2019 IL App (4th) 180050-U

NO. 4-18-0050

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
April 26, 2019
Carla Bender
4th District Appellate
Court, IL

THE ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES *ex rel*. KINA FAINE, Petitioner-Appellee, v. TYDON AUSTIN, Respondent-Appellant.	)))))))))	Appeal from the Circuit Court of Sangamon County No. 17F201 Honorable Jack D. Davis II, Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Presiding Justice Holder White and Justice Steigmann concurred in the judgment.

ORDER

¶ 1 *Held*: Where respondent failed to cite to the record in his brief, present a cohesive legal argument, and provide an adequate record on appeal, we affirm the circuit court's judgment.

¶ 2 In April 2017, petitioner, the Illinois Department of Healthcare and Family Services (Department), filed a petition in the circuit court of Sangamon County to establish paternity and a support order pursuant to the Uniform Interstate Family Support Act (UIFSA) (750 ILCS 22/100 *et seq*. (West 2016)). In September 2017, the court entered an order of parentage and support. In October 2017, respondent, Tydon Austin, filed a motion requesting the court vacate the child support order, which the trial court denied.

¶ 3 Respondent appeals, arguing, in part, as follows: (1) "The action occur[r]ed under color of law, child support provision, are [*sic*] not law, all my rights are being deprive[d]"; (2) "The action is a deprivation of Constitutional rights or federal statutory rights"; and (3) he

was "[d]enied due process, the principle of fairness, a right to know what action is being taken and opportunity to be heard." We affirm.

¶ 4 I. BACKGROUND

¶ 5 In February 2017, the Department filed a "Uniform Support Petition" on behalf of Kina Faine, a resident of Wisconsin, alleging that respondent, a resident of Springfield, Illinois, owed child support for their minor child, Tyhja Faine-Austin (born December 2, 2002), also a resident of Wisconsin. The Department attached an "affidavit in support of paternity" provided by Faine stating there was no existing support order in place.

¶ 6 Respondent was personally served with process on April 27, 2017. In a docket entry dated May 24, 2017, the trial court noted respondent admitted paternity. Respondent filed his appearance on September 1, 2017, requesting a trial "with a judge and jury."

¶ 7 On September 15, 2017, the trial court conducted an evidentiary hearing on the petition, at which both Faine and respondent were present. No transcript of the hearing is contained in the record on appeal. Following the hearing, the court entered an order of parentage and support requiring respondent to pay to Faine $100 per month as child support.

¶ 8 In October 2017, respondent filed a "motion for demand to vacate the child support order" arguing that "due to lack of jurisdiction, the court has no discretion to vacate a void judgment for failure to follow due process under Federal Rule 60(b)(4)." Following a hearing in December 2017, the trial court denied respondent's motion.

¶ 9 This appeal followed.

¶ 10 II. ANALYSIS

¶ 11 Respondent raises the following arguments on appeal: (1) "The action occur[r]ed under color of law, child support provision, are [*sic*] not law, all my rights are being deprive[d]";

(2) "The action is a deprivation of Constitutional rights or federal statutory rights"; and (3) he was "[d]enied due process, the principle of fairness, a right to know what action is being taken and opportunity to be heard."

¶ 12 The State argues respondent has forfeited each of these arguments by failing to raise them in the trial court and by failing to comply with Illinois Supreme Court Rule 341(h)(7) (eff. Nov. 1, 2017). The State further contends that even if we choose to excuse respondent's forfeiture, his arguments lack merit. We agree.

¶ 13 UIFSA "creates a mechanism which facilitates the reciprocal enforcement or modification of child support awards entered in Illinois and other states which have also adopted [UIFSA]." *In re Marriage of Hartman*, 305 Ill. App. 3d 338, 342, 712 N.E.2d 367, 371 (1999). UIFSA is based upon the model Uniform Interstate Family Support Act, which has been adopted by all 50 states. *Collins v. Department of Health & Family Services ex rel. Paczek*, 2014 IL App (2d) 130536, ¶ 17, 36 N.E.3d 813. Under UIFSA, Illinois courts with personal jurisdiction over the parties are authorized to establish support orders where the individual seeking the order resides outside Illinois. 750 ILCS 22/401(a)(1) (West 2016).

¶ 14 As an initial matter, we agree respondent forfeited the arguments raised on appeal because he failed to raise them in the trial court. See, *e.g.*, *In re Marriage of Pratt*, 2014 IL App (1st) 130465, ¶ 23, 17 N.E.3d 678 ("Arguments raised for the first time on appeal are waived."); *Bowman v. Chicago Park District*, 2014 IL App (1st) 132122, ¶ 59, 19 N.E.3d 75 ("[I]ssues not raised in the trial court are waived and may not be considered for the first time on appeal."); *Hytel Group, Inc. v. Butler*, 405 Ill. App. 3d 113, 127, 938 N.E.2d 542, 556 (2010) ("A reviewing court will not consider arguments not presented to the trial court."). Moreover, respondent forfeited the arguments raised on appeal by failing to comply with Rule 341(h)(7).

¶ 15 Rule 341(h)(7) requires an appellant's brief to contain an "argument" section, "which shall contain 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. Nov. 1, 2017). "A contention that is supported by some argument but no authority does not meet the requirements of Rule 341 and is considered forfeited." *Crull v. Sriratana*, 388 Ill. App. 3d 1036, 1045, 904 N.E.2d 1183, 1190-91 (2009). Further, "[c]itations to authority that set forth only general propositions of law and do not address the issues presented do not constitute relevant authority for purposes of Rule 341(h)(7)." *Robinson v. Point One Toyota, Evanston*, 2012 IL App (1st) 111889, ¶ 54, 984 N.E.2d 508. A litigant's *pro se* status does not excuse him from complying with appellate procedures as specified by our supreme court rules. *Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825, 932 N.E.2d 184, 187 (2010). "Failure to comply with the rule's requirements results in forfeiture." *People ex rel. Illinois Department of Labor v. E.R.H. Enterprises, Inc.*, 2013 IL 115106, ¶ 56, 4 N.E.3d 1.

¶ 16 Respondent fails to cite to the record in his brief or present a cohesive legal argument supported by legal authority. When respondent does cite to authority, he does not explain how that authority supports the argument he is attempting to make. Because respondent has not developed his arguments or cite relevant legal authority, he has failed to comply with Rule 341(h)(7). See *Hall v. Naper Gold Hospitality LLC*, 2012 IL App (2d) 111151, ¶ 7, 969 N.E.2d 930 ("The purpose of [supreme court] rules is to require parties before a reviewing court to present clear and orderly arguments so that the court can properly ascertain and dispose of the issues involved."). Accordingly, we find respondent has forfeited the arguments raised on appeal.

¶ 17 Nevertheless, even if we were to excuse forfeiture (*Sekerez v. Rush University Medical Center*, 2011 IL App (1st) 090889, ¶ 64, 954 N.E.2d 383) (forfeiture is a limitation on

the parties and not on this court), any argument the trial court lacked jurisdiction or that respondent was denied due process lacks merit. "There is no question that circuit courts of this state have the power to hear and determine issues pertaining to UIFSA." *Department of Healthcare & Family Services v. Arevalo*, 2016 IL App (2d) 150504, ¶ 21, 68 N.E.3d 552. Thus, the trial court possessed subject matter jurisdiction. There also is no question that the trial court had personal jurisdiction over respondent, as he was served with process and filed an appearance. See *id.*

¶ 18 Any argument respondent was denied due process is also without merit. "The fundamental requirements of due process are notice of the proceeding and an opportunity to present any objections." *People v. Cardona*, 2013 IL 114076, ¶ 15, 986 N.E.2d 66. As noted above, respondent was served with process, he filed an appearance, and he was present at the July 2017 evidentiary hearing. Accordingly, respondent was not denied due process as he received notice of the proceeding and, even though the record contains no transcript of the hearing, we must assume he had the opportunity to present any objections. See *Corral v. Mervis Industries, Inc.*, 217 Ill. 2d 144, 157, 839 N.E.2d 524, 532 (2005) (stating courts of review must presume the trial court's order conforms with the law and that any doubts arising from an incomplete record will be resolved against the appellant).

¶ 19 III. CONCLUSION

¶ 20 For the reasons stated, we affirm the trial court's judgment.

¶ 21 Affirmed.