2026 IL App (2d) 260288-U
No. 2-26-0288
Order filed November 6, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re MARRIAGE OF ANTHONY ATTIAH, Petitioner-Appellee,

and

ANGELA ATTIAH-STAMISON f/k/a Angela Attiah, Respondent-Appellant.

Appeal from the Circuit Court of Lake County.
Honorable Bolling W. Haxall, III, Judge, Presiding.
No. 13-D-1897

JUSTICE MULLEN delivered the judgment of the court.
Presiding Justice Kennedy and Justice Hutchinson concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court did not err by (1) denying her request to remotely participate in the June 8, 2025, proceedings, (2) proceeding in respondent's absence, and (3) denying respondent's pleadings for want of prosecution. Additionally, the trial court did not err in granting petitioner's motion and suspending respondent's parenting time. Finally, the trial court did not err in placing restrictions on the parties' ability to file motions.

¶ 2 The instant appeal arises out of post-decree litigation concerning the dissolution of the marriage of petitioner, Anthony Attiah, and respondent, Angela Attiah-Stamison. Following the dissolution of marriage, the parties have had frequent conflicts and filed various motions regarding the allocation of decision-making and parenting time regarding their minor daughter, Z.A. Relevant to the instant appeal, respondent filed multiple motions, including a petition for rule to

show cause, a motion to modify the allocation judgment, and a motion to enforce parenting time. In response, petitioner filed a motion to modify. While the motions were pending, the trial court restricted the parties from additional motions without leave of court. Subsequently, the parties proceeded to a hearing on the pending motions. Respondent failed to appear for the hearing, and the trial court struck her motions for want of prosecution. The trial court then proceeded to a hearing on petitioner's motion, following which it ordered that respondent's parenting time be suspended until further order of the court. Respondent now appeals the trial court's orders. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Because the parties were engaged in ongoing and contentious proceedings, we recite only that history necessary to resolve the matters before us on appeal. On January 15, 2016, the trial court entered a judgment for dissolution of marriage. This judgment incorporated the parties "Sole Custody Parenting Agreement Final Order" entered on September 4, 2014, regarding Z.A., who was born in April 2013. Following a series of motions, the parties resolved certain issues related to parenting time and the allocation of decision-making through a July 8, 2022 "Allocation Judgment of Parental Responsibilities and Parenting Plan Agreement" ("Allocation Judgment"). The Allocation Judgment provided, in relevant part, that petitioner would have sole decision-making responsibilities over Z.A. and that respondent would exercise parenting time one overnight per week and on alternating weekends.

¶ 5 On January 29, 2025, respondent filed a "Verified Petition for Rule to Show Cause for Violations of Decision-Making Provisions and Request to Hold Anthony Attiah in Indirect Civil Contempt" (Petition for Rule to Show Cause). Respondent claimed that petitioner had "repeatedly failed to comply with the [Allocation Judgment's] decision-making provisions, [thereby]

disrupting cooperative parenting and infringing on [respondent's] rights." She further argued that petitioner engaged in numerous behaviors constituting "obstruction," including: withholding details regarding Z.A.'s summer camp; transferring Z.A. to a different soccer club; withholding details regarding sleepovers Z.A. attended; failing to provide timely notice of medical appointments; failing to reimburse respondent for school-related expenses; interfering with respondent's parenting time and vacation scheduling; "misclassifying extraordinary events" and failing to prioritize Z.A.'s best interests; and failing to communicate. Respondent further alleged that petitioner's actions constituted harassment and economic abuse and interfered with her ability to parent Z.A.

¶ 6 Following the Petition for Rule to Show Cause, respondent filed additional motions which are not subject to this appeal. On April 7, 2025, respondent filed an "Emergency Motion to Modify Allocation Judgment Pursuant to 750 ILCS 5/603.10" (Motion to Modify). In support of her Motion to Modify, respondent alleged that petitioner "has engaged in a sustained pattern of emotional manipulation." She detailed several examples related to conflict over Z.A.'s soccer schedule and disputes over allocation of parenting time during Easter weekend. Respondent further alleged her concern that the parties' conflict was causing Z.A. psychological harm. In her prayer for relief, respondent requested that the Allocation Judgment be modified to grant her sole decision-making responsibilities for Z.A., that petitioner's parenting time be supervised until further order of the court, that Z.A. undergo a psychological evaluation, that petitioner's communications with Z.A. be restricted, and that Z.A.'s participation in extracurricular activities during respondent's parenting time "remain within her sole discretion." After the Motion to Modify was entered and continued, respondent filed a "Statement Regarding Judicial Bias and Procedural Inequity" in the trial court on April 14, 2025.

¶ 7 On April 16, 2025, the trial court entered an order finding respondent's Motion to Modify was not an emergency. The trial court also restricted the parties from filing further pleadings without leave of court.

¶ 8 Following the April 16, 2025, order, respondent sought leave to file several other motions related to the allocation of fees for the parties' parenting coordinator. The parties settled these pleadings in a July 24, 2025, Agreed Order. The Agreed Order set respondent's child support at $0 and created a payment plan for her to repay petitioner $50,000.

¶ 9 On November 12, 2025, petitioner's attorney filed a motion for leave to file a "Motion to Modify." Petitioner was given leave to file the motion, and on November 24, 2025, the petitioner's Motion to Modify was filed in the trial court. In his motion, petitioner alleged that there had been a substantial change in circumstances, as respondent had an unstable living environment and no permanent residence. Additionally, Z.A. had not seen or spoken to respondent since August 21, 2025. Petitioner requested that respondent's parenting time be reserved and the parenting coordinator's recommendations regarding Z.A.'s soccer practices be formalized in a court order.

¶ 10 On December 10, 2025, petitioner filed an "Emergency Motion to Temporarily Suspend Parenting Time." In support, he alleged that respondent had no permanent address and Z.A. did not want to spend time with respondent in an unfamiliar residence. Respondent told petitioner that she would forgo parenting time until she had a permanent residence. However, the motion alleged that on December 8, 2025, respondent stated that she would be exercising her parenting time with Z.A. first at a friend's house and then out of state. When petitioner attempted to speak to Z.A. about the matter, Z.A. "broke down crying[,] telling him that she would refuse to go." The trial court denied this motion.

¶ 11 In response, respondent filed an "Emergency Petition for Rule to Show Cause and for Immediate Enforcement of Court-Ordered Parenting Time" (Motion to Enforce Parenting Time) on December 12, 2025. She alleged that she was planning to exercise court ordered parenting time when petitioner informed her that Z.A. was "sick." Petitioner would not allow respondent to retrieve Z.A. from school and told respondent that Z.A. was "refusing" to go with her. Respondent alleged that she reminded petitioner of the requirements of the Allocation Agreement, but that he did not comply and "did not produce the child." Respondent further alleged that petitioner was not adequately responding to her messages regarding Z.A. as part of a "long-standing pattern of undermining the parent-child relationship." The motion was found not to be an emergency and continued. On December 19, 2025, the court entered an order appointing Kristen Howeth as guardian ad litem (GAL) in the case.

¶ 12 On December 23, 2025, respondent attempted to file a "Motion for Leave to File Motion to Stay Parenting Coordinator Proceedings." On December 26, 2025, she filed a "Notice to the Court Regarding Clerk Rejection of Motion for Leave to File," alleging that the clerk's office accepted her notice of motion and notice of filing, but rejected filing her "Motion for Leave to File Motion to Stay Parenting Coordinator Proceedings." The "Motion for Leave to File Motion to Stay Parenting Coordinator Proceedings" was subsequently filed on December 26, 2025. In the motion she argued that "[t]he simultaneous operation of a Parenting Coordinator and a GAL, without clarification of roles, risks duplication of effort, inconsistent direction, and unnecessary expense."

¶ 13 Pursuant to an order on January 16, 2026, respondent voluntarily agreed to temporarily suspend her parenting time, and the parties agreed to suspend their use of the parenting coordinator and instead utilize the GAL. Howeth, the GAL, was ordered to investigate and make recommendations.

¶ 14 Pursuant to an order entered March 16, 2026, a hearing on the pending motions was set for June 8, 2026. The motions set to be heard included respondent's January 29, 2025, Petition for Rule to Show Cause, respondent's April 7, 2025, Motion to Modify, petitioner's November 24, 2025, Motion to Modify, and respondent's December 12, 2025, Motion to Enforce Parenting Time.

¶ 15 On April 13, 2026, petitioner's attorney moved to withdraw. In response to counsel's motion, on May 11, 2026, respondent filed a "Limited Objection to Continuance Related to Petitioner's Counsel's Motion to Withdraw." In her "Limited Objection," respondent noted that hearing on the pending matters was scheduled to begin on June 8, 2026. While she stated that she did "not object to counsel's withdrawal should the Court permit it," she indicated that she objected "to any continuance of the upcoming trial date set to begin on June 8, 2026." She further stated that any "further delay" of resolution of the pending pleadings "risks continued and irreparable deterioration of the parent-child relationship and would substantially prejudice Respondent by prolonging unresolved parenting issues directly affecting the minor child's welfare."

¶ 16 On May 18, 2026, the trial court granted counsel's motion to withdraw. The matter remained set for trial on June 8, 2026. Prior to the hearing date, the parties convened before the trial court for a June 2, 2026, trial conference. On that date, respondent indicated that she believed trial would take three to four days and that she intended to call several witnesses. She further indicated that she intended to introduce about 60 exhibits. The trial court then told the parties that they were able to virtually join the court call on the morning of June 8, 2026, and would then be directed when and where to report for their trial. The trial court explained that it was resolving some scheduling issues. Respondent clarified this with the trial court, asking, "would that be in virtual or in-person?" The trial court responded that "the trial will be in person." Petitioner then

asked if there was a possibility that they would "be in-person" the afternoon of June 8, 2026, and the trial court responded affirmatively: "Maybe. Correct."

¶ 17 On the morning of June 8, 2026, the parties convened virtually. The trial court informed the parties that there were no longer any scheduling conflicts, and they would begin the hearing in-person that afternoon. Respondent replied: "Your Honor, I do apologize, I'm not available this afternoon." When the trial court replied that respondent needed to be prepared to begin the hearing in-person, she replied that "It has to be via Zoom." The trial court reaffirmed that it would be conducting the hearing in-person that afternoon.

¶ 18 On the afternoon of June 8, 2026, the matter reconvened in-person. Petitioner appeared, but respondent was not present. After waiting for respondent, Howeth contacted respondent who reported that she was unavailable but could appear the following afternoon. Because respondent was not present, the trial court dismissed her pleadings for want of prosecution. The matter then continued to a hearing on petitioner's Motion to Modify.

¶ 19 Petitioner first called Howeth to testify. Howeth stated that she was appointed as GAL to the case in December 2025. As part of her investigation, Howeth spoke with petitioner, respondent, and Z.A. She also reviewed the court file and any documents tendered by the parties, including a "pretty substantial binder" of documents from respondent. Howeth conducted a home visit, as she learned that respondent had been evicted from her home in the summer of 2025, and had then been exercising some of her parenting time at a family member's home in Tennessee. Respondent and Z.A. discussed the importance of respondent finding permanent housing. Z.A. expressed to Howeth that she was disappointed that respondent had not found permanent housing. In January 2026, Howeth spoke with respondent, who was then living with friends. Howeth visited respondent at the residence. Respondent was living with a family of five, two parents and three children.

Howeth described the house as having an upstairs, where two of the children's bedrooms were located, and a downstairs, which contained respondent's bedroom and a common area which had been converted into a "pretty open" bedroom for the parents and their youngest child. There was not a bedroom for Z.A. The home had a downstairs bathroom that was under construction, so all members of the household shared the upstairs bathroom. Respondent's bedroom consisted of a raised bed and a mattress underneath for Z.A.

¶ 20 Howeth spoke to Z.A. about the child's relationship with each parent. Z.A. expressed having a positive relationship with petitioner. She felt that petitioner supported her in school and in sports, and that she could trust and rely on him. Z.A. described feeling a lot of disappointment towards respondent. She also expressed fear and discomfort regarding some of respondent's religious practices. Z.A. explained that she struggled to confide in respondent, because respondent would simply remark that they should pray about the matter. Sometimes respondent would sit in a prayer chair and speak in tongues. Z.A. told Howeth that in the past, she had searched for rental apartments for respondent, but respondent stated that she would not be accepted. Z.A. noticed that her interactions with respondent differed from the relationships she witnessed between her friends and their mothers which "leaves her consistently disappointed and feeling a lot of feelings of unknown and instability." Z.A. told Howeth that she did not want any contact with respondent.

¶ 21 Howeth noted that at age 13, Z.A. was very mature in that she could articulate some of the concerns and the disappointments she feels towards respondent. Howeth remarked that Z.A. did lack some maturity regarding her feelings towards some of respondent's rules, though this was typical of children her age. Howeth recommended that Z.A. attend therapy, but Z.A. expressed resistance to the idea.

¶ 22 Howeth further testified that she believed petitioner somewhat encouraged Z.A. to spend time with respondent. However, Howeth thought that Z.A. "gives a lot of push-back there," and noted that sometimes petitioner would tell Z.A. that he would not "force" her to spend time with respondent, "which in this circumstance might kind of embolden [Z.A.] to know that she has dad sort of protecting [her]." However, Howeth had "no concerns" that petitioner would put Z.A.'s needs before his own.

¶ 23 Howeth questioned whether respondent could put Z.A.'s needs before her own. Howeth noted that respondent seemed to think that it should not impact Z.A. that she lives an hour away in a very tight living situation. Respondent additionally indicated that she was interested in reunification therapy but had not taken measures to begin therapy. Howeth also pointed to respondent's pleadings, including her Motion to Modify, which "was to remove the child from [petitioner's] care when—it's really undisputed that [he] is the only one that has provided a stable home and some financial stability." Howeth further opined that respondent's failure to adjust and understand how her housing instability impacts Z.A. seriously endangered Z.A.'s emotional well-being. Additionally, Z.A. expressed "distrust and instability with [respondent] that are leading her to experience this anxiety." Based on her observations, Howeth recommended that respondent and Z.A. attend counseling with Dr. Chinni Chilamkurti. She noted that Dr. Chilamkurti had a specific plan that would be beneficial in repairing a relationship such as Z.A.'s with respondent, and that Dr. Chilamkurti "is best suited to sort of assess the familial dynamic," especially with Z.A.'s reluctance to engage in therapy.

¶ 24 Petitioner also testified on his own behalf. He explained that respondent had not spoken to Z.A. for several months. He also related that Z.A. was an excellent student, had been inducted into the Junior National Honor Society, and was thriving in his care.

¶ 25 The trial court entered into evidence a copy of Howeth's GAL report. The report contained the facts to which Howeth testified, applying the evidence from her investigation to each of the statutory factors relevant to a child's best interest when allocating parenting time. See 750 ILCS 5/602.7(b) (West 2024). It further outlined Howeth's recommendation that respondent and Z.A. engage in reunification counseling.

¶ 26 Following the testimony and the admission of the GAL report, the trial court issued its oral ruling. The trial court determined that there was a change in circumstances related to parenting time, as respondent no longer had stable living arrangements. It further addressed respondent's relationship with Z.A., emphasizing respondent's "inability to understand and to appropriately shape her behaviors to address or allow for the stress they sometimes place on [Z.A.]" The trial court stated that petitioner has almost exclusively cared for Z.A. for nearly a decade and she is thriving in his care. It found that petitioner had placed Z.A.'s needs before his own in a manner which respondent had not. The trial court then indicated it would adopt Howeth's recommendations.

¶ 27 The trial court entered an order memorializing its findings on June 10, 2026. In the order, the trial court recounted the timeline of events leading up to the June 8, 2026, hearing. It stated that prior to June 8, 2026, respondent had "noted her objection 'to any continuance of the presently scheduled trial date' related to [petitioner's] counsel's withdrawal from the case." Petitioner then was admonished that the trial date would not be continued and acknowledged that he would be prepared to proceed on the scheduled trial date. Following the trial conference, an order was entered noting that the hearing would be in person. Although respondent failed to appear, petitioner was present and presented evidence on his Motion to Modify. Based upon the testimony and evidence presented, the trial court found as follows. The testimony and report of the GAL was

credible, and a substantial change in circumstances occurred warranting a modification of the Allocation Judgment. Petitioner proved by a preponderance of the evidence that respondent engaged in conduct that seriously endangered Z.A.'s well-being or significantly impaired her emotional development such that a restriction of parenting time is appropriate. The trial court also struck respondent's pleadings for want of prosecution because respondent was not present. Finally, the trial court appointed Dr. Chilamkurti for family therapy to evaluate and assess the appropriateness of reunification therapy between respondent and Z.A. All parenting time was allocated to petitioner and respondent's parenting time was suspended until further order of the court subject to the recommendation of Dr. Chilamkurti. There were no restrictions placed on respondent's ability to contact Z.A. on the phone or observe Z.A.'s activities. From this order, respondent appealed.

¶ 28 II. ANALYSIS

¶ 29 On appeal, respondent argues that the trial court erred by denying her request to remotely participate in the June 8, 2026, proceedings, proceeding in her absence, and striking her pleadings for want of prosecution. She further contends that the trial court erred in granting petitioner's motion and suspending her parenting time. Finally, respondent argues that the trial court erred in placing restrictions on the parties' ability to file motions.

¶ 30 A. Denial of Remote Participation

¶ 31 Respondent first argues that the trial court abused its discretion by denying her request to appear remotely for the June 8 hearing date. In support of her argument, respondent contends that Illinois Supreme Court Rule 45 (eff. Mar. 1, 2026) and Rule 241 (eff. Mar. 1, 2026) require that remote participation be "liberally granted" and outline relevant considerations in granting such requests.

¶ 32 Illinois Supreme Court Rule 45 provides that a "judge presiding over a case in which the option to appear remotely without any advance approval is permitted may, in the exercise of the judge's discretion, require a case participant to attend a court proceeding in person for reasons particular to the specific case." Ill. S. Ct. R. 45(b)(1) (eff. Mar. 1, 2026). Rule 45 further requires that for evidentiary hearings and bench trials, a participant may appear remotely, but the presiding judge's permission is required. Ill. S. Ct. R. 45(c)(1) (eff. Mar. 1, 2026). In determining whether remote participation is appropriate, "the judge presiding over the matter shall consider whether the in-person appearance is necessary, the nature and purpose of the proceeding, the impact this decision will have on the case participant's ability to participate in the proceeding, and other issues of fairness and due process." Ill. S. Ct. R. 45, Committee Comments (revised Mar. 1, 2026).

¶ 33 This rule works in conjunction with Illinois Supreme Court Rule 241, which provides that "The judge presiding over a matter may, upon request or the judge's own order, allow a case participant to testify by video conference for good cause shown and upon appropriate safeguards." Ill. S. Ct. R. 241(b) (eff. Mar. 1, 2026). However, the trial court should not overly rely upon remote appearances, as the Committee Comments to Rule 241 advise that the "presentation of in-person testimony remains of utmost importance in trials and evidentiary hearings." Ill. S. Ct. R. 241(b), Committee Comments (revised Feb. 2, 2023). Additionally, "[d]ue to the importance of trials and evidentiary hearings listed in Rule 45(c)(1), a showing of good cause is required for a case participant to testify or otherwise participate by video conference." *Id*. The Committee Comments further elaborate that good cause can arise when a case participant "is unable to attend a trial or evidentiary hearing for unexpected reasons, such as accident, illness, public health and safety, or limited court operations, but also in foreseeable circumstances such as residing or working far from the courthouse or having a disability that prevents an in-person court appearance." *Id*.

¶ 34 Because both rules invoke the trial court's discretion, we must determine whether the trial court's decision to require the parties' appearances in-person constituted an abuse of discretion. See *In re H.B.*, 2022 IL App (2d) 210404, ¶ 71. An abuse of discretion occurs when the trial court's ruling is arbitrary, fanciful, unreasonable, or where no reasonable person would take the view adopted by the trial court. *Blum v. Koster*, 235 Ill. 2d 21, 36 (2009).

¶ 35 In the case at hand, respondent offers no compelling reason why she should have been allowed to remotely participate in the hearing. As described above, good cause may exist where unforeseen circumstances arise, such as accident, illness, or public safety. Respondent alleges none of these factors. Good cause may also exist under foreseeable circumstances, such as residing or working far from the courthouse or having a disability that prevents an in-person court appearance. Here, none of these factors are present to support good cause for respondent. Respondent was not living far from the courthouse. While she claims on appeal that the trial court was aware that she had an "ADA Accommodation," nothing in the record provides support for the claim that she needed accommodations related to a disability that prevented an in-person court appearance. Moreover, respondent indicated that she could appear in-person the next day, June 9, 2026. She does not explain why any of the foreseeable factors relevant to good cause would apply on the afternoon of June 8, 2026, when the hearing was set to begin, but not on the subsequent day.

¶ 36 The "presentation of in-person testimony remains of utmost importance in trials and evidentiary hearings." Ill. S. Ct. R. 241(b), Committee Comments (revised Feb. 2, 2023). That is especially true here, where respondent was not only planning to testify, but also to present evidence on her own behalf. She noted that she intended to call several witnesses and introduce nearly 60 exhibits into evidence. Accordingly, we cannot find that the trial court's requirement that the parties appear in-person for the hearing was arbitrary, fanciful, or unreasonable.

¶ 37 B. Procedural Due Process

¶ 38 Respondent next argues that because she had "no meaningful opportunity to participate" in the hearing on the pending motions, the trial court violated her procedural due process, as she could not confront the witnesses or present evidence on her own behalf. She claims that although she had notice of the trial start date on June 8, 2026, this "Notice alone, *** did not provide a meaningful opportunity to be heard." She also claims that proceeding in her absence "created a substantial risk of error."

¶ 39 Procedural due process requires that a party be provided an opportunity to be heard "at a meaningful time and in a meaningful manner." *In re H.B.*, 2022 IL App (2d) 210404, ¶ 50. "Due process is flexible and calls for such procedural protections as the particular situation demands." *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). In determining whether the procedure provided was constitutionally sufficient, courts consider and balance the following factors: "(1) the private interest affected, (2) the risk of erroneous deprivation of the interest by using the procedure and the probable value, if any, of additional or substitute safeguards, and (3) the governmental interests involved." *In re R.D.*, 2021 IL App (1st) 201411, ¶ 19.

¶ 40 In this matter, the trial court did not deprive respondent of her right to due process in dismissing her pleadings for want of prosecution and in holding a hearing on petitioner's Motion to Modify in respondent's absence. A trial court has the inherent power to dismiss a lawsuit for want of prosecution based on the necessity of preventing undue delays in the disposition of pending cases and avoiding congestion in the progress of trial calendars. *People ex rel. Dep't of Revenue v. Countryman*, 162 Ill. App. 3d 134, 136-37(1987). While a parent has a fundamental liberty interest in maintaining a parental relationship with his or her child (*Santosky v. Kramer*, 455 U.S. 745, 753 (1982)), there is no dispute that, after engaging in lengthy and contentious litigation, objecting to

any continuance of the hearing by petitioner, and after clear notice of the date, respondent inexplicably failed to appear. As our supreme court has noted, "[c]laims of violation of the guaranty of due process are repelled by the record which shows that defendant failed to appear and failed to avail himself of the opportunity to testify concerning his circumstances." *Kazubowski v. Kazubowski*, 45 Ill. 2d 405, 417 (1970). Any risk of error by the trial court in ruling without respondent's proofs was the result of her failure to appear and present her motions. Cf *Bambic v. Wood*, 2011 IL App (1st) 111608-U, ¶ 21 (rejecting due process and other arguments, including alleged insufficiency of proofs, where father in custody dispute absented himself from the proceedings). Respondent here had her opportunity to be heard, but she "simply chose to forgo that opportunity when [s]he decided not to be present for the [hearing]." *In re the Interest of D.M.*, 2020 IL App (1st) 200103, ¶ 39.

¶ 41 "Our Supreme Court and legislature have repeatedly stressed the need for child custody or allocation of parental responsibilities proceedings to be handled expeditiously, with great emphasis on the best interest of the child." Ill. S. Ct. R. 900, Committee Comments (revised Mar. 8, 2016). Illinois Supreme Court Rule 900 explicitly states: "Trial courts have a special responsibility in cases involving the care and custody or allocation of parental responsibilities of children." Ill. S. Ct. R. 900(a) (eff. Mar. 8, 2016). See *H.B.*, 2022 IL App (2d) 210404, ¶ 57 (noting that courts have "significant interests in protecting minors' well-being.") See also *Lassiter v. Department of Social Services*, 452 U.S. 18, 32, (1981) (noting "child-custody litigation must be concluded as rapidly as is consistent with fairness"). The trial court put these principles into action. Here, the parties had numerous pending pleadings regarding Z.A.'s parenting time and those pleadings had been continued multiple times. At the June 2, 2026, trial conference, respondent refused to agree to continue the hearing beyond the scheduled date of June 8, 2026. When she failed to appear for the

hearing, the trial court properly balanced respondent's concerns with our court's policy and the governmental interests in fairly and expeditiously protecting Z.A.'s well-being by proceeding with the hearing on the scheduled date. Under these circumstances, we conclude that the trial court did not violate respondent's right to due process.

¶ 42 C. Dismissal of Respondent's Pleadings for Want of Prosecution

¶ 43 Respondent next argues that the trial court abused its discretion in dismissing her pleadings for want of prosecution. In support, she contends that she appeared before the trial court virtually on the morning of June 8, 2026, and "communicated her intention to appear physically the following day."

¶ 44 Dismissal for want of prosecution is a "type of involuntary dismissal that courts have always had the inherent power under the common law to enter." *In re Estate of Young*, 2020 IL App (2d) 190392, ¶ 17. "Although there is a preference for resolving cases on the merits [citation], a trial court may dismiss a civil action due to the plaintiff's failure to prosecute with due diligence in order to manage the court's docket and avoid unnecessary burdens on the court and opposing parties." *Id*. (quoting *Illinois Bone & Joint Institute v. Kime*, 396 Ill. App. 3d 881, 883 (2009)). The "determination that there has been a lack of diligent prosecution warranting dismissal is within the sound discretion of the trial court and should not be disturbed on appeal unless there has been an abuse of that discretion." *In re Marriage of Dague*, 136 Ill. App. 3d 297, 299 (1985). A dismissal can result from delay or intentional or willful disregard of the directions of the court. See *id.*

¶ 45 Here, the dismissal of respondent's pleadings was due to her willful disregard of the court's order and her failure to prosecute her own pleadings. Respondent was self-represented, knew that the hearing was set to begin in-person on the afternoon of June 8, 2026, and failed to appear on her own behalf for the hearing. The court had ordered the parties to be ready to appear in-person

that day, and she filed her own objections to any delay of that start date. As noted above, the trial court's determination that the parties present evidence in-person was not unreasonable, and thus, if respondent wished to be heard on the merits of her pleadings, she should have appeared in court. It was not enough that she advised the court as to her later availability for hearing. The trial court possesses inherent authority to control its docket. *J.S.A. v. M.H.*, 224 Ill. 2d 182, 196 (2007). Accordingly, we find that the trial court did not abuse its discretion in dismissing her pleadings for want of prosecution when respondent failed to appear for the hearing on those pleadings.

¶ 46 D. Suspension of Parenting Time

¶ 47 Respondent next argues that the trial court erred in granting petitioner's Motion to Modify and in suspending her parenting time until further order of the court. Respondent contends that the GAL's report was "[o]ne-[s]ided," and that the trial court's order lacked evidentiary support. She further objects to the trial court's treatment of religious beliefs.

¶ 48 Section 602.7 of the Illinois Marriage and Dissolution of Marriage Act (Act) requires a trial court to allocate parenting time according to a child's best interests. 750 ILCS 5/602.7(a) (West 2024). Under the Act, "it is presumed both parents are fit and the court shall not place any restrictions on parenting time," unless "it finds by a preponderance of the evidence that a parent's exercise of parenting time would seriously endanger the child's physical, mental, moral, or emotional health." 750 ILCS 5/602.7(b) (West 2024).

¶ 49 Section 603.10 of the Act allows a trial court to restrict parenting time due to a parent's conduct. 750 ILCS 5/603.10 (West 2024). Section 603.10 states:

> "After a hearing, if the court finds by a preponderance of the evidence that a parent engaged in any conduct that seriously endangered the child's mental, moral, or physical health or

that significantly impaired the child's emotional development, the court shall enter orders as necessary to protect the child." 750 ILCS 5/603.10(a) (West 2024).

Orders necessary include a reduction, elimination, or other adjustment of the parent's parenting time. 750 ILCS 5/603.10(a)(1) (West 2024).

¶ 50 The serious-endangerment standard "has been described as an 'onerous, stringent, and rigorous' burden to meet." *In re Marriage of Mayes*, 2018 IL App (4th) 180149, ¶ 56 (quoting *In re Marriage of Diehl*, 221 Ill. App. 3d 410, 429 (1991)).

¶ 51 "Under section 603.10(a), restricting parental responsibilities is a two-step process." *Mayes*, 2018 IL App (4th) 180149, ¶ 58. First, the trial court must make a factual determination that the preponderance of the evidence demonstrates that the parent has "engaged in any conduct that seriously endangered the child's mental, moral, or physical health or that significantly impaired the child's emotional development." 750 ILCS 5/603.10(a) (West 2024). We apply the manifest weight of the evidence standard to the trial court's factual determinations. *Mayes*, 2018 IL App (4th) 180149, ¶ 59. A court's factual determination is against the manifest weight of the evidence if, upon review of the entire record, the opposite conclusion is clearly evident. *In re Daphnie E.*, 368Ill. App. 3d 1052, 1064 (2006). Second, if the trial court finds by a preponderance of the evidence that the parent has engaged in such conduct, it shall then enter orders as necessary to protect the child. 750 ILCS 5/603.10(a) (West 2024). "In doing so, the court must exercise its discretion in selecting appropriate restrictions," which is reviewed for an abuse of discretion. *Mayes*, 2018 IL App (4th) 180149, ¶¶ 57-58. An abuse of discretion occurs only where the trial court's ruling is arbitrary, fanciful, or unreasonable, or where no reasonable person would take the view adopted by the trial court. *In re Marriage of Hussain & Ali*, 2023 IL App (2d) 230210-U, ¶ 69.

¶ 52 Here, respondent initially argues that the trial court's factual determinations were insufficient and thus against the manifest weight of the evidence. Specifically, she contends that the GAL's report and testimony was insufficient and that the evidence of respondent's religious beliefs was "received without [her] explanation, correction of disputed characterizations, or contextual evidence."

¶ 53 At the hearing on petitioner's motion, both Howeth and petitioner testified. Howeth provided her GAL report and further testified to her conversations with Z.A., respondent, and petitioner. She additionally investigated contested matters, such as respondent's housing situation. Howeth noted that respondent was living with friends and their children. The house provided little privacy if Z.A. were to stay overnight. The six residents of the house shared one bathroom, respondent had only a mattress for Z.A., and respondent's friends resided in a makeshift room on the same floor of the house as respondent. Howeth described that respondent's housing instability caused Z.A. stress. Howeth recalled that Z.A. stated that she did not want contact with respondent. Further, Howeth testified that Z.A. was mature for her age in some ways, as she was able to articulate the dissatisfaction she felt about her relationship with her mother, but was also less mature in other ways, showing age-appropriate dislike of rules enforced by respondent. Howeth further opined that while petitioner has encouraged Z.A. to interact with respondent, there were ways in which he emboldened her to "push back." Howeth further described certain instances where respondent's religious beliefs made Z.A. uncomfortable. Howeth also provided a seven-page GAL report detailing the pending pleadings, the parties' personal and court history, and her discussions with petitioner, respondent, and Z.A.

¶ 54 It is clear that Howeth thoroughly and thoughtfully investigated the parties' claims and carefully considered the emotional impact of the parties' behavior on Z.A.'s development.

Howeth's testimony was not, as respondent argues, "one-sided." Regarding the treatment of religious beliefs, the trial court noted that it was not determining whether respondent's beliefs were appropriate. Rather, it was considering the way respondent conveyed her beliefs and that in doing so, she placed a significant amount of stress and anxiety on Z.A. The evidence in the record clearly demonstrates the impairment to Z.A.'s well-being that respondent's behaviors related to religion placed on the minor. Accordingly, based on the evidence presented that respondent's behavior caused Z.A. significant emotional distress and anxiety, we cannot find that the trial court's findings of serious endangerment were against the manifest weight of the evidence.

¶ 55 Respondent also argues that the evidence was insufficient because it was received without objections, cross-examination, or further witnesses. Respondent does not take responsibility for her own deficiency in the matter, having failed to appear for trial and thus forgoing the opportunity to participate.

¶ 56 Respondent additionally contends that the trial court abused its discretion in restricting her parenting time and conditioning its restoration on the recommendation of Dr. Chilamkurti. As explained above, we do not find that the trial court's determination that respondent's behavior seriously endangered Z.A.'s emotional well-being to be against the manifest weight of the evidence. Accordingly, section 603.10 of the Act requires that the trial court exercise its discretion in selecting appropriate restrictions.

¶ 57 Here, the trial court required that respondent attend reunification counseling and follow the recommendations of the family therapist before the restriction on parenting time is lifted. The trial court did not prohibit communication via telephone or ban respondent from attending Z.A.'s extracurricular activities. There was testimony from Howeth regarding the significant rift between respondent and Z.A., and why the choice of Dr. Chilamkurti specifically would be beneficial to

Z.A., who expressed reluctance to engage in therapy. Based on the foregoing we do not find that the trial court abused its discretion in ordering respondent to attend reunification with Dr. Chilamkurti before lifting the suspension on parenting time.

¶ 58 E. The Restriction on Filing Pleadings

¶ 59 Next, respondent argues that the trial court abused its discretion in requiring that the parties seek leave to file pleadings. She contends that this restriction places additional barriers before the filing of necessary motions and is thus not properly tailored.

¶ 60 "Settled law recognizes that trial courts possess 'inherent powers that are "governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.' " *Dietz v. Bouldin*, 579 U.S. 40, 45 (2016) (quoting *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)). "The recognition of the court's inherent authority is necessary to prevent undue delays in the disposition of cases caused by abuses of procedural rules, and also to empower courts to control their dockets." *Palos Community Hospital v. Humana Insurance Company, Inc.*, 2021 IL 126008, ¶ 35. Reversal of a trial court's decision based on its inherent authority is reviewed for an abuse of discretion. See *Sander v. Dow Chemical Co*., 166 Ill. 2d 48, 67 (1995). In the instant matter, both petitioner and respondent filed numerous pleadings over the span of years, many of those pleadings competing with other unresolved pending motions. While the four pleadings at issue in the present appeal were pending, petitioner and respondent attempted to file several others.

¶ 61 After the June 8, 2026, hearing, the trial court expressed that it intended to keep the requirement that the parties seek leave before filing motions. It explained that this was to limit the likelihood that the parties file inappropriate motions.

¶ 62 Respondent here cites *In re Guardianship of M.E.*, 2024 IL App (3d) 230423-U, in support of her argument that the trial court abused its discretion in requiring the parties to seek leave to file motions. In *In re Guardianship of M.E.*, the appellate court upheld such a restriction where the self-represented party filed 16 motions, all seeking the same relief, and all having been denied. *In re Guardianship of M.E.*, 2024 IL App (3d) 230423-U, ¶ 21. The appellate court noted that the party was not precluded from additional filings, rather, the trial court "simply established a procedure for him to follow." *Id.* ¶ 18.

¶ 63 While respondent here has not filed quite so many repetitive motions, the same logic applies. The prolific motion practice in this litigation had the potential to impede the orderly and expeditious disposition of the pending matters. Here, the parties are not precluded from filing additional motions. Rather, the trial court is providing a procedure to ensure that the filings are an appropriate use of a busy family court's resources. Accordingly, the trial court's order was not unreasonable, and it did not abuse its discretion.

¶ 64 F. Reassignment on Remand

¶ 65 Finally, respondent argues that the judge presiding over her case should be reassigned on remand. She cites this court's authority pursuant to Illinois Supreme Court Rule 366(a)(5) to "enter any judgment and make any order that ought to have been given or made, and make any other and further orders and grant any relief *** that the case may require." Ill. S. Ct. R. 366(a)(5) (eff. Feb. 1, 1994). This authority can include reassignment to a different trial court judge upon remand. *Eychaner v. Gross*, 202 Ill. 2d 228, 279 (2002).

¶ 66 Although we have this authority under Rule 366(a)(5), we note that "[g]enerally, a motion for a change of venue based on the prejudice of the trial judge is untimely if brought after a hearing on the merits has started, or a ruling on a substantial issue in the case has been made, so as to

preclude a litigant's attempt to 'judge shop' after forming an opinion that the judge may be unfavorably disposed toward that litigant's cause." *In re Marriage of Smoller*, 218 Ill. App. 3d 340, 346 (1991). Additionally, where our authority to reassign on remand has been exercised, it has been in response to a showing of an actual or potential bias. See *id*. at 346-47; *People v. Austin*, 116 Ill. App. 3d 95, 101 (1983).

¶ 67 In the case at hand, in arguing her request for reassignment, respondent points only to the alleged errors made by the trial court. Because we hold that the trial court did not make any findings against the manifest weight of the evidence, nor did it exceed its authority or abuse its discretion, those arguments are inadequate. A judge's rulings alone almost never constitute a valid basis for a claim of judicial bias or partiality. *Eychaner*, 202 Ill. 2d at 280.

¶ 68 Accordingly, on all points made by respondent, we affirm the judgment of the trial court. Thus, we reject respondent's request to reassign this case to a different judge.

¶ 69 III. CONCLUSION

¶ 70 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 71 Affirmed.