NOTICE
Decision filed 10/08/26. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2026 IL App 5th 260824-U

NO. 5-26-0824

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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

KORD T. CAIN,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellant,	)	Effingham County.
	)	
and	)	No. 20-F-2
	)	
CASANDRA J. FOSTER,	)	Honorable
	)	Jeffery A. DeLong,
Respondent-Appellant.	)	Judge, presiding.

JUSTICE CLARKE delivered the judgment of the court.
Justices Boie and McHaney concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court did not abuse its discretion in granting the respondent's petition for a temporary restraining order (TRO) requiring the petitioner to return the parties' children to in-person attendance at Altamont Public School, where the TRO preserved the status quo pending further proceedings and addressed the immediate interruption of the children's established in-person education.

¶ 2 The petitioner, Kord T. Cain, appeals, pursuant to Illinois Supreme Court Rule 307(d) (eff. Nov. 1, 2017), the September 24, 2026, order of the circuit court of Effingham County which granted the respondent, Casandra J. Foster's, petition for a temporary restraining order (TRO). The respondent sought the TRO in order to compel the petitioner to return the parties' two children, R.C. and A.C., to in-person attendance at Altamont Public School. For the following reasons, we affirm.

¶ 3 BACKGROUND

¶ 4 On September 23, 2026, the respondent filed an emergency motion for temporary relief seeking an order from the court requiring the petitioner to return the minor children, R.C. and A.C., to regular in-person attendance at Altamont Public School. In her motion, the respondent alleged that the parties had been exercising joint decision-making authority concerning the children's education and that a May 5, 2026, order addressed the children's enrollment at Altamont Public School unless the parties otherwise agreed. The respondent further alleged that, following a dispute concerning the children's use of an audio-recording device at school, the petitioner unilaterally removed the children from in-person attendance.

¶ 5 The circuit court held a hearing on the respondent's emergency motion on September 24, 2026. The docket entry reflects that both parties appeared *pro se* by Zoom. The respondent testified under oath, and the petitioner subsequently testified under oath. The court found that the status quo was the children's attendance at Altamont Public School and that the respondent had demonstrated immediate and irreparable harm resulting from the petitioner's removal of the children from school. The court granted the respondent's request for a TRO and ordered the petitioner to return R.C. and A.C. to regular, in-person attendance at Altamont Public School instanter. The court further ordered that neither party could unilaterally withdraw the children from in-person attendance at that school. The matter was then set for a preliminary-injunction hearing on October 20, 2026.

¶ 6 On September 25, 2026, the petitioner filed a petition for interlocutory review pursuant to Illinois Supreme Court Rule 307(d) (eff. Nov. 1, 2017), challenging the circuit court's entry of the TRO. The petitioner subsequently filed a memorandum of law in support of his petition.

¶ 7 ANALYSIS

¶ 8 On appeal, the petitioner argues mainly that the TRO improperly requires the children to return to a school where, according to the petitioner, their constitutional rights are being violated by the school's restrictions on audio-recording. He further challenges various aspects of the September 24 hearing and asserts that the circuit court was biased against him.

¶ 9 A TRO is a drastic remedy intended to preserve the status quo until the court can conduct a hearing on whether a preliminary injunction should issue. *American Federation of State, County, & Municipal Employees v. Ryan*, 332 Ill. App. 3d 965, 966 (2002). To obtain temporary injunctive relief, the moving party must show that it (1) possesses a clearly ascertainable right that needs protection, (2) will suffer irreparable harm without the injunction, (3) has no adequate remedy at law, and (4) is likely to succeed on the merits. *Id.* at 966-67. The moving party need only raise a fair question as to each element, and the court may consider the relative hardships to the parties in determining whether injunctive relief is warranted. *Ron & Mark Ward, LLC v. Bank of Herrin*, 2024 IL App (5th) 230274, ¶ 44. We review the circuit court's decision to grant or deny a TRO for an abuse of discretion. *Ryan*, 332 Ill. App. 3d at 966-67. A circuit court abuses its discretion when its ruling is arbitrary, fanciful, or unreasonable, or where no reasonable person would take the view adopted by the court. *Taylor v. County of Cook*, 2011 IL App (1st) 093085, ¶ 23.

¶ 10 The petitioner's memorandum does not squarely address this governing framework. Although he challenges the finding of irreparable harm and argues that the TRO infringes constitutional rights, he does not separately address the four requirements for temporary injunctive relief or explain why the circuit court's ruling constitutes an abuse of discretion. After reviewing the supporting record before us, we find that a reasonable basis for the circuit court's ruling exists and that it did not abuse its discretion in granting the respondent's motion for a TRO.

¶ 11 Here, the circuit court reasonably exercised its discretion in determining that the children's existing in-person educational arrangement should be maintained pending further proceedings and that the respondent had raised a fair question concerning her likelihood of success in obtaining that relief. The circuit court specifically found that the status quo was the children's attendance at Altamont Public School. The record before us supports that finding. The children had been attending Altamont Public School in person before the petitioner stopped their attendance because of a dispute concerning their use of an audio-recording device. The communications included in the record further support that conclusion. The petitioner stated that the children were not attending in person because of the recording dispute and that they would not attend "school in person until the issue [was] resolved." The communications also show that the respondent objected to the petitioner's decision to remove the children from in-person attendance. Those circumstances provided a reasonable basis for the circuit court to conclude that the respondent had a protectable interest in maintaining the children's established educational arrangement and had raised a fair question as to whether she was entitled to the temporary relief requested. The circuit court was not required to finally resolve the underlying dispute concerning the children's use of an audio-recording device before determining whether temporary relief was warranted. At the TRO stage, the respondent needed only to raise a fair question as to the merits of the relief requested. *Bank of Herrin*, 2024 IL App (5th) 230274, ¶ 44.

¶ 12 The second and third requirements—irreparable harm and the absence of an adequate remedy at law—also support the circuit court's exercise of discretion. The circuit court expressly found that the petitioner's removal of the children from in-person attendance presented immediate and irreparable harm. The record reflects that the children remained out of their established school setting while the petitioner pursued legal remedies concerning the recording dispute. The court

could reasonably conclude that continued removal from the children's established in-person educational setting constituted an immediate harm that could not be adequately remedied through a later award of relief, because the children would remain out of that setting while the dispute was being litigated. The temporary nature of the order further supports that conclusion. It required the children to return to in-person attendance and prohibited either parent from unilaterally changing that arrangement pending further proceedings scheduled for October 20, 2026, rather than finally resolving the underlying educational dispute.

¶ 13 The petitioner's constitutional arguments do not demonstrate an abuse of discretion. He contends that the school's recording restrictions violated rights belonging to him or the children and that removing the children from in-person attendance was necessary to protect those rights. However, the TRO before us does not address the legality of the school's recording policy. The petitioner also does not explain why the circuit court was required to accept his unilateral decision to remove the children from school as a means of protecting those asserted rights. Likewise, his remaining arguments concerning the conduct of the hearing do not establish an abuse of discretion; he does not explain how the court's alleged limitations on objections or cross-examination rendered its decision arbitrary, fanciful, or unreasonable. On the record presented, the petitioner has not shown that the circuit court abused its discretion in granting the TRO.

¶ 14 CONCLUSION

¶ 15 For the foregoing reasons, we affirm the circuit court's September 24, 2026, order granting the respondent's emergency motion and entering a temporary restraining order.

¶ 16 Affirmed.