2024 IL App (4th) 231576-U

NO. 4-23-1576

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 6, 2024
Carla Bender
4th District Appellate
Court, IL

MARK S.	)	Appeal from the
Petitioner-Appellee,	)	Circuit Court of
v.	)	Knox County
BRANDIE R.,	)	No. 21F90
Respondent-Appellant.	)	
	)	Honorable
	)	William A. Rasmussen,
	)	Judge Presiding.

JUSTICE STEIGMANN delivered the judgment of the court.
Justices Zenoff and DeArmond concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court holds all 20 contentions set out by respondent challenging the trial court's decisions in matters relating to parental responsibility for her son are insufficiently developed or otherwise lack merit.

¶ 2 Respondent, Brandie R., is the mother of L.S. (born March 2016) and has filed a notice of appeal from an order entered by the trial court on November 29, 2023. That order addressed eight matters pending between her and L.S.'s father, petitioner, Mark S., relating directly or collaterally to Mark and Brandie's disputes over their sharing of responsibility for L.S.'s care. On appeal, Brandie has filed a brief including 20 numbered assertions and arguments. We affirm.

¶ 3 I. BACKGROUND

¶ 4 In October 2021, Mark filed a petition to allocate parental responsibilities in what appears to have been a Knox County family case filed earlier in the year. He asked that all sole

significant decision-making responsibility for L.S. be allocated to him. Mark alleged L.S. was living with Brandie in unsafe and unsanitary conditions in a former school bus. He had reason to believe L.S. was exposed to drug use. He further had reason to believe Brandie had an ongoing relationship with an abusive ex-boyfriend, Brad Galloway.

¶ 5 In December 2021, the trial court referred the parties to mediation. In February 2022, the mediator filed a report stating the parties had reached an agreement on all issues. The court entered an agreed parenting plan on March 2, 2022. It gave joint responsibility to the parties for most decisions, designated Brandie the custodial parent for purposes of school enrollment, and gave Mark and Brandie equal parenting time, with two exchanges a week.

¶ 6 In July 2022, Mark filed a petition for rule to show cause against Brandie for alleged violations of the parenting schedule. In August 2022, Brandie filed a rule to show cause accusing Mark of interfering with an agreed vacation she was taking with L.S. In August 2022, the trial court partially granted Mark's petition by requiring Brandie to get court approval for any extended visitation.

¶ 7 In July 2022, Mark asked the trial court to grant an order of protection.

¶ 8 In September 2022, Mark moved to restrict Brandie's responsibilities and parenting time. He alleged "meth" had been found in Brandie's vehicle during a traffic stop, that she had an ongoing relationship with Galloway, who had physically abused her in L.S.'s presence, and Brandie's lack of proper care for L.S. had resulted in the Illinois Department of Children and Family Services (DCFS) becoming involved. The trial court granted a plenary order of protection in September 2022. Brandie appealed, and this court vacated the order, holding no evidence justified the entry of the order of protection and that the order-of-protection proceedings had been used to improperly litigate custody matters. *Sherwin v. Roberts*, 2023 IL App (4th) 220904-U, ¶ 73

(filed April 2023).

¶ 9 In October 2022, Brandie filed a motion to adjust her parenting time. She argued the order of protection had improperly decreased her total time with L.S. Brandie filed a motion for rule to show cause in November 2022. She alleged Mark had violated the agreed parenting order in several respects.

¶ 10 In November 2022, the trial court entered an agreed order to temporarily address Mark's motion to restrict Brandie's parenting time. It set a schedule for Brandie's supervised visitation.

¶ 11 In December 2022, Brandie filed a petition for rule to show cause, in which she alleged the visitation supervisor, Mark's mother, was preventing her from interacting normally with L.S. Brandie also moved to stay the (then still in place) order of protection. The trial court, noting the order of protection expired near the end of December 2022, entered a temporary order allowing Brandie to choose one of three locations for visitation.

¶ 12 Also in December 2022, Mark gave notice to Brandie that, on January 13, 2023, he would seek a hearing on all pending motions; this date was corrected to February 13, 2023.

¶ 13 On January 13, 2023, Brandie filed a motion to dismiss. This filing asked the trial court to "dismiss order [*sic*] to restrict parenting time and to levy sanctions against Defendant [*sic*], Mark S[.] and his attorney."

¶ 14 On March 20, 2023, Brandie filed a "Motion to Restore Parental Responsibilities."

¶ 15 On April 24, 2023, Brandie filed a notice of appeal. It is not evident which order or orders Brandie sought to appeal.

¶ 16 On June 20, 2023, Brandie filed an "EMERGENCY Petition for Relief - Parental Responsibilities and Parenting Time." Brandie asserted, because she had missed parenting time

because of the erroneously issued order of protection, the trial court should allow her to make up the time she had lost.

¶ 17 On July 26, 2023, Brandie filed a motion seeking a hearing on what she described as Mark's September 22, 2022, motion to restrict her parental responsibilities.

¶ 18 On August 4, 2023, Brandie filed a "Motion to Vacate Order for Parenting Time."

¶ 19 On August 8, 2023, Brandie filed a "Petition to Show Cause & Emergency *Ex Parte* Motion to Order Compliance with Parenting Plan."

¶ 20 On August 11, 2023, Mark served Brandie with a request for admission of facts. She was asked to admit, *inter alia*, she had been convicted of possession of "meth," she had gone camping with L.S. and Galloway, and charges of burglary, theft, and criminal trespass to land were pending against her.

¶ 21 On August 12, 2023, Brandie gave Mark notice she was requesting a September 15, 2023, hearing on her "Motion to overrule the petition to restrict parenting time and parental responsibili[ti]es and motion to vacate the temporary parenting time order." On August 16, 2023, she gave notice she was seeking an August 24, 2023, hearing on a "Petition for rule to show cause." On August 18, 2023, Brandie filed a motion to strike Mark's request for admissions. On September 9, 2023, Brandie filed a "Motion for *In*[ ]*Camera* Interview of Child."

¶ 22 On September 21, 2023, the trial court entered an order removing the requirement Brandie's visitation be supervised and giving her regular parenting time.

¶ 23 Also on September 21, 2023, the trial court entered an order addressing the status of all pending pleadings or motions. The order stated, "[T]he Court having reviewed the file and upon discussion with the parties it is agreed that the pending pleadings should either be withdrawn, set for hearing or otherwise ruled upon." The ordered stated as follows:

"1. The Motion to Restrict filed by the Petitioner [(Mark)] on 09/22/22 remains pending; and,

2. The Respondent's Petition for Interim Attorney Fees filed 10/27/22 is denied without prejudice; and,

3. The Motion filed by the Respondent on 10/28/22 is moot; and,

4. The Petition for Rule to Show Cause filed by the Respondent on 11/04/22 remains pending; and,

5. The Petition for Rule to Show Cause filed by Respondent on 12/12/22 is withdrawn; and,

6. The Motion to Dismiss filed 01/13/23 is withdrawn by Respondent; and,

7. The Motion to Restore Parental Responsibilities filed by Respondent on 03/20/23 is withdrawn; and,

8. The Emergency Petition for Relief filed by Respondent on 06/20/23 remains pending; and,

9. The Motion and Response, filed by the Respondent on 07/26/23, relating to the Motion to Restrict is denied; and,

10. The Motion to Vacate, filed by the Respondent on 08/04/23 remains pending; and,

11. The Petition for Rule to Show Cause (make up time) filed by Respondent on 08/08/23 remains pending; and,

12. The Motion to Strike filed by the Respondent on 08/18/23 (relating to the Request to Admit) is denied and the Respondent shall respond to the Request to Admit by 09/22/23; and,

13. The Motion for *In Camera* Inspection filed by the Respondent remains pending and shall be taken up by the Court upon commencement of a trial on the pending Motions and Petitions; and,

14. The pending matters shall be set for hearing on two consecutive days November 28 and November 29, 2023."

¶ 24 On September 27, 2023, Brandie filed a motion seeking to clarify the status of numerous proceedings.

¶ 25 On October 16, 2023, counsel for Mark moved to withdraw; the trial court granted the motion on November 14, 2023, and both parties were thereafter *pro se*.

¶ 26 On October 19, 2023, Brandie filed a "Motion To Reinstate the Motion To Dismiss and for Sanctions Filed on 1/13/22." She said she had made a mistake in withdrawing the motion. She stated she had been unprepared for the willingness of Mark's former counsel to "lie[ ]."

¶ 27 On November 29, 2023, the trial court entered an order after a "hearing on all pending matters pursuant to the Order Regarding Status of Pleadings dated September 21, 2023. The court ruled as follows:

"A. That the Motion to Restrict Parental Responsibilities/Parenting Time Pursuant to 750 ILCS 5/603.10(a) [(West 2022)] filed by the Petitioner Father on September 22, 2022 is denied.

B. That the Petition for Rule to Show Cause filed by Respondent Mother on November 2, 2022 is denied.

C. That the Emergency Petition for Relief-Parental Responsibilities and Parenting Time filed by the Respondent Mother on June 20, 2023 is denied.

D. That the Motion to Vacate filed by Respondent Mother on August [4],

2023 is moot given this Order.

E. That the Petition for Rule to Show Cause and Emergency *Ex Parte* Motion to Order Compliance with the Agreed upon Parenting Plan filed by the Respondent Mother on August 8, 2023 is withdrawn.

F. That the Motion for *In Camera* Interview of the child is moot given that the child is not present.

G. That the Motion to Clarify field [*sic*] by the Respondent Mother on September 27, 2023 is moot given this Order.

H. That the Motion to Reinstate the Motion to Dismiss and for Sanctions filed on January 13, 2022 filed herein by the Respondent Mother on October 19, 2023 is denied.

I. That both parties stipulate and agree that there are no pending issues undetermined by the Court as of November 29, 2023."

¶ 28 On December 12, 2023, Brandie filed a "Motion for Child Support and Arrears" and a motion seeking to compel Mark to produce documents relating to his finances.

¶ 29 On December 26, 2023, Brandie filed a "Motion for the [Trial] Court's Memorandum of Law and Statement of Fact." Although the body of the motion appeared to challenge the court's November 29, 2023, rulings, the only relief Brandie requested was clarification of the court's reasoning.

¶ 30 Also on December 26, 2023, Brandie filed a notice of appeal of the order of November 29, 2023.

¶ 31 II. ANALYSIS

¶ 32 A. Preliminary Considerations

¶ 33 We will address two matters before addressing the specifics of Brandie's brief: (1) the reason good cause exists for filing this appeal after the deadline for an accelerated appeal under Illinois Supreme Court Rule 311(a) (eff. July 1, 2018) and (2) why, although Mark has not filed an appellee brief, we address the merits of Brandie's contentions.

¶ 34 1. *Illinois Supreme Court Rule 311 (eff. July 1, 2018)*

¶ 35 Here, the order of November 29, 2023, from which Brandie appealed included a denial of Brandie's "Emergency Petition for Relief - Parental Responsibilities and Parenting Time" filed on June 20, 2023. Thus, the notice of appeal was from a "final order[ ] in [a] child custody or allocation of parental responsibilities case[ ]." (*id.*). The provisions of Rule 311 (Ill. S. Ct. R. 311 (eff. July 1, 2018)) concerning accelerated appeals in such cases are therefore applicable. Rule 311(a) provides:

> "The expedited procedures in this subpart shall apply to appeals from final orders in child custody or allocation of parental responsibilities cases ***. If the appeal is taken from a judgment or order affecting other matters, such as *** decisions affecting the rights of persons other than the child, the reviewing court may handle all pending issues using the expedited procedures in this rule, unless doing so will delay decision on the child custody or allocation of parental responsibilities ***." *Id.* § 311(a).

Rule 311(a)(5) requires the reviewing court to issue its decision in an accelerated case within 150 days after the filing of the notice of appeal unless there has been "good cause shown." *Id.* § 311(a)(5).

¶ 36 Here, Brandie filed her notice of appeal on December 26, 2023. However, Brandie filed motions to extend the time to file her brief on March 30, 2024, April 29, 2024, and June 10,

2024. In each motion, she cited her dispute in the trial court over the accuracy of the report of proceedings. We granted each motion, but, in our order granting Brandie's motion of June 10, 2024, and giving her until July 15, 2024, we stated we would grant no further extensions. On June 28, 2024, Brandie filed a motion seeking leave to file a brief of length exceeding the 50-page limit set by Illinois Supreme Court 341(b)(1) (eff. Oct. 1, 2020); we allowed her to file a 70-page brief. Brandie filed a 70-page brief on July 11, 2024.

¶ 37 Based on Brandie's December 26, 2023, filing of her notice of appeal, this court's disposition was due to be filed in May 2024, which has passed. However, as our consideration of this appeal was delayed by our allowing Brandie additional time to file her brief based on her challenge in the trial court to the accuracy of the transcripts, we conclude there is "good cause" (Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2018)) for issuing our disposition after the 150-day deadline.

¶ 38 We further conclude we should address the matters Brandie raises in the appeal that do not obviously concern child custody or the allocation of parental responsibility. Brandie's brief fails to clearly separate those contentions related to child custody or the allocation of parental responsibility from her contentions relating to other matters. Thus, the simplest way to ensure we address all matters related to child custody or the allocation of parental responsibility is to address every matter.

¶ 39 2. *Procedure When the Appellee Has Not Responded*

¶ 40 Second, Mark did not file a brief in this appeal. We thus address the appeal under the rule set out in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976). The *Talandis* court:

> "set forth three distinct, discretionary options a reviewing court may exercise in the absence of an appellee's brief: (1) it may serve as an advocate for the appellee and

> decide the case when the court determines justice so requires, (2) it may decide the merits of the case if the record is simple and the issues can be easily decided without the aid of the appellee's brief, or (3) it may reverse the trial court when the appellant's brief demonstrates *prima facie* reversible error that is supported by the record." *Thomas v. Koe*, 395 Ill. App. 3d 570, 577 (2009).

Here, "the record is simple and the issues can be easily decided without the aid of the appellee's brief." *Id.* Thus, we decide the appeal on the merits to the extent Brandie's brief is clear enough to so permit.

¶ 41 B. Principles Relating to Multiple Points in Brandie's Brief

¶ 42 We now turn to Brandie's brief specifically. Her brief contains 20 sections. Because of the large number of contentions and arguments in the sections and the difficulty of summarizing each section, we do not attempt to summarize them here. However, as we will conclude, because Brandie has forfeited most of the points she addresses by failing to develop them properly, we start by discussing the conditions under which we must deem points forfeited before considering the individual sections of the brief. Further, we will also conclude not all the points raised by the brief are properly raised in an appeal of the November 29, 2023, order. We thus address what matters addressed in the brief we may properly consider as part of the appeal.

¶ 43 1. *Standards for the Sufficiency of Arguments*

¶ 44 A reviewing court is entitled to an appellate brief that presents clearly defined issues and cohesive legal argument, supported by citations to pertinent authority. See, *e.g.*, *Wing v. Chicago Transit Authority*, 2016 IL App (1st) 153517, ¶ 11. Illinois Supreme Court Rule 341(h) (eff. Oct. 1, 2020) sets out the requirements for the contents of an appellate brief. Rule 341(h)(7) requires that an argument "contain the contentions of the appellant and the reasons therefor, with

citation of the authorities and the pages of the record relied on." Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020). Points not developed to the standards of Rule 341(h)(7) are forfeited. *In re Marriage of Turano Solano,* 2019 IL App (2d) 180011, ¶ 70. "Mere contentions, without argument or citation to authority, do not merit consideration on appeal." *Hall v. Naper Gold Hospitality LLC,* 2012 IL App (2d) 111151, ¶ 12. "The failure to provide proper citations to the record is a violation of Rule 341(h)(7), the consequence of which is the forfeiture of the argument." *Id.*

¶ 45 2. *Orders We May Consider Under Brandie's Notice of Appeal*

¶ 46 To confer jurisdiction, the notice of appeal must specify the judgment or part of the judgment from which the appellant appeals. *Waste Management, Inc. v. International Surplus Lines Insurance Co.,* 144 Ill. 2d 178, 188 (1991). A reviewing court construes notices of appeal liberally. *Id.* at 188-89. A reviewing court has jurisdiction to review interlocutory (nonfinal) orders if they are a step in the procedural progression leading to the final judgments specified in the notice of appeal. *In re Marriage of O'Brien,* 2011 IL 109039, ¶ 23.

¶ 47 The order of November 29, 2023, from which Brandie took her appeal addressed eight orders, denying three motions or pleadings of Brandie's and one of Mark's, ruling three matters raised by Brandie were moot, and stating that Brandie had withdrawn one petition—the "Petition for Rule to Show Cause and Emergency *Ex Parte* Motion to Order Compliance with the Agreed upon Parenting Plan" she filed on August 8, 2023. Brandie does not challenge the three mootness findings. She does contest that she withdrew the petition she filed on August 8, 2023. She cannot challenge the ruling the trial court made against Mark. Therefore, three orders are at issue: (1) the petition for rule to show cause filed on November 2, 2022; (2) the "Emergency Petition for Relief - Parental Responsibilities and Parenting Time" filed on June 20, 2023; and (3) the Motion To Reinstate the Motion To Dismiss and for Sanctions filed on January 13, 2022"

filed on October 19, 2023. We may also review any interlocutory orders if they were a step in the procedural progression leading to the final judgments.

¶ 48 C. Brandie's Individual Claims and Contentions

¶ 49 As we noted, Brandie has divided her brief into 20 sections. We address each in turn.

¶ 50 1. *The Trial Court Denied Brandie Due Process by Delaying Her Motions*

¶ 51 Brandie asserts her due-process rights were violated in that "the [trial] court repeatedly ignored [her] motions, including emergency motions, which deprived [her] of a fair opportunity to present [her] case and defend [her] parental rights." She states, when she asked the court when she would get more time with L.S., "[she] was told, 'when I [*sic*] learned to file a motion correctly.' " (No statement by the court phrased similarly to this purported quote appears in the appellate record. Brandie has repeatedly asserted the record is inaccurate.)

¶ 52 As best we can determine, this claim is moot. "An appeal is moot if no actual controversy exists or if events have occurred that make it impossible for the reviewing court to grant the complaining party effectual relief." *In re Marriage of Peters-Farrell*, 216 Ill. 2d 287, 291 (2005). Brandie does not dispute the finding in the order of November 29, 2023, the trial court had addressed all pending motions. Moreover, she does not suggest any remedy this court can offer for the delay.

¶ 53 In any event, Brandie does not explain how, to use her words, the trial court erred in saying she had not " 'learned to file a motion correctly.' " 9th Judicial Cir. Ct. R. 2.30(B)(1) (Aug. 12, 2010) (concerning the requirements for a notice of motion, specifies to show the "date and time when the motion will be presented"). Brandie does not explain how her notices complied with this rule, nor does the record suggest she did so. For instance, the notice of the motion to

vacate filed by Brandie on August 4, 2023, and found moot by the court on November 29, 2023, included a certificate of service, but no notice of the motion and no indication Brandie set the motion to be heard. Given that Brandie did not ask the court to hear this motion, she cannot complain the court was late in hearing it.

¶ 54 2. *The Trial Court Had an Insufficient Basis To Restrict Visitation*

¶ 55 Brandie asserts the trial court lacked sufficient basis to restrict her visitation to three hours of supervised visitation a week. The court entered the order limiting Brandie to supervised visitation in November 2022, so it was not a part of the order from which she appealed. We thus lack jurisdiction to address this order. Moreover, the court later eliminated the requirement for supervised visitation and increased her parenting time. Thus, even if we had jurisdiction to address the order, the claim would be moot.

¶ 56 3. *Brandie Withdrew Her Petition for Sanctions Because of Trial Court Coercion or Intimidation*

¶ 57 Brandie asserts the trial court coerced or intimidated her into dropping her "Motion to Dismiss" filed on January 13, 2022—a filing she describes as a petition for sanctions. She contends the court, in some way she does not explain, effectively "used the threat of delaying increased visitation with [her] son as leverage to pressure [her] into withdrawing [her] motion for sanctions against [Mark's counsel]." She neither provides citations to the pages of the record in which the court engaged in such a pressure tactic nor quotes the relevant dialogue.

¶ 58 Brandie's withdrawal of the motion at issue on September 21, 2023, was perhaps a step in the procedural progression leading to the November 29, 2023, denial of the motion to reinstate this claim. However, by the standards set out in the introduction to our analysis, Brandie has failed to set out a cogent argument in support of this claim. We thus need not address this

claim.

¶ 59 4. *Denial of Access to Records*

¶ 60 Brandie contends the trial court "denied [her] access to full and accurate court records, thereby hindering [her] ability to prepare for [her] appeal." Brandie cites portions of the record of proceedings in which she argued transcripts of prior proceedings would support the arguments she was making to the *trial court*.

¶ 61 Brandie cites two cases in support of her claim, neither of which supports her argument. First, she cites *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597-98 (1978), which noted that common law gives the public a right to access but stated the scope of that right was uncertain. That case is not relevant to a party's right to require a trial court to create transcripts. Second, she cites *Mayer v. City of Chicago*, 404 U.S. 189, 193-94 (1971), which held the state has a duty to provide an indigent criminal defendant with appellate review as effective as a party who has money to pay for an appeal. *Mayer* applies only to criminal defendants and thus is not applicable to Brandie. Moreover, Brandie has not described any transcripts she was unable to obtain for this appeal; her citations to the record show only instances in which her arguments to the trial court might have been stronger if she had been able to have transcripts produced on demand.

¶ 62 5. *Judicial Bias*

¶ 63 Brandie asserts the trial court showed disqualifying bias against her. She lists six ways in which she contends the court showed bias. However, each of these contentions lacks proper support.

¶ 64 The first two contentions demonstrate Brandie's misunderstanding of her responsibility to bring her motions before the trial court. First, she argues the court failed to provide

timely hearings on her motions. She supports this only with citations to the pages on which two of her filings appear in the common-law record. Notably, the filings she cites do not include, or are not accompanied by, any notice of the date she intended to bring the motion before the court. See 9th Judicial Cir. Ct. R. 2.30(B)(1) (Aug. 12, 2010). She next complains the court addressed her motions without giving *her* notice, which, as we have explained, was not the court's responsibility.

¶ 65 Brandie next contends the trial court unfairly refused to consider her assertions she had not agreed to an order which appeared in the record as an agreed order. However, she supports this contention only with citations to instances in which she asserted after the fact that she did not agree to the order. Brandie does not offer any argument tending to show why the court's refusal to agree with her showed bias. Her argument is thus insufficient.

¶ 66 Brandie's fourth contention is the trial court gave inconsistent reasons for restricting her parenting time. She cites no authority for this being a display of disqualifying partiality. Her fifth contention repeats her inadequate claim the court coerced her to withdraw her request for sanctions. Her sixth contention is the court gave her inadequate notice of hearings—specifically, it gave her 10 days' notice of the "hearing on parental responsibilities." However, this appears to be one of the matters of which she asserts the court failed to give her a timely hearing, again, an issue we have already addressed.

¶ 67 6. *Denial of Procedural Due Process*

¶ 68 Brandie asserts that the trial court's conduct during the proceedings denied her procedural due process. However, the examples she offers restate the claims we have already rejected, without offering new argument or authority. We thus need not address them again.

¶ 69 7. *Improper Admission of Evidence*

¶ 70 Brandie asserts the trial court improperly admitted hearsay evidence and evidence

obtained from improper searches. She claims to provide examples of such instances, but she has failed to do so. At one cited page, we find a discussion of the court's ability to take judicial notice of other proceedings. A second citation, rather than relating to the court's consideration of old police reports, leads us to a discussion of a nonevidentiary matter. A third citation, supposedly leading to the court's consideration of a DCFS "indicated" finding, relates instead to a discussion of Mark's order of protection. Finally, a fourth citation, which is supposed to relate to use of an inventory search, leads to a discussion of a claim L.S. had "drugs in his system." Moreover, she does not quote any relevant portions of the report of proceedings. We cannot address the substance of Brandie's claim without knowing what evidence Brandie claims was improperly admitted.

¶ 71 8. *Denial of the Right to Counsel*

¶ 72 Brandie argues the trial court's actions denied her the right to counsel. She recognizes the sixth-amendment right to counsel applies only to criminal cases (see U.S. Const., amend. VI), but she argues, without citation to authority, that sixth amendment principles apply when "parental rights" are at stake. She asserts her motions for "interim fees" were denied because she did not have an attorney. She does not present an argument for why this was in error or, indeed, explain how she could have "interim fees" if she did not have an attorney.

¶ 73 9. *"Improper Delegation of Parental Responsibilities"*

¶ 74 Brandie asserts the "trial court improperly delegated parental responsibilities to [Mark] without proper consideration of [her] parental rights and the best interests of [her] child." She contends, "The trial court's decision to delegate *significant* parental responsibilities to [Mark] was made without sufficient evidence to justify such an allocation." (Emphasis added.)

¶ 75 We deem Brandie's argument both incohesive and insufficiently developed. The argument is thus forfeited. Initially, to the extent Brandie's argument relies on the liberty interests

parents have in the "care, custody, and control of their children" (*Troxel v. Granville*, 530 U.S. 57, 65 (2000)), the argument is illogical, because her and Mark's interests are equal here.

¶ 76 To be sure, Brandie asserts the trial court failed to give adequate weight to the best interests of L.S., and specifically that it did not adequately consider her status as L.S.'s primary caregiver. However, Brandie's argument on this point, although it is several paragraphs long and cites relevant authority, does not address the evidence in these proceedings. For instance, Brandie asserts:

> "The improper delegation of responsibilities has had a detrimental impact on L.S. He has experienced significant emotional distress due to the abrupt change in his living situation and the forced separation from me, his primary caregiver. The court did not sufficiently consider the psychological and emotional harm caused by disrupting his stable and nurturing environment."

However, Brandie does not address the court's basis for its findings or discuss what parts of the record support her contentions. Her argument is thus purely conclusory, and we therefore deem it forfeited.

¶ 77 10. *"Conflict of Interest"*

¶ 78 Brandie asserts: "The trial court failed to address the significant conflict of interest arising from the familial connections between [Mark] and local law enforcement, which may have influenced the proceedings and unfairly disadvantaged me." She contends (1) the court failed to consider how her being investigated by law enforcement agencies that employed Mark's relatives could have resulted in biased investigations and (2) the court itself was likely biased in favor of Mark because of his law-enforcement connections.

¶ 79 This claim, like the previous one, is purely conclusory in that it does not explain

what parts of the record support Brandie's claims.

¶ 80 11. *Extension of the Temporary Order of Protection*

¶ 81 Brandie contends the trial court abused its discretion by extending the temporary order of protection. We lack jurisdiction to address this issue. The court issued the order of protection in case No. 22-OP-213. Brandie here appeals from the order entered on November 29, 2023, in case No. 21-F-90. The appeal in case No. 21-F-90 does not vest this court with jurisdiction over case No. 22-OP-213. See Ill. S. Ct. R. 303(a)(1) (eff. July 1, 2017) (requiring notices of appeal be filed within 30 days after the entry of the judgment appealed from).

¶ 82 12. *Motions for Sanctions and Contempt Findings*

¶ 83 Brandie contends, "The trial court erred in addressing my motions for sanctions and contempt, particularly in its selective reinstatement of the sanctions motion for [Mark's counsel] while failing to apply the same standard to [Mark]."

¶ 84 We hold Brandie has forfeited this claim by failing to develop it adequately. Here, Brandie has failed even to identify the pleading or motion at issue. We thus have no way to determine whether the trial court erred.

¶ 85 13. *"Failure To Hold Petitioner in Contempt"*

¶ 86 Brandie contends, "The trial court's failure to hold *** [Mark] in contempt of court for his non-compliance with court orders and his ongoing misconduct significantly undermined the fairness and integrity of the judicial process." She asserts this failure allowed Mark to "manipulate the proceedings to his advantage, further exacerbating the harm to [her and L.S.]"

¶ 87 Here, as with the previous argument, Brandie has forfeited this argument by failing to identify the trial court orders at issue and by failing to adequately develop her argument.

¶ 88 14. *"Jurisdiction Issues"*

¶ 89 Brandie contends, "The trial court erred in assuming jurisdiction over my case despite the fact that my home state [*sic*] was Tazewell County at the time of the proceedings."

> "At the time [Mark] filed the petition for parental responsibilities, my son and I had been living in Manito, Illinois, which is in Tazewell County, since April 2021. This clearly establishes Tazewell County as our home state [*sic*] under the [Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) (750 ILCS 36/101 *et seq.* (West 2020))], as we had resided there for more than six consecutive months before the commencement of the custody proceedings."

¶ 90 Brandie's argument fails because it conflates states and counties. She contends Mark ought to have brought the proceedings in Tazewell County. This is an issue of venue: in general, venue is proper "in the county of residence of any defendant." 735 ILCS 5/2-101 (West 2020). Because Brandie's argument is based on the case being filed in the wrong county, the issue is one of venue. Thus, the UCCJEA, which addresses *state* jurisdiction in child-custody determinations, is inapplicable here. One of the other two authorities Brandie cites, *In re Marriage of Rizza*, 237 Ill. App. 3d 83 (1992), relates to jurisdiction, not venue, and is thus also inapplicable here. The remaining authority Brandie cites, *Troxel v. Granville*, 530 U.S. 57 (2000), relates to the rights of *both* parents and is thus also not on point.

¶ 91 15. *"Misrepresentation of the 'Agreed' Temporary Order"*

¶ 92 Brandie contends the trial court improperly allowed an order regarding parenting time to be entered as an agreed order over her objection. She asserts that, at the hearing on November 18, 2022, she told the court, " 'I don't agree but I will take the time I can get.' "

¶ 93 We conclude we lack jurisdiction to address this claim. We believe Brandie's claim refers to the "Agreed Temporary Order Regarding Petitioner's Motion to Restrict Parental

Responsibilities/Parenting Time Pursuant to 750 ILCS 5/603.10(a)," which the trial court entered on November 18, 2022. This order established supervised parenting time for Brandie. As such, it is an "allocation of parental responsibilities judgment or modification of such judgment entered pursuant to the *** Illinois Parentage Act of 2015 (750 ILCS 46/101 *et seq.*)." (Ill. S. Ct. R. 304(b)(6) (eff. Mar. 8, 2016)). Some judgments specified by Rule 304(b) are appealable without a special finding, even if they do not dispose of all the claims involved in the proceeding. The appeal of judgments appealable under Rule 304(b) cannot be saved for later. See, *e.g.*, *Longo v. Globe Auto Recycling, Inc.*, 318 Ill. App. 3d 1028, 1036 (2001). "The time in which a notice of appeal may be filed from a judgment or order appealable under this Rule 304(b) shall be as provided in Rule 303." Ill. S. Ct. R. 304 (eff. March 8, 2016)). Under Illinois Supreme Court Rule 303(a) (eff. July 1, 2017), where, as here, there has been no postjudgment motion, the appeal must be within 30 days of the judgment. Brandie filed her notice of appeal in December 2023, so she missed the time to appeal the November 18, 2022, judgment by a year.

¶ 94 16. *"Intent to Avoid Liability under 42 U.S.C. § 1983"*

¶ 95 Brandie contends that the trial court's "actions demonstrate an intent to avoid liability under 42 U.S.C. § 1983." She contends, among other things, that on November 18, 2022, she said (concerning the order for visitation the court entered that day), "I don't agree but I will take the time I can get." That statement does not appear in the report of proceedings. She contends that, for this and other reasons, the court should be held liable under section 1983 of Title 42 of the United States Code (42 U.S.C. § 1983 (2018)).

¶ 96 Because Brandie did not sue the trial court under section 1983, we need not address this claim. Section 1983 provides, in relevant part:

"Every person who, under color of any statute, ordinance, [or] regulation

> *** subjects, or causes to be subjected, any citizen of the United States *** to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, *shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress*." (Emphasis added.) *Id.*

Brandie has not sought section 1983 damages in any pleading contained in the record on appeal. There is thus no "proper proceeding" (*id.*) under section 1983 that we can address in this appeal.

¶ 97 17. *Failure To Hear Emergency Motions* Ex Parte

¶ 98 Brandie contends, "The trial court's repeated refusal to hear my emergency motions *ex parte* constitutes a violation of due process and reflects a disregard for the urgency of the matters at hand." She asserts the court's failure to hold *ex parte* hearings "deprived [her] of a meaningful opportunity to advocate for [her] child's best interests."

¶ 99 This contention raises the same matters as Brandie's first contention—that the trial court violated her due-process rights in that it "repeatedly ignored [her] motions, including emergency motions, which deprived [her] of a fair opportunity to present [her] case and defend [her] parental rights." We need not address the point again.

¶ 100 18. *"Violation of Free Speech"*

¶ 101 Brandie contends the trial court violated her free speech rights by restricting the subjects she could discuss with L.S. However, she has failed to adequately develop the claim by stating what restrictions she deems improper or by citing any authority relating to issues of free speech and child visitation rules. Moreover, her discussion consists of a single short paragraph. She has thus forfeited the issue.

¶ 102 Brandie cites only *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), which addresses the tradeoffs between students' free-speech rights and the

need to prevent the disruption of instruction. In cases when parent-child relationships are at issue, courts and other authorities have taken varying views concerning how to address possible conflicts between a child's best interests and parents' first-amendment rights (U.S. Const., amend. I). See Kanavy, K., *The State and the "Psycho Ex-Wife": Parents' Rights, Children's Interests, and the First Amendment*, 161 U. Pa. L. Rev. 1081, 1092-1105 (2013) (describing the conflict). A citation to *Tinker* and a brief paragraph with no legal argument does not constitute a statement of "the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on" required by Rule 341(h)(7). Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020).

¶ 103 19. *"The Best Interests of the Child"*

¶ 104 Brandie contends the trial court failed to adhere to the principle that it give priority to the best interests of the child when making decisions about parental responsibilities. She addresses four factors to which she deems the court gave insufficient consideration.

¶ 105 Brandie's argument on this point is relatively well developed, but still insufficient. The central deficiency is Brandie's failure to "cit[e] *** the pages of the record relied on," as required by Rule 341(h)(7) (*id.*). Further, the discussion does not contain the dates of the hearings or orders at issue. This means that, to address Brandie's claim on the merits, we would have to search the record for the trial court's relevant comments and rulings. We are not obligated to search the record to understand Brandie's argument. See *Obert v. Saville*, 253 Ill. App. 3d 677, 682 (1993) ("[I]t is neither the function nor the obligation of this court to act as an advocate or search the record for error.").

¶ 106 20. *Strict Scrutiny*

¶ 107 Brandie entitles her final section of argument an "Argument for Strict Scrutiny." In this section, Brandie appears to argue for a special, nondeferential standard for review of the trial

court's decisions.

¶ 108 Brandie misapprehends the standards applicable to the review of judgments by trial courts. The "strict scrutiny" standard applies to courts' review of the constitutionality of statutes: For instance, "Under the strict scrutiny standard, a statute violates due process unless it is narrowly tailored to serve a compelling state interest." *Village of Lake Villa v. Stokovich*, 211 Ill. 2d 106, 122 (2004). But *de novo* review is the least deferential standard of review we can apply to *a judgment*. See *U.S. Steel Corp. v. Illinois Pollution Control Board*, 384 Ill. App. 3d 457, 462 (2008) (stating *de novo* review is the least deferential standard applicable to the review of a decision by a lower tribunal). Brandie is not challenging the constitutionality any statute, so "strict scrutiny" would not apply here.

¶ 109 III. CONCLUSION

¶ 110 For the reasons stated, we affirm the trial court's judgment.

¶ 111 Affirmed.