

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).

2019 IL App (4th) 180659-U

NO. 4-18-0659

**FILED**

February 21, 2019

Carla Bender

4<sup>th</sup> District Appellate Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

MICHAEL C.,	)	Appeal from
Petitioner-Appellant,	)	Circuit Court of
v.	)	McLean County
AMBER B.,	)	No. 14F145
Respondent-Appellee.	)	
	)	Honorable
	)	Lee Ann S. Hill,
	)	Judge Presiding.

JUSTICE TURNER delivered the judgment of the court.  
Presiding Justice Holder White and Justice DeArmond concurred in the judgment.

**ORDER**

¶ 1 *Held:* The circuit court did not err by finding petitioner in direct criminal contempt and sentencing him to six months in jail.

¶ 2 Pursuant to Illinois Supreme Court Rule 304(b)(5) (eff. Mar. 8, 2016), petitioner, Michael C., appeals the McLean County circuit court’s September 2018 orders finding him in direct criminal contempt and sentencing him to six months in jail. On appeal, petitioner argues (1) the circuit court erred by finding him in direct criminal contempt, (2) the court’s September 27, 2018, warrant violated federal law, and (3) the court erred in sentencing him for direct criminal contempt. We affirm.

¶ 3 I. BACKGROUND

¶ 4 A. Earlier Proceedings in This Case

¶ 5 In May 2014, petitioner filed a petition for custody of his minor child, M.B.C. (born in 2014), whose mother is respondent, Amber B. In July 2014, the circuit court entered a

temporary visitation order, granting petitioner visitation on alternate Saturdays and every Tuesday and Thursday evening. In April 2015, the parties entered into a parenting agreement, under which they both would have joint legal custody of M.B.C. with respondent having primary residential custody and petitioner having liberal parenting time. However, the court has never approved the agreement. In July 2015, the court entered an order, modifying the temporary visitation order to provide petitioner with alternating weekend visitation instead of Saturday visitation.

¶ 6

#### B. State Involvement

¶ 7

In April 2016, petitioner filed a motion to terminate child support. In the motion, he alleged the State of Illinois took protective custody of M.B.C. on March 30, 2016. An April 2016 docket entry mentions the involvement of the Department of Children and Family Services (DCFS) and possible need to consolidate this case with the juvenile case (In re M.C., No. 16-JA-25 (Cir. Ct. McLean County)). In a June 2, 2016, docket order, the court noted any child-related issues were to be heard by the judge in case No. 16-JA-25, if it is still open. Additionally, we note respondent had a second minor child, P.D., who was also the subject of a juvenile case (In re P.D., No. 16-JA-26 (Cir. Ct. McLean County)). The two juvenile cases were consolidated. We note the record on appeal contains only the juvenile documents submitted by the parties during the proceedings in this case.

¶ 8

In case No. 16-JA-25 (M.B.C.'s case), the circuit court entered a September 22, 2016, permanency order, which found petitioner was fit and respondent remained unfit. The permanency goal for M.B.C. was to remain home with petitioner. In a November 2016 order in this case, the court allowed the termination of child support, noting the minor child currently resided with petitioner as a ward of the court in McLean County circuit court case No. 16-JA-25.

On February 16, 2017, the court entered another permanency order in case No. 16-JA-25, finding petitioner fit, restoring legal custody and guardianship of M.B.C. to petitioner, releasing wardship, and closing the case.

¶ 9 In case No. 16-JA-26 (P.D.'s case), the circuit court entered a permanency order on June 21, 2017, finding respondent fit and changed the permanency goal to return home in five months. The order also noted it was in P.D.'s best interests to be transitioned home to respondent prior to the start of school in the fall. A September 22, 2017, docket entry in this case noted case No. 16-JA-26 was closed and any further child issues regarding M.B.C. were to be heard in this case.

¶ 10 C. Injunction Proceedings in This Case

¶ 11 In July 2017, respondent filed a petition for injunctive relief, asserting petitioner left the state with M.B.C. on March 17, 2017, and has since resided in Massachusetts. Respondent alleged petitioner did not file a notice of intent to relocate. She further noted that, on June 21, 2017, the circuit court had found her fit in the juvenile case. On June 23, 2017, she requested parenting time with M.B.C., and petitioner had not responded to her request. Respondent asked to have petitioner return M.B.C. to Illinois. Petitioner filed a motion to dismiss the petition for injunctive relief, noting he had custody of M.B.C. under an order in the juvenile case and respondent had not been found fit as to M.B.C. Respondent sought leave to file an amended petition for injunctive relief, noting no final order had been entered in this case and her parental rights to M.B.C. had not been terminated. The court granted her leave to file the amended petition. Petitioner filed a response to the amended petition for injunctive relief, which included a counterpetition that requested respondent's visitation be supervised and petitioner be allowed to relocate the child to Massachusetts. Respondent filed a motion to dismiss petitioner's

counterpetition.

¶ 12 After a November 14, 2017, hearing on only respondent's amended petition for injunctive relief, the circuit court granted respondent's petition and ordered petitioner to return with M.B.C. to Illinois within 60 days. In December 2017, petitioner filed a motion to vacate and for rehearing, which the court denied on January 5, 2018. Petitioner appealed, and this court affirmed the circuit court's judgment on April 23, 2018. *Cadena v. Buck*, 2018 IL App (4th) 180035-U.

¶ 13 D. Contempt Proceedings

¶ 14 In January 2018, respondent filed a verified petition for adjudication of indirect civil contempt, asserting petitioner had willfully not complied with the circuit court's November 2017 order to return the child to Illinois. The next month, the court entered a written rule to show cause, ordering petitioner to appear on April 27, 2018, to address why he should not be held in indirect civil contempt. In the February 2, 2018, docket entry, the court noted that, in the event the appellate court affirmed its ruling, petitioner was ordered to be present at the hearing with M.B.C.

¶ 15 In March 2018, respondent filed a petition for allocation of permanent and temporary parenting time and allocation of decision-making authority. On April 27, 2018, the circuit court held a hearing, and petitioner did not personally appear. The court did grant petitioner's motion to continue and ordered petitioner to appear with M.B.C. at the next hearing or the court would issue a warrant for petitioner's arrest. The court set the next hearing for June 1, 2018. In May 2018, respondent filed a motion for the court to communicate with a sister state court regarding out-of-state proceedings, seeking to have the circuit court inform the Massachusetts court of the Illinois court's jurisdiction over the issue of custody of M.B.C. The

motion noted petitioner had filed a complaint for modification of a foreign order in a Massachusetts circuit court. Respondent also filed a second petition for adjudication of indirect civil contempt based on petitioner unilaterally canceling or rescheduling at least a dozen telephone calls between respondent and M.B.C. during the past six months. Moreover, in May 2018, petitioner filed a motion to stay the proceedings in this case pending the Massachusetts court's decision on jurisdiction. In the motion, petitioner stated he filed his complaint in the Massachusetts court the day after this court affirmed the circuit court's judgment granting respondent's amended petition for injunctive relief. He also stated he filed a motion seeking to have the Massachusetts court exercise jurisdiction over the minor. In addition, petitioner filed a second motion in this case, seeking a finding of inconvenient forum and to decline jurisdiction under section 207 of the Uniform Child-Custody Jurisdiction and Enforcement Act (750 ILCS 36/207 (West 2016)).

¶ 16 On June 1, 2018, the circuit court held a hearing, and petitioner failed to personally appear. The court first denied petitioner's request to stay the proceedings. It then addressed indirect civil contempt. The court noted it had been eight months since it ordered petitioner to return M.B.C. to Illinois, and petitioner had not appeared on three separate occasions. The court entered a written order, finding petitioner in indirect civil contempt and ordering him to appear on June 8, 2018. Thereafter, petitioner filed both an objection to the court proceeding on the rule to show cause and a motion to reconsider. At the June 8, 2018, hearing, petitioner again did not personally appear. After hearing arguments, the court denied petitioner's motion to reconsider. Based on the court's indirect civil contempt finding, the court then entered an order for a bench warrant for petitioner's arrest with bond set at \$25,000 cash, no 10% to apply. The warrant did not have any geographical limits. The court stayed the warrant

until June 13, 2018. If the petitioner did not return M.B.C. by June 13, 2018, at 3 p.m., the warrant would issue, and respondent would be allowed to travel to Massachusetts to retrieve the child.

¶ 17 Petitioner failed to personally appear on June 13, 2018, and the circuit court issued the bench warrant. The court also awarded temporary full residential custody of M.B.C. to respondent and allowed her to travel to Massachusetts to retrieve M.B.C. On that same date, the court sent the judge in the Massachusetts case a letter explaining the history of this case and noting the Illinois court's continuing jurisdiction of the matter. After the June 13, 2018, hearing, petitioner filed an emergency motion to vacate bond, determine the child's best interests, and recall the warrant pending a determination of the child's best interests. The emergency motion was never heard. Two days later, petitioner filed a motion to vacate bond, determine the child's best interests, and recall the warrant pending a determination of the child's best interests.

¶ 18 The circuit court set a status hearing for July 16, 2018. Petitioner filed a motion to continue that hearing, noting the Massachusetts court had initially declined to exercise jurisdiction but then had taken a motion to reconsider under advisement. On July 16, 2018, respondent filed a petition for adjudication of direct and indirect criminal contempt. The first six counts alleged direct criminal contempt and the other counts alleged indirect criminal contempt. The direct criminal contempt counts were based on petitioner's failure to appear and produce the minor child on the following dates: (1) June 1, 2018 (counts I and IV); (2) June 8, 2018 (counts II and V); and (3) June 13, 2018 (count III and VI). At the July 16, 2018, status hearing, petitioner again did not personally appear. The court did give petitioner time to respond to respondent's criminal contempt petition and set a hearing for July 25, 2018. Petitioner filed a motion to dismiss the counts alleging direct criminal contempt, noting the proceedings in

Massachusetts and asserting respondent failed to state a cause of action for direct criminal contempt. Petitioner attached numerous documents from the Massachusetts proceedings, including a notice of appeal from the Massachusetts court's order declining to exercise jurisdiction. Respondent filed a response to petitioner's motion to dismiss, and petitioner filed a reply.

¶ 19 At the July 25, 2018, hearing, petitioner did not personally appear. The circuit court addressed the request to find petitioner in direct criminal contempt. The court denied petitioner's motion to dismiss respondent's counts of direct criminal contempt and took the issue of direct criminal contempt under advisement. The court also set the allegations of indirect criminal contempt for a due process hearing. During the hearing, the court noted this case had about six outstanding motions due to petitioner's failure to appear. It set a hearing for September 7, 2018, on the issues of discovery, sanctions, and the civil warrant. After the July 25, 2018, hearing, petitioner filed another motion to dismiss respondent's petition for direct and indirect criminal contempt. At the August 8, 2018, hearing, the court denied the motion to dismiss as to direct criminal contempt and reserved its ruling on the issue of direct criminal contempt. The court granted the motion as to indirect criminal contempt but allowed respondent to refile her claims as a separate cause of action.

¶ 20 On September 7, 2018, the circuit court held a hearing, addressing several issues in this case. Petitioner again did not personally appear at the hearing. Respondent's counsel noted respondent was not filing an indirect criminal contempt cause of action at that time. As to direct criminal contempt, the court indicated it would enter a written order, finding petitioner in direct criminal contempt. The circuit court entered its five-page, written order on September 11, 2018, finding petitioner in direct criminal contempt for failing to appear before the court on six

separate occasions. The court emphasized it was in the court’s “ocular view” that petitioner did not appear at the hearings. Additionally, the court noted petitioner’s filings in this case give insight into why petitioner was not returning to Illinois with M.B.C. The court found “petitioner’s conduct was specifically meant to embarrass, or obstruct the court in its administration of justice, brings the administration of justice into disrepute, derogates from its authority or dignity, and constitutes a direct defiance of a court order before this judge in open court.” In the written order, the court issued a bench warrant based on direct criminal contempt for petitioner’s arrest with bond set at \$25,000 cash, no 10% to apply.

¶ 21 At the September 27, 2018, hearing, the circuit court first addressed the warrant issued for direct criminal contempt order. The court recalled that warrant and issued a new warrant with “bond set at the same amount, 25,000 cash, no 10 percent, no geographical limits to apply, and extraditable.” Thereafter, the court considered petitioner’s sentence for direct criminal contempt. The court noted it would not consider the letter petitioner sent to the court. After hearing the parties’ arguments, the court sentenced petitioner to six months in the county jail for direct criminal contempt. The court noted it had been 11 months since its judgment on respondent’s injunction petition, in which it ordered petitioner to return to Illinois with the child, and petitioner had now failed to appear on eight occasions.

¶ 22 On September 28, 2018, petitioner filed a timely notice of appeal in sufficient compliance with Illinois Supreme Court Rule 303 (eff. July 1, 2017). See Ill. S. Ct. R. 304(b) (eff. Mar. 8, 2016) (stating the time for filing a notice of appeal from a judgment or order appealable under Rule 304(b) is as provided in Rule 303). Thus, this court has jurisdiction of this appeal pursuant to Illinois Supreme Court Rule 304(b)(5) (eff. Mar. 8, 2016).

¶ 23 On October 15, 2018, the circuit court recalled the direct criminal contempt



warrant. The court issued a new warrant that was limited to the State of Illinois and no longer extraditable from Massachusetts. The court noted the child was in Illinois and petitioner's civil contempt was purged. The court also recalled the civil warrant issued on June 8, 2018.

¶ 24

## II. ANALYSIS

¶ 25 Under Illinois law, all courts possess the inherent power to punish contempt because such power is essential to a court's maintenance of its authority and the administration of judicial powers. *People v. Simac*, 161 Ill. 2d 297, 305, 641 N.E.2d 416, 420 (1994).

“However, the exercise of such power is ‘a delicate one, and care is needed to avoid arbitrary or oppressive conclusions.’ ” *Simac*, 161 Ill. 2d at 306, 641 N.E.2d at 420 (quoting *Cooke v. United States*, 267 U.S. 517, 539 (1925)). Our supreme court has defined criminal contempt of court “as conduct which is calculated to embarrass, hinder or obstruct a court in its administration of justice or derogate from its authority or dignity, thereby bringing the administration of law into disrepute.” (Internal quotation marks omitted.) *Simac*, 161 Ill. 2d at 305, 641 N.E.2d at 420 (quoting *People v. L.A.S.*, 111 Ill. 2d 539, 543, 490 N.E.2d 1271, 1273 (1986)). “A finding of criminal contempt is punitive in nature and is intended to vindicate the dignity and authority of the court.” *Simac*, 161 Ill. 2d at 305-06, 641 N.E.2d at 420.

¶ 26 Illinois law recognizes two types of criminal contempt, direct and indirect. See *L.A.S.*, 111 Ill. 2d at 543, 490 N.E.2d at 1273. Our supreme court has explained direct criminal contempt as follows:

“Direct criminal contempt is contemptuous conduct occurring ‘in the very presence of the judge, making all of the elements of the offense matters within his own personal knowledge.’ [Citation.] Direct contempt is ‘strictly restricted to acts and facts seen and known by the court, and no matter resting upon opinions,

conclusions, presumptions or inferences should be considered.’ [Citation.] Direct criminal contempt may be found and punished summarily because all elements are before the court and, therefore, come within its own immediate knowledge. [Citations.] On appeal, the standard of review for direct criminal contempt is whether there is sufficient evidence to support the finding of contempt and whether the judge considered facts outside of the judge’s personal knowledge. [Citation.]” *Simac*, 161 Ill. 2d at 306, 641 N.E.2d at 420.

On the other hand, “[i]ndirect criminal contempt is contemptuous conduct ‘which in whole or in an essential part occurred out of the presence of the court, is not admitted, and which is therefore dependent for its proof upon evidence of some kind. [Citation.] Where the judge does not have *full personal knowledge of every element of the contempt and its demonstration depends on the proof of facts, of which the court would have no judicial notice, the contempt is held to be indirect.’ ” (Emphasis in original.) L.A.S., 111 Ill. 2d at 543, 490 N.E.2d at 1273 (quoting *People v. Harrison*, 403 Ill. 320, 324, 86 N.E.2d 208, 210 (1949)). In this case, the circuit court found petitioner committed direct criminal contempt.*

¶ 27 A. Direct Criminal Contempt Finding

¶ 28 Petitioner contends the circuit court erred in finding him in direct criminal contempt because (1) the court considered the transcripts of the hearings in Massachusetts; (2) petitioner’s absence at a hearing, standing alone, is insufficient to establish willful, contumacious conduct; (3) the procedures for indirect criminal contempt were not followed; and (4) the cases cited by the circuit court do not support its finding of direct criminal contempt.

¶ 29 1. *Reference to Massachusetts Proceedings*

¶ 30 Petitioner first contends the circuit court erred by considering the proceedings in

Massachusetts. Respondent contends the court did not err and notes petitioner submitted the information about the Massachusetts proceedings to the court.

¶ 31 As previously stated, direct contempt is “ ‘strictly restricted to acts and facts seen and known by the court, and no matter resting upon opinions, conclusions, presumptions or inferences should be considered.’ ” *Simac*, 161 Ill. 2d at 306, 641 N.E.2d at 420 (quoting *People v. Loughran*, 2 Ill. 2d 258, 263, 118 N.E.2d 310, 313 (1954)). The materials from the Massachusetts proceedings to which the circuit court referred were submitted by petitioner as supporting documents for his July 2018 motion to dismiss the petition for adjudication of direct and indirect criminal contempt. Petitioner also submitted numerous other documents to the court after the court’s November 2017 ruling requiring him to return M.B.C. to Illinois and before the court’s September 2018 adjudication of direct criminal contempt. Those documents were reviewed by the circuit court and thus were facts known by the court when it made its adjudication of direct criminal contempt. Regardless, the court’s comments about the Massachusetts proceedings were simply noting petitioner’s own materials supported the contempt finding. The focus of the court’s finding was the fact the court had ordered petitioner to appear in court six times and petitioner had failed to appear six times. The court clearly observed petitioner’s failure to appear. Thus, we find the court did not improperly consider outside evidence in adjudicating petitioner in direct criminal contempt.

¶ 32 *2. Intent*

¶ 33 Petitioner next suggests the intent necessary to support a conviction of direct criminal contempt (willfulness) was not within the circuit court’s personal knowledge. Specifically, he contends a party’s absence from a hearing alone is insufficient to establish willful, contumacious conduct. Petitioner claims the court did not have personal knowledge of

the reason for petitioner's absence and that precludes a finding of direct criminal contempt of court.

¶ 34 Our supreme court has explained the intent element of direct contempt as follows:

“Before citing one with contempt, a court must find that the alleged contemnor's conduct was willful. [Citation.] The alleged contemnor's state of mind, however, does not have to be affirmatively proven; the contemptuous state of mind may be inferred from the allegedly contemptuous conduct itself. [Citation.] The intent may be inferred from the surrounding circumstances and the character of the party's conduct. [Citations.]” *Simac*, 161 Ill. 2d at 307, 641 N.E.2d at 421.

Moreover, the supreme court noted the following language in a prior case: “Granting that defendants in error apparently thought, as there is some reason to believe, that they were warranted in their action \*\*\*, it does not follow that they were not guilty of contempt. Whether a direct contempt has been committed depends upon the act and not upon the alleged intention of the offending party.” (Internal quotation marks omitted.) *Simac*, 161 Ill. 2d at 307, 641 N.E.2d at 421 (quoting *People ex rel. Kunce v. Hogan*, 67 Ill. 2d 55, 60, 364 N.E.2d 50, 52 (1977)). Thus, we note the court's comments on July 25, 2018, about not knowing why petitioner failed to appear in court do not undermine its subsequent finding of direct criminal contempt.

¶ 35 In support of his argument that a party's absence at a hearing alone is insufficient to establish willful, contumacious conduct, petitioner cites the decisions in *L.A.S.*, 111 Ill. 2d 539, 490 N.E.2d 1271, and *People v. City of East St. Louis*, 206 Ill. App. 3d 626, 564 N.E.2d 1372 (1990). In both of those cases, the reviewing court found the circuit court erred by finding direct contempt because the determination of the alleged contemnor's intent behind the failure to

appear in court was outside the circuit court's knowledge. *L.A.S.*, 111 Ill. 2d at 544, 490 N.E.2d at 1273; *City of East St. Louis*, 206 Ill. App. 3d at 638, 564 N.E.2d at 1380. Both cases involved only one instance of failure to appear. *L.A.S.*, 111 Ill. 2d at 544, 490 N.E.2d at 1273; *City of East St. Louis*, 206 Ill. App. 3d at 638, 564 N.E.2d at 1380.

¶ 36 In this case, petitioner was adjudicated in direct criminal contempt for failing to appear before the court on six separate occasions and had refused to comply with an order that was almost 10 months old. Petitioner continued to fail to appear even after this court's order affirmed the circuit court's judgment that petitioner was defying. Regardless of petitioner's personal justifications for failing to appear, his failure to appear six times clearly hinders and obstructs a court in its administration of justice and detracts from the court's authority. With petitioner's numerous failures to appear in court, his willful, contemptuous state of mind is inferred from the conduct itself. As such, we agree with the circuit court the presentation of evidence was not necessary in this case. Thus, this case does not fall into the subcategory of direct criminal contempt cases noted by this court in *In re Marriage of Betts*, 200 Ill. App. 3d 26, 59, 558 N.E.2d 404, 426 (1990), which require the same proceedings as indirect criminal contempt cases. Accordingly, we find the circuit court did not err by finding petitioner's criminal contempt was direct. Since we have found the circuit court did not err by finding petitioner's criminal contempt was direct, we do not address his argument regarding indirect criminal contempt.

¶ 37 *3. Case Law*

¶ 38 Petitioner also argues the cases cited by the circuit court do not support its finding of direct criminal contempt. On the last page of its written order, the circuit court explained direct criminal contempt is authorized under the doctrine of the inherent power of the court to

(1) “maintain order during judicial proceedings” and (2) prevent the “demoralization” of judicial authority. The court cited *In re Oliver*, 333 U.S. 257 (1948), in support of its contention contempt is authorized to maintain order. As to the prevention of the demoralization of judicial authority, the court cited the following cases: *Cooke*, 267 U.S. 517; *People v. Siegal*, 400 Ill. 208, 209, 79 N.E.2d 616, 617 (1948); and *People v. Ernest*, 141 Ill. 2d 412, 566 N.E.2d 231 (1990). The court only cited those cases in support of its explanation of the reasoning behind the existence of direct criminal contempt. The written order in no way indicated the aforementioned cases were similar to petitioner’s case. Thus, an assertion those cases do not support the circuit court’s finding of direct criminal contempt in this case does not undermine the circuit court’s judgment.

¶ 39 B. September 27, 2018, Warrant

¶ 40 Petitioner also raises two claims against the criminal contempt warrant issued before the sentencing hearing on September 27, 2018. Specifically, petitioner argued (1) the warrant violated federal law and (2) the circuit court did not need to impose a bond. As respondent points out, that warrant was recalled on October 15, 2018. “An issue on appeal is moot where it no longer presents an actual controversy.” *People v. Harvey*, 2018 IL 122325, ¶ 19. This court does not address “moot or abstract questions or render advisory opinions.” *Harvey*, 2018 IL 122325, ¶ 19. However, our supreme court has recognized three exceptions to the mootness doctrine: (1) the collateral-consequences exception, (2) the public-interest exception, and (3) the capable-of-repetition-yet-avoiding-review exception. *In re E.G.*, 133 Ill. 2d 98, 115, 549 N.E.2d 322, 329 (1989). In his reply brief, petitioner does not address respondent’s mootness argument and thereby does not assert an exception to the mootness doctrine applies in this case. Accordingly, we find petitioner’s arguments related to the

September 27, 2018, warrant are moot and decline to address the issues.

¶ 41

C. Sentence

¶ 42 Petitioner further asserts the circuit court erred by sentencing him to six months in jail. Respondent contends the sentence was appropriate in light of the circumstances. We review a sentence imposed for direct criminal contempt under the abuse of discretion standard. *People v. Geiger*, 2012 IL 113181, ¶ 27, 978 N.E.2d 1061. “A sentence will be deemed an abuse of discretion where the sentence is greatly at variance with the spirit and purpose of the law, or manifestly disproportionate to the nature of the offense.” (Internal quotation marks omitted.) *Geiger*, 2012 IL 113181, ¶ 27 (quoting *People v. Alexander*, 239 Ill. 2d 205, 212, 940 N.E.2d 1062, 1066 (2010)).

¶ 43

Since no sentencing guidelines apply for contempt cases, reviewing courts bear a “ ‘special responsibility for determining that the [contempt] power is not abused, to be exercised if necessary by revising themselves the sentences imposed.’ ” *Geiger*, 2012 IL 113181, ¶ 27 (quoting *Green v. United States*, 356 U.S. 165, 188 (1958), *overruled on other grounds by Bloom v. Illinois*, 391 U.S. 194 (1968)). Our supreme court has applied the following factors recognized in *United States v. United Mine Workers of America*, 330 U.S. 258, 302-03 (1947), that a circuit court may consider when determining an appropriate sentence for criminal contempt: “(1) the extent of the willful and deliberate defiance of the court’s order, (2) the seriousness of the consequences of the contumacious behavior, (3) the necessity of effectively terminating the defendant’s defiance as required by the public interest, and (4) the importance of deterring such acts in the future.” *Geiger*, 2012 IL 113181, ¶ 28.

¶ 44

Petitioner simply contends the circuit court abused its discretion by ordering a six month jail sentence without determining the willfulness of petitioner’s disobedience to its orders,

given petitioner's expressed fears for his safety and the safety of the minor child and without considering the aforementioned factors. We disagree. The record reflects the judge, who heard petitioner's testimony about safety concerns at the November 2017 injunction hearing, was the same judge who found petitioner in direct criminal contempt and sentenced him to six months imprisonment. Moreover, as respondent explains in her brief, a review of the *Geiger* factors supports the circuit court's sentence. Petitioner's defiance of the court's order had gone on for eight months at the time of sentencing and was clearly deliberate. The court did not have to believe petitioner's claims of safety concerns. Moreover, as a result of petitioner's conduct, the court was unable to enforce its orders and conduct further hearings regarding the minor child. Further, in Illinois, the public interest favors the prompt adjudication of issues involving minor children (see Ill. S. Ct. R. 900(a) (eff. Mar. 8, 2016)), and thus it was necessary to terminate petitioner's defiance to advance the aforementioned public interest. Last, a sentence of jail time was clearly needed to deter others from disobeying court orders involving a minor child. Accordingly, we find the circuit court did not abuse its discretion by sentencing petitioner to six months in jail for direct criminal contempt.

¶ 45

### III. CONCLUSION

¶ 46 For the reasons stated, we affirm the McLean County circuit court's direct criminal contempt finding and sentence.

¶ 47 Affirmed.