

September 30, 2026

No. 1-25-2026

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

CINDY WONG, Special Administrator of the Estate of	)	Appeal from the Circuit Court
Guo Ning Li, deceased,	)	of Cook County.
	)	
Plaintiff-Appellee,	)	
	)	
	)	
v.	)	
	)	
MAY MAY GOURMET FOOD, INC, a corporation; NEW	)	
MARKET INC., a corporation, d/b/a 88 Marketplace; and	)	
SHI XIN TAN,	)	
	)	
Defendants-Appellees	)	
	)	
	)	
	)	No. 24 L 2869
ILLINOIS DEPARTMENT OF HEALTHCARE AND	)	
FAMILY SERVICES,	)	Honorable
	)	Sarah Johnson,
Appellant.	)	Judge, presiding.

JUSTICE C.A. WALKER delivered the judgment of the court.
Presiding Justice Oden Johnson and Justice Wilson concurred in the judgment.
Justice Wilson also specially concurred.

ORDER

¶ 1 **Held:** Because the record on appeal is insufficient to permit meaningful review of the circuit court’s determination that the Department’s lien against plaintiff-appellee’s wrongful death recovery should be reduced to zero, we affirm the circuit court’s order.

¶ 2 Appellant Illinois Department of Healthcare and Family Services (IDHFS) appeals from the circuit court’s decision to adjudicate its lien to \$0 in the underlying litigation. In that suit, plaintiff-appellee Cindy Wong, as special administrator of her father Guo Ning Li’s estate, sought claims under the Wrongful Death Act (the Act) (740 ILCS 180/1 *et seq.* (West 2020)) against the defendants-appellees May May Gourmet Food, Inc., New Market Inc. (d/b/a 88 Marketplace), and Shi Xin Tan (collectively “the defendants”). After the underlying suit settled IDHFS sought to enforce a Medicaid lien against the recovery, but the court granted Wong’s motion to adjudicate the lien to \$0. On this appeal, IDHFS contends this adjudication was in error. Because the record on appeal is insufficient for this court to review that claim, however, we affirm.

¶ 3 BACKGROUND

¶ 4 Wong, as special administrator of Li’s estate, filed her complaint on March 15, 2024. Therein, she brought claims under the Act against the defendants arising from an automobile accident on March 19, 2023, in which Li was injured. Li ultimately passed away, allegedly, due to the injuries he sustained in the accident.

¶ 5 On June 6, 2025, the circuit court entered an “order on settlement, dismissal and future proceedings for wrongful death,” acknowledging the parties had settled and continuing the matter for limited purposes including, in relevant part, lien adjudication.

¶ 6 Wong then filed a motion to adjudicate a “purported section 11-22 lien.” Therein, she acknowledged Li had received Medicaid benefits and that IDHFS was pursuing recovery for the value of the benefits from the settlement funds by seeking to enforce a lien. Wong argued the circuit court should adjudicate IDHFS’ lien to \$0 because the “cause of action [was] pled solely under” the Act, which specified that any damages recovered are for the benefit of the surviving spouse and next of kin only. See 740 ILCS 180/2(a) (West 2024). Wong further argued that section 11-22 of the Illinois Public Aid Code (Code) (305 ILCS 5/11-22 (West 2024)), which authorizes IDHFS to pursue Medicaid liens, expressly excludes claims arising under the Act.

¶ 7 IDHFS responded, arguing that section 11-22b of the Code expressly permitted it to pursue a Medicaid lien from a recovery under the Act, and that 11-22 and 11-22b were separate “sections” of the Code, meaning the clause in 11-22 excepting claims under the Act did not apply to liens sought pursuant to 11-22b. 305 ILCS 5/11-22b (West 2024). In her reply, Wong contended section 11-22b, along with section 11-22, constituted “one statute with multiple subparts,” not separate sections of the Code. See 305 ILCS 5/11-22 (West 2024); 305 ILCS 5/11-22b (West 2024).

¶ 8 On August 26, 2025, the circuit court entered an order adjudicating the IDHFS lien to \$0. The order states, in relevant part, “This matter coming before the court on plaintiff’s motion to adjudicate 11-22 lien of IDHFS, due notice given and the court fully advise[d]; IT IS ORDERED (1) plaintiff’s motion is granted and the lien of IDHFS is adjudicated to zero.” It contains no further explanation. There was a hearing scheduled for that date, but it is not clear from the record on appeal or the parties’ briefs whether the court heard oral argument on the motion to adjudicate,

and no transcript or bystander's report for the August 26, 2025, court date appears in the record on appeal. The court entered an order approving the settlement on September 5, 2025, which noted the \$27,206.30 IDHFS lien was adjudicated to \$0. This appeal followed.

¶ 9

JURISDICTION

¶ 10 The circuit court approved the settlement on September 5, 2025, and IDHFS filed its notice of appeal on October 6, 2025, giving this court jurisdiction pursuant to article VI, section 6 of the Illinois Constitution (Ill. Const. 1970, art. VI, § 6) and Illinois Supreme Court Rules 301 (eff. Feb. 1, 1994) and 303 (eff. July 1, 2017).

¶ 11

ANALYSIS

¶ 12 IDHFS argues on appeal that the circuit court erred by adjudicating its lien to \$0 because it misapplied sections 11-22 and 11-22b of the Code (305 ILCS 5/11-22 (West 2024) and 305 ILCS 5/11-22b (West 2024)). But we must begin by addressing the incompleteness of the record.

¶ 13 It is an appellant's burden "to present a sufficiently complete record of proceedings at trial to support a claim of error, and in the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis." *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Doubts arising from the record's incompleteness are construed against the appellant. *Id.* at 392.

¶ 14 To present its claim for review to this court, premised on the argument that the circuit court misapplied the relevant sections of the Code to reach its result, IDHFS had to provide a record that demonstrated the court adjudicated the IDHFS lien to \$0 based on the Code. IDHFS failed this minimum requirement. The court's order does not state any substantive basis for its finding, and there is no report of proceedings or bystander's report for the August 26, 2025, hearing. Therefore, because the record provides no basis for determining why the circuit court reduced the lien to \$0,

we must presume that its decision was in accordance with the law and supported by the facts before it and affirm. *Id.* at 391-92.

¶ 15 We acknowledge that questions of statutory interpretation are reviewed *de novo*, and in such cases, the absence of the circuit court's reasoning does not necessarily preclude appellate review. See *Midstate Siding & Window Co. v. Rogers*, 204 Ill. 2d 314, 319 (2003). However, the problem here is not merely that the circuit court failed to explain its reasoning. Rather, the incomplete record prevents us from determining the basis for the circuit court's reduction of the Department's lien to \$0 and whether the statutory questions raised by the Department are necessary to resolve this appeal.

¶ 16 We recognize our colleague's view that the parties presented the circuit court with a discrete question of statutory interpretation concerning the interplay between sections 11-22 and 11-22b of the Code. We agree that, where the record affirmatively establishes that a circuit court resolved a purely legal question, this court may independently review that question without regard to the circuit court's reasoning. See *Midstate Siding and Window Co., Inc. v. Rogers*, 204 Ill. 2d 314, 319 (2003). But the record before us does not establish that the circuit court resolved the motion on that basis. The order identifies only the motion presented and the resulting disposition: the motion was granted and the lien was adjudicated to zero. It does not state that the court concluded section 11-22 foreclosed the lien, that section 11-22b did not apply, or that the court resolved any other question concerning the relationship between those provisions. Nor does the record contain a transcript or bystander's report from the hearing from which we could determine what arguments were presented, what evidence was considered, or what basis the circuit court relied upon in reaching its decision.

¶ 17 That distinction is significant. The circuit court had authority to reduce an IDHFS lien to zero. *Johnson v. Lynch*, 66 Ill. 2d 242, 246 (1977). The provisions of the Code cited by the parties pertained to related, yet distinct, facets of the Department’s rights of recovery. See *Lewis v. Lead Industries Ass’n*, 2020 IL 124107, ¶¶ 40-41. Thus, the fact that Wong argued that section 11-22 barred the lien does not establish that the circuit court adopted that argument as the basis for its ruling. The court could have determined that the lien was subject to reduction or elimination for another reason recognized under the Code or applicable law. See 305 ILCS 5/11-22, 11-22a, 11-22b (West 2024); *Johnson*, 66 Ill. 2d at 246. Without a report of proceedings or other record of the hearing, we cannot determine which, if any, of these issues the circuit court considered.

¶ 18 The special concurrence analysis illustrates the breadth of the statutory questions that could be presented if we were to reach the merits. It addresses the relationship among sections 11-22, 11-22a, and 11-22b, the effect of the Act, and the circumstances under which IDHFS may recover from a wrongful-death settlement. Those may be important questions in an appropriate case. But their resolution here would require us to assume that the circuit court decided those questions in the first instance. The record does not permit that assumption. We decline to resolve statutory questions that the circuit court may not have considered and that may be unnecessary to our disposition or have no effect on the judgment if the circuit court’s ruling rests on another permissible basis. See *In re County Collector*, 2022 IL 126929, ¶ 50.

¶ 19 This is not to suggest that the absence of a transcript necessarily precludes *de novo* review of a question of statutory interpretation. Rather, the difficulty here is that the record does not establish that the circuit court decided the statutory question IDHFS asks us to review. Because IDHFS, as the appellant, bears the burden of presenting a sufficiently complete record to establish the claimed error, we must resolve that uncertainty against it. *Foutch*, 99 Ill. 2d at 391-92. In the

absence of a sufficient record, we presume the circuit court’s order conformed to the law and rested on a sufficient factual basis.

¶ 20 Accordingly, we need not, and should not, determine the proper construction of sections 11-22, 11-22a, and 11-22b on this record. Our holding is limited to the record before us and to IDHFS’s failure to establish a basis for concluding that the circuit court erred in adjudicating its asserted lien to zero.

¶ 21 CONCLUSION

¶ 22 The record on appeal is insufficient to permit meaningful review of the circuit court’s determination that the IDHFS lien should be reduced to zero. Accordingly, we affirm the circuit court’s order.

¶ 23 Affirmed.

¶ 24 JUSTICE WILSON, specially concurring:

¶ 25 I concur with the ultimate judgment affirming the circuit court. However, I would affirm the case on the merits rather than under *Foutch v. O’Bryant*, 99 Ill. 2d 389 (1984), because the dispositive question is one of statutory interpretation resolved on an undisputed, single-issue motion and does not depend on missing transcripts, bystander report, or factual findings.

¶ 26 The record posture supports merits review. In this case, IDHFS asserted a lien against the settlement pursuant to sections 11-22 and 11-22b of the Public Aid Code (Code) (305 ILCS 5/11-22, 11-22b (2024)). Wong moved to adjudicate the lien to zero, arguing that section 11-22 forecloses a lien in a wrongful death action. She pleaded only a wrongful death claim, sought no recovery for injury-related medical expenses, and relied on section 11-22’s (305 ILCS 5/11-22 (West 2024)) express command that it is “inapplicable” to any claim arising under the Wrongful Death Act (Act). The circuit court agreed and adjudicated the lien to zero.

¶ 27 The majority affirms because it claims the appellate record is insufficient to permit meaningful review, so that *Foutch*, 99 Ill. 2d at 391-92, compels affirmance of the circuit court’s order. While I agree that there are instances where an insufficient record precludes a court of review from assessing an appellant’s claims on their merits, this is not such a case. Wong’s motion presented a purely legal question in a single-issue motion, and the circuit court decided that question. We know this because the first line of the trial court order states that the “plaintiff’s motion is granted and the lien of IDHFS is adjudicated to zero.” Here, the lien’s value is necessarily zero because it is inapplicable to a wrongful death recovery. The sole question presented by the motion was whether section 11-22 barred enforcement of the lien in a wrongful death action. The motion did not seek relief based on alternative theories. The motion did not seek equitable reduction of the lien, nor did the parties argue before this court that the trial court granted the motion on equitable grounds. The order’s lack of detailed reasoning does not preclude review when the legal question is framed and fully presented. The absence of a transcript or bystander’s report does not impede review of a discrete issue of statutory interpretation, which we review *de novo*. *McHenry Township v. County of McHenry*, 2022 IL 127258, ¶ 55.

¶ 28 When interpreting the language of a statute, our primary goal is to ascertain the legislature’s intent. *Tillman v. Pritzker*, 2021 IL 126387, ¶ 17. “The best indicator of legislative intent is the language of the statute, given its plain, ordinary meaning.” *Id.* When the language of the statute is clear and unambiguous, we give effect to the language as written and need not resort to other aids of statutory interpretation. *Id.*

¶ 29 Section 11-22 creates a lien on “all claims, demands and causes of action for injuries” to recipients but explicitly provides, “[t]his Section shall be inapplicable to any claim, demand or cause of action arising under (a) the Workers’ Compensation Act or the predecessor Workers’

Compensation Act of June 28, 1913, (b) the Workers' Occupational Diseases Act or the predecessor Workers' Occupational Diseases Act of March 16, 1936; and (c) the Wrongful Death Act.” 305 ILCS 5/11-22 (West 2024). By its clear terms, section 11-22’s lien mechanism cannot be used to attach to a claim under the Act. Because Wong pleaded only a wrongful death claim, section 11-22 clearly bars IDHFS’s lien.

¶ 30 Nevertheless, IDHFS argues that although Wong filed a motion to adjudicate the lien to zero solely under section 11-22, the circuit court wrongly limited its analysis to section 11-22, because section 11-22b independently authorizes Medicaid reimbursement from settlements in actions against third parties who caused a beneficiary’s death. IDHFS emphasizes that section 11-22b expressly covers actions “against a third person who may be liable for causing the death of a beneficiary” and makes any resulting settlement or judgment subject to IDHFS’s reimbursement claim. It further notes that section 11-22b allows IDHFS to *waive* claims “in a wrongful death action,” which IDHFS says presupposes that such claims exist. 305 ILCS 5/11-22, 22b (West 2024). In addition, IDHFS contends that sections 11-22a, 11-22b, and 11-22c are separate enactments with distinct purposes, not mere subsections of 11-22. It argues that wrongful death plaintiffs “step into the decedent’s shoes,” meaning the decedent’s receipt of Medicaid benefits allows the State to seek recovery from wrongful death proceeds under federal Medicaid lien principles.

¶ 31 Wong responds that section 11-22 precludes a lien in a wrongful death action because it expressly states it is “inapplicable” to any claim arising under the Act and emphasized that only a wrongful death claim was filed seeking no medical-expense recovery. Wong counters that section 11-22a provides subrogation, that section 11-22b’s waiver language cannot create a lien where Section 11-22 forecloses one, and that no wrongful death distributee is a “beneficiary” under

section 11-22b(2). Wong further argues that IDHFS’s standalone reading of section 11-22b is incorrect, noting that section 11-22’s “inapplicable” clause post-dated the additional recovery provisions and that section 11-22b itself ties claims back to section 11-22’s limitations.

¶ 32 As posited by Wong, the legislative sequence actually confirms that the wrongful death exclusion in section 11-22 was the legislature’s last and most definitive word on the subject. Section 11-22 in its 1967 form already excluded charges upon claims for death by wrongful act, and the 1999 amendment under Public Act 91-357 explicitly added the Wrongful Death Act by name—after Sections 11-22a, 11-22b, and 11-22c were already enacted. The legislature thus had full knowledge of the existing recovery provisions, including section 11-22b, when it chose to reinforce and expand the wrongful death exclusion by name in 1999. If the legislature had intended section 11-22b to override the wrongful death exclusion in standalone wrongful death actions, it would have said so explicitly in the 1999 amendment or in section 11-22b itself. The legislature’s deliberate choice to add the Wrongful Death Act by name to section 11-22’s exclusion after section 11-22b’s enactment is the clearest possible signal that the wrongful death carveout applies across the reimbursement scheme, including to section 11-22b claims.

¶ 33 Under the Act, “the amount recovered in every such action shall be for the exclusive benefit of the surviving spouse and next of kin of such deceased person.” 740 ILCS 180/2(a) (West 2022). A wrongful death action serves to compensate a decedent’s surviving spouse and the next of kin for the pecuniary losses resulting from the decedent’s death. *Pasquale v. Speed Products Engineering*, 166 Ill. 2d 337, 360 (1995). A wrongful death action must be brought in the name of the decedent’s personal representative. *Id.* at 361. In contrast, the Survival Act creates no new claim. It allows a representative to maintain the causes of action that had already accrued to the decedent before death, which are brought for the benefit of the estate. *Carter v. SSC Odin*

Operating Co., LLC, 2012 IL 113204, ¶ 40-44. Thus, there would appear to be circumstances where the language of section 11-22b can have effect without offending the clear and unambiguous language of section 11-22. In my view, the limitations expressly stated in section 11-22—including the wrongful death exclusion—carry through to section 11-22b claims.

¶ 34 Our supreme court recently reinforced these distinctions in *Geller v. Uber Technologies*, 2026 IL 132066. The supreme court reiterated that at common law, no cause of action existed for wrongful death; the legislature created the Wrongful Death Act to compensate the surviving spouse and next of kin for the pecuniary losses they suffer by reason of the death. *Id.* ¶ 22. Although a wrongful death action is brought in the name of the personal representative, it is filed for the exclusive benefit of the surviving spouse and next of kin, who are the true parties in interest; the personal representative is merely a nominal party acting as a statutory trustee. *Id.* ¶ 24; see also *Carter*, 2012 IL 113204. The court contrasted wrongful death with the Survival Act, which preserves the decedent's own accrued claims as assets of the estate. *Id.* ¶ 26. And because a wrongful death recovery is distributed under the Act rather than through probate, it is not part of the decedent's estate; the right to receive it is an asset of the next of kin, not of the decedent. *Id.* ¶ 27.

¶ 35 This structural point is underscored by how such actions are prosecuted. A stand-alone wrongful death action is brought by a special administrator, a term absent from section 11-22b(a)(2), which instead speaks of a "personal representative," the office associated with probate administration of estate assets and Survival Act claims. 305 ILCS 5/11-22b (West 2024); 740 ILCS 180/2.1 (West 2024). A special administrator's powers are strictly limited to those the wrongful death statute prescribes. *Kubian v. Alexian Brothers Medical Center*, 272 Ill. App. 3d 246 (1995).

¶ 36 IDHFS's claim that section 11-22b applies here fails. Section 11-22b(i) provides that, notwithstanding any other law, the entire amount of any settlement is subject to the Department's claim and lien "to the same extent and subject to the same limitations as in Section 11-22." 305 ILCS 5/11-22b(i) (West 2024). Those limitations include section 11-22's categorical exclusion of wrongful death claims. Read together, section 11-22b authorizes reimbursement in death-related actions that are not wrongful death causes of action. To read section 11-22b(c)(3) as reaching wrongful death recoveries would let the lien mechanism section 11-22 withholds re-enter through section 11-22b, rendering the wrongful death carve-out superfluous. Statutes must be construed as a harmonious whole, avoiding a reading that makes any provision meaningless.

¶ 37 Two further points confirm this reading. First, section 11-22 is the more specific provision: it addresses the Medicaid charge and names the Act as excluded, while section 11-22b does not. The specific governs the general, and the later-in-time canon does not displace it. Second, the legislative sequence points the same way. The legislature's most recent word leaves no room to revive the lien in the wrongful death context through section 11-22b.

¶ 38 IDHFS's argument that a wrongful death plaintiff assumes the decedent's legal position and its federal-attachment arguments have no effect here, because this record contains no survival recovery of the decedent's own claims and no medical-expense component. Medical expenses are an element of damages under the Survival Act, not the Wrongful Death Act. 755 ILCS 5/27-6 (West 2024). Because the recovery is for the exclusive benefit of the next of kin and includes no medical-expense element, there is no res to which a Medicaid lien can attach consistent with section 11-22's exclusion. *National Bank of Bloomington v. Podgorski*, 57 Ill. App. 3d 265, 267 (1978).

¶ 39 If wrongful death proceeds belong to the next of kin and are not part of the decedent's estate (*Geller*, 2026 IL 132066, ¶ 27), requiring the beneficiaries to satisfy a Medicaid lien from a stand-alone wrongful death recovery would divert funds the legislature reserved for them to an entity with which they share no privity and from which they received no benefits. Had the proceeds been payable to the estate, they would be exposed to estate creditors or claimants like IDHFS. See *In re Estate of Ries*, 2021 IL App (2d) 191027, ¶ 41. But that is not the case here.

¶ 40 The legislature did not intend section 11-22b to override the wrongful death exclusion in standalone wrongful death actions. Section 11-22's wrongful death exclusion operates the same way our courts have long applied that section's other express exclusions: a Department lien does not attach to a category the legislature has expressly excluded from section 11-22. *O'Donnell v. Sears, Roebuck & Co.*, 71 Ill. App. 3d 1, 10 (1979) (public aid liens do not attach to Workmen's Compensation and Occupational Diseases Act payments "pursuant to the express exclusion of Section 11-22"); see *Donoho v. O'Connell's, Inc.*, 18 Ill. 2d 432, 438 (1960). Because the legislature "exhibited the ability to expressly list exceptions" to the charge, a court "will not lightly infer additional exceptions" and, by the same token, will not permit section 11-22b to erase an exception the legislature expressly wrote. *O'Donnell*, 71 Ill. App. 3d at 10. To the extent no decision has squarely addressed whether section 11-22b reaches a standalone wrongful death recovery, the question is resolved by the plain text of section 11-22b(i), which subjects any recovery to the Department's claim only "to the same extent and subject to the same limitations as section 11-22," and by the wrongful death exclusion those limitations necessarily incorporate.

¶ 41 Read as a whole, a Medicaid lien under section 11-22 cannot attach to a stand-alone wrongful death recovery under the Act, and section 11-22b's references to reimbursement and

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waiver do not silently override section 11-22's express wrongful death exclusion. Hence, the circuit court correctly adjudicated the lien to zero as a matter of law. I would affirm on that basis.