

2026 IL App (1st) 251481-U

No. 1-25-1481

Order filed October 16, 2026

Fifth Division

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).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

ASHLEY MOORE,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellee,	)	Cook County.
	)	
v.	)	No. 22 D 7335
	)	
BRANDON MOORE,	)	Honorable
	)	Abbey Fishman Romanek,
Respondent-Appellant.	)	Judge, presiding.

PRESIDING JUSTICE ODEN JOHNSON delivered the judgment of the court.
Justices C.A. Walker and Wilson concurred in the judgment.

ORDER

- ¶ 1 *Held:* We dismiss Respondent Brandon Moore’s appeal for lack of jurisdiction because the contempt order at issue was not a final order.
- ¶ 2 Respondent Brandon Moore appeals *pro se* from an order finding him in indirect civil contempt of court for failure to comply with a marital settlement agreement, entered in October 2023, imposing a purge sum of \$1,000 to Ashley by August 15, 2025, and scheduling a status hearing on the purge for August 18, 2025. On appeal, Moore contends that the trial court erred

when it found him in indirect civil contempt because it failed to “expressly” find that he could fulfill the purge order. Because the contempt order in question was not a final order, we lack jurisdiction and must dismiss.

¶ 3 The record on appeal lacks a transcript of the proceedings. The relevant background is derived from the limited record on appeal, which consists solely of the common law record.

¶ 4 Moore and Ashley were married in November 2014 and have two minor children. Ashley filed for divorce on September 16, 2022. On January 25, 2023, by agreement of the parties, the court entered a Uniform Order for Support. The order required that, beginning February 1, 2023, Moore pay \$1,638.13 per month in temporary child support and pay his share of the minors’ health insurance coverage, plus 50% of any of the minor’s medical expenses.

¶ 5 On April 11, 2023, the court ordered Moore to provide his recent tax forms and to respond to discovery within 14 days.

¶ 6 On August 17, 2023, Ashley filed an emergency motion to maintain status quo regarding the minors’ school enrollment, alleging that Moore failed to complete the 2023-2024 academic year enrollment contract, which was due on June 1, 2023. Ashley requested that the court order Moore to execute the contract and pay the required deposit and associated attorney’s fees. After a hearing held that same day, at which Ashley appeared and Moore did not, the court ordered that Moore pay the deposit and submit the enrollment contracts by August 18, 2023.

¶ 7 On September 20, 2023, Ashley petitioned for rule to show cause and other relief, alleging that Moore violated the terms of the child support order by failing to pay any of his expenses.

¶ 8 On October 23, 2023, the court entered an order as to parental responsibilities, the final parenting plan, a uniform order for support requiring that Moore pay \$1700 monthly in child

support and cover 55% of the minors' medical expenses not covered by insurance through December 7, 2035, and judgment for dissolution of marriage. In the accompanying marital settlement agreement, Ashley waived "any request for reimbursement for past-owed child support or child-related expenses prior to October 13, 2023," and Moore further agreed to pay 55% of all extracurricular expenses, with contributions capped at \$4,000 annually for each party unless otherwise agreed, 55% of the minors' educational expenses, and 55% of all childcare costs incurred during working hours. On October 30, 2023, the court ordered that the child support order remain effective through December 8, 2035.

¶ 9 On December 4, 2023, Ashley *pro se* petitioned for rule to show cause and for finding of indirect civil contempt, alleging that Moore had violated the terms of the October 2023 court orders by failing to reimburse Ashley \$568.91 for his share of health insurance premiums, childcare costs, and the minors' extracurricular expenses. On December 19, 2023, the court ordered Moore to pay Ashley \$227.97 on December 21, 2023, and again on January 18, 2024, resolving the issue.

¶ 10 On June 7, 2024, Moore, acting *pro se*, moved to modify the marital settlement agreement and child support, arguing that he was "unpredictab[ly]" unemployed.

¶ 11 On June 18, 2024, Ashley *pro se* petitioned for rule to show cause, alleging that Moore violated the terms of the October 2023 orders by failing to submit the minors' school enrollment forms. After a hearing on June 28, 2025, at which both parties attended virtually, the court ordered Moore to file a tax extension, and "handle unemployment insurance" and the enrollment issue.

¶ 12 On July 9, 2024, Ashley *pro se* moved to "Request Proof of Lack of Income, Compel Discovery from Bank Statements," requesting that the court require Moore to prove his unemployment and to produce documentation of his "contract work." In support of the motion,

Ashley attached Moore's calendar, which showed "appointments for training multiple clients." That same day, Ashley filed *pro se* an emergency motion to compel Moore to "Complete Taxes, Contracts, [and] Deposit to School," alleging that Moore was required to submit to the minors' school his "taxes, enrollment contracts, [and] deposit" before July 15, 2024.

¶ 13 Moore failed to appear for a hearing on July 12, 2024. After a hearing on July 15, 2024, at which both parties appeared, the court entered an order detailing that Moore had yet to file his taxes or complete the minors' school enrollment. The court ordered both parties to visit the minors' school after proceedings and submit the required documents and fees, and ordered Moore to "take all necessary steps" to file his 2023 tax return by July 17, 2024.

¶ 14 On July 24, 2024, Ashley *pro se* petitioned for rule to show cause and for finding of indirect civil contempt, alleging that Moore failed to submit the required deposit and documents to the minor's school, and had not completed his 2023 taxes. Ashley requested that the court order that Moore pay her \$500, his portion of the minors' school enrollment deposit. Ashley attached to the motion the following: a July 17, 2024, email from Moore to Ashley stating that Moore was unable to file his taxes because his unemployment benefits were suspended; an July 18, 2024, email from Moore to Ashley, in which Moore stated that he would file the taxes that day; and an email from the minors' school stating that the deposit payments were complete, but that the school was unable to evaluate the minors' financial aid eligibility because Moore not provided his tax records.

¶ 15 On August 2, 2024, Moore failed to appear for status on his taxes. On August 27, 2024, the court issued an order noting that Moore became unemployed on May 9, 2024, and referring the issue to a hearing officer to establish a temporary support order while Moore found employment.

¶ 16 On September 18, 2024, Moore filed an application for waiver of court fees, declaring that he had been unemployed since May 9, 2024. He reported \$1,810.80 in income for the past month. His monthly expenses, including child support, amounted to \$2,570.

¶ 17 On September 19, 2024, Ashley filed *pro se* a petition for rule to show cause and for finding of indirect civil contempt. Specifically, Ashley alleged that Moore failed to pay the following: any of the minors' monthly medical premiums or co-pays since January 20, 2024; any "child related expenses," summer camp fees, or extracurricular fees since April 1, 2024; and the minors' tuition enrollment deposit. Ashley attached to the motion over 25 pages of receipts. She requested that the court order that Moore pay \$647.01 in unpaid medical premiums and co-pays; \$3,663.96 in child-related expenses, and summer camp and extracurricular fees; and \$500 for the minors' tuition enrollment, which Ashley "paid on his behalf by his request."

¶ 18 On October 2, 2024, the court entered a modified order for support, which required that Moore pay \$845 in monthly child support and cover 55% of the minors' medical expenses not covered by insurance through December 8, 2035.

¶ 19 After a November 4, 2024, hearing, in which both parties attended virtually, the court ordered Moore to maintain a job diary detailing consistent efforts to obtain employment.

¶ 20 On May 1, 2025, through counsel, Ashley petitioned for indirect civil contempt and other relief, asserting that Moore failed to pay any child support since December 2024 and owed \$4,225. Ashley asserted that Moore violated the terms of the marital settlement agreement by failing to pay his portion of the minors' extracurricular expenses and medical expenses since January 2024, and owed \$7,584.48 and \$1,754.47, respectively. Ashley attached to her petition an employer's onboarding email addressed to Moore, stating that his first day of work was April 28, 2025.

¶ 21 On May 20, 2025, through counsel, Ashley filed an amended petition for indirect civil contempt and other relief, reasserting that Moore failed to pay any child support since December 2024, and owed \$4,225 in child support, \$7,584.48 in extracurricular expenses, and \$1,754.47 in medical expenses.

¶ 22 After a hearing on July 15, 2025, in which both parties appeared virtually, the court found Moore to be in direct civil contempt of court for willful failure to comply with the October 2, 2024, modified order. The court noted that Moore had accrued an arrearage of \$15,253.95 for failing to pay child support and other expenses per the modified order. The court stayed the commitment until August 15, 2025, ordering that Moore could purge the contempt by directly paying Ashley \$1,000 by that date, or be remanded for incarceration if he failed to do so. The court's order set the matter "for Status on [Moore's] purge on August 18, 2025."

¶ 23 Moore appealed on July 29, 2025, *inter alia* seeking to vacate the trial court's judgment and "have the hearing officer *** to ensure the accuracy of the alleged debt."

¶ 24 On August 14, 2025, Moore filed a *pro se* "Petition to Vacate Final Judgment for Indirect Civil Contempt," arguing that he failed to meet his obligations because his unemployment benefits terminated in January 2025. He claimed that his inability to pay due to unemployment and "exhaustion of unemployment benefits," and that his failure to pay was not "willful."

¶ 25 On August 18, 2025, the court stayed Moore's July 15, 2025, commitment until October 9, 2025, and ordered Moore to provide paycheck stubs from August 18, 2025, through October 8, 2025, and to pay Ashley \$1,000 on or before October 8, 2025. The court continued the matter for status on Moore's purge to October 9, 2025.

¶ 26 On September 11, 2025, Moore moved to accept filing *nunc pro tunc*, asserting that he repeatedly attempted to electronically file a motion to modify the child support order since January 2025. He attached to his motion a copy of the docket, in which seven dates were highlighted as examples of his attempts to file the modification.

¶ 27 On May 15, 2026, this court entered an order taking this case for consideration on the record and Moore's brief only.

¶ 28 On appeal, Moore contends that the trial court erroneously found him in indirect civil contempt because it failed to expressly find that he could comply with the purge order. Moore further contends he was denied due process because he was unable to pay the ordered support, and that the purge sum was arbitrary, punitive, and "unsupported by the record."

¶ 29 While Moore asserts that the trial court's order was unsupported by the record, he has failed to file a report of proceedings or certified bystander's report that would assist this court with making that determination. It is the duty of every appellant in a reviewing court to provide a sufficient record to support a claim of error, and in the absence of such a record, the reviewing court will presume that the trial court's order was in conformity with established legal principles and had a sufficient factual basis. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). In the absence of a proper record, a reviewing court may dismiss the appeal, or alternately, summarily affirm the judgment of the trial court. *Marx Transport, Inc. v. Air Express International Corp.*, 379 Ill. App. 3d 849, 853 (2008). However, the failure to present a report of proceedings does not require automatic dismissal or affirmance where the issues can be resolved on the record as it stands. *Marx Transport*, 379 Ill. App. 3d at 853.

¶ 30 Without the report of proceedings, we look to the common law record and briefs of the parties to ascertain the issues being appealed and any findings made by the trial court to aid our review. However, this case was taken on the appellant's brief only and Moore's brief does not comply with Illinois Supreme Court Rule 341(h) (eff. Oct. 1, 2020), which further hinders our review of his appeal. Moore's 4-page brief lacks reasoned bases for his legal arguments, references to legal authorities, and citations to the record in violation of Rule 341(h)(7). "Arguments that do not comply with Rule 341(h)(7) do not merit consideration on appeal and may be rejected by this court for that reason alone." *Wells Fargo Bank, N.A. v. Sanders*, 2015 IL App (1st) 141272, ¶ 43. To the extent that Moore's brief fails to comply with Rule 341(h)(7), his arguments may be forfeited. *Id.* However, even if we overlook those deficiencies, we must dismiss Moore's appeal for lack of jurisdiction.

¶ 31 Although no party has raised the issue of jurisdiction, we have an independent duty as a reviewing court to consider our jurisdiction. *Ontiveroz v. Khokhar*, 2025 IL 130316, ¶ 1. We lack jurisdiction to review nonfinal judgments or orders without a supreme court rule granting us that authority. *In re Marriage of Sanchez and Sanchez-Ortega*, 2018 IL App (1st) 171075, ¶ 21; Ill. S. Ct. R. 301 (eff. Feb. 1, 1994) ("Every final judgment of a circuit court in a civil case is appealable as of right."). A judgment is deemed final when it disposes of the rights of the parties as to either "the entire controversy" or "some definite and separate part of it." *Sanchez*, 2018 IL App (1st) 171075, ¶ 21. Without jurisdiction, we must dismiss an appeal. *Id.* ¶ 20.

¶ 32 An order finding a party in contempt is not alone a final order. *Id.* ¶ 24. Only a contempt judgment that imposes a sanction, such as a fine or a sentence of imprisonment, is a final, appealable order. *Id.*; *In re Marriage of Gutman*, 232 Ill. 2d 145, 152-53 (2008) (collecting cases).

That is, “[a]n order finding a person or entity in contempt of court which imposes a monetary or other penalty” is appealable without a Rule 304(a) finding. Ill. Sup. Ct. R. 304(b)(5).

¶ 33 In July 2025, the circuit court found Moore in contempt for failure to pay child support per the terms of the marital settlement agreement and ordered that Moore could purge the contempt by paying \$1,000 to Ashley by August 15, 2025. The court then continued the matter of the purge for status until August 18, 2025. Accordingly, the July 2025 order appealed is clearly nonfinal because the purge was entered and continued, not imposed.

¶ 34 Moreover, this court has consistently held that a retroactive child support purge does not constitute a “penalty” under Rule 304 because the purge pertains to an amount Moore already owes. *In re Marriage of Schweiger*, 379 Ill. App. 3d 687, 689 (2008) (defining “penalty” as an imposed punishment “in the form of imprisonment or fine” rather than a calculation and order of payment for a sum already due). An order does not “prejudice, disable, or penalize” to create a final, appealable order under Rule 304(b)(5) when it “accomplishes no more than implementing prior orders of the court, occasioning no new liability on the part of the alleged contemnor.” *Fidelity Financial Services, Inc. v. Hicks*, 267 Ill. App. 3d 887, 890 (1994). The absence of a sanction renders the court’s July 15, 2025, order nonfinal, and so Moore’s appeal of that order was premature. *Gutman*, 232 Ill. 2d at 152.

¶ 35 We note that Moore’s August 14, 2025, “Petition to Vacate Final Judgment for Indirect Civil Contempt” pursuant to section 2-1401 of the Code of Civil Procedure was filed after he appealed. Section 2-1401 pertains to procedure for seeking “[r]elief from final orders and judgments.” 735 ILCS 5/2-1401 (eff. Jan. 1, 2025). As explained, the court’s indirect civil

contempt finding was not a final judgment. As such, Moore's claim under section 2-1401 cannot proceed.

¶ 36 The circuit court's July 15, 2025, order finding Moore in contempt of court was not final and appealable, and therefore we must dismiss Moore's appeal for lack of jurisdiction.

¶ 37 Appeal dismissed.