

2012 Ill. App. (2d) 111260-U
Nos. 2-11-1260 & 2-11-1298 cons.
Order filed March 6, 2012

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
SECOND DISTRICT

In re PARENTAGE OF JOSHUA A.N.H.,)	Appeal from the Circuit Court
a Minor)	of Du Page County.
)	
)	No. 06-F-831
)	
)	Honorable
(Francia E.H., Petitioner-Appellant v.)	Timothy J. McJoynt,
William G.B., Respondent-Appellee).)	Judge, Presiding.

JUSTICE HUDSON delivered the judgment of the court.
Presiding Justice Jorgensen and Justice Zenoff concurred in the judgment.

ORDER

Held: The appellate court lacked jurisdiction over petitioner's appeal.

¶1 Petitioner, Francia E.H., appeals a series of orders entered in a parentage action she initiated in the circuit court of Du Page County. Petitioner has filed a motion to set a briefing schedule and to supplement the record. Respondent has filed a number of motions to dismiss various appeals, asserting that we lack jurisdiction. Petitioner has not responded to respondent's motion to dismiss the appeal. We agree with respondent.

¶2 As a preliminary matter, we note that there are actually three appeals in this case currently pending before this court (Nos. 2-11-1260; 2-11-1298; 2-11-1299). In appeal number 2-11-1260,

petitioner seeks review of a number of orders that can be subdivided into three groups. The first concerns a March 9, 2010, order awarding custody of the minor, Joshua A.N.H., to respondent. The second involves a series of continuances of a hearing on petitioner's "Motion for Instanter Ruling." The third group consists of a number of orders imposing interim orders of protection. Appeal number 2-11-1298 simply adds an order continuing the interim order of protection to the orders appealed in appeal number 2-11-1260, while omitting the March 9, 2010, order. The final appeal, number 2-11-1299, adds an order entering a plenary order of protection. On our own motion, we consolidate appeal number 2-11-1260 and appeal number 2-11-1298.

¶3 Having reviewed the orders that petitioner seeks to appeal in appeal number 2-11-1260, it is apparent that we lack jurisdiction. We will examine the three types of orders appealed by petitioner separately. On March 9, 2010, the trial court entered an order finding respondent to be the father of the minor and awarding him sole custody. Petitioner filed a motion to reconsider; however, she withdrew the motion on January 13, 2011. The notice of appeal in this case was filed on October 7, 2011.

¶4 The March 9 order not only awarded custody of the minor to respondent and established a parent-child relationship between the two, it also dismissed all other pending petitions and motions except for respondent's motions for sanctions and attorney fees as well as a rule to show cause against petitioner for failing to appear. The order reserved the issues of child support and visitation. Illinois Supreme Court Rule 304(b) (eff. February 26, 2010) allows the appeal of a judgment such as this without the trial court making the findings required by Illinois Supreme Court Rule 304(b) (eff. February 26, 2010). That the judgment reserved the issues of child support and visitation did not render it nonfinal. *Galvez v. Rentas*, 403 Ill. App. 3d 491, 498 (2010) ("Moreover, even if, as

Rentas asserts, the 2006 order was not a final judgment when entered, it became final when the court entered the February 2007 order specifically reserving issues of child support and medical insurance.”). Petitioner’s motion to reconsider tolled the running of the 30-day period petitioner had to file her notice of appeal. However, when she withdrew that motion, she had 30 days from that date to file her notice. See *Gibson v. Belvidere National Bank & Trust Co.*, 326 Ill. App. 3d 45, 53 (2001). Petitioner did not file her notice until almost eight months after the expiration of this period. As such, it was not timely with respect to the March 9 order, and we lack jurisdiction over that order.

¶5 Petitioner also seeks review of a number of continuances of a hearing on her “Motion for Instant Ruling.” None of the orders actually resolve petitioner’s motion. Typically, we only have jurisdiction over final judgments. *In re J.N.*, 91 Ill. 2d 122, 126 (1982). Procedures exist through which a party may appeal an interlocutory order, such as those set forth in Illinois Supreme Court Rule 306 (eff. February 26, 2010). However, petitioner has not sought to invoke any such rule. We therefore lack jurisdiction over these orders.

¶6 Finally, with respect to appeal number 2-11-1260, petitioner attempts to appeal several orders setting interim orders of protection. We note that these orders specify a date upon which the interim order is to terminate. An order is final if it terminates litigation between the parties or disposes of their rights regarding the entire controversy or a separate part thereof. *Hull v. City of Chicago*, 165 Ill. App. 3d 732, 733 (1987). These orders did not terminate litigation between the parties, and they left the propriety of an order of protection pending until the trial court subsequently entered a plenary order (which is the subject of a different appeal). As such, they were not final and appealable (we again note that petitioner did not seek interlocutory review here). *Cf. In re Estate of Gagliardo*, 391 Ill. App. 3d 343, 348 (2009) (“An interim award for attorney fees is not a final or appealable order.”).

Moreover, as these orders are no longer in effect, any issues concerning them are moot. *Wilson v. Jackson*, 312 Ill. App. 3d 1156, 116 2-63 (2000).

¶7 Turning to appeal number 2-11-1298, we note that its notice of appeal essentially mirrors the notice of appeal filed in appeal number 2-11-1260 except that it omits the March 9, 2010, order and adds an order dated October 11, 2011. The new order is another order establishing an interim order of protection. As noted above, we do not have jurisdiction over such orders.

¶8 In light of the foregoing, we lack jurisdiction over both of these appeals. When a court of review lacks jurisdiction, its only course is to announce the fact and dismiss the appeal. *River Park, Inc. v. City of Highland Park*, 184 Ill. 2d 290, 306 (1998). We do so here. All motions pending before this court in these two cases are also dismissed as moot.

¶9 Appeals dismissed.