

No. 1-12-0568

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

JAMES T. STRUCK,)	Appeal from
)	the Circuit Court
Plaintiff-Appellant,)	of Cook County.
)	
v.)	No. 86 P 4029
)	
ILLINOIS STATE GUARDIAN,)	Honorable
)	Carolyn Quinn,
Defendant- Appellee.)	Judge Presiding.

PRESIDING JUSTICE QUINN delivered the judgment of the court.
Justices Cunningham and Harris concurred in the judgment.

ORDER

- ¶ 1 *Held:* The circuit court's order denying appellant's request to restore his mother is affirmed.
- ¶ 2 James Struck (James) appeals from the February 17, 2012 order of the circuit court denying his request to restore his mother, Janie Struck (Janie), who had been adjudicated a disabled adult in 1986. James has filed 16 appeals in this court relating to Janie's guardianship. The lengthy history of the litigation generated by James was spelled out in this court's opinion in

1-12-0568

Struck v. Cook County Public Guardian, 387 Ill. App. 3d 867 (2008). We also addressed James' appeal of a circuit court's order denying his request to restore his mother in 2011 IL App (1st) 111337-U (Nov. 22, 2011).

¶ 3 In the instant case, James filed a motion in the circuit court seeking the restoration of Janie, to allow Janie to live with James, and to order Janie's current guardian to pay James for funds James allegedly expended on his mother in the past. The motion consisted of two pages of argument and four pages of xeroxed federal statutes, including statutes forbidding burning down churches, prohibiting the obstruction of abortion clinics, and forbidding the use of explosives during the commission of a felony. Also attached was one page of photographs. Under a heading titled "Jane is able to care for self - Should Be Restored Evidence," there are the following sentences:

"See just photos, ignore the writing in the corners if that bothers you, in stricken document, look at Jane's poetry on Exhibit A, Exhibit B which show ability to care for self. Jane was poet, piano player, secretary, seamstress, typist, model, fashion modeled at the 1958 Atomium, modeled for Marshall Field's, worked for Baker McKenzie, Clويدt Geilow and Dudley, had 3 children, graduated from Queen of All Saints, St. Scholastica, Loyola/Mundelin College. She won Safety driver's award, designs floral bouquets, uses interesting language like "I am from Heaven" reminding us of our place in the Universe."

¶ 4 On February 17, 2012, the circuit court entered the following order: "(1) The motion is stricken, in part, for lack of standing to challenge guardian's decisions concerning the ward's

1-12-0568

living arrangements and medical treatment; (2) the motion seeking restoration is denied, pursuant to 755 ILCS 5/11a-20; and (3) the petitioner may not file or seek requests for revocation, restoration, return home, or challenge to the ward's residence or medical treatment for a period of one year, petitioner having repeatedly filed such requests in the circuit and appellate courts during the course of this litigation."

¶ 5 James filed his notice of appeal of the court's order later on February 17, 2012. The order denying James' petition for restoration is appealable pursuant to Supreme Court Rule 304(b)(1) (210 Ill. 2d R. 304(b)(1)). See *Struck v. Cook County Public Guardian*, 387 Ill. App. 3d at 876. As explained in *Struck*, James did not have standing to challenge the guardian's decisions concerning Janie's living arrangements, medical treatment or visitation against the guardian's wishes. *Struck v. Cook County Public Guardian*, 387 Ill. App. 3d at 879.

¶ 6 Pursuant to this court's order, no brief has been filed in response, therefore we will consider the appeal pursuant to the principles set forth in *First Capital Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 131-33 (1976).

¶ 7 In his docketing statement, under ¶ 9 which provides, "State the general issues proposed to be raised," James wrote a lengthy recitation of his disqualification from a college debate in 1986.

¶ 8 As in his prior appeals, James' brief is glowingly deficient. In his "Statement of Facts," James wrote "Numerous photographs, letters, poetry, documents show Jane Francis Back Struck can care for herself. C787, C791, C800-C806, C812-C815, and in numerous other filings in all four volumes of Record on Appeal." This is the entire recitation of facts provided to this court.

1-12-0568

¶ 9 In his brief, James argues, "I should be granted a law degree based on apprenticeship work as I did far more court filings and arguments than many law school students as well." James' brief contains one and one-half pages of argument as to why he should be granted a law degree, but only one sentence of facts relating to Janie's restoration. James' expressed desire to be "granted" a law degree may explain the volume of the litigation he has filed. James also asserts in his brief that he is a write-in candidate for president or "co-president" of the United States.

¶ 10 In spite of the inadequacy of James' brief, we choose to address his appeal on the merits as the issues are simple and the record is sufficient for us to address the issues.

¶ 11 Janie was adjudicated a disabled person under the Probate Act in 1986. A disabled person is viewed as "a favored person in the eyes of the law" and is entitled to vigilant protection. *In re Estate of Wellman*, 174 Ill. 2d 335, 348 (1996). "Once a person is adjudicated disabled, that person remains under the jurisdiction of the court, even when a plenary guardian of the person has been appointed. The court has a duty to judicially interfere and protect the ward if the guardian is about to do anything that would cause harm. To fulfill this duty, the court's authority is not limited to express statutory terms." *In re Mark W.*, 228 Ill. 2d 365, 375 (2008) (internal citations omitted).

¶ 12 Section 5/11a-20 of the Probate Act provides in relevant part:

"Termination of adjudication of disability—revocation of letters—modification. § 11a-20. Termination of adjudication of disability—revocation of letters—modification. (a) Upon the filing of a petition by or on

1-12-0568

behalf of a disabled person or on its own motion, the court may terminate the adjudication of disability of the ward, revoke the letters of guardianship of the estate or person, or both, or modify the duties of the guardian if the ward's capacity to perform the tasks necessary for the care of his person or the management of his estate has been demonstrated by clear and convincing evidence. A report or testimony by a licensed physician is not a prerequisite for termination, revocation or modification of a guardianship order. 755 ILCS 5/11a-20 (West 2010).

¶ 13 The question of Janie's mental disability was "a uniquely factual question for the trial court, whose findings will not be disturbed on review unless they are against the manifest weight of the evidence." *In re Estate of Wellman*, 174 Ill. 2d at 349.

¶ 14 In the instant case, the circuit court reviewed the documents filed by James in support of his request that Janie be restored. The circuit court correctly found that the petition's contents are "incomprehensible" and that James provided no factual basis to restore Janie.

¶ 15 Based on the record before this court we affirm the February 17, 2012 order of the circuit court in all respects.

¶ 16 Pursuant to our holding in *Struck v. Cook County Public Guardian*, 387 Ill. App. 3d at 874, we enter an order prohibiting James from filing any notice of appeal except from a final order of the circuit court, in compliance with Supreme Court Rules 301, 303 and 304. Further, James is prohibited from filing any motions seeking any form of relief other than for extensions of time or for waiver of fees during the pendency of any properly filed appeal. The Office of the Clerk of the First District Appellate Court is directed to return to James any papers he attempts to

1-12-0568

file which do not meet with these requirements.

¶ 17 The circuit court's order denying James' request to restore his mother and striking all other requests is affirmed.

¶ 18 Affirmed.