

No. 1-12-3773

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

VIRGINIA D. WASHINGTON,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 03 P 9378
)	
STATE OF ILLINOIS,)	Honorable
)	Lynne Kawamoto,
Defendant-Appellee.)	Judge Presiding.

PRESIDING JUSTICE HYMAN delivered the judgment of the court.
Justices Pucinski and Mason concurred in the judgment.

ORDER

¶ 1 *Held:* Where petitioner expressed dissatisfaction with the circuit court's ruling, but failed to present a specific legal issue for appellate review, the appeal is dismissed.

¶ 2 In this probate action, *pro se* petitioner Virginia Washington seeks to be reinstated as the plenary guardian of her disabled adult son, Eugene Washington. Petitioner appeals from an order of the circuit court denying and dismissing with prejudice her three *pro se* pleadings: a motion for return of guardianship, a complaint in replevin for possession of Eugene's property, and a petition for return of custody of her disabled child. On appeal, petitioner asks this court to reverse the circuit court's order and return Eugene to her custody. Because petitioner has not

presented this court with a specific legal issue for review, the law requires we dismiss this appeal.

¶ 3 Background

¶ 4 Documents contained in the record show Eugene was born to petitioner on July 5, 1985. Eugene suffers from moderate mental impairment, cerebral palsy and seizure disorder. In December 2003, petitioner, represented by counsel from the Center for Disability and Elder Law, filed a petition in the circuit court asking that Eugene be adjudged a disabled person, and that petitioner be appointed his guardian. The whereabouts of Eugene's biological father, who had not visited Eugene in several years, were unknown. On January 22, 2004, the circuit court entered an order adjudicating Eugene a disabled person and appointing petitioner as his plenary guardian.

¶ 5 On May 15, 2007, the Illinois Department of Human Services filed a petition to remove petitioner as Eugene's guardian and appoint the Office of the State Guardian (OSG) as the successor plenary guardian of Eugene. IDHS also filed an emergency motion to appoint the OSG as Eugene's temporary substitute plenary guardian. IDHS stated that petitioner admitted she struck Eugene while she tried to get him to board a van for his work shop, and she regularly struck him on his legs with a belt at home. IDHS argued it was necessary to appoint the OSG as the successor guardian to prevent Eugene from being physically abused and provide him with needed services.

¶ 6 Attached to IDHS's petition was an investigative report from the Office of the Inspector General finding the allegations of abuse against petitioner substantiated and recommending a change of guardian for Eugene. In a case summary, the investigator stated that petitioner admitted she hit Eugene and explained she would not allow him to be aggressive toward the police or anyone on the street because they do not know he is autistic, and she feared they would harm him. Petitioner acknowledged she was trained to handle Eugene's behavior in a different

manner, but found that approach did not work. She insisted she was going to continue to handle Eugene in her way to keep him safe from people on the streets. She also admitted that she stopped giving Eugene his medications and supplanted them with herbs. When the investigator advised petitioner that IDHS could not allow her to use physical aggression to redirect her son, petitioner asked for her day in court to explain why she hit Eugene and used a belt to correct his behavior.

¶ 7 On May 17, 2007, the circuit court entered an order suspending petitioner's rights as guardian and appointing the OSG as Eugene's temporary plenary guardian. The order further stated that the OSG had the authority to remove Eugene from his current placement, and place him in an appropriate care facility.

¶ 8 On June 11, 2007, the circuit court entered an order stating it had received two visits from petitioner expressing concerns about Eugene's health under the OSG's temporary guardianship. The court appointed an emergency *pro bono* guardian *ad litem* to investigate Eugene's condition, contact all parties, and report back to the court. The GAL filed a report stating he met with Eugene at his new placement and found that his condition was improving and he was being treated well, but Eugene also expressed a desire to return home. Four months later, the GAL filed a supplemental report stating Eugene's medical records showed he was improving, and finding Eugene appeared happy and his behavior was appropriate. The GAL found that a guardian for Eugene was necessary, and did not object to a temporary guardian being appointed.

¶ 9 Following several days of hearing, on January 16, 2008, the circuit court entered an order denying IDHS' petition to remove petitioner as Eugene's plenary guardian and ordering that she was to remain his guardian. The order further stated that Eugene would continue to reside at the Carlton at the Lake facility until further court order, and that petitioner was to cooperate with the staff there regarding Eugene's treatment.

¶ 10 In April 2008, the GAL filed a petition to remove petitioner as Eugene's guardian alleging petitioner removed Eugene from the Carlton facility and kept him at her home in violation of the medical directions of Eugene's physician. The GAL alleged that petitioner had not been cooperative, but instead, acted contrary to Eugene's best interests. In a supplemental report, the GAL stated that, without a court order, petitioner removed Eugene from Carlton and brought him to her home, where he remained. Administrators from Carlton informed the GAL that they would not allow Eugene to return to their facility, and the medical director at Carlton no longer wished to be Eugene's physician. The GAL inspected petitioner's apartment and found it clean, and Eugene appeared to be happy and eating well. Petitioner told the GAL that she was in the process of obtaining home services for Eugene and arranging for a medical evaluation. The GAL further stated that he was concerned that it appeared Eugene was not receiving any medications.

¶ 11 In a response filed through counsel, petitioner admitted she removed Eugene from Carlton in violation of the court order, but denied her action was contrary to his best interests. The circuit court set a hearing date and granted leave to Janice and Henry Washington, Eugene's aunt and uncle, to file a petition for successor co-guardianship. That petition is not contained in the record. One month later, petitioner's counsel filed a motion to withdraw from the case citing a substantial breakdown in the attorney-client relationship.

¶ 12 On May 14, 2008, the circuit court granted counsel's motion to withdraw. Documents that appear later in the record show that on that same date, the court granted the GAL's petition to remove petitioner as Eugene's guardian, and appointed Eugene's aunt, Janice Washington, as successor plenary guardian. It further appears that on May 21, 2008, Eugene was removed from petitioner's home and placed at the Kenwood Nursing Home. None of these court orders are contained in the record.

¶ 13 On May 28, 2008, petitioner filed a *pro se* motion for an emergency hearing claiming the GAL misrepresented himself as Eugene's guardian and falsified papers which misled the court regarding Eugene's condition. The GAL moved to dismiss the motion for failure to state any facts or request relief. On June 3, 2008, the court dismissed petitioner's motion with prejudice.

¶ 14 In April 2009, petitioner filed a *pro se* emergency petition for a complete medical evaluation of Eugene claiming his arm had been in pain for over a month, and suggesting his pain was due to excessive medical testing and medications he was given at Carlton. Petitioner acknowledged that Janice and Henry Washington informed her that an x-ray of Eugene's arm revealed no broken bones. Petitioner, however, stated she was worried Eugene could possibly have cancer due to excessive radiation exposure. She was also concerned that his medications could have affected his kidneys, heart, and liver. Petitioner noted that she never requested or consented to having Janice and Henry Washington appointed as Eugene's guardians.

¶ 15 The GAL submitted a second supplemental report stating he was "very impressed" with the Kenwood facility and with Janice Washington's actions as successor plenary guardian. The GAL visited Eugene and found him friendly, well-groomed, and happy. The GAL was "excited" that Eugene was now able to speak and carry on a conversation. Eugene knew many of the residents on his floor, and had two older gentlemen for roommates who "look out" for him. Eugene was making steady progress and his condition had greatly improved. The GAL acknowledged that petitioner loved Eugene, but stated he was seriously concerned with her actions. The GAL learned that petitioner had requested Eugene be transported to a doctor's appointment which was stopped by Kenwood staff when they discovered the address for the doctor was petitioner's home. Petitioner had been barred from Kenwood for upsetting Eugene and for calling paramedics to the facility on two occasions. Although the GAL was concerned

with the condition of Eugene's arm pain and weakness, he found there was no emergency that warranted a medical evaluation.

¶ 16 The following week, the GAL submitted a third supplemental report stating that Eugene's doctor believed his arm weakness was due to the cerebral palsy. The GAL recommended that steps be taken for follow-up care, but found an emergency medical evaluation was not needed. On June 15, 2009, the court denied petitioner's emergency petition for a medical evaluation.

¶ 17 On May 18, 2010, the circuit court granted petitioner leave to file a *pro se* emergency petition to return guardianship to her. Petitioner claimed the GAL made misrepresentations which caused her to lose guardianship. She further claimed the GAL had been dismissed from the case when she received counsel, and that her former counsel improperly awarded guardianship to Janice and Henry Washington. Petitioner asked that the GAL be held liable for Eugene's expenses due to the misrepresentations, and that petitioner be reimbursed for losses and backpay that resulted from her loss of guardianship.

¶ 18 The GAL filed a fourth supplemental report stating that Eugene's condition had markedly improved over the two years he had been living at Kenwood. He had not had a seizure since October 2008, and had gained 58 pounds. His health and mental status was stable, and he was able to communicate his needs and concerns. Eugene was participating in a day program three times a week, and interacted well with the other residents.

¶ 19 The GAL also filed a motion to dismiss petitioner's petition arguing it contained only conclusory allegations not supported by facts, and that she failed to include a prayer for relief. On June 29, 2010, the circuit court granted the GAL's motion and dismissed the petition with prejudice. Petitioner filed a *pro se* notice of appeal naming Janice and Henry Washington as the appellees. On February 16, 2011, this court dismissed the appeal for want of prosecution. *Washington v. Washington*, No. 1-10-2229 (2011) (dispositional order).

¶ 20 On December 13, 2012, petitioner filed the *pro se* motion to return guardianship of Eugene to her arguing she was willing and able to care for her son. Petitioner argued that Eugene was improperly removed from her custody without just cause, and that she was denied her parental rights of association, communication, and companionship with her son. Petitioner requested the immediate return of her son with all rights to maintenance and support from all available sources provided by the State for disabled people. Petitioner simultaneously filed a *pro se* complaint in replevin claiming that, based on their mother-son relationship, she was entitled to possession of Eugene and all of his assets, monies, property, and products of his estate. Petitioner claimed the property was being wrongfully detained by the State of Illinois and IDHS, and named the State as the defendant. Petitioner also filed a *pro se* petition for the return of a disabled child from the custody of IDHS. She argued that due to errors by IDHS, money was inappropriately distributed to unknown parties without her knowledge or approval. She further asserted that the Attorney General initiated this case against her without any investigation or evidence, and that the circuit court was holding Eugene in a place that was hazardous to his health. Petitioner again asked that Eugene be returned to her custody and that all money paid to other parties be returned to her for the "discretionary maintenance" of Eugene. On the same day the three *pro se* pleadings were filed, the circuit court denied and dismissed all of them with prejudice.

¶ 21 On appeal, petitioner asks this court to reverse the circuit court's order and return Eugene to her custody. Petitioner claims that Eugene's physical and mental condition has deteriorated since he was removed from her care, and that she is capable and willing to care for her son when he is returned to her. Petitioner also requests that all money that has been paid to other parties be given to her for her "discretionary maintenance" of Eugene. In addition, petitioner asks this court

to overturn earlier rulings due to procedural errors which caused pain and suffering to petitioner and her son. Petitioner does not specify what errors occurred.

¶ 22

Analysis

¶ 23 As a threshold matter, we note that petitioner has named the State of Illinois as the appellee. According to the record, this case was entitled "Estate of Eugene Washington, A Disabled Person." Although the Illinois Attorney General represented IDHS when it entered this case in 2007, it does not appear IDHS has been involved in this case since 2008, and the Attorney General has informed this court that her office is not a party to this appeal. No party has filed an appearance as the appellee. Accordingly, this court has elected to consider this appeal under the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976).

¶ 24 Furthermore, we observe that petitioner's *pro se* brief fails to conform with any of the requirements delineated in Supreme Court Rule 341(h) (eff. Feb. 6, 2013) and Rule 342 (eff. Jan. 1, 2005). Most notably, petitioner's statement of facts does not present the relevant substantive facts, and is mainly comprised of unsupported conclusory allegations and improper argument. Petitioner's brief is devoid of any legal argument and fails to cite to any legal authority. Petitioner has not included an appendix with her brief, nor attached a copy of her notice of appeal or the order from which she appeals. Based on petitioner's noncompliance with these rules, her appeal is subject to dismissal. *LaGrange Memorial Hospital v. St. Paul Insurance Co.*, 317 Ill. App. 3d 863, 876 (2000).

¶ 25 Most significantly, petitioner has not presented any contentions of error committed by the circuit court for this court's review. Instead, petitioner merely argues that she is capable of taking care of Eugene and wants her son returned to her. Petitioner states that the earlier hearings were unfair and violated due process, but she does not specify why. Petitioner has not provided this

court with a transcript from any of the proceedings in the circuit court. We have thoroughly reviewed the common law record, which shows that petitioner not only received proper notice of all hearings, but appeared at all of those hearings and was present when the court orders were entered.

¶ 26 Issues for a reviewing court should be plainly defined and supported by cohesive legal arguments citing to relevant authority. *U.S. Bank v. Lindsey*, 397 Ill. App. 3d 437, 459 (2009). This court is not a repository into which an appellant may dump the burden of research and argument, nor is it an obligation of this court to act as an advocate or search the record for errors. *Lindsey*, 397 Ill. App. 3d at 459; Ill. S. Ct. R. 341(h)(7). *Pro se* litigants are required to follow and comply with these supreme court rules. *Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill. App. 3d 509, 511 (2001).

¶ 27 While we may sympathize with the emotional toll Eugene's situation has had on petitioner, nothing in petitioner's brief presents any specific legal issue for this court's review. Instead, the brief reads as a general expression of petitioner's dissatisfaction with the circuit court proceedings. Under these circumstances, we have no authority to do anything other than to dismiss this appeal. See *47th & State Currency Exchange, Inc. v. B. Coleman Corp.*, 56 Ill. App. 3d 229, 232-33 (1977) (appeal dismissed for failure to properly present legal issue for review).

¶ 28 For these reasons, this appeal is dismissed.

¶ 29 Appeal dismissed.