

NOTICE
This Order was filed under
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2026 IL App (4th) 251063-U

NO. 4-25-1063

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 22, 2026

Carla Bender
4th District Appellate
Court, IL

THE DEPARTMENT OF HEALTHCARE AND	)	Appeal from the
FAMILY SERVICES <i>ex rel.</i> MARCOYA	)	Circuit Court of
SLAUGHTER,	)	Peoria County
Petitioner-Appellee,	)	No. 12F381
v.	)	
IAN GAYLES,	)	Honorable
Respondent-Appellant.	)	Caryn J. Kamp,
	)	Judge Presiding.

JUSTICE LANNERD delivered the judgment of the court.
Justices Zenoff and Harris concurred in the judgment.

ORDER

¶ 1 *Held:* Respondent waived any objection that the trial court lacked personal jurisdiction to enter judgments against him when he participated in proceedings on the merits, entered agreed orders, and filed pleadings on the merits before filing a pleading asserting his jurisdictional objection.

¶ 2 In 2012, petitioner, the Department of Healthcare and Family Services (DHFS), filed a petition on behalf of Marcoya Slaughter, seeking to establish that respondent, Ian Gayles, was the father of Slaughter's child and to set a child support obligation. A summons issued for respondent was returned unserved. However, respondent appeared in court, and the trial court entered an agreed order signed by respondent for him to undergo DNA testing, which later established he was the child's father. Respondent continued participating in the proceedings, entered into additional agreed orders, and filed his own pleadings and motions on multiple occasions until 2025, without objecting to the court's exercise of personal jurisdiction over him.

¶ 3 In May 2025, respondent filed a petition seeking dismissal of the action because he had never been properly served. DHFS moved to dismiss respondent's petition because during the pending proceedings, respondent personally appeared and participated in the action without raising any objection to the lack of service and the trial court's exercise of personal jurisdiction over him. Noting respondent's appearances and agreed orders in the case, the court granted the motion to dismiss.

¶ 4 Respondent then filed numerous documents seeking reconsideration or attempting to reraise the jurisdictional and involuntary appearance issues. DHFS then moved for sanctions, seeking to strike the documents and prohibit respondent from filing additional documents without leave of the trial court. The court dismissed the filings and granted the motion for sanctions.

¶ 5 Respondent appeals, arguing the trial court erred in dismissing his petition. We affirm.

¶ 6 I. BACKGROUND

¶ 7 In June 2012, DHFS filed a petition on behalf of Slaughter, seeking to establish respondent was her child's father and to set child support. A summons was issued to respondent at his last known address in Peoria, Illinois, summoning him to appear on July 3, 2012. On July 2, 2012, the summons was returned unserved, with the return stating respondent was not found in Peoria County.

¶ 8 On July 3, 2012, the trial court entered an "Agreed Genetic Testing (DNA) Order," directing respondent to submit DNA for testing. Respondent signed the order on a line next to the word "Approved."

¶ 9 After DNA testing revealed respondent was the father of the child, DHFS filed a motion seeking summary judgment of parentage and entry of a child support order. On September

19, 2012, the trial court entered an order stating respondent “appeared personally,” and the order was entered “by agreement.” The support order set respondent’s monthly support at \$0 based on his representation of no income and required him to notify the court and DHFS if he obtained income, at which time he would be subject to a judgment for retroactive support. Respondent signed the order on a line containing the word “Approved.”

¶ 10 Also on September 19, 2012, the trial court entered a judgment of parentage, finding respondent was the child’s biological father. The judgment noted respondent appeared *pro se*. Respondent signed the order on the line stating he approved as to content and form.

¶ 11 In November 2017, DHFS filed a petition to modify the child support amount because respondent was employed. In March 2018, the trial court entered an order noting respondent had asked to present more income information and continuing the matter to April 2018. Respondent signed the order.

¶ 12 In April 2018, respondent appeared, represented by counsel, and filed a petition for allocation of parenting time and parental decision-making responsibilities. In the petition, respondent admitted he was the father of the child. Subsequently, the trial court entered temporary support orders and later entered an agreed order, with respondent appearing through counsel.

¶ 13 Between 2019 and March 2023, respondent continued to participate in the action and filed additional petitions to modify child support. Some petitions were denied. Other times, the trial court adjusted the amount of the support obligation. The record does not contain transcripts or substitutes for transcripts of any of the hearings in the case before 2025.

¶ 14 On May 2, 2025, respondent filed a petition and other documents, seeking dismissal of the action based on the argument that the trial court lacked personal jurisdiction over him because the original summons was not properly served. Respondent alleged he was denied due

process and also asserted, “Duress-threats, violence, constraints, or other action brought to bear on someone to do something against their will or better judgment,” and argued the action was decided under duress, in violation of his constitutional rights. Respondent also filed a number of other documents asserting the support orders were invalid and seeking various forms of relief. On May 5, 2026, respondent filed additional pleadings, arguing he did not voluntarily participate in the proceedings and that all prior orders were void.

¶ 15 DHFS moved to dismiss, arguing respondent waived all objections to the exercise of personal jurisdiction when he appeared and participated in the case without objecting to invalid service and the exercise of jurisdiction. DHFS also argued respondent’s claims of duress and lack of due process had no merit.

¶ 16 On June 5, 2025, respondent filed another series of documents, requesting similar relief. On June 12, 2025, the trial court held a hearing. The court noted that during the initial support proceedings, respondent was personally present, and the orders were entered by agreement. Respondent stated it was under duress but did not specify how. The court granted the motion to dismiss.

¶ 17 On June 16, 2025, respondent filed a motion to reconsider and other filings, seeking to vacate the trial court’s June 12, 2025, order. On July 11, 2025, respondent filed another series of documents, requesting various forms of relief. DHFS subsequently filed a motion to quash a subpoena that was among respondent’s filings and moved to dismiss the remaining filings. The court set the matter for a hearing on August 21, 2025.

¶ 18 On August 15 and 19, 2025, respondent filed another series of documents, again requesting similar relief. After the trial court allowed DHFS time to respond to respondent’s new filings, respondent again filed a series of similar documents on August 25 and 29, 2025.

¶ 19 On September 9, 2025, DHFS filed a motion for sanctions, noting the history of respondent's filings and requesting an order striking respondent's filings made after June 17, 2025, and prohibiting him from filing additional documents without leave of the trial court.

¶ 20 On September 18, 2025, the trial court held a hearing. The record shows respondent was belligerent and unruly throughout the hearing. The court denied the motion to reconsider, dismissed or struck respondent's numerous filings, and granted the motion for sanctions, requiring respondent to obtain leave of court for future filings. At the hearing, the court described respondent's numerous filings as "words without substance." In a written order, the court found that, while respondent was not served, he personally appeared and signed court orders, thus accepting the court's jurisdiction. The court found respondent's filings "voluminous, duplicative, and without substance." The court also characterized the filings as harassing and not well grounded in fact or warranted by existing law.

¶ 21 This appeal followed.

¶ 22 II. ANALYSIS

¶ 23 On appeal respondent contends the trial court erred in dismissing his petition. He argues the court lacked personal jurisdiction over him because he did not voluntarily submit to the court's exercise of jurisdiction when he was not advised or admonished that his participation in obtaining orders on the merits would waive any objections to the court's exercise of personal jurisdiction.

¶ 24 We first note, although respondent and the trial court did not expressly characterize it as such, we construe respondent's petition as a petition for relief from judgment filed under section 2-1401 of the Code of Civil Procedure (Code) (735 ILCS 5/2-1401 (West 2024)). "A judgment entered by a court without jurisdiction over the parties is void and may be challenged at

any time, either directly or collaterally.” *BAC Home Loans Servicing, LP v. Mitchell*, 2014 IL 116311, ¶ 17. A pleading to challenge a void judgment based on invalid service must be brought under section 2-1401. *Sarkissian v. Chicago Board of Education*, 201 Ill. 2d 95, 104-05 (2002). “Where, as here, a judgment is challenged as void due to lack of personal jurisdiction stemming from defective service of process, the section 2-1401 petition presents a purely legal challenge, which we review *de novo*.” *Ebulon Financial Group, LLC v. Politanska*, 2025 IL App (1st) 240948, ¶ 26.

¶ 25 Personal jurisdiction can be established by service of process in accordance with the appropriate statute or by a party’s voluntary submission to the court’s jurisdiction. *BAC Home Loans Servicing, LP*, 2014 IL 116311, ¶ 18. “Personal jurisdiction is a waivable right, and there are a variety of legal arrangements by which a litigant may give express or implied consent to the personal jurisdiction of the trial court.” *In re Estate of Stegall*, 2026 IL App (4th) 250638-U, ¶ 203.

¶ 26 First, “personal jurisdiction can vest in the trial court if a party, by his actions, consents to or waives personal jurisdiction.” *Owens v. Snyder*, 349 Ill. App. 3d 35, 40 (2004). There are instances prior to service of process where a trial court may have jurisdiction over a party because of either the person’s participation in the case or recognition of benefits from the proceedings. *In re Marriage of Verdung*, 126 Ill. 2d 542, 547-48 (1989). In that regard, it has been held that any action taken by a party which invokes the court’s power to adjudicate an issue is deemed to be a submission to jurisdiction of the court, such that participation on the merits of an action is a consent to the exercise of jurisdiction. *Greene v. Board of Election Commissioners of the City of Chicago*, 112 Ill. App. 3d 862, 868 (1983); see *Department of Healthcare & Family Services ex rel. Kathy R. v. Richard L. H.*, 2025 IL App (4th) 250402-U, ¶ 38. A party’s act of taking any step by which the court would have no power to dispose of without personal jurisdiction

may constitute a waiver. *Greene*, 112 Ill. App. 3d at 868. For example, it has been held, when a party requests affirmative relief before a ruling on any objections to the exercise of personal jurisdiction, the person waives any objections to personal jurisdiction. *In re Marriage of Adler*, 271 Ill. App. 3d 469, 474 (1995). Participating as a witness and participating in the merits of an action may also waive objections to the exercise of personal jurisdiction. *Greene*, 112 Ill. App. 3d at 867-68; see *Verdung*, 126 Ill. 2d at 550.

¶ 27 “A party cannot ‘invite the court to exercise its jurisdiction over him while he simultaneously denies that the court has such jurisdiction.’ ” *In re Estate of Ahern*, 359 Ill. App. 3d 805, 812 (2005) (quoting *Poplar Grove State Bank v. Powers*, 218 Ill. App. 3d 509, 515 (1991)); see *Lord v. Hubert*, 12 Ill. 2d 83, 87 (1957) (stating a party cannot, by voluntary action, invite the court to exercise jurisdiction and at the same time deny that jurisdiction exists). “To hold otherwise would permit a litigant to fully contest the merits of the case, await the outcome, and then, after an adverse judgment, revive a jurisdictional challenge to obtain a second opportunity to litigate the same controversy.” *Earnest, Inc., v. Walker*, 2026 IL App (1st) 232437-U, ¶ 51.

¶ 28 In addition, under section 2-301 of the Code (735 ILCS 5/2-301 (West 2024)), filing pleadings and motions may constitute a voluntary submission to the court’s jurisdiction by which a party concedes the trial court’s jurisdiction. See *GMB Financial Group, Inc. v. Marzano*, 385 Ill. App. 3d 978, 984-85 (2008). Section 2-301(a) provides that, prior to the filing of any other pleading or motion other than as set forth in subsection (a-6), a party may object to the court’s jurisdiction on the ground of insufficiency of service of process by filing a motion to dismiss or by filing a motion to quash service of process. 735 ILCS 5/2-301(a) (West 2024). Section 2-301(a-6) of the Code provides that a party filing any other pleading or motion before the filing of a motion objecting to the court’s jurisdiction over the party’s person as set forth in subsection (a) waives all

objections to the court’s jurisdiction over the party’s person prospectively unless the initial motion filed is either (1) a motion for an extension of time to answer or otherwise plead or (2) a motion filed under section 2-1301, 2-1401, or 2-1401.1 (*id.* §§ 2-1301, 2-1401, 2-1401.1). *Id.* § 2-301(a-6). “This is to prevent a party from simultaneously invoking and denying jurisdiction.” *King v. Find-A-Way Shipping, LLC*, 2020 IL App (1st) 191307, ¶ 19; see *Department of Healthcare & Family Services ex rel. Kathy R.*, 2025 IL App (4th) 250402-U, ¶ 38.

¶ 29 Here, while respondent had not yet filed any pleadings or motions before his initial appearances, he personally appeared in the action and specifically agreed to and “approved” the entry of orders on the merits. By appearing, participating in the matters on the merits of the proceedings, and agreeing to and approving of the orders on the merits, he invited the trial court to exercise jurisdiction, and the court appropriately found he consented to the court’s exercise of jurisdiction. See *Department of Healthcare & Family Services ex rel. Kathy R.*, 2025 IL App (4th) 250402-U, ¶ 38 (finding that, even assuming the respondent did not receive actual notice, he made appearances and arguments in court in his interest, and therefore, he fulfilled the purpose of personal jurisdiction).

¶ 30 To the extent respondent suggests he did not actually agree to the orders, we note he has not provided transcripts of the relevant hearings on the matter. As the appellant, respondent has the burden of presenting a sufficiently complete record. *Foutch v. O’Bryant*, 99 Ill. 2d 389, 391 (1984). Without a sufficient record, this court must presume the trial court had a sufficient factual basis for its holding and that its order conforms with the law. *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 157 (2005). Any doubts arising from the incomplete record are resolved against the appellant. *Foutch*, 99 Ill. 2d at 392.

¶ 31 Here, nothing in the record suggests the trial court’s finding that respondent

consented to jurisdiction was inaccurate. The record before us shows respondent agreed to allow the court to enter orders on the merits and “approved” the orders. Respondent has not provided any evidence to demonstrate that was not the case or that he sought to raise or preserve issues regarding service of process before he entered the agreed orders. Then, after agreeing to the orders, respondent continued to participate in the proceedings and filed motions and pleadings in the case on multiple occasions over many years, without ever objecting to the validity of the service of process, showing his further consent to the exercise of jurisdiction. See *Illinois Department of Healthcare & Family Services, ex rel. Miller v. Stroud*, 2026 IL App (1st) 242181-U, ¶ 15. The acts of filing those pleading and motions also waived any objection to the court’s exercise of personal jurisdiction under section 2-301 after the time that he filed them.

¶ 32 Respondent primarily argues his waiver was not “voluntary” because he did not learn of the lack of service of process until later and was not advised by the trial court that his agreement to orders on the merits and filing of pleadings and motions would have the effect of waiving his objection to the lack of service. But the court was not required to advise respondent of that possibility. Instead, under section 2-301, it was respondent’s burden to file a motion dismiss or motion to quash service before consenting to the court’s jurisdiction. He failed to do so. The record does not show how respondent learned of the action, but had he wished to challenge the procedure that brought him to court, the time to do so was before he consented to jurisdiction by agreeing to orders on the merits and filing anything other than a pleading challenging jurisdiction.

¶ 33 We further observe that *pro se* litigants are presumed to have full knowledge of the applicable trial court rules and procedures and must comply with the same rules and procedures as litigants represented by counsel. *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009). The fact that respondent was appearing *pro se* when he first appeared before the court does not affect

his waiver of any objection to personal jurisdiction. See *id.*

¶ 34 We note respondent also raised issues of coercion or duress in the trial court, and the court granted DHFS’s motion for sanctions. Respondent has not raised those issues in his brief on appeal, and instead only briefly mentions them in his reply brief. Thus, any issue he has regarding them has been forfeited. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) (stating that points not argued are forfeited and shall not be raised in the reply brief); see also *Britamco Underwriters, Inc. v. J.O.C. Enterprises, Inc.*, 252 Ill. App. 3d 96, 98 (1993) (“Issues raised for the first time in the reply brief do not merit consideration on appeal.”). In any event, forfeiture aside, we note respondent repeatedly filed an excessive number of documents lacking in substance, making the court’s sanction appropriate. Throughout the proceedings, many of the documents filed by respondent were repetitive, rambling, and nonsensical. We further observe respondent has never identified what the alleged acts of coercion or duress were, nor has he provided a cogent legal argument concerning the matter, either in the trial court or on appeal. Thus, any issue respondent has with the court’s rulings regarding those matters fail to set forth a meritorious claim.

¶ 35 Finally, as we remarked earlier, respondent was unruly at the September 18, 2025, hearing. Yet, the trial court judge in this case maintained her commitment to explain the procedure, define matters such as hearsay for respondent, give the parties the opportunity to be heard, and clearly issue her ruling while being constantly and inappropriately interrupted by respondent. We recognize and appreciate the trial judge’s efforts during the hearing, which helped create a record that facilitated our review of this appeal.

¶ 36 III. CONCLUSION

¶ 37 For the reasons stated, we affirm the trial court’s judgment.

¶ 38 Affirmed.