

NOTICE
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2026 IL App (5th) 260163-U
NO. 5-26-0163
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).

<i>In re</i> GUARDIANSHIP OF MARY L. HUNT, Alleged	)	Appeal from the
Disabled Adult	)	Circuit Court of
	)	Champaign County.
(Craig R. Hunt,	)	
	)	
Petitioner-Appellee,	)	
	)	
v.	)	No. 25-GR-134
	)	
Mary L. Hunt,	)	Honorable
	)	Chad S. Beckett,
Respondent-Appellant).	)	Judge, presiding.

JUSTICE VAUGHAN delivered the judgment of the court.
Justices Sholar and Hackett concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court’s order requiring a 92-year-old respondent to travel from California to Illinois for a medical evaluation and GAL observation was an abuse of discretion.

¶ 2 Respondent, Mary L. Hunt, appeals from the circuit court’s January 28, 2026, order compelling her to submit to medical evaluations in Illinois and its February 13, 2026, order denying her motion for reconsideration. Mary contests the court’s authority to require her to travel from California to the evaluation sites in Illinois. She further contends that even if the circuit court had authority to compel her to travel for the evaluations, the court abused its discretion by requiring the travel. For the following reasons, we reverse the circuit court’s order.

¶ 3

I. BACKGROUND

¶ 4 On November 17, 2025, petitioner, Craig Hunt, filed a verified petition requesting adjudication of his mother, Mary Hunt, as a disabled person and an order appointing himself as the temporary and plenary guardian over Mary and her estate. He also filed an emergency petition for temporary guardianship over Mary. The following day, an *ex parte* hearing was held on Craig's emergency petition. Testimony was provided by Laura Cannales and Craig.

¶ 5 Laura testified that for the last six and a half years, she was the general caretaker for Mary and Mary's husband, Lin Hunt. Lin passed away on November 4, 2025. Mary and Lin lived in Champaign, Illinois, and Laura would take them to appointments, clean their house, do laundry, and ensure their medications were taken. She occasionally interacted with Craig as he lived next door to his parents. She stated that Mary, just prior to her husband's death, was "fairly healthy" although she had stomach issues and her memory was declining. After Lin died, Laura only saw Mary two or three more times and during those visits Mary was depressed and quiet. Laura had not spoken or texted with Mary since the previous Friday, November 14, 2025. She stated that Craig contacted her on Monday stating that he had not seen any movement at his mother's house and was concerned. On Monday, Mary's daughter, Peggy, called Laura and asked her to cancel Mary's appointments. Laura told Peggy that Mary had a prescription ready and Peggy said she would take care of that. Laura did not know if Mary was still in her home. Laura was concerned about Mary taking her medications. She agreed that Mary had declined mental ability and was subject to confusion and forgetfulness. She stated that Mary could ambulate despite a bad left ankle and used a walker to get around. Mary did not drive. Laura would grocery shop for Mary and Lin after Mary provided a list.

¶ 6 Craig testified that he was an attorney, Mary was his mother, and that he and his wife lived next to Mary in condominiums with a shared roof. He stated that Mary's mental health had been declining over time evidenced by her repeating the same statements and confusion. He stated that Mary became very depressed following his father's death and was not functioning well. Craig would visit every morning and evening. His wife often cooked meals for his parents. Craig stated that he valued his relationship with his parents and believed they felt the same. He further clarified that Mary's trust owned her condominium.

¶ 7 Craig stated that he had an older sister, Peggy Ekstrom, and a younger sister, Karen Clark. Peggy lived in California and Karen lived in Nevada. He stated that Peggy was anti-vaccination, and he was worried about his mother being with Peggy because during COVID he ensured that his parents received the COVID vaccinations. Craig had a meeting with Mary on Friday, November 14, 2025, at her home. The meeting was attended by Bill Scott, who was Mary's attorney, as well as Ryan Hunt (Craig's son), Peggy, Rachel Bosma (Mary's granddaughter), and Rachel's husband, Phil Bosma. At the meeting, Mary's trust was amended. On Monday, when Craig went to visit Mary, the house was vacant. Mary took everything but her walker. Peggy, Rachel, and Phil, who stayed with Mary the previous two weeks, were also gone. No note was left and Craig called 911.

¶ 8 An officer took Craig's statement and unsuccessfully tried to call Mary, Peggy, Rachel, and Phil. On Monday, Mary's attorney, Bill, received an email from a lawyer in Chicago; however, the email did not provide Mary's location. Craig stated that he had no idea where his mother was and was very concerned because it was the longest time he ever went without speaking to his mother. He was worried about her physical and mental health and whether she had access to her medications. He believed Mary was "highly at risk" for personal or financial exploitation.

¶ 9 Following the hearing, the court found it was necessary to appoint a temporary guardian for Mary’s immediate welfare and protection of both her and her estate. The court also found that Craig was a fit and proper person to serve as temporary guardian of Mary, and therefore, appointed Craig as Mary’s temporary guardian of her person and estate. The court set the plenary guardianship matter for a hearing on January 6, 2026. On November 21, 2025, the circuit court appointed Ellen Beattie to serve as Mary’s guardian *ad litem* (GAL).

¶ 10 Mary voluntarily met with the GAL via a videoconference interview on December 17, 2025, and the GAL issued a written report on December 19, 2025. The report noted “noticeable memory difficulties, including repetition of the same concerns and difficulty recalling details when asked follow-up questions.” The report further indicated that “Mary repeatedly expressed anger and disappointment toward her son, Craig” calling him “controlling” and “dishonest” and stating that she did not want contact with him. However, “Mary had difficulty explaining the reason for her anger.” Mary indicated that Craig used her credit card to purchase items she did not authorize but could not recall the specific items. Mary further asserted that Craig either forged her signature on a deed or tricked her into signing the deed that transferred her interest in her residence to a life estate for her husband and the remainder to Craig. She expressed fear of Craig knowing her location because he would take “advantage of her emotionally and financially.” Mary was adamant that she did not need a guardian and did not want one appointed. The report noted a diagnosis of a “mild cognitive impairment” which the GAL stated was evident by Mary’s short-term memory and inability to recall specifics related to alleged financial misconduct but concluded that “[d]espite memory challenges, Mary appeared to understand the nature of the conversation and was able to articulate her preferences and concerns.”

¶ 11 Mary advised the GAL that she managed her own financial affairs and the GAL noted that “[t]here was no indication during the interview that [Mary] was currently unable to attend to basic activities of daily living.” The GAL also reviewed medical records that diagnosed mild cognitive impairment but stated that Mary “demonstrated good insight; was oriented to person, place, and time; understood her medications and medical conditions; and was able to clearly express her wishes.” The medical records noted that 91-year-old Mary used a walker or a wheelchair depending on her destination and opined that Mary was “competent to make her own decisions regarding her medical care, finances, and living arrangements.” The medical records also stated that Mary had a “good understanding of her current situation and states she chose to move due to family stressors.”

¶ 12 A missing person report attached to the GAL report revealed that Mary did “not have a Real ID or a valid passport, which *** would make it difficult for her to travel by air.” The GAL recommended that Mary’s address not be disclosed to Craig, that his petition for order of protection be denied, and that the temporary order for guardianship be modified to include only the estate. The GAL further recommended that Craig be ordered to prepare and file a current inventory of Mary’s estate with supplementary statements from the financial institutions, and that a neuropsychological evaluation be performed to assess Mary’s cognitive functioning and decision-making capacity.

¶ 13 Craig next filed a petition for an emergency order of protection, which following an initial hearing, was continued to December 19, 2025. At that time, the court allowed the GAL to supplement her report with any oral recommendations and allowed Craig’s attorney to supplement any argument related thereto. The GAL opined that Mary’s current action was a reaction more strongly than would have occurred if not for factors including age, cognitive decline, and the death

of her husband. The GAL believed that Mary was angry and distrustful of Craig but was confused about what occurred noting that there had been “longstanding family tensions” between the siblings. The GAL stated that Peggy was interested in an alternative to the litigation and was looking into obtaining a neuropsychological exam of Mary. Peggy did not deny that Mary experienced cognitive decline and confusion. The GAL did not believe that Craig financially exploited Mary, and based on the medical report, recommended that any guardianship be limited to Mary’s estate, not Mary, personally. The GAL noted a “very significant breakdown of family communication” and hoped, that with family communication, a less dramatic plan could be established for Mary at this phase in her life noting that Mary was “very distressed about the idea of a guardianship” and expressed concern that Craig would place her in a “state home” if she returned to Illinois. The GAL confirmed that Mary was taking her medication and wanted to be in California but was emphatic that she did not want Craig to know where she was located. The GAL opined that,

“Trying to force Mary to come back here I think is going to make all of her fears so much more pronounced. And given her age and her cognitive decline, those types of traumatic occurrences can cause far more deterioration. And it does not appear to me *** to be at all necessary.”

The GAL strongly recommended that no order of protection be imposed. The GAL further stated that she was concerned that if Craig had guardianship of Mary’s person and Mary needed medical care that it could interfere with Mary seeking medical attention.

¶ 14 The GAL again confirmed that Peggy did not oppose a neuropsychological examination. The GAL further clarified that the family had petty grievances, and that the alleged suspicion and alarm had more to do with family dynamics than impropriety. The GAL was reassured after

speaking with Peggy, who also expressed concerns about the family dynamic. Peggy explained to the GAL that the transfer of Mary's primary residence to Craig was the catalyst. The GAL did not believe that Peggy was trying to manipulate Mary to act against Craig. The GAL stated there was a heated argument and Mary was in the middle which was very distressing given that Mary had just lost her husband. The GAL opined that the entire family overreacted and open communication would have settled the dispute. She stated that Peggy believed that she was protecting her mother, and the GAL did not think that Peggy was trying to take advantage of Mary. She believed it was poor judgment, not malfeasance, at issue.

¶ 15 Craig's attorney spoke with the GAL and the court and stated that the real property transfer of Mary's home to Craig had been reversed, and the real property was returned to Mary. Craig's attorney then argued that it remained undecided as to whether Mary was a disabled adult and that fact could not be decided with Mary out of the state. Counsel argued that the home state was Illinois pursuant to section 201(a)(2) of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (755 ILCS 8/201(a)(2) (West 2024)). Counsel noted that Mary lived in Illinois for eight years and was removed on November 14, 2025. She opined that Mary's counsel needed to advise Mary that "she could not hide in another state away from a petition for guardianship." Following argument, the court denied Craig's request for an emergency order of protection. It found that allegations of abuse and neglect were negated but stated it was not going to make any amendments to the temporary guardianship order at that time.

¶ 16 On December 31, 2025, Craig filed a motion requesting a psychological evaluation of Mary pursuant to section 11a-9 of the Probate Act of 1975 (Act or Probate Act) (755 ILCS 5/11a-9 (West 2024)). The motion alleged that Mary was previously diagnosed with "dementia without behavioral disturbance" by staff at Carle Hospital. It asserted that the GAL report stated that "Mary

demonstrated noticeable memory difficulties, including repetition of the same concerns and difficulty recalling details when asked follow-up questions.” The motion also requested an in-person visit between the GAL and Mary. On January 5, 2026, Mary, through counsel, voluntarily entered her appearance in the proceedings. At the January 6, 2026, status hearing, the court set Craig’s motion for a psychological evaluation for hearing on January 9, 2026.

¶ 17 On January 8, 2026, Mary’s counsel filed a response to Craig’s motion for psychological evaluation. Mary’s response indicated that she had no objection to undergoing an evaluation of her “medical and physical condition” pursuant to section 11a-9 of the Act but contended that Craig’s motion sought evaluation by a clinical psychologist, not a physician as required by the Probate Act. Mary’s response further contended she was too infirm at the age of 91 to travel from California to Illinois for the evaluation and requested a location more convenient for her. She averred that she previously underwent cognitive testing on January 2, 2026, and was diagnosed with “mild cognitive impairment” which manifested as mild short-term memory impairment that did not significantly affect her insight and decision making or her ability to make decisions and function independently. The response further contended that Craig was untrustworthy based on previous actions regarding her home noting that Craig believed Mary had sufficient cognitive function to change her trust documents but had different descriptions of her cognitive abilities after she left Illinois to live with her grandchild in California despite both events happening on the same day.

¶ 18 Craig’s motion was heard on January 9 and January 14, 2026. Following completion on January 14, 2026, the court issued an oral ruling requiring Mary to travel from California to Illinois for two medical evaluations under sections 11a-9(b) and (b-5) of the Act (*id.* § 11a-9(b), (b-5)) and personal observation by the GAL under section 11a-10(a) (*id.* § 11a-10(a)). The court directed

Craig's counsel to draft and circulate a proposed written order memorializing the court's oral ruling and Craig to schedule the appointments ordered.

¶ 19 On January 27, 2026, Mary moved for dismissal, pursuant to section 2-619.1 of the Illinois Code of Civil Procedure (Code) (735 ILCS 5/2-619.1 (West 2024)), of Craig's petition for temporary and plenary guardianship. She stated that his pleading contained insufficient allegations of disability under section 2-615 of the Code (*id.* § 2-615). She further contended that Craig's admissions, and other conclusive evidence, revealed that Mary was not a person with a disability, had the capacity to make her own decisions, and could validly execute powers of attorney for health care and property pursuant to section 2-619(a)(9) of the Code (*id.* § 2-619(a)(9)).

¶ 20 On January 28, 2026, the court issued a written order directing Mary to appear for a psychological evaluation. The order required Mary to return to the State of Illinois to attend an evaluation with Dr. Korinek in Springfield, Illinois, on January 30, 2026; attend an evaluation with Dr. Peter in Champaign, Illinois, at 7:45 a.m. on February 6, 2026; and personally appear at the office of the GAL in Champaign, Illinois, on February 6, 2026, at 11 a.m. The order further required that Mary's medical records, from November 14, 2025, to the present, be provided to Dr. Korinek.

¶ 21 On February 5, 2026, Mary moved for reconsideration. Therein, Mary claimed that the circuit court misapplied the law. She also included new material facts and evidence that warranted reconsideration of the court's order. The new evidence was based on a letter from Mary's California physician that opined the travel was "medically harmful" to Mary noting that "[t]he prospect of long-distance travel has caused [Mary] significant stress and anxiety" that exacerbated Mary's underlying medical conditions that included "acid reflux, irritable bowel symptoms, hypertension and severe fatigue." The physician's notes were dated January 15, 2026, following a

telephone visit. The physician's recommendation against travel was dated January 16, 2026, following an in-person visit with Mary the same day. Mary's motion for reconsideration further indicated that her previous primary care physician had moved to Virginia and was no longer practicing at the Champaign, Illinois, facility. The motion also relied on Mary's need for improved hearing aids which would not be available until February 16, 2026.

¶ 22 As to the misapplication of law, Mary contended that section 11a-10(e) of the Act (755 ILCS 5/11a-10(e) (West 2024)) prohibited the court from compelling Mary to attend court hearings and, therefore, the court was equally without authority to require Mary to travel for an evaluation that could be performed in her current location. The motion argued, citing section 11a-3(b) of the Act (see *id.* § 11a-3(b)) that the purpose of the statute was to promote the well-being of the person. She argued that requiring her to travel 2,000 miles was contrary to the statute because that action was arduous, stressful, and endangering to her health. She contended that such action required an injunction, which did not occur, and that she was not afforded due process in being ordered to travel to Illinois for examination on the oral motion without service of summons or notice.

¶ 23 On February 11, 2026, Craig filed a response to the motion to reconsider. Therein, Craig contended that the motion for reconsideration failed to show a change in the law, misapplication of the law, or evidence that was unobtainable at the initial hearing. On February 13, 2026, the court orally denied Mary's motion for reconsideration.

¶ 24 On February 24, 2026, Mary filed a Rule 307(a)(1) (Ill. S. Ct. R. 307(a)(1) (eff. Nov. 1, 2017)) appeal from the court's denial of her reconsideration on February 13, 2026. On March 19, 2026, Craig moved for dismissal of the appeal contending this court did not have jurisdiction. We denied Craig's motion on March 27, 2026.

¶ 26 On appeal, Mary argues that the trial court's order requiring her to return to Illinois for medical evaluations and observation is a misapplication of law especially in light of the evidence submitted with her motion for reconsideration revealing that travel of such a great distance was against the medical advice of her physician. Craig requests affirmation of the court's order and revives his argument in support of dismissal due to a lack of jurisdiction. As the issue of jurisdiction is revived, we start with that issue.

¶ 27 Craig contends that the court's order requiring Mary's evaluations is interlocutory and has no basis for appeal because that order was related to "ministerial and administrative matters required for discovery." Mary contends that because the court's order requires her to travel from California to Illinois to attend the evaluations, the order is a form of an injunction which is an allowable appeal pursuant to Rule 307(a)(1). *Id.*

¶ 28 Rule 307(a)(1) allows for appeal of an interlocutory order "granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction." *Id.* We look to the substance, not the form, to determine if the order is injunctive in nature. *In re A Minor*, 127 Ill. 2d 247, 260 (1989). "Illinois courts have construed the meaning of 'injunction' in Rule 307(a)(1) broadly." *Skolnick v. Altheimer & Gray*, 191 Ill. 2d 214, 221 (2000) (citing *In re A Minor*, 127 Ill. 2d at 261). "An injunction is 'a "judicial process operating in personam and requiring [a] person to whom it is directed to do or refrain from doing a particular thing." ' " *Id.* (quoting *In re A Minor*, 127 Ill. 2d at 261, quoting Black's Law Dictionary 705 (5th ed. 1979)). Here, we agree that the circuit court's order, requiring Mary to return to Illinois for a psychological evaluation and an in-person meeting with the GAL, is a form of an injunction as it requires Mary to "do a particular thing."

¶ 29 Notably, not all circuit court orders that compel a party to do, or not do, something, are appealable. *Id.* Circuit court orders “that regulate only the procedural details of the litigation before the court, which thus can be properly characterized as merely ‘ministerial’ or ‘administrative,’ cannot be the subject of an interlocutory appeal.” *Short Brothers Construction, Inc. v. Korte & Luitjohan Contractors, Inc.*, 356 Ill. App. 3d 958, 960 (2005) (citing *In re A Minor*, 127 Ill. 2d at 262).

¶ 30 While Craig contends that requiring Mary’s appearance for evaluations is a form of discovery pursuant to statute (see section 11a-9 of the Act (755 ILCS 5/11a-9 (West 2024))) and is therefore, ministerial, we disagree. We find nothing ministerial about requiring any person, say nothing of a recently widowed 92-year-old woman, to travel from California to Illinois, and we are not alone. In *People v. Collins*, 249 Ill. App. 3d 924, 926-27 (1993), the appellate court found that a circuit court’s order directing the Illinois Department of Corrections to transport a prisoner to the county where his postconviction petition was pending was a form of an injunction. In *People v. Freed*, 328 Ill. App. 3d 459, 463-64 (2002), a similar situation and classification resulted. Nor are such results limited to criminal cases. In *Department of Health Care & Family Services v. Cortez*, 2012 IL App (2d) 120502, ¶¶ 12-13, it was determined that a Rule 307(a)(1) appeal applied to an order requiring a child’s immediate return to Illinois from California. Here, the circuit court’s order requires Mary to travel from California to Illinois to attend evaluations pursuant to section 11a-9 of the Act, and therefore, we hold that Mary’s Rule 307(a)(1) appeal of the order as an injunction was appropriate. Accordingly, we reaffirm the prior denial of Craig’s motion to dismiss.

¶ 31 Moving to the merits of the case, Mary contends that the circuit court exceeded its authority under the Probate Act because the Act does not empower the circuit court to compel her to travel across the country for evaluation or observation. She argues that the circuit court’s order was

prohibited pursuant to Illinois Supreme Court Rule 215 (eff. Jan. 1, 2018), and even if the circuit court had the power to compel her to travel, it abused its discretion. Mary also contends that the circuit court erred by ordering her to travel for the evaluations and observation without considering the standards governing mandatory injunctions. Craig disagrees with all of Mary’s contentions and further argues that Mary forfeited any argument regarding Rule 215 by failing to raise it before the circuit court. He further contends that Mary’s appeal is moot. We start with the mootness argument.

¶ 32 Craig contends the appeal is moot because the dates for the evaluations and observations have now passed. He further argues that the circuit court’s April 20, 2026, order—entered during the pendency of this appeal—also moots Mary’s appeal, because that order required Mary to appear in person, testify before the court on May 20, 2026, and such action meant that “she will be home in Illinois subject to the care of her Temporary Guardian and future orders of the Court.” He contends that because Mary has been ordered to return to Illinois no additional travel will be required for her to submit to medical examinations or a GAL observation.

¶ 33 In response, Mary argues that the fact that the dates have passed does not moot the controversy because the appointments will be rescheduled triggering the capable of repetition exception. She further contends that Craig’s argument is based on an uncertain future event, *i.e.*, her appearance in Illinois, and further raises a “disturbing and revealing premise” that Mary will not be able to return to California if she returns to Illinois.

¶ 34 “An appeal is moot when intervening events have rendered it impossible for the reviewing court to grant effectual relief to the complaining party.” *In re Commitment of Hernandez*, 239 Ill. 2d 195, 201 (2010) (citing *Felzak v. Hruby*, 226 Ill. 2d 382, 392 (2007)). Typically, reviewing courts “do not decide moot questions, render advisory opinions, or consider issues where the result will not be affected regardless of how those issues are decided.” *In re Alfred H.H.*, 233 Ill. 2d 345,

351 (2009). However, the issue may be addressed if the issue falls within one of the exceptions to the mootness doctrine that includes: (1) the public interest exception, (2) the capable of repetition yet avoiding review exception, and (3) the collateral consequences exception. *In re Christopher C.*, 2018 IL App (5th) 150301, ¶ 13. Here, Mary relies on the second exception.

¶ 35 The capable of repetition exception applies when the respondent meets two elements. *In re Alfred H.H.*, 233 Ill. 2d at 358. “First, the challenged action must be of a duration too short to be fully litigated prior to its cessation.” *Id.* “Second, there must be a reasonable expectation that ‘the same complaining party would be subjected to the same action again.’ ” *Id.* (quoting *In re Barbara H.*, 183 Ill. 2d 482, 491 (1998)). The present case meets both criteria. While Rule 307(c) provides a shortened timeframe on appeal (see Ill. S. Ct. R. 307(c) (eff. Nov. 1, 2017)), even with the shortened period, the order appealed from would be moot. Further, the same action occurred again, as evidenced by the April 20, 2026, order, requiring Mary to return to Illinois. While the order is not part of the current appeal,¹ it is clear that the circuit court continues to require Mary to leave California and to return to Illinois, whether for medical evaluation, GAL observations, or a court hearing, and the timeframes enunciated in those orders make it impossible to address the underlying issue before the orders are moot. As the capable of repetition exception applies, we need not address the other potential exceptions and instead address the merits of Mary’s appeal.

¶ 36 Mary first contends the trial court’s order requiring her to travel 2,000 miles to attend medical evaluations and have an in-person GAL observation exceeded the circuit court’s authority under section 11a-9 of the Act. In support, she relies on Rule 215(a) which permits a court, when reasonable notice is provided, to “order such party to submit to a physical or mental examination *** related to the physical or mental condition which is involved.” Ill. S. Ct. R. 215(a) (eff. Jan.

¹The order is part of the record in the second appeal filed by Mary in case No. 5-26-0443.

1, 2018). More specifically, Mary relies on the provision that states, “A party or person shall not be required to travel an unreasonable distance for the examination.” *Id.* Here, Mary contends that requiring her to travel a distance of 2,000 miles is unreasonable and further contends that even if the distance was not unreasonable, the court abused its discretion when it issued the order. In response, Craig argues that the order was neither unreasonable nor an abuse of discretion. He further argues that Mary forfeited reliance on Illinois Supreme Court Rule 215 as it was never raised before the circuit court. We disagree.

¶ 37 First, it is well established that the Illinois Supreme Court has repeatedly stated that “ ‘[t]he rules of court we have promulgated are not aspirational. They are not suggestions. They have the force of law, and the presumption must be that they will be obeyed and enforced as written.’ ” *Village of Lake Villa v. Stokovich*, 211 Ill. 2d 106, 116 (2004) (quoting *Bright v. Dicke*, 166 Ill. 2d 204, 210 (1995)); see also *People v. English*, 2023 IL 128077, ¶ 13; *People v. Shunick*, 2024 IL 129244, ¶ 22. As such, the rules must be considered and followed.

¶ 38 Further, forfeiture of an argument is binding only on the parties, not the reviewing court. *In re Br. M.*, 2021 IL 125969, ¶ 39. Under unique and limited circumstances, the reviewing court “may overlook forfeiture where necessary to obtain a just result or maintain a sound body of precedent.” (Internal quotation marks omitted.) *United Equitable Insurance Co. v. Thomas*, 2021 IL App (1st) 201122, ¶ 78. Notably, in the case at bar, the underlying argument contending that that circuit court did not have authority to require Mary to travel 2,000 miles for mental health evaluations and a GAL observation has long been the issue presented by Mary. While it is undisputed that Mary did not address Rule 215 when the case was before the circuit court, Mary’s current citation to the rule is merely an additional citation in support of the argument that was presented to the circuit court. As such, the argument was never forfeited, but even if it was, we

would still find it necessary to address the rule to obtain a just result, especially where the rule—which carries the force of law—is directly on point.

¶ 39 Rule 215 provides a court with authority to compel “[a] party to submit to a physical or mental examination by a licensed professional in a discipline related to the physical or mental condition” involved. Ill. S. Ct. R. 215(a) (eff. Jan. 1, 2018). However, said authority is limited by “notice and motion” requirements as well as distance from the examination. *Id.* The rule specifically states that “[a] person shall not be required to travel an unreasonable distance for the examination.” *Id.* While the rule does not define “reasonable,” we believe the term requires a court to consider the age, abilities, and infirmities of that person along with the cost and hardship related to the required travel.

¶ 40 The record reveals that Mary is a recently widowed 92-year-old woman with mild cognitive impairment. Her ability to ambulate from one place to another is determined by distance which determines whether she must utilize a walker or wheelchair. She does not have a Real ID or passport, which prohibits her from traveling by airplane, the shortest method to travel 2,000 miles. Mary also has stomach issues, including irritable bowel symptoms, that increase the difficulty of long travel and likely require easily accessible access to restroom facilities. In addition to her physical ailments, her mental health is also affected by long distance travel causing an increase in her anxiety and stress which further undermines her cognitive ability. Notably, the GAL testified that

“[t]rying to force Mary to come back here I think is going to make all of her fears so much more pronounced. And given her age and her cognitive decline, those types of traumatic occurrences can cause far more deterioration. And it does not appear to me *** to be at all necessary.”

¶ 41 While the purpose of the rule is to permit discovery (see *Wisniewski v. Diocese of Belleville*, 406 Ill. App. 3d 1119, 1177 (2011)), the relevance of the underlying purpose of the evaluation is relevant. Here, the evaluation is to determine Mary’s mental acuity, and it was undisputed that travel would affect her cognitive function. As such, ordering Mary to travel 2,000 miles by either train, bus, or passenger vehicle when it could detrimentally undermine Mary’s ability to produce her best results during the evaluation is counterintuitive.

¶ 42 It is equally apparent that, while it was Craig that filed the petition for a guardianship claiming that Mary was a disabled adult, it is Mary that must bear the cost associated with the evaluations and only if Mary is unable to pay the fee, would Craig be responsible for the costs. See 755 ILCS 5/11a-9(b-5) (West 2024). Therefore, in addition to requiring Mary to travel 2,000 miles for an evaluation requested by Craig, Mary would be encumbered with the costs of both the evaluations and the travel to attend the evaluations. Given that her original appointments were scheduled a week apart, she is also encumbered with cost related to her accommodations and associated travel for food and appearances at the requisite offices while in Illinois, in a case where it was undisputed that Mary did not drive.

¶ 43 Pursuant to the Act, the court’s order requiring “appropriate evaluations” require only “a qualified person” performing the evaluation who will prepare a report that must be filed with the court at least 10 days prior to the hearing. *Id.* § 11a-9(b). No directives related to distance, cost, or ability to travel are addressed in the statute, thereby requiring the court and the parties to adhere to the examination guidelines set forth in Rule 215.

¶ 44 A circuit court’s ruling on the grant or denial of a requested physical or mental examination of a party pursuant to Rule 215 is reviewed for an abuse of discretion. *Kaull v. Kaull*, 2014 IL App (2d) 130175, ¶ 82. The circuit court’s ruling on the grant or denial of a requested evaluation under

the Act is reviewed under the same standard. *In re Estate of Kirk*, 2017 IL App (4th) 160416, ¶ 57. “An abuse of discretion exists where no reasonable person would take the position adopted by the trial court [citation], or where the trial court acts arbitrarily, fails to employ conscientious judgment, and ignores recognized principles of law.” *In re Possession & Control of the Commissioner of Banks & Real Estate of Independent Trust Corp.*, 327 Ill. App. 3d 441, 476 (2001).

¶ 45 Here, the order requires Mary to travel over 2,000 miles from California to Illinois to attend medical evaluations. Denials of a choice of examiner under the Act have sounded, in part, “due to the distance [the respondent] would be required to travel for the evaluation.” *In re Estate of Kirk*, 2017 IL App (4th) 160416, ¶ 57. No evidence was submitted that similarly qualified medical professionals did not exist in California, or any other state with a distance shorter than that between Illinois and California. It is equally clear that the appointed GAL opined that forcing Mary to return was going to exacerbate her fears, which would cause “far more deterioration” when it did not “appear *** to be at all necessary.”

¶ 46 Given the lack of a medical report, which is required by the Act, we cannot say that the circuit court’s decision to order an evaluation was in error. See *In re Estate of Malloy*, 96 Ill. App. 3d 1020, 1028 (1981) (“Therefore, in the absence of a report, the trial court had the express statutory authority to order appropriate evaluations of appellant ***.”). However, we do find that the court inadvertently ignored recognized principles of law set forth in Supreme Court Rule 215 by ordering Mary to travel over 2,000 miles for an evaluation that could be performed at a location more amenable to Mary’s location given her age and physical infirmities, especially in light of Mary’s inability to travel by airplane or drive herself.

¶ 47 While Craig contends he could overcome any Rule 215 argument “with the definition of ‘home state’ found in the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act” (see 755 ILCS 8/201(a)(2) (West 2024)), we disagree. That section simply provides a definition of “home state” and does not address appropriate locations where medical evaluations should be performed under the Probate Act, which was the basis for his requested medical evaluation. Accordingly, we find the circuit court’s order requiring two separate medical evaluations in Illinois, when the 92-year-old respondent was currently residing with family in California, was an abuse of discretion.

¶ 48 The order also requires Mary to travel from California to Illinois so the GAL can observe Mary in person, despite previously interviewing Mary via videoconference. Mary does not dispute the court’s authority to appoint a GAL under the Act. See 755 ILCS 5/11a-10 (West 2024). Mary’s dispute stems from the circuit court’s order requiring her to travel to Illinois for the GAL observation. In response, Craig argues that the statute requires the GAL to personally observe the respondent “in person.” However, Craig presents no citation to authority in support of his position in contravention of Illinois Supreme Court Rule 341(h)(7) (eff. Oct. 1, 2020) and, therefore, we find the argument forfeited.

¶ 49 Craig’s request that Mary return to Illinois for the GAL conference is equally unavailing. In support of the motion, Craig claimed that the “legal requirement [was] not well served by Mary being interviewed from an unknown location in another state while his Illinois Court appointed Guardian ad Litem peers at a screen.” Despite admitting that the December 17, 2025, video conference was “necessary” due to logistics, he claimed that “an in person visit in Illinois is now required.” Notably, no citation supporting Craig’s claims were presented in the motion and therefore, we also find this argument forfeited pursuant to Rule 341(h)(7).

¶ 50 In requiring Mary to return to Illinois for the GAL observation, the circuit court stated that it was unable to find case law on whether a video call satisfied the statute but held that this was “not a case where video contact only would be appropriate.” In support of that statement, the court cited a hypothetical possibility that someone would “standing off to the side” of the screen coercing Mary to provide certain responses. While the court stated that the GAL might or might not be willing to fly to California, it stated that “it makes much more sense for [Mary] to travel here,” stating that if Mary was able to go to California, “there’s certainly no reason why she can’t travel back to Illinois for the purpose of submitting to these evaluations.” The court stated that “[a]ny reasons for the inconvenience or difficulty for her to travel to Illinois are outweighed by all the factors that the Court just *** set forth.”

¶ 51 Here, it is unclear why the prior videoconference was insufficient to meet the obligation when the GAL’s previously filed report addressed all the statutorily required topics. Our review of the GAL’s report revealed no concerns of coercion during the video conference. Similarly, our review of the record revealed no claims of coercion during the interview by Craig after the GAL’s report was filed. Even if there were, without evidence—which was not submitted here—the circuit court’s finding of possible coercion is erroneously based on conjecture or speculation which results in an unreasonable decision. *Edson v. Horwich*, 2024 IL App (1st) 221877-U, ¶ 66 (citing *Burmood v. Anderson*, 2023 IL App (2d) 230092, ¶¶ 36-38; *Daniggelis v. Pivan*, 159 Ill. App. 3d 1097, 1103-04 (1987)).

¶ 52 We further note that nothing in the statute requires that a respondent present themselves to the GAL instead of the GAL presenting to the respondent for purposes of said observation. We are mindful that the Act is for the benefit of persons alleged to be disabled because of mental deterioration or physical incapacity that cannot manage their own person or estate. See 755 ILCS

5/11a-2 (West 2024). It is likely that most alleged respondents have infirmities that would reveal difficulties in traveling short distances, say nothing of 2,000 miles.

¶ 53 Here, in addition to the undisputed difficulties associated with Mary's travel due to medical infirmities, the GAL has already interviewed Mary. Following the interview, the GAL filed the statutory report and recommended that the court not require Mary to travel to Illinois. The GAL explained that any such order would likely have an untoward effect on Mary's cognitive abilities and increase the hostility between Mary and Craig. Although it appears that the GAL has already met her statutory obligations, if a valid reason existed requiring the GAL to confer a second time with Mary, we see no reason why the GAL could not meet the obligation by traveling to California, especially when the GAL already expressed a willingness to travel to California. Under these facts, we find the court's order requiring Mary to travel 2,000 miles, for the purpose of an in-person conference with the GAL, was an abuse of discretion.

¶ 54 III. CONCLUSION

¶ 55 For the above stated reasons, we reverse the circuit court's order requiring Mary to travel to Illinois for medical evaluations and GAL observations.

¶ 56 Reversed.