2019 IL App (1st) 172408-U

No. 1-17-2408

June 26, 2019

Third Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

THE DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES *ex rel.* ANASTASIA BATTEAST,	)	Appeal from the Circuit Court of Cook County.
Petitioner-Appellee,	)	No. 98 D 57636
v.	)	Honorable Jean M. Cocozza and Jeanne Cleveland Bernstein, Judges Presiding.
KEVIN LEE AMOS,	)	
Respondent-Appellant.	)	

JUSTICE HOWSE delivered the judgment of the court.
Presiding Justice Fitzgerald Smith and Justice Ellis concurred in the judgment.

ORDER

¶ 1 *Held*: Circuit court's judgment entering the amount of interest owed by respondent on his child support arrearage, and denying respondent's motion to vacate that order, affirmed where respondent failed to provide a sufficient record to show that the circuit court erred in entering judgment.

¶ 2 Respondent Kevin Lee Amos appeals *pro se* from an order of the circuit court of Cook County denying his motion to vacate the court's prior order entering the amount of interest he owed on his child support arrearage. On appeal, respondent contends that the circuit court's

judgment must be vacated because it is a "fraudulent order." Respondent argues that the trial court and clerk of the circuit court violated their oaths of office by engaging in a confidence game, swindling, extortion and commercial fraud. We affirm.

¶ 3 Documents in the record show that petitioner Anastasia Batteast and respondent are the parents of a daughter, A.A., born March 22, 1996. In 1998, petitioner filed a complaint against respondent to have him declared the natural father of A.A., and for respondent to be ordered to pay child support. On October 29, 1999, the circuit court entered an order finding that respondent admitted parentage of A.A. following DNA testing. On December 13, 1999, the court ordered respondent to pay child support in the amount of $167.57 bi-weekly for current support, and $10 bi-weekly towards an arrearage of $4021.68. The order provided that support payments would terminate on March 22, 2014, when A.A. turned 18 years old.

¶ 4 In February 2001, respondent was ordered to pay an additional $33.40 bi-weekly toward a delinquency of $950.28 that occurred after the initial support order was entered. In August 2002, respondent's delinquency on his support payments totaled $4611.16, and in November 2003, that amount totaled $10,330.27.

¶ 5 In December 2003, respondent filed a motion to reduce his child support payments arguing that his salary had decreased at his new job. The circuit court found that respondent had voluntarily quit his former job to take a lesser-paying job, and denied his motion. In November 2004, respondent's delinquency on his support payments totaled $12,122.49.

¶ 6 On July 1, 2016, respondent filed a *pro se* motion to modify and terminate his arrearage interest payments. Respondent requested a rebate or forgiveness of all of the interest that had accrued on his arrearage. Respondent also asked that a payment termination date be set for any

amount that could not be forgiven. In addition, respondent requested a "cease and desist" order regarding any "consumer reporting and publication of deadbeat parents." On July 29, 2016, the circuit court ordered the Department of Healthcare and Family Services (DHFS) to prepare and present to the court a complete account adjustment review (AAR) of respondent's child support account. The court also ordered that respondent's duty to pay support was temporarily abated until further order of the court.

¶ 7 On September 15, 2016, while respondent's account was under review, petitioner filed a *pro se* motion for extended child support asserting that A.A. was disabled and enrolled in college. On October 27, 2016, the court noted that the AAR showed that as of September 30, respondent owed only interest in the amount of $18,080.09. Of that amount, $13,116.47 was owed to petitioner, and $4963.62 was owed to DHFS. The court granted respondent leave to visit the DHFS offices to request information regarding the interest calculation. The court also ordered the parties to attend mediation regarding the issue of college expenses. In February 2017, respondent retained counsel to represent him.

¶ 8 On April 13, 2017, the court entered judgment against respondent in the amount of $18,080.09 in interest, comprised of $13,116.47 owed to petitioner, and $4963.62 owed to DHFS. That same day, the court dismissed for want of prosecution petitioner's motion for extended child support.

¶ 9 On April 28, 2017, respondent filed a *pro se* motion to vacate the interest judgment. In an attached affidavit, respondent stated that after the interest order had been entered, he realized that the amount due was incorrect. Respondent stated that he called DHFS and requested an accounting of his amount due. Respondent was told that he owed $14,129.47. Respondent

asserted that the judgment entered by the court was "a commerce fraud." Respondent attached to his motion an unidentified computer printout that appears to show that his total interest due as of April 14, 2017, was $14,129.47. He also attached a payment report from DHFS detailing all of the payments he had made since January 2000.

¶ 10 On May 25, 2017, respondent filed a *pro se* motion for substitution of judge asserting that the trial judge who had been presiding over the case was a party in the matter. Respondent also filed a "statutory declaration" that he was now known as Achachak Tabrimmon, and that he was a descendant of indigenous people. The declaration further stated that respondent's birth certificate indicated that his mother had sold him as a slave to the State of Illinois in violation of human rights, and that Queen Elizabeth was "not the rightful monarch" because "she was crowned on a fake coronation stone." Respondent also submitted a copy of a letter he had sent to Governor Bruce Rauner with numerous documents declaring himself to be an indigenous person, and noting that he had copied Pope Francis, Queen Elizabeth, and President Barack Obama.

¶ 11 On June 14, 2017, DHFS, on behalf of Batteast, filed a response requesting that the court deny respondent's motion to vacate the interest judgment. DHFS pointed out that respondent had cited to the Uniform Commercial Code (UCC) in his motion, which was not applicable to child support cases or domestic relations law. Respondent filed a reply asserting that the domestic relation laws are subordinate to the UCC and the Code of Federal Regulations. Respondent also asserted that the trial court, his previously retained attorney, and the State's Attorney, had engaged in a "swindling confidence game" against him. Respondent maintained that the judgment amount due of $18,080.09 did not match the amount on the AAR documents he received from DHFS, which showed his total due as $14,129.47.

¶ 12 On July 13, 2017, the circuit court granted respondent's motion to substitute judge as of right and reassigned his case. The following day, respondent filed a complaint against the initial trial judge with the Judicial Inquiry Board alleging that the judge committed misconduct when she denied his request to amend his motion to vacate to include "abatement." He also objected to his case being continued despite "commerce fraud."

¶ 13 On September 7, 2017, the circuit court denied respondent's motion to vacate the April 13 judgment. In its written order, the court stated:

> "After a full hearing, the Court finds that the evidence produced by the Respondent in support of his motion is unidentifiable. The Court finds the AAR dated 10/4/16, upon which the 4/13/17 judgment was entered was court-ordered. Further the Court finds that Judge Cocozza was correct to enter the 4/13/17 order based on said AAR."

¶ 14 On appeal, respondent contends that the circuit court's judgment must be vacated because the April 13, 2017, order for interest due to petitioner and DHFS is a "fraudulent order." Respondent argues that he notified the circuit court of the "commercial accounting error" in the order, and provided the court with his copy of the AAR to compare with the AAR filed by DHFS. Respondent also argues that he notified the court of his "statutory declaration" which indicated his "commercial status and standing." Respondent claims that he notified the court of his indigenous standing and challenged the court's jurisdiction over cases involving indigenous parties. Respondent argues that the trial court and clerk of the circuit court violated their oaths of office by engaging in a confidence game, swindling, extortion and commercial fraud. Respondent requests that this court vacate the circuit court's judgment for any and all arrearages due, including interest, with prejudice, and return all funds that were fraudulently obtained from

him. He also asks that this court order the trial court to terminate and remove wage assignments from his pay warrants, mail him a letter that his case has been settled with no debt, and stop DHFS from reporting him to credit bureaus.

¶ 15 DHFS responds that this court should affirm the circuit court's judgment where there was no abuse of discretion by the court and the judgment is not contrary to law. DHFS asserts that respondent's challenge to the correctness of the amount of interest awarded is forfeited because he has not argued to this court what the correct amount due should be and why. DHFS further asserts that respondent has forfeited his apparent argument that indigenous people are not obligated to pay child support and that the court lacked jurisdiction over him because he cited no authority for these propositions. DHFS argues that respondent has merely provided an incoherent argument about indigenous people, con games and fraud.

¶ 16 As a threshold matter, we note that respondent's argument in his brief is inarticulate, and much of it is incoherent and incomprehensible. Respondent asserts that he challenged the circuit court's jurisdiction over cases involving indigenous parties, as he claims to be. To the extent that he is attempting to argue on appeal that the circuit court lacked subject matter jurisdiction over him, we agree with DHFS that such argument is forfeited. Any claim of error on this point is, at best, insinuated. Respondent presents no argument beyond his bare assertion, and he cites to no authority. It is well settled that a reviewing court is entitled to have the issues clearly defined with citation to pertinent authority and cohesive arguments presented. *In re M.M.*, 2016 IL 119932, ¶ 30. Points that are not argued are forfeited. *Id.*; see also Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013). Accordingly, we give no consideration to this assertion.

¶ 17 DHFS also contends that respondent's challenge to the correctness of the amount of interest he owes is forfeited because he did not explain what the correct amount of interest should be and why. We disagree. Respondent contends that he notified the circuit court of an "accounting error" in the judgment ordering him to pay interest, and that he provided the court with his copy of the AAR to compare with the AAR filed by DHFS. Though not well-articulated, it is apparent that respondent is maintaining his challenge to the amount of interest he owes.

¶ 18 Generally, the circuit court's order regarding child support and the judicial determination of a child support arrearage are reviewed for an abuse of discretion. *In re Marriage of Paredes*, 371 Ill. App. 3d 647, 650 (2007). Interest on child support arrearages is mandatory. *Illinois Department of Healthcare and Family Services ex rel. Wiszowaty v. Wiszowaty*, 239 Ill. 2d 483, 487-88 (2011).

¶ 19 We find that our review of respondent's claim that the circuit court erred in determining the amount of interest owed is hampered by an incomplete record. An appellant has the burden of presenting a sufficiently complete record of the circuit court proceedings to support any claims of error, and in the absence of such a record, this court will presume that the circuit court's order conformed with the law and had a sufficient factual basis. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). Any doubts arising from an incomplete record will be resolved against the appellant. *Id.*

¶ 20 Pursuant to Supreme Court Rule 323 (eff. July 1, 2017), in lieu of a circuit court transcript, an appellant may file a bystander's report (Rule 323(c)) or an agreed statement of facts (Rule 323(d)). Here, the record does not contain a report of the circuit court proceedings, specifically, the April 13 hearing entering judgment against respondent in the amount of

$18,080.09 in interest and the September 7 hearing denying his motion to vacate that judgment, in any format.

¶ 21 The record before this court consists of only common law documents. Although voluminous at 492 pages, the documents alone are insufficient to allow this court to find an error by the circuit court. According to the circuit court's April 13 order, the total amount of interest due was determined by reviewing the amount due indicated on the AAR filed by DHFS. The court's September 7 written order denying respondent's motion to vacate the April 13 judgment indicates that the court held a "full hearing," and that respondent presented evidence at that hearing which the court determined was "unidentifiable." The order further states that the AAR the court relied upon for its judgment had been ordered by the court, and that the court's reliance on that AAR was correct.

¶ 22 However, without a report of proceedings, this court has no knowledge of what arguments the parties made before the court, what evidence the court found "unidentifiable," or what additional evidence, if any, was presented. Nor do we know if there was any additional reasoning and rationale that provided the basis for the circuit court's ruling. Under these circumstances, this court must presume that the circuit court acted in conformity with the law and ruled properly after considering the evidence before it. *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 156-57 (2005); *Foutch*, 99 Ill. 2d at 391-92.

¶ 23 For these reasons, we affirm the judgment of the circuit court of Cook County.

¶ 24 Affirmed.