

2026 IL App (1st) 251558-U

No. 1-25-1558

Filed September 23, 2026

Third Division

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

IN RE ESTATE of PAUL LITTLE, a Disabled	)	Appeal from the
Person,	)	Circuit Court of
	)	Cook County.
	)	
(Darnell Little, Petitioner-Appellant.)	)	No. 22 P 8644
	)	
	)	Honorable
	)	Jesse Outlaw,
	)	Judge, presiding.

JUSTICE MARTIN delivered the judgment of the court.
Presiding Justice Quish and Justice Rochford concurred in the judgment.

ORDER

- ¶ 1 *Held:* Denial of motion to dismiss guardianship was not an appealable order.
- ¶ 2 Darnell Little appeals the circuit court's denial of his motion to dismiss the guardianship estate of Darnell's brother, Paul Little. We dismiss the appeal for lack of appellate jurisdiction.
- ¶ 3 Darnell was appointed Paul's temporary guardian in December 2022. In a July 2023 hearing, the court found that the statutory requirements were met to appoint Darnell as Paul's plenary guardian. Darnell's counsel submitted a proposed written order for the appointment, but a copy signed by the court was not entered on the record.

¶ 4 Paul passed away on August 15, 2023. A decedent's estate was opened for Paul and Darnell was appointed the independent administrator.

¶ 5 The court entered a signed order appointing Darnell as Paul's plenary guardian on January 17, 2024, some five months after Paul's death. The order did not indicate whether it applied retroactively. In other words, the order did not state that it was entered *nunc pro tunc* to memorialize the court's oral appointment in July 2023.

¶ 6 Darnell filed an accounting of receipts and expenditures on behalf of Paul's guardianship estate in March 2024. In subsequent proceedings, the court indicated the accounting failed to conform with certain requirements. An amended accounting was filed in July 2024.

¶ 7 In January 2025, the court ordered Darnell's counsel to request that the surety of the guardianship bond submit a stated accounting.

¶ 8 On May 27, 2025, Darnell filed a "Motion to spread of record the fact that this Court has lost jurisdiction and for an order of dismissal." The motion stated that a decedent's estate was opened for Paul and Darnell had been appointed as independent administrator. Darnell asserted that his guardianship ceased upon Paul's death and requested the matter be dismissed.

¶ 9 At a July 31, 2025 hearing, Darnell's counsel requested that the court dismiss the case since Darnell's plenary guardianship appointment occurred after Paul's death. The court advised counsel that no proper accounting had been presented and, until such accounting was approved, the case could not be dismissed. Thus, the court denied the motion to dismiss and continued the matter to September 30, 2025, for a stated final account to be submitted.

¶ 10 Darnell filed a notice of appeal on August 11, 2025, challenging the court's denial of his motion to dismiss.

¶ 11 Darnell filed a brief in this court. Since there is no appellee, we took the case for consideration only on Darnell’s brief and the record. Darnell did not request oral argument.

¶ 12 We are obliged to consider our jurisdiction independently. *DiFranco v. Fallon*, 2023 IL App (1st) 220785, ¶ 38. The Illinois Constitution confers on the appellate court jurisdiction to hear appeals from final judgments or orders entered by the circuit court. *People v. Shinaul*, 2017 IL 120162, ¶ 10; Ill. Const. 1970, art. VI, § 6. A final order “may be one ‘which finally determines all the issues presented by the pleadings’ or one which constitutes a ‘final determination of a collateral matter, distinct from the general subject of the litigation, but which, as between the parties to the particular issue, settles the rights of the parties.’” *People v. Seymore*, 2023 IL 131564, ¶ 26 (quoting *Brauer Machine & Supply Co. v. Parkhill Truck Co.*, 383 Ill. 569, 574-75 (1943)).

¶ 13 Darnell’s brief asserts that we have jurisdiction to hear his appeal pursuant to Illinois Supreme Court Rule 303 (eff. July 1, 2017). Rule 303, however, pertains only to final orders entered in the circuit court. Darnell appears to argue that the matter is final, contending that the circuit court lost jurisdiction upon Paul’s death.

¶ 14 “The general rule is that, upon the ward’s death, both the guardianship and the trial court’s jurisdiction to supervise the ward’s estate necessarily terminate.” *In re Estate of Gebis*, 186 Ill. 2d 188, 193 (1999). The circuit court, however, retains jurisdiction after the ward’s death when “the relief requested is well within the purview of the guardianship court to grant.” *In re Estate of Barth*, 339 Ill. App. 3d 651, 660 (2003).

¶ 15 The Probate Act of 1975 requires the representative of a ward’s estate to present a verified account of his administration “within 30 days after the termination of his office or such further time as the court allows.” 755 ILCS 5/24-11(a) (West 2024). Thus, it is within the court’s purview to ensure that the representative submits a correct accounting. See *Altieri v. Estate of Snyder*, 262

Ill. App. 3d 427, 438-39 (1992) (finding that the guardianship court properly exercised jurisdiction to adjudicate objections to the guardian's accounting after the ward's death); see also *In re Estate of Ramlose*, 344 Ill. App. 3d 564, 572 (2003) (finding that the guardianship court retained jurisdiction to enforce its prior orders after the ward's death).

¶ 16 Here, the trial court's order to submit a final accounting was within its jurisdiction. And as the matter remains pending, the order denying Darnell's motion to dismiss is not final and appealable.

¶ 17 This court has no jurisdiction to review a nonfinal order unless authorized by supreme court rules. *Hawes v. Luhr Brothers, Inc.*, 212 Ill. 2d 93, 106 (2004). Illinois Supreme Court Rule 306(a) (eff. Oct. 1, 2020) provides only two situations in which a party can seek interlocutory relief from an order denying a motion to dismiss: (1) a motion involving *forum non conveniens* and (2) a motion challenging personal jurisdiction in the courts of Illinois. *Denis v. P & L Campbell, Inc.*, 348 Ill. App. 3d 391, 394 (2004) (citing Ill. S. Ct. R. 306(a)(2), (3) (eff. Oct. 1, 2020)).¹ Neither of those circumstances are present here.

¶ 18 Thus, we find that we lack jurisdiction to review the circuit court's denial of Darnell's motion to dismiss. Accordingly, we must dismiss this appeal.

¶ 19 Appeal dismissed.

¹A party must first obtain leave from the appellate court to appeal such matters. Ill. S. Ct. R. 306(a) (eff. Oct. 1, 2020).