

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).

2025 IL App (4th) 241004-U

NO. 4-24-1004

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
February 28, 2025
Carla Bender
4th District Appellate
Court, IL

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| THE ILLINOIS DEPARTMENT ON AGING ADULT |) | Appeal from the |
| PROTECTIVE SERVICES, |) | Circuit Court of |
| Petitioner-Appellee, |) | Winnebago County |
| v. |) | No. 22OP920 |
| WILLIAM H. HALE JR., |) | |
| Respondent-Appellant. |) | Honorable |
| |) | Donald P. Shriver, |
| |) | Judge Presiding. |

PRESIDING JUSTICE HARRIS delivered the judgment of the court.
Justices Knecht and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court’s issuance of a plenary order of protection against respondent is affirmed where respondent (1) forfeited his claims of error on review due to his noncompliance with Illinois Supreme Court Rule 341(h) (eff. Oct. 1, 2020) and (2) failed to present a complete record of the underlying proceedings.

¶ 2 In April 2022, petitioner, the Illinois Department on Aging Adult Protective Services, petitioned for an order of protection on behalf of Carol J. Hale against her son, respondent William H. Hale Jr. In June 2024, the trial court granted the petition and entered a plenary order of protection. Respondent appeals *pro se* the court’s order. We affirm.

¶ 3 I. BACKGROUND

¶ 4 On April 29, 2022, petitioner filed a petition for an order of protection on behalf of Carol, alleging she was a high-risk adult in need of protection from respondent. According to the petition, respondent resided with Carol and his sister Suzanne in Carol’s home and was financially

dependent upon Carol. Petitioner alleged Carol's family members believed respondent was verbally and emotionally abusive to Carol and Suzanne and that he had financially exploited Carol. Petitioner asserted respondent stole large sums of money from Carol "to finance his gambling and on-line relationships with Russian and Ukra[i]nian women," was suspected to have obtained loans and credit cards in the names of both Carol and his deceased father, eavesdropped on Carol's and Suzanne's phone conversations and communications with others, and used Carol's Social Security money to retain counsel to initiate guardianship proceedings against her.

¶ 5 The same day the petition was filed, the trial court issued an emergency order of protection, ordering respondent to stay away from Carol and her residence. On May 23 and 27, 2022, the court conducted hearings on whether to issue a plenary order of protection. Ultimately, the matter was continued several times, and the emergency order was repeatedly extended. Docket entries indicate that on June 14 and 21, 2024, the court conducted additional plenary hearings on the petition for an order of protection. On June 21, 2024, the court granted the petition, issuing a plenary order of protection in Carol's favor against respondent. Although the appellate record includes transcripts for the two May 2022 plenary hearings, it does not contain a transcript of any other hearing in the case, including the final plenary hearings in June 2024.

¶ 6 This appeal followed.

¶ 7 II. ANALYSIS

¶ 8 On appeal, respondent challenges the trial court's issuance of the plenary order of protection. Initially, we note petitioner has elected not to file an appellee's brief. Regarding such circumstances, our supreme court has stated as follows:

"We do not feel that a court of review should be compelled to serve as an advocate for the appellee or that it should be required to search the record for the

purpose of sustaining the judgment of the trial court. It may, however, if justice requires, do so. Also, it seems that if the record is simple and the claimed errors are such that the court can easily decide them without the aid of an appellee's brief, the court of review should decide the merits of the appeal. In other cases if the appellant's brief demonstrates *prima facie* reversible error and the contentions of the brief find support in the record the judgment of the trial court may be reversed.” *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

In this instance, we find the record is simple and the matter easily decided without the aid of an appellee's brief.

¶ 9 Here, respondent alleges he received ineffective assistance of counsel in the underlying proceedings. He also contends that in entering the plenary order of protection, the trial court made “[n]umerous errors of fact and judgment,” erred in “declaring” that he was “a fiduciary to [his] parents,” erred in granting the petition when no evidence was presented to sustain the allegations against him, and failed “to protect [his] constitutional rights.” However, respondent cannot establish his entitlement to relief on appeal as he both (1) forfeited his claims of error by presenting a deficient appellant's brief and (2) failed to present a sufficiently complete record of the underlying proceedings.

¶ 10 Illinois Supreme Court Rule 341 (eff. Oct. 1, 2020) sets forth the requirements for appellate court briefs. Under the rule, an appellant's brief must include a statement of facts with “the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal.” Ill. S. Ct. R. 341(h)(6) (eff. Oct. 1, 2020). An appellant's brief must also contain an argument section that sets

forth “the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on.” Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020).

¶ 11 “Reviewing courts are not depositories where litigants may dump the burden of argument and research,” and, instead, “courts are entitled to have the issues clearly defined and a cohesive legal argument presented.” *Alms v. Peoria County Election Comm’n*, 2022 IL App (4th) 220976, ¶ 28. A claim of error that is not properly developed and supported is forfeited on review. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020) (Points not argued in the appellant’s brief “are forfeited and shall not be raised in the reply brief, in oral argument, or on petition for rehearing.”); *People v. Aljohani*, 2022 IL 127037, ¶ 61 (finding Rule 341(h)(7) “requires an appellant to adequately develop his argument with citation of relevant authority” and that the failure to do so results in forfeiture of the issue). “The fact that a party appears *pro se* does not relieve that party from complying as nearly as possible to the Illinois Supreme Court Rules for practice before this court.” *Voris v. Voris*, 2011 IL App (1st) 103814, ¶ 8.

¶ 12 Here, to present his claimed errors, respondent used a preprinted form appellant’s brief approved by the Illinois Supreme Court. He also supplemented his brief with a 34-page document discussing the reasons for his appeal. However, neither submission was compliant with the requirements of Rule 341(h). Respondent’s form brief includes no clear statement of facts with the details necessary to an understanding of his case and supporting citations. His form brief further set forth only bare contentions of error, without any developed argument or citations to relevant legal authority to support his claims. Respondent’s 34-page document similarly contains no clearly defined statement of facts. It provides a rambling account of respondent’s alleged errors in the case, presenting numerous assertions of fact without corresponding citations to the appellate record. Significantly, like with his form brief, respondent’s 34-page supplement is completely

devoid of *any* citation to relevant legal authority. Given such circumstances, we find defendant has forfeited his claimed errors for purposes of review.

¶ 13 Moreover, even absent forfeiture, we note that respondent has presented an incomplete record on appeal.

“[A]n appellant has the burden to present a sufficiently complete record of the 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 that arise due to the incompleteness of the record must be resolved against the appellant. *Id.* at 392.

¶ 14 In this case, respondent’s claimed errors concern the trial court’s issuance of the plenary order of protection against him. The record shows the court conducted hearings to determine whether to issue that order in May 2022 and June 2024. Although the record contains transcripts of the May 2022 hearings, it does not contain any transcript of the June 2024 hearings, when the court ultimately granted the plenary order. Thus, the appellate record does not show what occurred during the June 2024 hearings, including the evidence presented at the hearings, the parties’ arguments, or the court’s stated rationale for its decision. Because respondent failed to supply a complete record, he cannot demonstrate the occurrence of any error, and we must presume the court’s issuance of the plenary order of protection conformed with the law and had a sufficient factual basis.

¶ 15 III. CONCLUSION

¶ 16 For the reasons stated, we affirm the trial court’s judgment.

¶ 17

Affirmed.