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).

2026 IL App (4th) 251189-U

NO. 4-25-1189

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
November 2, 2026
Carla Bender
4th District Appellate
Court, IL

DAVID DUYVEJONCK,	)	Appeal from the
Petitioner-Appellant,	)	Circuit Court of
v.	)	Rock Island County
NICOLE JONES,	)	No. 24OP1006
Respondent-Appellee.	)	
	)	Honorable
	)	Derek L. Hancks,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Presiding Justice Steigmann and Justice Zenoff concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court dismissed the appeal for lack of jurisdiction.

¶ 2 Petitioner, David Duyvejonck, appeals from the trial court's May 16, 2025, order denying a plenary order of protection against respondent, Nicole Jones. On appeal, petitioner argues the court misapplied the law in assessing whether the parties' minor child, G.D., was abused by respondent and that the court's finding G.D. was not abused was against the manifest weight of the evidence. We dismiss the appeal.

¶ 3 I. BACKGROUND

¶ 4 In August 2024, petitioner filed a petition for emergency and plenary orders of protection on behalf of himself and his two children, G.D. and B.D., against respondent, the minors' mother. The petition alleged that on the evening of August 12, 2024, respondent called petitioner and told him to pick up G.D. Petitioner heard G.D. screaming in the background of the

call, and a deputy later dropped G.D. off at petitioner's home. G.D. went to sleep, and the following morning, petitioner observed the right side of G.D.'s face was "black and blue," and his left eye had a mark. G.D. informed petitioner respondent and her boyfriend, Kelly Schmidt, attacked him because he refused to sleep outside respondent's camper overnight. The trial court granted an emergency order of protection on August 13, 2024, which was extended on several occasions through February 7, 2025.

¶ 5 On February 7, 2025, the trial court commenced a hearing on the plenary order of protection. The evidence established respondent and petitioner were the natural mother and father of G.D. and B.D., who were 11 and 12 years old, respectively, at the time of the hearing. Respondent and petitioner shared a custody agreement whereby they had joint decision-making over the minors, the minors resided with respondent, and petitioner had alternating weekends and one night per week with them. While the parties agreed a physical altercation occurred on August 12, 2024, among G.D., respondent, and Schmidt, they disputed who instigated the encounter and the circumstances surrounding it.

¶ 6 According to G.D. and B.D., the following occurred. On August 12, 2024, the day before the school year was to begin, G.D. and B.D. were staying with respondent and Schmidt in a camper on respondent's property where respondent and Schmidt were building a house. That evening, G.D. and B.D. were lying in a convertible bed in the camper that had been prepared for them, but they could not sleep because they had "a little bit of energy" since they had been on summer vacation and were "used to staying up." Respondent, who had been in a "bad mood" all day, kept entering the camper because they were "talking too loud," and after they continued to talk, respondent "came in and yelled" at them. She told them they had to sleep outside. G.D. and B.D. refused because it was cold and there were mosquitoes. B.D. claimed when they told

respondent they did not want to go outside, they were talking "normally" and not yelling. Respondent then raised her hand as if to hit G.D. and asked him, "You want to fight?" G.D. responded, "Please don't hit me," then respondent "leaped on" G.D. G.D. testified respondent was hitting, scratching, and slapping him. B.D., in turn, explained respondent was on top of G.D., and she and G.D. were pulling each other's hair and smacking each other. B.D. claimed G.D. did not start pulling respondent's hair until after respondent got on top of him. B.D. went over to try to separate G.D. and respondent but was unable to do so. Eventually, Schmidt entered the camper to see what was happening. When he observed G.D. and respondent, he pressed on G.D.'s hands and arms to get him to release respondent's hair. Schmidt then picked G.D. up with a hug and moved him, at which point G.D. began to calm down.

¶ 7 Respondent, on the other hand, portrayed the incident as an instance of the severe behavioral issues G.D. experienced since second grade. Aretha Larson, G.D.'s therapist, provided G.D.'s behavioral background, explaining he had been diagnosed with attention-deficit/hyperactivity disorder (ADHD), oppositional defiant disorder, and intermittent explosive disorder. G.D. was prescribed ADHD medication and clonidine, which helps with regulating emotions. G.D.'s conditions presented as defiance, difficulty managing conflicts and emotions, difficulty reading situations correctly, and overreacting to situations, resulting in emotional and physical outbursts. As examples, Larson noted occasions where G.D. got in fights with other students at school, kicked his principal, and placed B.D. in a headlock while threatening to kill him. Brett Jones, respondent's son from a previous relationship, similarly testified there was an incident in 2023 when he observed G.D. "going after [B.D.]," such that he had to wrap G.D. in a bear hug and hold him until he calmed down. B.D. also acknowledged G.D. had gotten into a fight with another student on the bus after the student slapped G.D. On another occasion, G.D. yelled at

his wrestling coach while the coach disciplined him after he and another student were "talking bad" about each other at a wrestling meet. Larson explained similar outbursts were directed at respondent. At times, G.D. hit respondent and threw things at her. On one occasion, while respondent was driving with G.D., she pulled the car over because G.D. "became really mouthy," and G.D. "attack[ed] her," then "left the car and ran." Larson noted that after that incident, she met with G.D. to discuss it, and he made no complaint respondent physically harmed him. Such physical episodes tended to occur toward the end of the summer, and after significant incidents, respondent would inform Larson about them. Respondent testified Larson explained to her that she should "create distance when things are getting heated" with G.D., and Schmidt noted respondent used that intervention technique with G.D. when he had issues. According to respondent, she was attempting to use that strategy and "create distance" at the time of the August 2024 incident.

¶ 8 Respondent explained that on August 12, 2024, G.D. and B.D. had been back in her care for two days after having spent nine days with petitioner. Respondent and Schmidt were "still trying to stabilize" G.D., as he was defiant, hyper, and agitated following the extended time away from them. Respondent noted that earlier in the day, G.D. yelled at her because he did not want to eat his dinner, and respondent explained G.D. was prone to "meltdowns" when he was hungry.

¶ 9 Respondent and Schmidt testified that later in the evening, they sat outside the camper while G.D. and B.D. were inside on their bed. They could hear the minors complaining about respondent, "cussing," and being "derogatory towards" her after she had asked them to take their backpacks to the car. Schmidt walked into the camper to tell them that was unacceptable and it was time for bed, then he went back outside. Before long, the minors started swearing and

"talking bad" about respondent again, so Schmidt and respondent went into the camper to tell them once more that was unacceptable. Schmidt then went to start the grill because he wanted to avoid the situation.

¶ 10 Respondent went back into the camper several more times to tell the minors to get ready for bed, and she eventually went to lie down to sleep. The minors, however, continued to "wrestl[e] around," so she got up and saw G.D. sitting up in bed and B.D. standing. She told them, "[I]f you guys don't stop, you're going to go outside" and "sleep on the hammock." Respondent testified she "was just saying it" and did not actually want them to go outside. The minors became "mouthy," and G.D. told B.D. they should go outside to play football. B.D., however, did not want to get in trouble and said they should go to sleep. This "went back and forth" until respondent said, "[O]kay, you're going outside."

¶ 11 Respondent walked toward G.D. to take him outside, and G.D. kicked her in the leg. As she tried to grab G.D., he reached up and grabbed her hair. A struggle began, and as they wrestled, respondent was "trying to get away." She relaxed and asked G.D. to let go of her hair three times. G.D. responded, "I'm going to rip your f*** hair out of your head" and started pulling. Respondent explained G.D.'s face was close to her head, and she tried to move him away from her by pushing his jaw. G.D. tried biting her hand, so she grabbed his cheek and began to squeeze it. When G.D. refused to let go, she started squeezing his ear.

¶ 12 Schmidt, who heard the commotion, walked back to the camper and saw, through the window, G.D. on his back with both fists on respondent's head, pulling her hair. When he went inside, he observed G.D. "in a rage." He asked G.D. to let go of respondent, but G.D. did not seem to hear him. Schmidt pinched G.D. on his rear end to get him to let go, but G.D. still would not release respondent, so Schmidt grabbed his forearms and started pressing on pressure points. After

"a long time," G.D. let go and kicked Schmidt in the face and punched him in the chest. Schmidt placed G.D. in a bear hug and took him outside the camper. When he let go of G.D., G.D. went back to the camper, grabbed a cup, and threw it at a television. Schmidt grabbed G.D. once more, set him on a bench, and held him for approximately 20 seconds. G.D. then whipped his head at Schmidt, striking him on his mouth and causing a slight cut under his lip. As a result, Schmidt stood up and went back outside the camper. He heard G.D. saying, " 'FU, b***. I wish you were dead, b***.' "

¶ 13 Thereafter, respondent called petitioner and told him he needed to pick up G.D., but petitioner responded, " 'You wanted this; you deal with it,' " and hung up. Respondent subsequently called the police, and during the call, G.D. was yelling, accusing respondent of abusing him.

¶ 14 Deputy Austin Braud of the Rock Island County Sheriff's Office testified he arrived at the scene to investigate. Schmidt and respondent told him an "altercation" occurred while respondent was trying to get the minors to go to bed by warning that if they did not, they would go outside "for punishment." Braud spoke with G.D., who told him he did not "feel that" he had to go to bed when respondent wanted him to. Instead, he wanted to keep playing with B.D., but respondent attacked him. Braud testified he believed that when respondent went to grab G.D.'s arm, she did so to "discipline him and take him outside." G.D. did not tell Braud he had any injuries, and Braud observed none that evening. He asked G.D. if he wanted to go to petitioner's house, and G.D. said he did. As a result, Braud called petitioner and asked if G.D. could spend the night with him, and petitioner agreed. After obtaining respondent's consent, Braud dropped G.D. off at petitioner's residence. At that point, Braud still saw no visible injuries.

¶ 15 However, the following day, petitioner noticed the right side of G.D.'s face and ear

were black and blue, and there was a mark on his eye. Although G.D. participated in wrestling, petitioner and B.D. testified he had never received bruises on his face from wrestling matches, and petitioner could recall nothing occurring from the time G.D. arrived at his home that would explain the injuries. B.D. testified he did not tell Braud about G.D. being hurt on the night of the incident because Braud did not ask.

¶ 16 According to petitioner, he first spoke with a worker with the Illinois Department of Children and Family Services (DCFS) about a week after the incident occurred, and he took G.D. to the emergency room upon the worker's recommendation.

¶ 17 On August 29, 2024, Braud interviewed B.D. at petitioner's residence because B.D. "had a statement that he wanted to bring up." He explained that when respondent approached G.D. on the bed, G.D. said, " 'I swear if you hit me,' " and respondent responded, " 'Do you really want to fight?' "

¶ 18 Petitioner stated that in the past, the minors' daycare had made a DCFS report against respondent, and petitioner had filed two additional DCFS reports following that one. He acknowledged all the reports were deemed unfounded. Petitioner also acknowledged he called the police on respondent a "handful of times," but no charges were ever filed against her.

¶ 19 On May 16, 2025, the trial court denied the plenary order of protection. The court explained that while respondent reacted "inappropriate[ly]" to G.D.'s defiant behavior by asking if he wanted to fight and contributing to a physical interaction, the evidence showed G.D. had issues that often manifested as physical altercations with others, and on the day of the incident, G.D. was already "having problems." The court highlighted the evidence showed when G.D. got angry, "he [went] after people," and on the night of the incident, even when the altercation seemed over, G.D. "thr[ew] gasoline on the fire" by going back into the camper and headbutting Schmidt.

The evidence also showed respondent had historically "done everything" she could to accommodate G.D.'s behavioral issues, and while her response during the altercation "was not appropriate," things "boiled over on this incident." The court explained petitioner's effort to seek an order of protection was "not an unreasonable response to the incident," but the evidence showed respondent "clearly is not a threat to [G.D.]" Instead, G.D. had "serious issues that boiled over," and while respondent reacted the way she did because she "was at her wit's end," the court did "not see her as a threat to [G.D.]"

¶ 20 On June 13, 2025, petitioner, acting *pro se*, filed a motion to reconsider. Therein, petitioner argued (1) the trial court's factual findings were unsupported by the evidence, (2) Schmidt's testimony was inconsistent with earlier statements to the police, (3) the court improperly weighed the evidence, (4) a guardian *ad litem* report submitted to the court contained inaccurate information, (5) certain "exculpatory" evidence was not introduced, (6) new evidence had become available that materially impacted the case, and (7) the denial of the plenary order of protection left G.D. exposed to potential abuse. The court denied the motion to reconsider on October 7, 2025.

¶ 21 On November 5, 2025, petitioner filed an emergency motion for sanctions against respondent's counsel pursuant to Illinois Supreme Cout Rule 137 (eff. Jan. 1, 2018) (authorizing the imposition of sanctions against a party filing a pleading that is not well grounded in fact, not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, or is interposed for any improper purpose). Therein, petitioner claimed counsel engaged in misconduct by telling petitioner to " 'shut up,' " defamed him by stating he was raising the minors " 'to abuse women,' " and filed a motion that that was not well grounded in fact or law.

¶ 22 On November 6, 2025, while the motion for sanctions remained pending, petitioner

filed a notice of appeal.

¶ 23 This appeal followed.

¶ 24 II. ANALYSIS

¶ 25 On appeal, petitioner argues the trial court's denial of his petition for a plenary order of protection was erroneous because the court misapplied the law in determining whether respondent abused G.D., and the court's finding G.D. was not abused was against the manifest weight of the evidence.

¶ 26 We first address our jurisdiction. See *Village of Kirkland v. Kirkland Properties Holdings Co.*, 2023 IL 128612, ¶ 37 ("Courts of review have an independent duty to consider jurisdiction because a jurisdictional claim is a threshold issue that must be addressed before considering an appeal's merits.").

¶ 27 Jurisdiction of an appellate court is limited to the review of final judgments unless an order is encompassed by a statutory or supreme court exception. *D'Agnolo v. Catholic Cemetery Ass'n of Peoria*, 2026 IL App (4th) 250350, ¶ 21. Illinois Supreme Court Rule 303(a)(1) (eff. July 1, 2017) provides a notice of appeal must be filed

> "within 30 days after the entry of the final judgment appealed from, or, if a timely posttrial motion directed against the judgment is filed, *** within 30 days after the entry of the order disposing of the last pending postjudgment motion directed against that judgment or order, irrespective of whether the circuit court had entered a series of final orders that were modified pursuant to postjudgment motions."

Rule 303(a) further states a "judgment or order is not final and appealable while a Rule 137 claim remains pending unless the court enters a finding pursuant to Rule 304(a) [(Ill. S. Ct. R. 304(a) (eff. Mar. 8, 2016))]." Rule 304(a), in turn, provides the following:

> "If multiple parties or multiple claims for relief are involved in an action, an appeal may be taken from a final judgment as to one or more but fewer than all of the parties or claims only if the trial court has made an express written finding that there is no just reason for delaying either enforcement or appeal or both." Ill. S. Ct. R. 304(a) (eff. Mar. 8, 2016).

¶ 28 Here, petitioner acknowledges that at the time he filed his notice of appeal, his request for sanctions pursuant to Rule 137 was still pending, and our review of the trial court's docket shows the court has made no ruling on that request for sanctions. See *Clinton Landfill, Inc. v. Mahomet Valley Water Authority*, 406 Ill. App. 3d 374, 377 (2010) (taking judicial notice of the trial court docket and explaining such notice of public documents was proper). In turn, no Rule 304(a) findings accompany the trial court's orders denying the petition for a plenary order of protection or the motion to reconsider.

¶ 29 Although Rule 303 expressly provides that a pending Rule 137 claim renders a judgment or order not final and appealable, petitioner nevertheless contends his motion for sanctions does not hinder our jurisdiction under that rule here because this court may consider his motion abandoned. Citing *Commerce Trust Co. v. Air 1st Aviation Cos.*, 366 Ill. App. 3d 135 (2006), *Herricane Graphics, Inc. v. Blinderman Construction Co.*, 354 Ill. App. 3d 151 (2004), and *Jackson v. Alverez*, 358 Ill. App. 3d 555 (2005), petitioner argues that because he failed to request a ruling from the trial court on his motion for sanctions and instead filed a notice of appeal, his request for sanctions should be considered abandoned, such that the court's denial of the plenary order of protection may be considered final and appealable under Rule 303. This argument is unavailing.

¶ 30 In the first instance, *Commerce Trust Co.*, *Herricane Graphics, Inc.*, and *Jackson*

are all distinguishable from this case. Petitioner is correct that in these cases, motions had been deemed abandoned by the filing parties where those parties failed to request the trial court rule on the motions and no ruling had been made on them. See *Commerce Trust Co*, 366 Ill. App. 3d at 142; *Herricane Graphics, Inc.*, 820 Ill. App. 3d at 158-59; *Jackson*, 358 Ill. App. 3d at 563. However, none of these cases assessed the impact of a party's abandonment of the motions on a reviewing court's jurisdiction under Rule 303(a), and, more importantly, none of these cases involved a pending Rule 137 claim, which is the only claim explicitly identified by Rule 303(a) as affecting the finality and appealability of a judgment or order. See *Commerce Trust Co*, 366 Ill. App. 3d at 142 (assessing abandonment of motion to exclude testimony); *Herricane Graphics, Inc.*, 820 Ill. App. 3d at 158-59 (considering abandonment of motion to vacate or modify arbitrator's award); *Jackson*, 358 Ill. App. 3d at 563 (examining abandonment of motion for leave to file an amended complaint). Indeed, we note our supreme court has explained that while a party can abandon, for example, a postjudgment motion by filing a motion to dismiss, "Rule 303 makes it clear that [the] filing of a notice of appeal no longer acts as an abandonment by operation of law." *Chand v. Schlimme*, 138 Ill. 2d 469, 478 (1990). As petitioner has presented no authority to support his position his Rule 137 motion may be considered abandoned so as to confer jurisdiction upon this court pursuant to Rule 303, we reject this argument.

¶ 31 Moreover, there can be no dispute that appeals may ordinarily be taken only from final orders which dispose of every claim, *i.e.*, any right, liability or matter raised in an action. *John G. Phillips & Associates v. Brown*, 197 Ill. 2d 337, 339 (2001). Beyond petitioner's misplaced assertion that the abandonment of his Rule 137 request for sanctions could be achieved by the filing of a notice of appeal, petitioner disregards that motions for sanctions under Rule 137 are distinct "claims" in the cause of action with which they are connected. *Id.* Specifically, Rule 137

provides that a proceeding under that rule "shall be brought within the civil action in which the pleading, motion, or other document referred to has been filed *** [and] shall be considered a claim within the same civil action." Ill. S. Ct. R. 137(b) (eff. Jan 1, 2018). Accordingly, "filing a Rule 137 motion is the functional equivalent of adding an additional count to a complaint." *John G. Phillips & Associates*, 197 Ill. 2d at 340. "Thus, since a motion for sanctions under Rule 137 is a 'claim,' and a notice of appeal cannot be filed before the trial court has disposed of all claims, a notice of appeal cannot be filed before the trial court has ruled on all Rule 137 motions." *Id.*

¶ 32 Further, even if petitioner were correct that he could abandon his claim for sanctions under Rule 137, the trial court docket shows petitioner filed a separate motion for sanctions pursuant to Rule 137 on January 9, 2026, and respondent filed a request for sanctions on February 4, 2026. Petitioner makes no argument that either of these requests were abandoned, and the docket shows these motions remain pending. Although these motions for sanctions were filed after petitioner's notice of appeal, they nevertheless prevent the court's denial of the plenary order of protection from becoming a final and appealable order until they are ruled upon. See *Davis v. Davis*, 2019 IL App (3d) 170744, ¶ 21 (stating Rule 303(a)(1) prevents a judgment or order from becoming final and appealable while a Rule 137 claim remains pending, "even when a notice of appeal was filed in the same proceeding prior to the filing of the motion for sanctions").

¶ 33 Accordingly, because Rule 137 claims for sanctions remain pending in the trial court, the court's denial of petitioner's petition for a plenary order of protection has not become final and appealable. As a result, this court lacks jurisdiction over this appeal pursuant to Rule 303(a).

¶ 34 Petitioner argues, in the alternative, jurisdiction lies in this court under Illinois Supreme Court Rule 307(a)(1) (eff. Nov. 1, 2017) because "plenary orders of protection qualify"

under that rule. Rule 307(a)(1) provides an appeal may be taken to the appellate court from an interlocutory order "granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction." *Id.* Petitioner is correct that "[a]n order of protection is injunctive in substance." *In re Marriage of Sanchez*, 2018 IL App (1st) 171075, ¶ 34. This is because an order of protection " 'directs a person to refrain from doing something, such as to refrain from entering or residing where he or she lived before the order was entered.' " *Fricke v. Jones*, 2021 IL App (5th) 200044, ¶ 19 (quoting *In re Marriage of Fischer*, 228 Ill. App. 3d 482, 486-87 (1992)). Accordingly, the trial court's denial of a plenary order of protection amounted to an interlocutory order refusing an injunction and therefore was encompassed by Rule 307(a)(1). However, petitioner disregards an appeal pursuant to Rule 307(a)(1) "must be perfected within 30 days from the entry of the interlocutory order." Ill. S. Ct. R. 307(a)(1) (eff. Nov. 1, 2017). Petitioner failed to do so here.

¶ 35 The filing of a timely notice of appeal is both mandatory and jurisdictional. *Swinkle v. Illinois Civil Service Comm'n*, 387 Ill. App. 3d 806, 810 (2009). In this case, the trial court entered an order denying the petition for a plenary order of protection on May 16, 2025. Petitioner, however, did not file his notice of appeal until November 6, 2025, long after the 30-day deadline to file a notice of appeal of an interlocutory order had expired. While the record shows petitioner filed a timely motion to reconsider the court's denial of the plenary order of protection, "[a] motion to reconsider an interlocutory order does not toll the 30-day deadline for filing the notice of appeal" required by Rule 307(a)(1). *In re Marriage of Gabrys*, 2023 IL App (1st) 221763, ¶ 7. As a result, petitioner's November 6, 2025, notice of appeal was untimely and therefore did not confer jurisdiction upon this court pursuant to Rule 307(a)(1).

¶ 36 Consequently, because petitioner does not appeal from a final and appealable order, we conclude Rule 303(a) is not a basis for this court to exercise jurisdiction over this appeal.

Similarly, because petitioner failed to timely file his notice of appeal of the May 16, 2025, interlocutory order denying a plenary order of protection, Rule 307(a)(1) confers no jurisdiction upon this court. Accordingly, we must dismiss the appeal.

¶ 37 III. CONCLUSION

¶ 38 For the reasons stated, we dismiss the appeal.

¶ 39 Appeal dismissed.