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IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

JENNIFER JONES,)	Appeal from the
)	Circuit Court of
Petitioner-Appellant,)	Cook County.
)	
)	Nos. 17 D 001713 &
)	18 OP 73564 (cons.)
v.)	
)	
HAROLD T. WILLIAMS,)	Honorable
)	Dominique Ross,
Respondent-Appellee.)	Judge Presiding.

JUSTICE CONNORS delivered the judgment of the court.
Justices Cunningham and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* We presume that the trial court’s termination of an emergency order of protection was entered in conformity to law and that its findings were based on the evidence presented where the appellant failed to provide a sufficiently complete record on appeal and failed to submit a brief that complied with Rule 341(h)(7); affirmed.

¶ 2 Petitioner, Jennifer Jones, appeals *pro se* from an October 12, 2018, circuit court order terminating an emergency *ex parte* order of protection issued against respondent, Harold T. Williams, in petitioner’s favor. Respondent has not filed a response brief. We affirm the termination of the order of protection because the record on appeal does not contain a report of proceedings and petitioner’s brief fails to comply with our supreme court rules.

¶ 3

BACKGROUND

¶ 4 The record on appeal does not contain a report of proceedings and other documents pertinent to this appeal. Although petitioner's brief is deficient in various ways, we have gathered the following from the limited information before us.

¶ 5 On February 27, 2017, petitioner filed a *pro se* petition for dissolution of marriage in the circuit court of Cook County against respondent. The petition stated that the parties were married in Chicago on November 6, 2015, and that they had two minor children.

¶ 6 On November 2, 2017, the case was dismissed by agreement of the parties. On June 7, 2018, petitioner filed a motion to reinstate the case.

¶ 7 On June 28, 2018, the court entered an order that stated that an emergency order of protection was entered on May 29, 2018¹, that the order of protection would be extended to July 19, 2018, and that a hearing on the emergency order of protection was set for July 19, 2018. Neither the petition seeking an emergency order of protection nor an emergency order of protection are contained in the record on appeal.

¶ 8 On July 19, 2018, the court entered one order that set the case for status on child support and maintenance for August 9, 2018, another order that extended the May 29, 2018, emergency order of protection to August 9, 2018, and set a hearing on the order of protection for that date.

¶ 9 On August 9, 2018, the court entered an order stating that on June 28, 2018, the court had ordered the matter reinstated, but a written order was "inadvertently" not entered. Thus, the court entered its August 9 order *nunc pro tunc* to June 28, 2018. Also on that date, the court consolidated the dissolution of marriage case (17 D 001713) with the order of protection case (18

¹ We note briefly that this order refers to the emergency order of protection as having been entered on both May 29, 2018 and May 14, 2018. As stated later in this order, the record does not contain the petition for order of protection or the order of protection actually entered by the circuit court, and thus some ambiguity exists regarding the date the emergency order of protection was entered.

OP 73564). Additionally, the court extended the emergency order of protection to August 21, 2018.

¶ 10 On August 21, 2018, the court entered an order, *inter alia*, extending the May 29, 2018, emergency order of protection to September 11, 2018, and requiring respondent to bring his six most recent paystubs to the next court date. Also on August 21, 2018, petitioner filed a motion for spousal support.

¶ 11 On August 24, 2018, petitioner filed a motion for sole custody of the parties' two children.

¶ 12 On September 10, 2018, respondent filed a motion for visitation with the parties' two minor children.

¶ 13 On September 11, 2018, the court entered an order extending the May 14, 2018², emergency order of protection to October 2, 2018, and setting a hearing on the order of protection for that date.

¶ 14 On September 14, 2018, the court ordered respondent to pay petitioner \$500 in unallocated support every other week.

¶ 15 On October 2, 2018, the court entered an order extending the emergency order of protection to October 12, 2018, and setting a hearing on the order of protection for that date.

This order did not state the date upon which the emergency order of protection was entered.

¶ 16 On October 12, 2018, the circuit court entered an order finding that an emergency *ex parte* order of protection was granted on May 14, 2018, and ordering that that order of protection be terminated. Also in that order, the court dismissed case number 18 OP 73564. The court stated its findings in a separate order as follows:

² This is the first order contained in the record that refers to the emergency order of protection as having been entered on May 14, 2019, instead of May 29, 2018, as previous orders indicated.

“This matter coming before the court on petitioner’s petition for order of protection, an emergency *ex parte* order of protection was granted [on May 14, 2018], both parties present today for hearing for plenary order of protection, both parties giving sworn testimony, the court finds[:]

1. That on or about May 9, 2018[,] the parties had a verbal altercation.
2. Furniture, specifically a glass shelf was broken, however it is disputed as to how the shelf was broken[.]
3. Respondent called 911 and the police arrived. No arrests were made and neither party was ordered to leave the residence.
4. There is currently pending at 555 W. Harrison, a violation of the order of protection that was entered [on May 14, 2018] *ex parte*.
5. The parties dispute the basis of the violation, respondent stated that petitioner invited him into the residence, petitioner disputes respondent’s statement.
6. Petitioner failed to produce any witnesses, evidence by way of photographs or physical harm to support her petition.
7. The version of facts as provided by respondent are more likely to have occurred than the version of facts provided by petitioner, and the verbal altercation does not rise to the level in violation of the domestic violence statute.

Wherefore, it is hereby ordered[:]

1. The civil *ex parte* order of protection entered [on May 14, 2018] is vacated.
2. Petitioner Jennifer Jones is granted exclusive possession of the marital residence [at] 8443 S. Hermitage, Chicago 60620, *sua sponte*.

3. Respondent shall create a list of his personal belongings he wishes to take from the marital residence to present to petitioner and this court so arrangements can be made for him to retrieve said items.

4. Matter is set for status [on] November 9, 2018 [at] 10 a.m. in [room] 1601 of [the] Daley Center.”

¶ 17 On November 1, 2018, petitioner filed a notice of appeal, stating her relief sought as follows:

“I met Judge Dominique [*sic*] once prior to the she [*sic*] awarded me support my original judge is Judge Byod [*sic*] calendar 1605.

* * *

On [October 12, 2018,] I was sent from Judge Byod [*sic*] courtroom to Judge Dominique [*sic*] Ross. She informed me that we were having a hearing on the domestic case. I told the judge that Judge Byod [*sic*] told me when the time came he was going to allow my witnesses. However, Judge Dominique [*sic*] said no [we are] going to have the hearing today and because I didn't have my pictures on me she only allowed him to speak and in the end I said to the judge there is a criminal case[.] Mrs. Dominique [*sic*] Ross said she was [going to] vacate the order and then she rewrote the order and check[ed] the second box for terminat[ion.] She told me let's make sure he keeps his job and we need [to] be strategic[.] She said because she informed me that I only make 18,”

The end of the foregoing paragraph is not contained in the record on appeal.

¶ 18 Respondent did not file a brief. As a result, on June 18, 2019, this court ordered this appeal taken on petitioner's brief and the record on appeal only.

¶ 19

ANALYSIS

¶ 20 Although petitioner’s notice of appeal is somewhat incoherent, petitioner’s brief repeatedly states that she is seeking to appeal from the circuit court’s October 12, 2018, order that terminated her emergency *ex parte* order of protection.

¶ 21 Petitioner’s brief asserts that this court has jurisdiction pursuant to Illinois Supreme Court Rule 301 (eff. Feb. 1, 1994) “because the trial court’s judgment ended a civil (non-criminal) case.” We have an independent duty to determine whether jurisdiction exists and find it necessary to review this issue. *Vines v. Village of Flossmoor*, 2017 IL App (1st) 163339, ¶ 8.

Rule 301 provides that “[e]very final judgment of a circuit court in a civil case is appealable as a matter of right.” Ill. S. Ct. R. 301 (Feb. 1, 1994). “An order is final if it terminates the litigation between the parties on the merits and disposes of the rights of the parties so that if the order is affirmed, the trial court need only execute the order.” *In re A.P.-M.*, 2018 IL App (4th) 180208,

¶ 24. Although petitioner’s brief states that the court’s October 12, 2018, order “ended” a civil case, a review of the record indicates there were still matters pending before the circuit court in the consolidated dissolution of marriage case—*i.e.*, petitioner’s motion for sole custody and respondent’s motion for visitation. Additionally, the court’s October 12, 2018, order stated that the case was set for subsequent status on November 9, 2018. Further, it is unclear whether the trial court ever entered a judgment for dissolution of marriage. Thus, based on the limited record before this court, petitioner’s appeal was not properly brought pursuant to Rule 301.

¶ 22 However, Rule 307(a)(1) (eff. Nov. 1, 2017) allows an appeal from an interlocutory order “granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction.” An order of protection is injunctive in substance. *In re Marriage of Sanchez & Sanchez-Ortega*, 2018 IL App (1st) 171075, ¶ 34. Here, the court’s October 12, 2018, order terminating the emergency order of protection dissolved an injunction. Therefore, we have jurisdiction under

Rule 307(a)(1) because petitioner filed her notice of appeal within 30 days on November 1, 2018. Ill. S. Ct. 307(a)(1) (eff. Nov. 1, 2017) (requiring that appeals under this rule be perfected within 30 days from the entry of the interlocutory order).

¶ 23 Thus, we turn to the substance of petitioner’s appeal. The central issue in a proceeding to obtain an order of protection is whether the petitioner has been abused. *Sanchez*, 2018 IL App (1st) 171075, ¶ 34 (citing *Best v. Best*, 223 Ill. 2d 342, 348 (2006)). If a preponderance of the evidence proves that abuse occurred, then the circuit court is compelled to issue an order of protection. *Id.* We review the circuit court’s decision to dissolve an injunctive order for an abuse of discretion. *Id.*

¶ 24 Under Illinois law, it is axiomatic that “an appellant has the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error, and in 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 v. O’Bryant*, 99 Ill. 2d 389, 391-92 (1984). Further, any doubts that arise from the incompleteness of the record shall be resolved against the appellant. *Id.*

¶ 25 Petitioner has not presented a sufficient record for us to determine whether the court abused its discretion when it terminated the emergency order of protection. The motion for an emergency order of protection is not in the record, and we therefore do not know what claims or arguments petitioner made when she sought the order of protection. Additionally, there are no transcripts from the court proceedings during which the court granted the emergency order of protection, or the October 12, 2018, hearing where the court terminated the order of protection. The lack of a report of proceedings from the hearing on October 12, 2018, is especially detrimental to our determination of whether the trial court abused its discretion because the

court's order from that date stated that both parties testified. We do not know the contents of that testimony or what other evidence was presented, if any, and thus we do not have the evidence and arguments that were considered by the trial court in reaching its decision. Where there is no transcript from the hearing that resulted in the court's decision to terminate the order of protection, there is no basis for us to hold that the trial court abused its discretion. See *id.* As a result, we must presume that the circuit court's order was in conformity to the law and the findings were based on the evidence presented. *Id.*; see also *Sanchez*, 2018 IL App (1st) 171075, ¶ 37. We therefore affirm the court's order terminating the emergency order of protection.

¶ 26 The most egregious deficiency in petitioner's brief is her failure to comply with Rule 341(h)(7) (eff. May 25, 2018), which requires an appellant to submit an argument that "shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on." Rule 341(h)(7) further mandates that "reference shall be made to the pages of the record on appeal where evidence may be found" and that "[p]oints not argued are forfeited 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. May 25, 2018).

¶ 27 Here, petitioner has failed to present any cogent legal argument. She also has not provided any citation to legal authority or any citation to the record on appeal. Such deficiencies merit forfeiture. *Id.*; see also *CE Design, Ltd. v. Speedway Crane, LLC*, 2015 IL App (1st) 132572, ¶ 18. Thus, even if we could review the trial court's decision for an abuse of discretion, which we cannot due to an incomplete record, petitioner's contentions would be forfeited.

¶ 28 As a final matter, we remind petitioner that as a *pro se*, or self-represented, litigant, she is obligated to meet the same procedural requirements as a licensed attorney and is not entitled to more lenient treatment than an attorney. *Holzrichter v. Yorath*, 2013 IL App (1st) 100287, ¶ 78.

As this court recently recognized in *Sanchez*, this is “no insignificant task.” 2018 IL App (1st) 171075, ¶ 39. In *Sanchez*, this court provided the following explanation, which may provide some further insight for petitioner:

“Our supreme court has recognized the growing number of self-represented litigants in our trial and appellate courts and the challenges that are presented thereby. The court’s website includes aids for self-represented litigants in the appellate courts, including a self-help guide that includes a timeline and check lists. *Guide for Appeals to the Illinois Appellate Court for Self-Represented Litigants*, Illinois Courts (Feb. 16, 2018), http://www.illinoiscourts.gov/CivilJustice/Resources/Guide_for_Appeals_to_the_IL_Appellate_Court-rev-093016.pdf. ***

In light of the serious consequences flowing from a lack of compliance with the relevant appellate requirements, we truly hope that these self-help aids will become both more well-known and better utilized by unrepresented litigants. They represent an important effort to balance the requirement that unrepresented litigants be held to the same standard as a licensed attorney with the reality of the serious challenges faced by the growing number of self-represented litigants in our appellate courts.” *Id.* ¶ 40-41.

¶ 29 We also find it crucial to note that the circuit court’s October 12, 2018, order, alluded to a related criminal case when it stated “[t]here is currently pending at 555 W. Harrison, a violation of the order of protection.” The record on appeal does not contain any further information regarding this then-pending criminal matter or whether it is still pending. However, in the spirit of *Sanchez*, we point out that the website of the clerk of the circuit court of Cook County includes information that may provide guidance to self-represented litigants, such as petitioner, regarding the various courts where a person may obtain an order of protection. In addition to

providing the contact information of various domestic violence victim services, the clerk's website also states that the following options are available for someone seeking an order of protection:

“• Criminal Court: if the person who has been hurt (the petitioner) signs a criminal complaint against the person who hurt him or her (the respondent). The State's Attorney's Office then prosecutes the respondent and helps the petitioner get an Order of Protection. The petitioner can only keep the Order, if she, or he, follows through with the criminal case.

• Civil Court: If the petitioner chooses NOT to press charges the Order of Protection can be granted by a judge in an independent action. In Civil Court, the petitioner can have his or her own attorney or can represent him or herself; this is called [*pro se*].

• Child Support Court, Divorce Court, Juvenile Court and Probate Court: A petitioner can also request an Order of Protection in other courts where they are parties to a pending action against the respondent.” *Domestic Violence Resources*, State of Illinois First Judicial District Clerk of the Circuit Court of Cook County (Jul. 2, 2019), <http://www.cookcountyclerkofcourt.org/NewWebsite/Services/Domestic-Violence-Resources.aspx>.

¶ 30 Ultimately, because petitioner failed to provide a sufficiently complete record on appeal and failed to submit a brief that complied with Rule 341(h)(7), we presume that the trial court's termination of the *ex parte* emergency order of protection was entered in conformity with the law and that its findings were based on the evidence. As such, we affirm.

¶ 31

CONCLUSION

No. 1-18-2351

¶ 32 Based on the foregoing, we affirm the trial court's October 12, 2018, order terminating the May 14, 2018, order of protection.

¶ 33 Affirmed.