

Order filed September 30, 2026

FOURTH 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 JUDICIAL DISTRICT

CATHERINE BROWN,	)	Appeal from the
	)	Circuit Court of Cook County,
Petitioner-Appellant,	)	Domestic Relations Division.
	)	
v.	)	No. 2013 D 003525
	)	
KEVIN JONES,	)	Honorable
	)	Regina A. Scannicchio,
Respondent-Appellee.	)	Patricia M. Fallon,
	)	Judges, presiding.

JUSTICE MITCHELL delivered the judgment of the court.
Presiding Justice Lyle and Justice Ocasio concurred in the judgment.

ORDER

- ¶ 1 Held: The circuit court's denial of the motion for child support arrearage is affirmed where petitioner-appellant failed to provide a sufficient record on appeal.
- ¶ 2 In this child-support case, the circuit court denied petitioner Catherine Brown's motion seeking to collect child support from respondent Kevin Jones. The principal issue presented is whether the circuit court abused its discretion in denying that motion. For the following reasons, we affirm.

¶ 3

I. BACKGROUND

¶ 4 The circuit court of Cook County entered a judgment for the dissolution of marriage between petitioner and respondent on June 20, 2013. Respondent did not appear because he was detained in Cook County jail. The circuit court terminated the marriage and found that minor children Georgia (born October 11, 2004) and Treasure (born November 17, 2011) were children of the marriage. The circuit court ordered respondent to pay child support in the amount of 28% of his future net income. The circuit court did not set child support as a specific dollar amount.

¶ 5 Over eleven years later, in October 2024, petitioner filed a motion seeking to collect child support from respondent for Georgia and Treasure. Respondent filed a petition under section 2-1401 to modify the child support, and he alleged that he was not the father of Georgia. 735 ILCS 5/2-1401 (West 2024). The circuit court denied respondent's motion and set the matter for a hearing concerning child-support arrearage.

¶ 6 The parties participated in an evidentiary hearing with a hearing officer. On December 29, 2025, the circuit court held a hearing concerning the child-support matter. The parties appeared *pro se*. Petitioner did not provide a report of proceedings or bystander's report. The circuit court subsequently entered a written order denying petitioner's motion for child support.

¶ 7 In its written order, the circuit court noted that it had reviewed court records and discovered that petitioner had previously initiated another dissolution proceeding involving Daryl Walker. In that proceeding, petitioner had identified a child named Georgia Kavina Walker, born October 11, 2004, as a child of that marriage. The circuit court noted that petitioner had therefore "disingenuously filed" to recover child support in two different cases from two different men concerning the *same* child. Further, the circuit court concluded that *laches* barred petitioner's

motion and that the absence of a child-support order stating a specific dollar amount precluded relief.

¶ 8 The circuit court denied petitioner's motion to reconsider, and this timely appeal followed. Ill. S. Ct. R. 303 (eff. July 1, 2017).

¶ 9 II. ANALYSIS

¶ 10 Petitioner argues that the circuit court abused its discretion in denying her motion for child support because respondent remained obligated under the 2013 dissolution judgment to pay child support for Georgia and Treasure. She further argues that the circuit court improperly disregarded the parentage determination contained in the 2013 dissolution judgment, improperly applied *laches*, and erroneously concluded that the support order was unenforceable because it stated support as a percentage of income rather than a specific dollar amount. Respondent argues that petitioner has failed to provide a sufficient record to establish an abuse of discretion, and, in any event, the circuit court's ruling was legally correct. We review a circuit court order denying child support for an abuse of discretion. *In re Marriage of Tietz*, 238 Ill. App. 3d 965, 978 (1992).

¶ 11 An appellant has the burden of presenting a sufficiently complete record of the proceedings to support a claim of error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). In the absence of a sufficiently complete record, a reviewing court will presume that the circuit court's order conformed to the law and had a sufficient factual basis. *Id.* Any doubts arising from an incomplete record will be resolved against the appellant. *Id.* at 392.

¶ 12 That rule is particularly important here. Petitioner challenges the circuit court's disposition of a motion for child support following a hearing concerning respondent's alleged failure to pay child support. But petitioner has not provided a report of proceedings or bystander's report from

that hearing. We therefore do not know what evidence was introduced, what arguments the parties made, what questions the circuit court considered, or what reasoning led the circuit court to deny the motion.

¶ 13 Significantly, the written order does not establish that the circuit court made a new adjudication of parentage. Rather, the order states that the court reviewed other court records and noted that petitioner had sought a child-support order from another man concerning a child with the same name and date of birth as Georgia. The court then denied the motion for child support; but the original adjudication of parentage stands.

¶ 14 On this record, we do not know the basis of the circuit court's ruling. We do not know if there was a complete failure of proof. The circuit court could have concluded that petitioner had failed to establish respondent's obligation to pay the claimed amount, or that there was some other evidentiary or legal deficiency that supported the denial. The absence of a report of proceedings prevents us from determining whether the circuit court abused its discretion.

¶ 15 Nor can we assume, merely from the court's reference to the prior proceeding, that the circuit court purported to vacate or collaterally attack the parentage determination contained in the 2013 dissolution judgment. The written order does not state that the court vacated that judgment, adjudicated Georgia's parentage anew, or determined that respondent was not Georgia's legal parent. Such conclusions would require us to speculate about what occurred at the hearing. We decline to do so. A reviewing court is not permitted to reverse a circuit court based on speculation concerning proceedings that are not contained in the record. See *Foutch*, 99 Ill. 2d at 391-92.

¶ 16 The existence of the 2013 dissolution judgment does not alter this result. To be sure, Illinois law recognizes that a parentage determination contained in a dissolution judgment has legal effect.

See *In re Marriage of Klebs*, 196 Ill. App. 3d 472, 480 (1990). The current Illinois Parentage Act likewise provides that, in a dissolution proceeding, a final order that identifies a child as a child of the marriage or provides for the child's support may constitute an adjudication of parentage. 750 ILCS 46/621(c) (West Supp. 2025). The Act further provides that a party to an adjudication of parentage may challenge that adjudication only under the laws governing appeal, vacation of judgments, or other judicial review. *Id.* § 621(e).

¶ 17 But those principles do not establish what the circuit court actually decided in this case. The question before us is not whether a circuit court could lawfully vacate the 2013 parentage adjudication in an appropriate proceeding. The question is whether this record demonstrates that the circuit court did so, or otherwise committed reversible error, when it denied petitioner's motion for child support. Because the report of proceedings is absent, the record does not permit us to answer that question.

¶ 18 Petitioner argues that the circuit court necessarily erred because the 2013 dissolution judgment established respondent's obligation to support Georgia and Treasure. But even assuming that the 2013 judgment established that obligation, petitioner still bears the burden of demonstrating that the circuit court abused its discretion in denying the particular relief sought in the motion for child support. Without the report of proceedings or bystander's report, we cannot determine whether petitioner established the factual predicates necessary for the relief requested or whether the circuit court rejected the petition on a permissible evidentiary or procedural ground. Accordingly, we presume that the circuit court acted in conformity with the law and had a sufficient factual basis for its decision. *Foutch*, 99 Ill. 2d at 391-92.

¶ 19 Petitioner separately argues that the circuit court erred in finding that her claim was barred

by *laches*. *Laches* is an equitable doctrine that may bar relief when a party has unreasonably delayed asserting a claim and the delay has prejudiced the opposing party. *In re Marriage of Smith*, 347 Ill. App. 3d 395, 401 (2004). Courts have acknowledged *laches* as a defense to child support arrearages, but its application to bar recovery is uncommon. See *Matter of Estate of Bowman*, 140 Ill. App. 3d 976, 979 (1986) (agreeing with petitioner that “the majority of Illinois courts have rejected the *laches* defense in support arrearage cases because in such cases the court found generally that the defendants would not suffer injury or prejudice as a result of the delay” before barring recovery on a more than 50-year-old order from a deceased respondent).

¶ 20 But again, the absence of a report of proceedings prevents meaningful review of the circuit court’s determination. We do not know what evidence concerning delay or prejudice was presented, what arguments were made, or the precise basis on which the circuit court concluded that *laches* applied.

¶ 21 Petitioner also argues that the circuit court erred in concluding that she could not obtain relief because the 2013 child-support order stated support as 28% of respondent’s future net income rather than as a specific dollar amount. Section 505(a)(5) of the Illinois Marriage and Dissolution of Marriage Act generally requires a final child-support order to state the support level in dollar amounts. 750 ILCS 5/505(a)(5) (West 2012). But the Illinois Supreme Court has held that a child-support order expressed as a percentage of income in violation of that statutory requirement is erroneous, not void, where the circuit court had jurisdiction over the parties and subject matter. *In re Marriage of Mitchell*, 181 Ill. 2d 169, 174-75 (1998).

¶ 22 In *Mitchell*, the supreme court held that the percentage-based support provision was voidable rather than void and therefore was not subject to collateral attack. *Id.* at 175; see also *In re Marriage of Baumgartner*, 384 Ill. App. 3d 39, 45 (2008).

¶ 23 Thus, to the extent the circuit court's written order can be understood as concluding that the 2013 support order was void solely because it expressed support as a percentage of income, that conclusion would be inconsistent with *Mitchell*. But the absence of a report of proceedings again limits our review. The written order does not tell us whether the circuit court actually held that the 2013 order was void, whether it merely concluded that petitioner failed to establish an enforceable amount of arrearage, or whether the reference to the absence of a specific dollar amount was an alternative ground for denying the motion.

¶ 24 III. CONCLUSION

¶ 25 For these reasons, we affirm the judgment of the circuit court.

¶ 26 Affirmed.