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2026 IL App (3d) 240607-U

Order filed October 28, 2026

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2026

DAKOTA DOTSON,	)	Appeal from the Circuit Court
	)	of the 18th Judicial Circuit,
Petitioner-Appellee,	)	Du Page County, Illinois,
	)	
v.	)	Appeal No. 3-24-0607
	)	Circuit No. 20-F-192
	)	
STEVEN MILLER,	)	Honorable
	)	Michael H. Burton,
Respondent-Appellant.	)	Judge, Presiding.

JUSTICE Holdridge delivered the judgment of the court.
Justice Brennan and Justice Bertani concurred in the judgment.

ORDER

- ¶ 1 *Held:* The circuit court had subject-matter jurisdiction over the parentage and support proceeding, and any noncompliance with section 10-10 of the Illinois Public Aid Code did not render its orders void. The court abused its discretion, however, by fixing the contribution award by averaging the parties' proposed figures without determining whether the claimed expenses were reasonable and actually incurred.
- ¶ 2 The respondent, Steven Miller, appeals from the circuit court's order directing him to pay the petitioner, Dakota Dotson, \$4,956.71 as contribution toward the educational, extracurricular, and child care expenses of the parties' minor child. He argues that (1) the circuit court lacked

subject-matter jurisdiction because the Du Page County State’s Attorney brought the support action while, he contends, Dotson resided in Cook County, and (2) the court abused its discretion by setting the contribution amount by averaging the parties’ proposed figures.

¶ 3

I. BACKGROUND

¶ 4

On April 29, 2020, Dotson, who then lived in Roselle in Du Page County, filed a *pro se* petition in the circuit court of Du Page County to establish a parent-child relationship between Miller and the parties’ child. The matter was continued several times without any substantive orders, and on September 16, 2020, it was voluntarily dismissed by agreement of the parties.

¶ 5

On February 26, 2021, Dotson filed a *pro se* motion to vacate the dismissal and to seek support, again listing her Roselle address. In April 2021, the court vacated the dismissal by agreement and granted Dotson leave to amend. On June 14, 2021, the court granted the Du Page County State’s Attorney leave to intervene on behalf of the Illinois Department of Healthcare and Family Services under the federal-state child support enforcement program (Title IV-D of the Social Security Act (42 U.S.C. § 651 *et seq.* (2018))). The next day, the State filed an amended petition to establish a parent-child relationship. Miller answered the amended petition and filed a counter-petition for the establishment of parental responsibilities. On October 4, 2021, the court adjudicated Miller the child’s father and reserved the issue of child support. In November 2021, the court appointed a guardian *ad litem* for the child, and private counsel appeared on Dotson’s behalf.

¶ 6

On March 4, 2022, Miller moved to transfer venue to Cook County. He contended that Dotson and the child had moved to Schaumburg, in Cook County, and he attached documents relating to Dotson’s Schaumburg lease and utilities. Miller withdrew the motion on March 10, 2022, stating that Dotson and the child had returned to Du Page County. In a later filing, the

State informed the court that Dotson had disclosed that she resided in Cook County for a period of time and would return to Du Page County when her lease ended.

¶ 7 In July 2022, Miller moved to dismiss the action for lack of subject-matter jurisdiction, arguing that section 10-10 of the Illinois Public Aid Code (305 ILCS 5/10-10 (West 2020)) required the State's Attorney of the county in which Dotson resided to bring the action and that, because Dotson lived in Cook County when the Du Page County State's Attorney filed the amended petition, the circuit court lacked jurisdiction. The record contains no finding on where Dotson resided at that time, and the court never ruled on that motion.

¶ 8 On July 12, 2022, the court entered an allocation judgment to which the parties had agreed. The allocation judgment provided, in pertinent part, that the parents would share responsibility for significant decisions concerning the child's education, including the choice of school and tutors; that they would jointly make major decisions regarding the child's lessons and extracurricular activities; and that, when either parent would be unavailable to care for the child for six hours or more during his or her parenting time, the other parent would have the right to care for the child before other arrangements were made.

¶ 9 On July 22, 2022, the court entered an agreed order for child support. At a March 6, 2023, hearing, the court declined to hear a separate motion to dismiss the case for lack of service but allowed Miller's counsel to preserve his jurisdictional objection.

¶ 10 On March 22, 2023, Dotson, through counsel, filed an amended motion seeking contribution from Miller toward the child's educational, extracurricular, and child care expenses. The motion proceeded to an evidentiary hearing on October 2, 2024. Dotson testified to the expenses she sought, which included school, extracurricular, tutoring, and child care costs. She testified that she enrolled the child in a child care and tutoring program without consulting

Miller. On cross-examination, Miller’s counsel questioned the reasonableness of particular purchases, including the purchase of a second water bottle, which Miller contended was bought only because the child wanted it.

¶ 11 In closing, Dotson’s counsel asked the court to order Miller to pay a total that appears in the transcript as both “\$5,234.92” and “\$7,524.92.” Miller argued that the child care and tutoring expenses should be excluded entirely because Dotson incurred them unilaterally, without the joint decision-making the allocation judgment required, without mediation, and without affording him the right to care for the child. He argued that some of the claimed expenses were incurred before March 22, 2023, that the parties had agreed such expenses were not recoverable, and that certain items were not reasonable. Miller proposed that, if the court allowed the disputed expenses at all, his contribution should be \$4,518.49.

¶ 12 The court announced its ruling from the bench, awarding Dotson \$4,956.71. In describing its reasoning, the court stated that it “took the average of what petitioner is asking for and what the respondent is asking for and *** split the difference.” The court made no findings as to whether any particular expense was actually incurred, was reasonable, or was properly chargeable to Miller. The written order entered on October 3, 2024, directed Miller to pay \$4,956.74 within 30 days. That figure differs by three cents from the \$4,956.71 announced from the bench. The order further provided that Dotson would submit the child’s expenses at the end of each month going forward and that Miller would reimburse those expenses within 14 days. Miller filed a timely notice of appeal on October 17, 2024.

¶ 13 II. ANALYSIS

¶ 14 Dotson notified this court that she would not file an appellee’s brief. Because the record is simple and the claimed errors are such that we can easily decide them without the aid of an

appellee’s brief, we will decide the merits of the appeal. *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 15 On appeal, Miller argues that the court (1) lacked subject-matter jurisdiction because the child support petition was filed while, he contends, Dotson resided in Cook County, and (2) abused its discretion when it calculated Miller’s contribution by averaging the parties’ requests for relief. We address each issue in turn.

¶ 16 Whether the circuit court possessed subject-matter jurisdiction is a question of law, which we review *de novo*. *In re Luis R.*, 239 Ill. 2d 295, 299 (2010). Lack of subject-matter jurisdiction “is not subject to waiver” and “cannot be cured through consent of the parties” (*People v. Flowers*, 208 Ill. 2d 291, 303 (2003)), so we address Miller’s argument even though the circuit court never ruled on his motion to dismiss and Miller agreed to the allocation judgment and the support order.

¶ 17 Except for the power to review administrative action, a circuit court’s subject-matter jurisdiction is conferred entirely by our state constitution and extends to all “justiciable matters.” Ill. Const. 1970, art. VI, § 9; *Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325, 334-35 (2002). Our supreme court has rejected the view that the legislature may impose nonwaivable conditions precedent to the exercise of that jurisdiction, holding that “[o]nly in the area of administrative review is the court’s power to adjudicate controlled by the legislature.” *Id.* at 335-36. Accordingly, “the failure to comply with a statutory requirement or prerequisite does not negate the circuit court’s subject matter jurisdiction.” *LVNV Funding, LLC v. Trice*, 2015 IL 116129, ¶ 37.

¶ 18 Miller’s reliance on the doctrine of “special statutory jurisdiction” is misplaced. That doctrine applies only when a court reviews an administrative decision under statutory review

procedures. *Ontiveroz v. Khokhar*, 2025 IL 130316, ¶ 23. The 1970 Constitution “expanded the jurisdiction of the circuit courts to cover statutory causes of action, even where the plaintiff had not complied with all statutory requirements—except in cases involving review of ‘administrative action.’ ” *Id.* ¶ 31. Miller argues that the State’s Attorney performs an administrative function when enforcing support under Title IV-D, but the circuit court here was not reviewing any decision of the Department or of the State’s Attorney. It was adjudicating parentage, parental responsibilities, and support in an action between parties, one of which was the State. A proceeding to establish parentage and support is an original judicial adjudication of a justiciable matter, not review of executive-branch action. The circuit courts of this state have the power to hear and determine issues pertaining to parentage and child support and therefore possess subject-matter jurisdiction over such matters. See *McCormick v. Robertson*, 2015 IL 118230, ¶¶ 20-21.

¶ 19 The county-of-residence direction in section 10-10 is therefore not a limit on the court’s constitutionally conferred jurisdiction. A statutory requirement of that kind is properly understood as a procedural limit on when or where the court may hear a matter, not a precondition to the exercise of the court’s inherent authority. *Id.* ¶ 27. Noncompliance with such a requirement, if timely raised, may warrant dismissal or reversal, but it does not deprive the circuit court of jurisdiction, and the resulting judgment is not void. *LVNV Funding*, 2015 IL 116129, ¶¶ 39-40.

¶ 20 In any event, the order at issue does not rest on the State’s pleading. Dotson herself invoked the court’s jurisdiction in 2020, when, by Miller’s own account, she lived in Du Page County. Miller sought affirmative relief through his counter-petition, and the contribution award was entered on Dotson’s own motion. Because the circuit court had subject-matter jurisdiction

throughout, we need not resolve the parties’ dispute over where Dotson lived when the State intervened. The court’s orders are not void.

¶ 21 A circuit court’s decision whether, and in what amount, to order a parent to contribute to a child’s school, extracurricular, and child care expenses is reviewed for an abuse of discretion. *In re Marriage of Hamilton*, 2019 IL App (5th) 170295, ¶ 30. To the extent Miller contends that review is *de novo*, that standard governs only the construction of the statute, not the discretionary determination of the amount. *Id.* ¶ 23.

¶ 22 Section 505 authorizes contribution only to “the reasonable school and extracurricular activity expenses incurred” (750 ILCS 5/505(a)(3.6) (West 2022)) and to reasonable child care expenses, defined as “actual expenses reasonably necessary” to enable a parent to work, attend training, or seek employment, with the award to be based on actual child care expenses (*id.* § 505(a)(3.7)). A court may order a parent to contribute only to expenses it finds to be reasonable, and where the court fails to exercise its discretion, including by failing to consider whether the claimed expenses are reasonable, its decision must be reversed. *Hamilton*, 2019 IL App (5th) 170295, ¶¶ 30-31.

¶ 23 Here, the circuit court did not determine whether the claimed expenses were reasonable or actually incurred. Instead, it fixed the award by taking the average of the parties’ proposed totals and “split[ting] the difference.” Miller had squarely placed reasonableness and incurrence in issue. He argued that the child care and tutoring expenses were incurred unilaterally, contrary to the joint decision-making and right-of-first-refusal provisions of the allocation judgment. He further argued that some expenses predated the period he contended the parties had agreed was recoverable and that particular items, such as the second water bottle, were not reasonable. By averaging the parties’ competing totals, the court resolved none of those disputes and made no

finding that the underlying expenses were reasonable and incurred, as section 505 requires. That is an abuse of discretion. *Hamilton*, 2019 IL App (5th) 170295, ¶ 31.

¶ 24 The record underscores the problem. Dotson’s requested total appears as two different figures, \$5,234.92 and \$7,524.92. Averaging either figure with Miller’s suggested total, \$4,518.49, does not produce \$4,956.71. We cannot determine from this record which expenses the award covers or why.

¶ 25 We express no view on the proper amount of contribution, if any, or on how the allocation judgment bears on particular expenses. On remand, the circuit court must determine whether all or some portion of the claimed expenses were actually incurred, are reasonable, and are otherwise properly chargeable to Miller. See *id.*

¶ 26 III. CONCLUSION

¶ 27 The judgment of the circuit court of Du Page County is affirmed as to subject-matter jurisdiction and reversed as to the determination of the contribution amount. The cause is remanded for further proceedings consistent with this order.

¶ 28 Affirmed in part and reversed in part; cause remanded.