 The GAL set the hearing on its petition for August 19, 2016. On August 9, 2016, the GAL sent a re-notice of the motion and scheduled the hearing on its fee petition for August 11, 2016.

¶ 25 C. Respondent's Counsel's Petition for Fees Filed on August 11, 2016

¶ 26 On August 11, 2016, Respondent's counsel filed its fee petition and scheduled it for hearing on August 19, 2016.

¶ 27 D. August 11, 2016 Court Hearing

¶ 28 The second court hearing before Judge Marubio took place on August 11, 2016. As noted earlier, we provided Petitioner with the opportunity to supplement the record which contained no copy of the August 11, 2016 order.

¶ 29 According to the order entered on that date, the parties and the minor were present by counsel. Petitioner was present. Also appearing was Respondent's former counsel on its July 17,

2015 fee petition against Respondent, and also against Petitioner for contribution. The GAL was also present.

¶ 30 The court held a status hearing. The record contains no report of proceedings or bystander's report. According to the court's order, Petitioner moved in open court for the discharge of her counsel *instanter*.

¶ 31 The court entered several orders. The court granted Petitioner's motion and allowed counsel for Petitioner to withdraw. The court granted Petitioner 21 days to file an appearance by substitute counsel or *pro se*. (It is unclear if Petitioner complied with this court order.) The court also granted Petitioner 28 days from the filing of her substitute appearance, or 49 days from the date of the August 11, 2016 order, whichever was earlier, to file answers to: (1) Respondent's former counsel's July 17, 2015 fee petition for contribution; and (2) the GAL's fee petition.

¶ 32 The court struck the August 19, 2016 court date and continued the hearing on the fee petitions to November 18, 2016.

¶ 33 E. August through November 2016

¶ 34 It is unclear what actions Petitioner took during the time period between August and November 2016. According to the GAL, Petitioner took no action in response to the GAL filing his petition for final fees. Petitioner does not claim otherwise, and the record contains no response or objection to the GAL's fee petition. Thus, it is undisputed that Petitioner missed the deadline to respond to the GAL's fee petition and never, at any time, filed a response.

¶ 35 The parties both state that Petitioner entered her appearance *pro se* on November 14, 2016. The record contains a copy of the appearance date-stamped November 14, 2016, and this date is consistent with the court docket.[2]

[2] The record also contains a copy of her *pro se* appearance with a date-stamp by the court

¶ 36 Also on November 14, 2016, Petitioner filed a motion for substitution of judge as of right pursuant to section 2-1001(a)(2) of the Code of Civil Procedure (the Code). 735 ILCS 5/2-1001(a)(2) (West 2014). In her motion, Petitioner certified by her signature that she served a copy of the motion on the other parties. But the notice of motion in the record does not contain a completed certificate and affidavit of delivery personally, by mail, or by facsimile.

¶ 37 F. November 18, 2016 Court Hearing

¶ 38 The third court hearing before Judge Marubio took place on November 18, 2016. The judge held a hearing and entered several orders. The record contains no transcript of proceedings or bystander's report. The court denied Petitioner's motion for substitution of judge as of right, and entered a judgment in the amount of $8,823.50 against Petitioner as fees for the GAL. (Respondent was ordered to $7,173.50 for GAL fees).

¶ 39 This appeal followed.

¶ 40 III. ANALYSIS

¶ 41 A. Substitution of Judge as of Right

¶ 42 Section 2-1001 of the Code governs motions for substitution of judge as of right and states in relevant part:

> (a) A substitution of judge in any civil action may be had in the following situations:
>
> * * *
>
> (2) Substitution as of right. When a party *timely* exercises his or her right to a substitution without cause as provided in this paragraph (2).

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of August 29, 2016. But Petitioner does not address this document, and the circuit court's docket contains no entry for August 29, 2016.

(i) Each party shall be entitled to one substitution of judge without cause as a matter of right.

(ii) An application for substitution of judge as of right shall be made by motion and shall be granted if it is presented before trial or hearing begins and before the judge to whom it is presented has ruled on any substantial issue in the case, or if it is presented by consent of the parties.

* * *

(b) An application for substitution of judge may be made to the court in which the case is pending, *reasonable notice of the application having been given to the adverse party or his or her attorney*." (Emphasis added.) 735 ILCS 5/2-1001 (West 2014).

¶ 43 "Illinois courts have held that, when properly made, a motion for substitution of judge as a matter of right is absolute, and the circuit court has no discretion to deny the motion." *Bowman v. Ottney*, 2015 IL 119000, ¶ 17; *Cincinnati Insurance Co. v. Chapman*, 2012 IL App (1st) 111792, ¶ 23. The Illinois Supreme Court has stated that the provisions of section 2-1001 are to be liberally construed to promote, rather than defeat, the right of substitution. *Bowman v. Ottney*, 2015 IL 119000, ¶ 17; *In re Estate of Wilson*, 238 Ill. 2d 519, 553 (2010). But the principle of liberal construction cannot excuse a party from complying with the statute's express requirements. *Bowman*, 2015 IL 119000, ¶ 17.

¶ 44 Petitioner argues that the denial of her motion for substitution of judge as of right was error, because she presented her motion prior to the November 18, 2016 hearing, and the judge had not yet made a substantial ruling. Petitioner contends that a trial court has no discretion to deny a proper motion for substitution of judge as a matter of right. See, *e.g.*, *Partipilo v.*

Partipilo, 331 Ill. App. 3d. 394, 398 (2002). But there are recognized exceptions to the absolute right to a substitution of judge, as we explain below.

¶ 45 First, "[t]he statute's requirement that the motion be timely" requires, among other things, that the motion be filed "at the earliest practical moment before commencement of trial or hearing." *Petalino v. Williams*, 2016 IL App (1st) 151861, ¶ 18.

¶ 46 Second, our supreme court has explained that "though not expressly included in the statute, this court has long recognized that courts may take into consideration the circumstances surrounding a motion for substitution of judge and may deny the motion if it is apparent that the request has been made as a delay tactic." *Bowman*, 2015 IL 119000, ¶ 18; accord *In re Estate of Wilson*, 238 Ill. 2d 519, 557 (2010); *People v. Williams*, 124 Ill. 2d 300, 309 (1988); *Hoffmann v. Hoffmann*, 40 Ill. 2d 344, 348 (1968); *People v. Beamon*, 24 Ill. 2d 562, 564 (1962); *People v. Davis*, 10 Ill. 2d 430, 434-35 (1957); see also *Nasrallah v. Davilla*, 326 Ill. App. 3d 1036, 1040 (2001).

¶ 47 Third, the movant must provide reasonable notice to the other parties of the motion to substitute. See 735 ILCS 5/2-1001(b) (West 2014) ("An application for substitution of judge may be made to the court in which the case is pending, reasonable notice of the application having been given to the adverse party or his or her attorney."). "It is well established that a trial court may deny a motion for substitution of judge if reasonable notice has not been given to the adverse party." *Peerless Enterprise, Inc. v. Kruse*, 317 Ill. App. 3d 133, 141 (2000); see also *Koch v. Carmona*, 268 Ill. App. 3d 48, 57 (1994); *Weisberg v. Pickens*, 193 Ill. App. 3d 558, 561 (1989); *Buckingham Corp. v. Modern Liquors, Inc.*, 16 Ill. App. 3d 534, 537 (1973).

¶ 48 And fourth, the appellate court in this district (and in every district, save the fourth) adheres to the doctrine that, even if the trial court has not ruled on a substantial issue, a motion

for substitution of judge should be denied if the moving party had an opportunity to "test the waters" and form an opinion as to the judge's view on a contested issue in the case. See, *e.g.*, *Colagrossi v. Royal Bank of Scotland*, 2016 IL App (1st) 142216, ¶ 39; *Ramos v. Kewanee Hospital*, 2013 IL App (3d) 120001, ¶ 88; *Bowman v. Ottney*, 2015 IL App (5th) 140215, *aff'd on other grounds* 2015 IL 119000; but see *Schnepf v. Schnepf*, 2013 IL App (4th) 121142 (rejecting "test the waters" doctrine as obsolete). "Keeping parties from testing the waters maintains the integrity of the court, prevents the waste of judicial resources, and obstructs dilatory tactics." *Colagrossi*, 2016 IL App (1st) 142216, ¶ 36. *Id.* ¶ 39.

¶ 49 Having reviewed the prevailing law, we turn to the ultimate question of whether the trial court properly denied the motion for substitution in this case. We must note at the outset, however, that we are hampered in our ability to so determine, given the lack of a transcript of proceedings or a bystander's report. Petitioner, as the appellant, has not satisfied her "burden to present a sufficiently complete record of the proceedings at trial to support a claim of error." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391 (1984). Petitioner's status as a *pro se* litigant does not excuse her from meeting her burden on appeal. *Teton, Tack & Feed, LLC v. Jimenez*, 2016 IL App (1st) 150584, ¶ 19; accord *Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462 (1993) (even *pro se* litigants must meet minimum burden of providing record of trial court proceedings sufficient for reviewing issues raised on appeal).

¶ 50 "[I]n the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis." *Foutch*, 99 Ill. 2d at 392. "Any doubts which may arise from the incompleteness of the record will be resolved against the appellant." *Id*.

¶ 51 We would be within our rights to stop there and affirm the trial court's ruling, resolving all doubts in favor of the trial court's ruling and against petitioner. But in the interest of doing our best to understand the basis for the trial court's ruling and to provide a full and fair consideration of petitioner's claim, we will continue on with what little we have in the record.

¶ 52 The trial court denied Petitioner's motion for substitution of judge as of right in a written order, after hearing argument. The court order stated that the motion was "tendered in open court" and that the court "heard argument on and objection to the motion for substitution." Additionally, the court explained its basis for denying the motion, "finding it untimely and not warranted given the court's prior statements and rulings."

¶ 53 We outlined above four different (though not exhaustive) reasons why a trial court might properly deny a motion for substitution. We find that the motion could have been properly denied on any of those grounds.

¶ 54 First, as noted, the statute requires "reasonable notice" to opposing counsel of the motion for substitution. 735 ILCS 5/2-1001(b) (West 2014). The record here indicates that *no* advance notice was given. It is true that petitioner filed the motion on November 14 (four days in advance of the November 18 hearing), but there is no indication that she served it on the parties. The "notice of motion" in the record contained boilerplate language for the certificate of service and affidavit of delivery, but petitioner left it completely blank—she did not fill it out, much less sign it. And the court's order indicated that the motion was "tendered in open court," meaning the parties and the court were seeing it for the first time on the day of the hearing on November 18.

¶ 55 "What constitutes reasonable notice depends on the facts and circumstances of each case." *Peerless*, 317 Ill. App. 3d at 141. When, as here, a hearing has been scheduled for three months, we do not believe that notice of a motion for substitution of judge served on the same

day of the hearing is "reasonable." See, *e.g.*, *id.* (notice unreasonable where party moved in open court approximately 10 minutes after providing notice); *Koch*, 268 Ill. App. 3d at 57 (notice unreasonable where it was served approximately 24 hours before presentation of motion); *Weisberg*, 193 Ill. App. 3d at 561 (affirming denial of motion where movant provided no notice whatsoever); *Buckingham Corp*., 16 Ill. App. 3d at 537 (notice unreasonable where it was served approximately 18 hours before presentation of motion). This court will not disturb a trial judge's determination as to the sufficiency of notice absent an abuse of discretion. *Peerless*, 317 Ill. App. 3d at 141. If this was the basis for the trial court finding the motion "untimely," we could not possibly find an abuse of discretion in that ruling. And if it was not the trial court's basis, it would nevertheless be a sufficient basis to affirm the ruling. See *id*. (appellate court may affirm denial of motion for substitution on any basis in record).

¶ 56 Another caveat we mentioned to the otherwise absolute right to substitution of judge was that it be filed "at the earliest practical moment before commencement of trial or hearing." *Petalino*, 2016 IL App (1st) 151861, ¶ 18. We can readily determine from this record that petitioner failed to satisfy this requirement. First, petitioner had appeared before this trial judge twice before moving for substitution on the eve of the third and final hearing before the court. Just as importantly, this hearing on the fee petition was the last act to take place in this case; the father had died and the case had otherwise terminated. All that was left was the fee petition. Indeed, in the same order that denied the motion for substitution and granted fees to the GAL, the court then struck the case from its call, all matters have been decided.

¶ 57 Thus, far from having been presented "at the earliest practical moment before *** [the] hearing" (*id*.), in fact, it could be fairly said that this motion, presented for the first time to the parties and the court at the hearing itself, was filed at the *last possible* moment. If this was the

basis for the trial court's finding that the motion was "untimely," we would agree. In any event, it provides a sufficient basis to affirm.

¶ 58 Third, we previously noted that the motion may be denied "if it is apparent that the request has been made as a delay tactic." *Bowman*, 2015 IL 119000, ¶ 18. A trial court's decision to deny a motion for substitution of judge that has been made as a delay tactic lies within the trial court's discretion. *Sahoury v. Moses*, 308 Ill. App. 3d 413, 414 (1999) (noting that "the trial court has no discretion to deny the request unless it is shown that the motion was made simply to delay or avoid trial"). A trial court abuses its discretion only where its ruling is arbitrary or fanciful, or where no reasonable person would adopt the court's view. *Certain Underwriters at Lloyd's, London v. Abbott Laboratories*, 2014 IL App (1st) 132020, ¶ 68.

¶ 59 We find no abuse of discretion in the trial court's finding of untimeliness. We have already noted the pertinent facts: The motion was presented after two previous hearings before this judge; it was not presented until the day of the last hearing in the case; and petitioner had not done what she was required to do before that hearing—file a written response to the fee petition—despite being given considerable time to do so. The trial court could have properly determined that the last-minute filing of a motion for substitution was merely a tactic to delay a ruling on the fee petition. We affirm the ruling on this basis as well.

¶ 60 Finally and independently of the other reasons, the trial court could have determined—and appeared, in fact, to have determined—that petitioner had "tested the waters" and formed an opinion as to the judge's view on a contested issue in the case. See, *e.g.*, *Colagrossi*, 2016 IL App (1st) 142216, ¶ 39. In addition to finding the motion untimely, the trial court found the motion "not warranted given the court's prior statements and rulings." We do not know what statements this trial judge may have made at the two previous hearings that would have indicated

her leanings or opinions on the case, because we lack transcripts of those hearings, but it is well settled that, in determining whether a request for substitution of judge was properly denied, the appellate court may defer to the trial court's recollection of unrecorded hearings, as long as the trial court's memory is not contradicted by the record. See, *e.g.*, *In re Estate of Gay*, 353 Ill. App. 3d 341, 344 (2004); *Rodisch v. Commacho–Esparza*, 309 Ill.App.3d 346, 350 (1999); *Paschen Contractors, Inc. v. Illinois State Toll Highway Authority*, 225 Ill. App. 3d 930, 935 (1992).

¶ 61 There is nothing in the record to contradict the trial court's ruling that something it said at a previous hearing led it to believe that the motion for substitution was "not warranted." It need not have been a formal ruling. See *Colagrassi*, 2016 IL App (1st) 142216, ¶ 30 (examples of substantial issues include when party moving for substitution "has discussed issues with the trial judge, who then indicates a position on a particular point."); *Partipilo*, 331 Ill. App. 3d at 398 (same); *Paschen Contractors*, 225 Ill. App. 3d at 937 (same). In any event, given the lack of transcripts or even written argument on the motion for substitution, we have no choice but to assume that the court's ruling was consistent with the facts and law. See, *e.g*., *Dobrofsky v. Richard J. Prendergast Ltd*., 207 Ill. App. 3d 19, 23 (1990) (when record did not contain report of proceedings from hearing on section 2-1001 motion, this court had no basis for holding that trial court abused its discretion in denying motion).

¶ 62 For any and all of these reasons, we affirm the trial court's denial of the motion for substitution.

¶ 63 B. GAL Fees

¶ 64 Petitioner also challenges the trial court's order granting the GAL's fee petition. The trial court's award of fees to a guardian *ad litem* is within the trial judge's sound judicial discretion, and a reviewing court will not disturb the award absent an abuse of the trial court's discretion.

Roth v. Roth, 52 Ill. App. 3d 220, 227 (1977). As noted earlier, it is undisputed that Petitioner did not file a response or objection to the GAL's fee petition. The GAL further notes that Respondent "did not file any pleading or make any request to the trial court regarding her alleged concerns regarding [the GAL's] performance *** even though [Petitioner] states [in this appeal] that she carried these concerns for years." The GAL also notes that "[t]here are no orders or documents in the record to suggest that the trial court found any concerns with [the GAL]'s performance of [its] duties."

¶ 65 There is no dispute that the GAL submitted invoices to the parties regarding the work performed and the time expended. Petitioner claims that the GAL never provided copies to the court. The GAL responds that Petitioner provides no evidence to support her claim and that the trial court viewed the GAL's petition, affidavit and invoices to determine the reasonableness of the fees. In its affidavit, the GAL noted that that Petitioner had already paid $5,800 towards its legal fees and costs and owed $8,823.50.

¶ 66 Petitioner also argues that, on the hearing date of November 18, 2016, the judge "reviewed a billing statement from the GAL and matched it to court dates." Petitioner also claims that the judge's "entire review of the appropriateness of the GAL fees lasted less than 30 seconds." Petitioner contends that she "had in her possession substantial and compelling evidence highlighting the failures of the GAL to abide by court orders, violations of ethics and professionalism" but that "there was no evidentiary hearing conducted." She further claims that the judge's denial of Petitioner's opportunity to present evidence was a violation of her rights to procedural due process.

¶ 67 Our review of the record shows that the trial court entered multiple orders on November 18, 2016, and each order indicates that it was regarding a cause coming before the court for

hearing. In its order awarding the GAL fees against Petitioner, the court stated: "This cause comes before the court for hearing on the Child Representative's Petition for Final Fees." None of the orders entered on November 18, 2016, reference any objections by Petitioner.

¶ 68 Regarding Petitioner's assertions that no evidentiary hearing was held and the court denied her the opportunity to present evidence, Petitioner has failed to support this argument with any reference to the record. The record does not contain a transcript of proceedings or bystander's report. Once again, we reiterate that Petitioner, as the appellant, had "the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error." *Foutch*, 99 Ill. 2d at 391. And in the absence of a sufficient record, this court must resolve any doubts arising from the incomplete record against the appellant and presume the trial court's order was in conformity with the law. *Id*. at 392; see also *In re Estate of Elias*, 408 Ill. App. 3d 301, 322 (2011) (applying *Foutch* to order awarding attorney fees).

¶ 69 We thus have no basis for finding an abuse of discretion in the fee award.

¶ 70 IV. CONCLUSION

¶ 71 For all of the foregoing reasons, we affirm the judgment of the circuit court.

¶ 72 Affirmed.