

No. 1-14-1093

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

<i>In re</i> the Marriage of:)	Appeal from the
ADRIENNE MADDA)	Circuit Court of
)	Cook County
Petitioner-Appellee,)	
)	
and)	No. 13 D 10127
)	
TIMOTHY MADDA,)	Honorable
)	David E. Haracz,
Respondent-Appellant.)	Judge Presiding.

JUSTICE ROCHFORD delivered the judgment of the court.
Presiding Justice Hoffman and Justice Hall concurred in the judgment.

ORDER.

- ¶ 1 *Held:* In this Rule 307(a)(1) interlocutory appeal, we affirmed the circuit court's finding that respondent had abused the petitioner and we also affirmed the circuit court's entry of a plenary order of protection for the petitioner prohibiting respondent from committing harassment, physical abuse, interference with personal liberty, and stalking.
- ¶ 2 Petitioner, Adrienne Madda, and respondent, Timothy Madda, were married on December 29, 2007, and have two minor children. On November 15, 2013, Adrienne presented to the circuit court her emergency petition for an order of protection, along with a petition for dissolution of marriage. The circuit court entered the emergency order of protection on that date and also granted Adrienne temporary custody of the children. On November 27, 2013, following two days of hearing, the circuit court granted Adrienne a plenary order of protection which

imposed a "stay away," and "no contact" order on Timothy. The circuit court also entered a temporary parenting schedule, setting forth the times when Timothy would have visitation with the children. Timothy filed a motion to reconsider or modify the November 27, 2013, order. On March 17, 2014, the circuit court denied Timothy's motion to reconsider, but modified the "no contact" provision of the plenary order of protection to allow limited communication between the parties regarding the children. The circuit court also entered some modifications to the parenting schedule. Timothy filed this Rule 307(a)(1) (Ill. S. Ct. R. 307(a)(1) (eff. Feb. 26, 2010)), interlocutory appeal from the March 17, 2014, order. We affirm.

¶ 3

I. Background

¶ 4 Adrienne's emergency petition for an order of protection alleged that Timothy had committed several instances of abuse within the meaning of the Illinois Domestic Violence Act of 1986 (Act) (750 ILCS 60/103 (West 2012)), and that Adrienne and the children were in need of protection. Adrienne filed an affidavit in support of her emergency petition. In the affidavit, Adrienne attested that Timothy was 37-years old, six-feet-one-inches tall, and 180 pounds, and that she was 36-years old, five-feet-three-inches tall, and 129 pounds. Adrienne attested that Timothy's temper is "unpredictable" and he becomes enraged "over the most mundane of issues." By way of example, Adrienne attested that in July 2012, she and Timothy were driving with the children when he "became angry about something," and frantically began "twisting, ripping and crushing" his wire-frame sunglasses. He threw the sunglasses on the floor and told her he wanted to get out of the car. He jumped out before the car came to a complete stop.

¶ 5 Adrienne attested that in the summer of 2012, Timothy threw a toy at the television because he was annoyed about the weather report. Adrienne told him to calm down, and Timothy became furious, grabbed a floor lamp, and threw it to the floor, causing it to break.

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Adrienne called Timothy's father because she thought he would be able to calm Timothy down. Timothy grabbed the phone and threw it; "just missing" her head. The phone crashed into the wall, leaving a dent in the dry wall. Adrienne attached a photograph of the damage to the wall.

¶ 6 Adrienne attested that Timothy "harangues" her on a "weekly, almost daily basis," and becomes "angry and abusive" because she will not agree to move to the north suburbs of Chicago. Adrienne attested that when he is angered, Timothy threatens her by shouting: "I will spend the rest of my life making sure you don't get what you want; it will be a game for me; you'll have to spend everything you have to fight me; I'm going to enjoy it!" If she tries to retreat from Timothy "during his harangues," he follows her "relentlessly."

¶ 7 Adrienne attested that in the spring of 2013, Timothy became so angry with her that he threw a glass of water at her and threw a plate against the kitchen floor, breaking the plate and "gashing the floor."

¶ 8 Adrienne attested that on or around September 16, 2013, Timothy became angry with her and screamed at her to remove the necklace and rings she was wearing, that she did not deserve them because he did not love her anymore, and he "f***ing [hated her]." Adrienne handed the necklace and rings to Timothy, who then went to her closet and took the remainder of her jewelry from her jewelry box. Timothy taunted her by saying he was going to sell the jewelry.

¶ 9 Adrienne attested that on October 3, 2013, "in a fit of anger," Timothy transferred \$372,500 from their joint savings account into his personal account, which she does not have access to. Timothy refused to return the money (which included her bonus payments from work), told her that it was "his money," and that he would "spend it all."

¶ 10 Adrienne attested that on October 29, 2013, Timothy "became enraged" when she changed the temperature on the thermostat. Timothy stood over her, pointed his finger in her

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face, and yelled: "Don't f***ing touch that!" and "You're such a f***ing idiot!" Adrienne thought Timothy "was about to lose control," so she backed away and left the room. Later that evening, Timothy began relentlessly asking her: "Why won't you f*** me?"

¶ 11 Adrienne attested that on or about October 26, 2013, Timothy returned the jewelry he had taken from her in September. However, on October 30, 2013, he had "another angry outburst" because she was *not* wearing the jewelry. He began frantically searching the house, shouting: "Where is it?" Timothy finally said: "That's it, I'm taking the rest of the money!" Then he rushed down to the basement, into their home office, where he proceeded to pay \$8,000 on his own personal American Express credit card from their joint checking account. Timothy then took the jewelry from her jewelry box and refused to return it to her, saying: "You're so f***ing dumb;" and "If you think I stole it, call the cops."

¶ 12 Adrienne stated that during the week of November 4, 2013, Timothy called and told her his father was coming into town for Thanksgiving. Adrienne said she was not planning on hosting Thanksgiving that year, and that instead, she wanted to spend the holiday with her brother. Timothy became angry, accused her of "taking the kids from him," and threatened to fly the children to San Francisco, where his father lived. Adrienne tried to calm Timothy down by telling him that his father was welcome to come over for Thanksgiving with her brother, but Timothy responded by repeatedly saying "F*** you." That afternoon, Timothy sent her 13 text messages and called her 10 times. Adrienne eventually answered the phone, and Timothy began yelling at her and told her: "The path you are going down is a dangerous one, and I don't recommend it!" Adrienne hung up the phone. Timothy called her 12 more times that evening.

¶ 13 Adrienne attested that Timothy's abusive behavior extends to their two daughters. By way of example, on one occasion in the summer of 2013, they were all getting into the car. The

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two-year-old, Caroline, repeatedly said: "Bye-bye!" Timothy became angry and shouted: "Jesus, she sounds f***ing retarded!" As another example, on August 25, 2013, two-year-old Caroline began crying in the back seat of the car. Timothy shouted: "She's such a f***ing bitch!" In addition, while once randomly driving past a "sex store," Timothy said to their four-year-old daughter Jackie: "Jackie, look! There's mommy's store! That's where mommy buys toys."

¶ 14 Adrienne attested she is afraid to leave Timothy alone with their children for any significant period of time because "he has repeatedly demonstrated that he is not to be trusted with their care." For example, in February 2012, when she was traveling out of the country for work, he phoned her in the middle of the night because Caroline would not stop crying. Timothy said to her that if Caroline continued crying, "I don't know what I'm going to do!" and "I can't handle this!" Timothy has also stated to her on more than one occasion that "the kids are safer with you when I'm frustrated." Timothy has also stated he is depressed and, therefore, that he does not want to be around their children.

¶ 15 Adrienne attested that Timothy's "abusive" behavior over the past three years has caused her "a tremendous amount of anxiety and stress," making it difficult for her to sleep and concentrate on her work. Adrienne attested that as a result of Timothy's "abuse and harassment," she can no longer live in the same house with him. Adrienne rented an apartment without giving Timothy notice and has arranged to move out of the marital residence with the minor children before Timothy is served with the petition for dissolution of marriage. Adrienne attested to her belief that unless the emergency order of protection was granted, Timothy will become enraged when he learns she is filing for divorce and will continue to harass and abuse her, causing her and the children irreparable harm.

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¶ 16 On November 15, 2013, the circuit court entered an emergency order of protection against Timothy on behalf of Adrienne and the two children. The court determined that sufficient evidence was presented that Adrienne and the children had been abused by Timothy as defined under the Act; specifically, they had experienced physical abuse, harassment, interference with personal liberty, and intimidation of a dependent. The circuit court additionally found that Timothy made repeated phone calls to Adrienne's cell phone and made repeated threats to harm, restrain and confine her, and to remove or conceal the children. The circuit court stated it had considered the nature, frequency, severity, pattern, and consequences of Timothy's past abuse and it found a likelihood of future abuse, neglect, and/or exploitation of Adrienne or the children if relief was not granted. Accordingly, the court prohibited Timothy from committing physical abuse, harassment, interference with personal liberty, intimidation of a dependent and stalking, with respect to Adrienne and the children. The court also ordered Timothy to stay away from Adrienne and the children, and to not communicate with them. Adrienne was also given temporary custody of the children.

¶ 17 Also on November 15, 2013, Adrienne filed a petition for dissolution of marriage, an emergency *ex parte* petition for a temporary restraining order to escrow the money Timothy had transferred from their joint account, and to order Timothy to return her jewelry. On November 15, 2013, the circuit court granted Adrienne's request for a temporary restraining order, ordering that the specified funds be placed in escrow and that the jewelry be returned to Adrienne.

¶ 18 On November 22, 2013, and November 25, 2013, the circuit court heard two days of testimony with regard to granting Adrienne a plenary order of protection. The circuit court heard testimony from both parties regarding the alleged incidents of abuse, as follows.

¶ 19 A. Sunglasses Incident-Summer 2012

¶ 20 Adrienne testified that one evening, during the summer of 2012, she, Timothy, and the two children were in the car driving to dinner. Adrienne was the driver. Timothy saw a neighbor having a party on their rooftop deck and said: "I f***ing hate living here." Adrienne tried to calm Timothy by telling him they would have a nice time at dinner. Timothy became increasingly agitated, however, and told her: "I f***ing hate this city, turn around and go home." Adrienne turned the car around, and Timothy twisted his sunglasses, threw them on the floor, and said: "I'm getting out." Adrienne slowed down, and Timothy exited the car.

¶ 21 Timothy testified this incident did not happen. Instead, he stated: "I threw out glasses that were broken in the trash bin outside of our garage." Timothy recalled once in July 2012, he, Adrienne, and their children were in the car. Adrienne was driving. He and Adrienne were talking about his wish to move out of their neighborhood due to several incidents of crime. Adrienne stated that the crime in their neighborhood was "no big deal." They began to argue, and Timothy asked Adrienne to pull over because she was becoming "verbally abusive" toward him. When the car stopped, Timothy exited the vehicle.

¶ 22 B. Timothy Throwing the Floor Fan and Phone-Summer 2012

¶ 23 Adrienne testified that one day, in the summer of 2012, Timothy became angry while watching a weather report and threw a toy at the television set. Adrienne asked Timothy why he had thrown the toy at the television set, and they began arguing. He started following her around the house, and they went upstairs to the bedroom. Timothy picked up a standing fan in the bedroom and threw it to the floor, breaking it. Adrienne told Timothy she did not know what to do when he acted like this, so she decided to call his father in the hope he could calm Timothy down. She placed the call, told Timothy's father that Timothy was yelling and throwing things, and she handed the phone to Timothy. Timothy took the phone and threw it "past [her] head,"

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where it hit the wall above the master bed and left a dent. Adrienne confirmed that the photograph in an exhibit (exhibit A) to her affidavit in support of her petition for the emergency order of protection, accurately depicted the damage to the wall and, also, showed the type of phone involved in the incident. The actual phone Timothy threw that evening was broken by the impact.

¶ 24 During his testimony, Timothy denied he was upset at the weather report, or that he threw a toy at the television set. He further stated there is neither a floor lamp, nor a floor fan in their master bedroom, and he denied that he threw or broke anything. He stated they argued that evening over whether to move out of the neighborhood, and he admitted that the argument was "heated," but not any more heated than the "vast majority of [their] arguments." Timothy testified that Adrienne called his father to "embarrass" him, and she told his father: "I can't deal with him *** you need to talk to your son." Adrienne handed him the phone and left the room. Timothy and his father discussed "some things that were painful," and then he "tossed the phone towards the bed." The phone hit the wall immediately above the center of the headboard, making a "scuff" on the wall. Adrienne was not in the bedroom when he threw the phone. When Adrienne returned to the bedroom and asked why he had thrown a phone at the wall, he apologized and told her it was an accident.

¶ 25 C. Timothy Throwing a Glass of Water and a Plate-2012 and 2013

¶ 26 Adrienne testified that one evening in September 2013, she and Timothy were in the kitchen of their home while the children were asleep. They began arguing, and Timothy grew "frustrated with something [she] was saying," and threw a glass of water on her, wetting her stomach and pants. Similarly, in the summer of 2012, she and Timothy were arguing in the

kitchen, and Timothy screamed and threw a white plate down so hard it "gashed" the hardwood floor.

¶ 27 During his testimony, Timothy denied that he threw a glass of water at Adrienne. Instead, he recalled an incident where he accidentally knocked over a glass of water, and the water spilled from the table and fell in her lap. Timothy also recalled that he had accidentally dropped a plate on the kitchen floor, but stated there was no argument involved with this incident.

¶ 28 D. Argument Over the Thermostat-October 29, 2013

¶ 29 Adrienne testified that during the evening of October 29, 2013, she and Timothy had been arguing about how Timothy was "miserable" in their marriage and he asked her: "Why don't you just divorce me already [and] put me out of my misery, you're such a chicken sh**." At about 10 p.m., they went upstairs to go to bed. Timothy raised the thermostat, and Adrienne told him it was too warm. She reached over to lower it, and Timothy told her: "Don't f***ing touch that," and he began visibly shaking. Timothy told her: "You're so f***ing stupid and you're going to break it. *** You're a f***ing idiot." Adrienne backed away and went to check on one of the children. When Adrienne returned to the hallway, Timothy said: "You're so f***ing stupid, you're so f***ing dumb." She went to the other child's room and, when she came back out, Timothy was in their bed. Adrienne then went downstairs.

¶ 30 Adrienne testified that Timothy followed her downstairs and asked her: "Do you think it's ok that you won't f*** me?" Adrienne told him she did not want to talk about their sex life, and Timothy then repeatedly asked her: "Why won't you f*** me?" Adrienne testified she and Timothy essentially had no sexual relationship since their youngest child was born, and Timothy made little effort to be intimate with her in "nice" ways, or to ask her "sweetly" to be intimate

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with him. Instead, he had been repeatedly asking her to "have sex," or to "f****" since the summer, and told her: "You leave me no options."

¶ 31 Adrienne testified that when Timothy spoke to her like that, it made her feel "[b]elittled, like an object." She further testified:

"It makes me feel small and, like, I am supposed to *** owe him something. I have said that to him. I said that it's a very aggressive way when we don't even hold hands. *** I've asked him not to say that. I've asked him not to grab me so aggressively. I've asked him to not do those things and to not say it that way. When he does, he says you leave me no option, I could go out there and ask any woman on her way to the bar right now to sleep with me."

¶ 32 With regard to the argument over the thermostat, Timothy testified that on October 29, 2013, he checked on one of his daughters and discovered that her room was very cold so he turned up the heat. As he was turning up the heat, Adrienne rushed in front of him and "changed the temperature on the thermostat after the furnace had fired." Timothy told her to "stop it, leave it alone," and then he turned it back. Timothy denied becoming enraged or yelling at Adrienne and he also denied saying: "Don't f****ing touch that."; or telling Adrienne she was a "f****ing idiot."

¶ 33 As to their sexual relationship, Timothy testified that since the birth of their youngest child, they have had sex on only one or two occasions. He stated that he and Adrienne have talked about intimacy issues, and he stated his belief that their marriage would benefit if they became intimate again. Timothy first testified that he never asked Adrienne why she refuses to "f****" him. Timothy, thereafter, testified he "may have asked it once that way," and also

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admitted he did say the word "f***" to her on at least one occasion and "[p]erhaps a few times more."

¶ 34 E. Timothy Repeatedly Following Adrienne Around the House-2012 and 2013

¶ 35 Adrienne testified that during 2012 and 2013, Timothy would follow her around the house in some type of argument. Adrienne recalled approximately 5 to 10 such incidents in 2012 and 10 such incidents in 2013. As one example, Adrienne testified that in July 2013, she and Timothy had an argument, and she went upstairs to "get away" and take a shower to calm down. Timothy followed her upstairs, opened the shower door, and told her "we're finishing this conversation." Adrienne started crying, told Timothy she needed privacy, and that she did not want to argue. Timothy replied that she was too emotional and that he was going to call her mother. Timothy placed the call and handed the phone to Adrienne, who told her mother they were having their "usual argument" and that Timothy was following her all over the house. Her mother asked to talk to Timothy, who by this time had gone to the basement. Adrienne went to the basement, told Timothy her mother wanted to speak with him, and handed him the phone. Adrienne then turned to walk away, and Timothy "lobbed [the phone] over" and said: "Oh, what now, I threw the phone at you?"

¶ 36 Adrienne testified there were approximately 10 incidents during the summer of 2013 when Timothy argued with her and refused to let her sleep. Adrienne specifically recalled one such incident in September 2013, when Adrienne got into bed after arguing with Timothy. Adrienne was holding an iPad. Timothy came into the room, took the iPad, and started arguing with her again. Adrienne told Timothy she wanted to go to sleep, and she laid down and pulled the covers over her. He took the covers off and kept her up another half-hour.

¶ 37 Adrienne also testified there have been "occasions" where Timothy has kept her in the car even when she repeatedly asked to get out.

¶ 38 Timothy testified that when Adrienne asks him to stop an argument, he stops and goes downstairs while she goes into the bedroom. Timothy testified this was their way of "inserting distance and putting a natural break point" into their arguments. Timothy denied interrupting Adrienne's shower on July 13, or throwing a phone at her that day. Timothy denied pulling the covers off Adrienne and refusing to allow her to sleep.

¶ 39 F. Timothy Transferring Money From Their Joint Account-Fall 2013

¶ 40 Adrienne testified that in October 2013, she discovered that Timothy had withdrawn \$385,000 from their joint checking account. Adrienne had deposited her own money into that account, including bonuses she received from her employer. When Adrienne asked Timothy why he had withdrawn the money, he responded that the money belonged to him, she had no rights to any of it, and she would "never see it again so don't even ask." At the time of the hearing, Timothy had not returned the money.

¶ 41 Timothy testified he moved approximately \$400,000 from their joint account into an account in his own name because he believed it was nonmarital property. He has not touched the money since moving it from their joint account.

¶ 42 G. Timothy Taking Adrienne's Jewelry-Fall 2013

¶ 43 Adrienne testified to several incidents in which Timothy took away her jewelry. One such incident occurred on the evening of September 16, 2013, during an argument in their home in which Timothy criticized her for prioritizing her career over her family and again asked her why she won't "f***" him. Timothy told her: "F*** you, you don't deserve to wear this."; "I f***ing hate you."; and "F*** you, take the rings off."; meaning her engagement and wedding rings.

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Adrienne testified she felt like she had to comply because Timothy had been yelling for hours, he was "escalating" and was "really angry" and was screaming: "F*** you, I f***ing hate you." Adrienne took off the rings and gave them to him. Timothy later returned the rings to her on October 26, 2013.

¶ 44 Adrienne testified that at the end of October or beginning of November 2013, she and Timothy were arguing in the basement. Timothy demanded the rings again, telling her she did not "deserve to wear them." She took off the rings. Timothy then told her to give him her diamond necklace that contained diamonds from his mother and his grandmother, which he had given to her after the birth of one of their children. She took off the necklace and gave it to him. Timothy returned the jewelry to her in court on November 22, 2013.

¶ 45 Timothy testified that on September 16, 2013, Adrienne took off her engagement ring and wedding band, placed them on a desk, and said: "Here's a gift." In response, Timothy asked her: "What about the necklace?" Adrienne then took off the necklace and gave it to him. Timothy denied telling her that she did not "deserve" to wear it because he did not love her anymore, and he denied telling her that he "f***ing hate[s] her." He put the jewelry in a safe, but later, took it out and made a "conciliatory gesture" by placing it in the bathroom where she would see it. Timothy asked Adrienne to wear the jewelry again. Adrienne refused and left the jewelry on the bathroom counter. Timothy then returned the jewelry to the safe.

¶ 46 H. Argument Over 2013 Thanksgiving Plans

¶ 47 Adrienne testified that the weekend of November 10, 2013, she and the children were visiting her parents in Maryland. Timothy did not go with them. While Adrienne and the children were at a museum with Adrienne's father, Timothy texted Adrienne and asked to speak to one of the children, Jackie. Timothy and Jackie talked for "a little bit" on the phone, and then

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they became disconnected. Adrienne called back on the land line, and Timothy and Jackie talked some more. Adrienne then got on the phone, and she and Timothy began talking about Thanksgiving. Timothy told her that his father was flying in for the holiday. Timothy had not previously told her that his father would be coming to their home for Thanksgiving. Adrienne told Timothy she would like to spend part of the holiday with her brother. Timothy refused, and told her she would have to divorce him if she intended on "shuttling" the kids back and forth between her brother's house and their home.

¶ 48 Adrienne testified she told Timothy she was sure they could "coordinate something," but Timothy said no. Adrienne eventually hung up. Thereafter, Timothy telephoned her 10 times and sent her "a number" of text messages. One of the text messages stated he wanted a divorce. Another asked: "Do you want to start playing games and taking the girls from each other?" Adrienne texted him back and stated that the children were finishing dinner and getting ready for bed.

¶ 49 Adrienne testified she answered the phone the 11th time Timothy called. Timothy shouted at her, demanded that she agree they would have Thanksgiving at their home, and stated that if she wanted to shuttle the children back and forth between their home and her brother's house: "I'll call a lawyer right now. F*** you." Timothy also told her she was going down a "dangerous path." The call lasted about 15 minutes, and Timothy yelled so loudly that Adrienne's family could hear him through the phone. Adrienne told Timothy they could "work this out" when she got home, and then the call ended. Adrienne started crying as soon as the call ended and was "really shaken." Timothy, thereafter, telephoned her approximately 12 more times.

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¶ 50 In contrast, Timothy testified he and Adrienne had previously spoken in September or October about the family's Thanksgiving 2013 plans, when he told her that his father was coming for the holiday and that it was important they host dinner at their home. Adrienne told him she understood and, therefore, Timothy thought they had agreed to have Thanksgiving dinner at their home with his father.

¶ 51 Timothy testified that Adrienne subsequently told him during their November 10, 2013, phone conversation that she wanted to have Thanksgiving at her brother's house. Timothy has a "strained" relationship with Adrienne's brother. Timothy told Adrienne that she knew his father was coming into town for the holiday, and he did not understand why she wanted to change their Thanksgiving plans. After Adrienne hung up, Timothy called her a number of times, but she would not return his calls. He thought maybe they had a "bad connection," and he wanted to "get in touch with her" and resolve their disagreement over how to spend Thanksgiving.

¶ 52 Timothy testified they ultimately spoke again on the phone and began to argue. Adrienne told him it was "no big deal" if she wanted to take the children to her brother's house for Thanksgiving. Adrienne told Timothy he could come over to see the children for Thanksgiving, but that he really "wasn't welcome." Timothy admitted he raised his voice during this conversation and told Adrienne "you can't f***ing do this." Timothy denied that he repeatedly said: "F*** you" to her or told her that she was going down a dangerous path.

¶ 53 I. Timothy Calling and Emailing Adrienne at Work

¶ 54 Adrienne testified she works as a senior brand manager at Wm. Wrigley Jr. Company and that "the atmosphere in the household" affected her ability to work. She described several incidents in which Timothy disturbed her at the office by repeatedly making "confrontational phone calls." Adrienne has asked Timothy not to yell at her over the phone while she is at work.

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Once she left her office and went outside and told Timothy: "You can't talk to me like that at work, I can't cry at the table." Timothy responded: "Don't be such a f***ing baby." The last time he called, Adrienne was at her desk, and Timothy told her: "Just go in a f***ing huddle room for Chrissakes." Timothy also sent "confrontation[al]" emails to her at work.

¶ 55 J. Timothy's Interactions With the Children-2012 and 2013

¶ 56 Adrienne testified she was on an overseas business trip in Romania in January 2012, and Timothy was home with their children. Timothy called her at about 4 a.m. in Romania, told her that their seven-month-old child was crying and that he "can't handle this," he did not know what he was "going to do," and that it was "too much." Adrienne was "terrified" because she did not know what was going to happen, but she told Timothy to calm down and put the baby in her crib and walk out. Adrienne asked Timothy if she should fly home early; Timothy told her no. The phone conversation ended.

¶ 57 Adrienne testified that in June 2013, she was driving on Belmont Avenue. Timothy was in the front passenger seat and the girls were awake in the back seat. They drove past a "sex store" and Timothy said: "Look, girls, that's where mommy buys her toys."

¶ 58 Adrienne testified that in August 2013, they were driving back "from a long day," their daughter Caroline was fussy and crying, and Timothy said about two-year-old Caroline: "She's such a f***ing bitch." Another day in the summer of 2013, Caroline was saying: "Bye-bye," and Timothy commented: "She sounds f***ing retarded."

¶ 59 II. The Circuit Court's Ruling

¶ 60 At the close of the evidence, counsel for both parties delivered closing arguments. The circuit court thereafter granted a plenary order of protection to Adrienne. The court stated it had

"considered all of the testimony" and that it found Adrienne credible. The court further explained:

"I note harassment requires an intentional act that causes someone to be worried, anxious, or uncomfortable. And I believe and I find that [Timothy] has crossed the line here. I do find there has been a violation of the Domestic Violence Act and that abuse has occurred as defined by that Act, and that [Timothy] has harassed [Adrienne] on a number of and continued occasions in various ways."

¶ 61 Once the court found that Adrienne had been abused within the meaning of the Act, it entered a plenary order of protection to run the length of the pre-decree proceeding. The court ordered that Timothy was prohibited from committing physical abuse, harassment, interference with personal liberty and stalking with respect to Adrienne. In addition, the court imposed a "stay away" and no-contact order on Timothy, requiring him to stay away from Adrienne, including but not limited to refraining from telephone calls, mail, email, faxes, written notes, and communication through third parties. The court noted, however, that Timothy could contact Adrienne in the event of an "emergency" regarding the children. The court also prohibited Timothy from entering or remaining at Adrienne's residence and her place of employment.

¶ 62 As to the children, the circuit court found they were not abused and therefore were not "protected parties" under the Act. However, the court awarded physical care and custody of the children to Adrienne. The court entered a separate parenting order setting forth the specific parenting time of each party.

¶ 63 On December 27, 2013, Timothy filed his "verified motion to reconsider or, in the alternative, modify [the] November 27, 2013, plenary order of protection." Count I, labeled "motion to reconsider," argued that the evidence presented by Adrienne did not warrant entry of

an order of protection of any kind. Timothy asked the court to lift the plenary order of protection or, alternatively, to lift all restrictions against Timothy being able to communicate with Adrienne.

¶ 64 Count II, labeled: "In the alternative, motion to modify," argued that it was inappropriate for the court to prohibit him from committing physical abuse, interference with liberty, and stalking, when it had heard no evidence that he had ever engaged in such conduct. Timothy further argued that it was inappropriate for the court to enter a no contact order when there was no evidence supporting such an order, and where such an order would "eviscerate[] the parties' ability to continue to effectively co-parent their children as they have done all along." Timothy asked the court to modify its November 27, 2013, plenary order of protection, and "enter an order forbidding only harassment (if anything), lifting the no contact order, and allowing the parties to communicate freely, including via telephone, email, and texting for the purpose of co-parenting their two small children." Timothy further asked the court to "order that pickups and drop offs for Timothy's parenting time occur at the parties' respective homes."

¶ 65 On March 17, 2014, the circuit court entered an order denying count I of Timothy's motion, which had asked the court to reconsider the grant of the plenary order of protection. As to count II, the motion to modify, the court granted it in part by modifying the plenary order of protection to permit the parties to communicate regarding the children through the website "2houses." The court also made certain changes to the parenting schedule, changing the time and location regarding Timothy's return of the children to Adrienne.

¶ 66 On April 16, 2014, Timothy filed his Rule 307(a)(1) notice of appeal from the March 17, 2014, order.

¶ 67

III. Analysis of Timothy's Appeal

¶ 68 A plenary order of protection is an injunctive order because it directs a person to refrain from doing something. *In re Marriage of Fischer*, 228 Ill. App. 3d 482, 486 (1992). As an injunction, a plenary order of protection is one of the orders from which a party may take an interlocutory appeal pursuant to Rule 307(a)(1), which states:

"An appeal may be taken to the Appellate Court from an interlocutory order of court:

(1) granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction;

* * *

Except as provided in paragraph (b) and (d) [not applicable here], the appeal must be perfected within 30 days from the entry of the interlocutory order by filing a notice of appeal designated 'Notice of Interlocutory Appeal' conforming substantially to the notice of appeal in other cases." Ill. S. Ct. R. 307(a)(1) (eff. Feb.26, 2010).

¶ 69 Adrienne argues that as the circuit court entered the plenary order of protection on November 27, 2013, Rule 307(a)(1) afforded Timothy 30 days within which to timely file his notice of appeal, up to December 27, 2013. However, on that date, instead of filing a notice of appeal, Timothy instead filed his two-count "verified motion to reconsider or, in the alternative, modify [the] November 27, 2013, plenary order of protection" (hereinafter referred to as the motion to reconsider or modify).

¶ 70 Adrienne contends that the motion to reconsider or modify did not toll the 30-day period for filing the notice of appeal from the November 27, 2013, interlocutory order granting the plenary order of protection and, thus, that the notice of appeal filed almost four months later on March 17, 2014, was untimely. In support, Adrienne cites *Trophytime, Inc. v. Graham*, 73 Ill. App. 3d 335 (1979). Trophytime sought to enjoin a former employee from competing against it.

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Id. at 335. The circuit court entered an order on August 30, 1978, denying the request for an injunction. *Id.* at 336. On September 13, 1978, Trophytime filed a motion to vacate the August 30 order in which it sought a rehearing or, in the alternative, leave to amend its complaint. *Id.* The circuit court denied the motion on November 30, 1978, and Trophytime filed a notice of interlocutory appeal on December 27, 1978. *Id.*

¶ 71 Noting that Trophytime's notice of appeal was filed almost four months after the entry of the August 30 interlocutory order denying its request for an injunction, the appellate court rejected Trophytime's argument that the motion to vacate the August 30 interlocutory order tolled the 30-day deadline for filing the notice of appeal. *Id.* The appellate court explained its reasoning as follows:

"The grant or denial of the extraordinary relief of an injunction ordinarily has a substantial impact upon one of the parties. Rule 307 is an exception to the final judgment rule and allows a party to take an appeal from such interlocutory orders. We are aware of no authority, however, which would allow a motion (filed subsequent to the entry of an interlocutory order) to postpone the time in which to file a timely notice of appeal." *Id.* at 336-37.

¶ 72 Adrienne argues that, pursuant to *Trophytime*, Timothy had 30 days within which to file his notice of appeal from the November 27, 2013, interlocutory order granting the plenary order of protection, and that the motion to reconsider or modify which he filed on December 27, 2013, did not toll the 30-day period. Accordingly, Adrienne contends the notice of appeal was untimely as it was filed on April 16, 2014, *after* the 30-day period had expired, and that we should dismiss the appeal for lack of jurisdiction.

¶ 73 We disagree with Adrienne's argument, finding a case decided subsequent to *Trophytime*, *Doe v. Illinois Department of Professional Regulation*, 341 Ill. App. 3d 1053 (2003), to be dispositive. In *Doe*, the circuit court issued a preliminary injunction on August 8, 2001, barring the Illinois Department of Professional Regulation, Aurelia Pucinski, Director, Illinois Department of Professional Regulation, and Lucia Kubiowski, Chief ALJ, Illinois Department of Professional Regulation (collectively, the Department) from disclosing at any hearing any documents, records or testimony pertaining to plaintiff, John Doe, without first obtaining a confidentiality release from him. *Id.* at 1055. On September 7, 2001, the Department filed a "Motion to Vacate or Reconsider Entry of Injunction" (motion to vacate). *Id.* at 1057. On March 14, 2002, the circuit court denied the Department's motion to vacate entry of the injunction. *Id.* On April 12, 2002, the Department filed a notice of interlocutory appeal from the March 14, 2002, order. *Id.*

¶ 74 On appeal, relying on *Trophytime*, plaintiff argued that the notice of appeal was not timely filed within 30 days from the date of entry of the interlocutory order, August 8, 2001, and that the running of the 30-day period was not tolled by the Department's filing of the motion to vacate on September 7, 2001. *Id.* at 1058. Accordingly, plaintiff argued that the appeal must be dismissed for lack of jurisdiction. *Id.*

¶ 75 The appellate court (hereinafter, the *Doe* court) disagreed, noting that in *Trophytime*, the plaintiff there sought to vacate an interlocutory order which had *denied* injunctive relief. *Doe*, 341 Ill. App. 3d at 1058 (citing *Trophytime*, 73 Ill. App. 3d at 336). The *Doe* court noted that the *Trophytime* court held that such a motion did not toll the time for filing the Rule 307 appeal. *Doe*, 341 Ill. App. 3d at 1058 (citing *Trophytime*, 73 Ill. App. 3d at 336-37). Unlike *Trophytime*, the Department's motion in *Doe* sought to vacate or reconsider an order which had *granted*

injunctive relief. *Doe*, 341 Ill. App. 3d at 1058. The *Doe* court found that the Department's motion to vacate effectively sought dissolution of the preliminary injunction¹ (*id.*), and that the circuit court's order on March 14, 2002, denying the motion and refusing to dissolve the injunction was appealable under Rule 307(a)(1). *Id.* at 1059. The *Doe* court held that it had jurisdiction because the Department's notice of interlocutory appeal was filed within 30 days of the March 14, 2002, order. *Id.*

¶ 76 Similarly, in the present case, the circuit court entered an order on November 27, 2013, granting injunctive relief for Adrienne by entering the plenary order of protection. On December 27, 2013, Timothy filed his two-count motion to reconsider or modify the November 27, 2013, order. Count I (the motion to reconsider) argued that the evidence presented by Adrienne did not warrant entry of an order of protection of any kind and asked the court to lift the plenary order of protection, *i.e.*, to dissolve the injunction. The circuit court's order on March 17, 2014, denying Timothy's motion to reconsider and refusing to dissolve the injunction and lift the plenary order of protection was appealable under Rule 307(a)(1). See Ill. S. Ct. R. 307(a)(1) (eff. Feb. 26, 2010) (allowing for an appeal to be taken from an interlocutory order refusing to dissolve an injunction). We have jurisdiction because Timothy's notice of interlocutory appeal was filed within 30 days of the March 17, 2014, order, refusing to dissolve the injunction and lift the plenary order of protection.

¶ 77 Count II of Timothy's motion sought modification of the November 27, 2013, order. The March 17, 2014, order granted count II of Timothy's motion in part and modified the injunctive plenary order of protection entered on November 27, 2013, by permitting the parties to

¹ In so finding, the *Doe* court noted "the character of a pleading is to be determined from its content not its label." *Doe*, 341 Ill. App. 3d at 1958 (citing *Kemner v. Monsanto Co.*, 112 Ill. 2d 223 (1986)).

communicate regarding the children through the website "2houses," and by making certain changes to the parenting schedule which had been incorporated into the plenary order of protection. Rule 307(a)(1) allows for an appeal to be taken from such an interlocutory order modifying an injunction. *Id.* We have jurisdiction because Timothy's notice of appeal was timely filed within 30 days of the March 17, 2014, order modifying the injunction.

¶ 78 We proceed to address Timothy's appeal.

¶ 79 Initially, we note that Timothy's appellant's brief contains a statement of facts which failed to cite the relevant portions of the record in violation of Illinois Supreme Court Rule 341(h)(6). Ill. S. Ct. R. 341(h)(6) (eff. Feb. 6, 2013). The argument section in Timothy's appellant's brief failed to cite precedential case law in violation of Illinois Supreme Court Rule 341(h)(7). Ill. S. Ct. R. 341(h)(6) (eff. Feb. 6, 2013). In violation of Illinois Supreme Court Rule 341(h)(9) (Ill. S. Ct. R. 341(h)(9) (eff. Feb. 6 2013)), and Illinois Supreme Court Rule 342(a) (Ill. S. Ct. R. 342(a) (eff. Jan. 1, 2005)), Timothy's appellant's brief has no appendix containing a copy of the judgment appealed from, any findings of fact or memorandum opinions issued by the circuit court, any relevant pleadings, or a complete table of contents of the record on appeal. We could strike Timothy's brief and/or consider his arguments waived as a result of his failure to comply with the supreme court rules (*First National Bank of Marengo v. Loffelmacher*, 236 Ill. App. 3d 690, 692 (1992); *Express Valet, Inc. v. City of Chicago*, 373 Ill. App. 3d 838, 855 (2007)), but we choose to address the issues on the merits.

¶ 80 As discussed, Timothy appeals from the March 17, 2014, order which: (1) denied his motion to reconsider and lift the plenary order of protection entered on November 27, 2013; and (2) made certain modifications to the plenary order of protection. Timothy first argues there was

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no basis under the Act for entry of the plenary order of protection and therefore that the circuit court erred by denying his motion to reconsider and lift the protective order.

¶ 81 Resolution of Timothy's argument requires us to examine the Act. In construing a statute, our task is to ascertain and give effect to the legislature's intent. *West Suburban Bank v. Advantage Financial Partners, LLC*, 2014 IL App (2d) 131146, ¶ 16. The best indicator of legislative intent is the plain language of the statute. *Id.*

¶ 82 We note that in drafting the Act, the legislature explicitly set forth the purposes it was designed to achieve. In pertinent part, the Act:

"Recognize[s] domestic violence as a serious crime against the individual and society which produces family disharmony in thousands of Illinois families, promotes a pattern of escalating violence which frequently culminates in intra-family homicide, and creates an emotional atmosphere that is not conducive to healthy childhood development." 750 ILCS 60/102(1) (West 2012).

The Act also:

"Support[s] the efforts of victims of domestic violence to avoid further abuse by promptly entering and diligently enforcing court orders which prohibit abuse and, when necessary, reduce the abuser's access to the victim and address any related issues of child custody and economic support, so that victims are not trapped in abusive situations by fear of retaliation, loss of a child, financial dependence, or loss of accessible housing or services." 750 ILCS 60/102(4) (West 2012).

Finally, the Act is intended to "[e]xpand the civil and criminal remedies for victims of domestic violence; including, when necessary, the remedies which effect physical separation of the parties to prevent further abuse." 750 ILCS 60/102(6) (West 2012). The Act specifically provides that

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it is to be "liberally construed and applied to promote its underlying purposes." 750 ILCS 60/102 (West 2012).

¶ 83 To effectuate the stated purposes of the Act, section 214(a) provides that the circuit court shall issue an order of protection if it finds that "petitioner has been abused by a family or household member." 750 ILCS 60/214(a) (West 2012). Section 205(a) provides that the proceedings to obtain an order of protection are civil in nature and governed by a preponderance of the evidence standard. 750 ILCS 60/205(a) (West 2012). Our supreme court has held that a finding of abuse made under the Act will be reversed only if it is against the manifest weight of the evidence. *Best v. Best*, 223 Ill. 2d 342, 350 (2006).

¶ 84 The Act defines "abuse" as "physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation." 750 ILCS 60/102(1) (West 2012). In the present case, the circuit court found that Timothy had committed "abuse" under the Act in the form of harassment. The Act defines "harassment" as "knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances; would cause a reasonable person emotional distress; and does cause emotional distress to the petitioner." 750 ILCS 60/103(7) (West 2012). The Act further provides that certain conduct is presumed to cause emotional distress, including "repeatedly telephoning petitioner's place of employment, home or residence." 750 ILCS 60/103(7)(ii) (West 2012).

¶ 85 Adrienne's testimony supported the circuit court's finding that Timothy committed "harassment" under the Act. Specifically, as we discussed earlier in this order, Adrienne testified to a variety of incidents which, singularly and in the collective, met the Act's definition of harassment, such as: (1) their argument over the 2013 Thanksgiving plans, in which Timothy telephoned her 23 times, screamed and cursed at her so loudly that Adrienne's family could hear

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him through the phone, told her she was going down a "dangerous path" and that he would call his lawyer, all of which left Adrienne crying and "really shaken"; (2) the October 29, 2013, incident in which Timothy grew angry at Adrienne for lowering the thermostat, began visibly shaking and subsequently called her "f***ing stupid," "f***ing dumb," and a "f***ing idiot," and followed her downstairs and repeatedly asked her why she would not "f***" him; (3) the repeated incidents since the summer, in which Timothy had aggressively grabbed her and asked her to "f***" him and told her that her refusal to do so left him "no options" other than to have an affair, all of which caused her to "feel small"; (4) the incident in September 2013, in which Timothy and Adrienne were arguing, and Timothy threw a glass of water on her; (5) the incident in the fall of 2013, when Timothy withdrew \$385,000 from their joint checking account, including monies that came from bonuses Adrienne had received from her employer, and told her she would never see the money again "so don't even ask"; (6) the incident in September 2013, when Timothy screamed at Adrienne for hours, cursed her, told her he hated her and that she did not deserve to wear certain jewelry he had gotten her, causing her to take off her engagement and wedding rings and give them to him; (7) the incident at the end of October or beginning of November 2013, when they were arguing and Timothy demanded the rings again and a diamond necklace he had given her, causing Adrienne to give him the jewelry; (8) the approximately 10 incidents in the summer of 2013 when Timothy was arguing with her and refused to let her sleep; (9) the incident in July 2013 when Timothy followed her into the bathroom and opened the shower door to continue an argument, causing her to cry, and then after she called her mother and handed the phone to him, he "lobbed [the phone] over" and asked: "Oh, what now, I threw the phone at you?"; (10) the incident in the summer of 2012, when they were again arguing and Timothy threw a plate down so hard that it "gashed" the hardwood floor;

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(11) the incident in the summer of 2012 when Timothy and Adrienne were arguing in the car, Timothy told her he "f***ing" hated living in the city, twisted his sunglasses, threw them on the floor, and exited the car; (12) the incident in the summer of 2012 when Timothy became angry at the weather report, threw a toy at the television set, then began arguing with Adrienne and following her around the house, and eventually threw a standing fan to the bedroom floor, breaking it, and threw a telephone past her head, causing it to hit the wall above the master bed and leave a dent; (13) the 5 to 10 incidents in 2012, and the 10 incidents in 2013, when Timothy followed her around the house in some type of argument; (14) the several incidents in which Timothy made "confrontational phone calls" to her at work, causing her to leave the office and feel like crying, and the incidents in which he also sent "confrontation[al]" emails to her at work; and (15) the incidents in which Timothy called their two-year-old daughter Caroline a "f***ing bitch" and "f***ing retarded," told the daughters that Adrienne buys toys at a sex shop, and telephoned Adrienne in Romania at 4 a.m. and told her Caroline was crying and he could not "handle" it and did not know what he was "going to do."

¶ 86 All of this testimony by Adrienne was sufficient for the circuit court to find that Timothy had repeatedly engaged in harassing behavior under the Act by: engaging in knowing conduct which was not necessary to accomplish a reasonable purpose; which would cause a reasonable person emotional distress; and which caused emotional distress to Adrienne. Accordingly, the circuit court's finding that Timothy committed abuse by way of harassment under the Act was not against the manifest weight of the evidence.

¶ 87 Timothy points to various inconsistencies between Adrienne's trial testimony and her sworn affidavit. Specifically, Adrienne attested in her affidavit that Timothy threw the glass of water at her and broke the plate against the floor in the spring of 2013, whereas Adrienne

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testified at the hearing that Timothy threw the glass of water on her in September 2013 and threw the plate on the floor in the summer of 2012. Also, Adrienne attested in her affidavit that Timothy grabbed a floor lamp during an argument and threw it down, breaking it, whereas Adrienne testified at the hearing that Timothy threw a fan (not a floor lamp).

¶ 88 Timothy further points out that some of his testimony conflicted with Adrienne's testimony. Specifically, contrary to Adrienne's testimony, Timothy denied: (1) throwing a glass of water at Adrienne or purposely throwing a plate at the floor; (2) throwing a toy at the television set or throwing either a floor lamp or fan to the floor; (3) twisting up his sunglasses and throwing them to the floor of the car; (4) cursing at Adrienne for lowering the thermostat; following her around the house after she asked him to stop; (5) following her into the shower; and (6) refusing to allow her to sleep. Timothy also testified that, contrary to Adrienne's testimony, she was not in the bedroom when he threw the phone at the wall. Timothy further testified that, contrary to Adrienne's testimony, their argument over the 2013 Thanksgiving was precipitated by Adrienne going back on her word that she and Timothy would host Thanksgiving that year for his father, who was flying into Chicago for the holiday.

¶ 89 The inconsistencies between Adrienne's affidavit and her testimony, and the differences between Adrienne's testimony and Timothy's testimony, do not compel reversal and the lifting of the plenary order of protection. Our supreme court has held:

"Under the manifest weight standard, we give deference to the trial court as the finder of fact because it is in the best position to observe the conduct and demeanor of the parties and witnesses. [Citation.] A reviewing court will not substitute its judgment for that of the trial court regarding the credibility of witnesses, the weight to be given to the evidence, or the inferences to be drawn." *Best*, 223 Ill. 2d at 350-351.

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In the present case, the circuit court expressly found Adrienne to be credible, and we will not substitute our judgment for the circuit court's credibility determination.

¶ 90 Timothy also argues that certain "events subsequent to [the] entry of the plenary [order of protection] have highlighted its illegitimacy." Specifically, Timothy points to: (1) an incident on December 6, 2013, when Adrienne "used" the plenary order of protection "to exclude Timothy from participating in the children's school's gingerbread house event"; (2) an incident on December 18, 2013, when Adrienne used the plenary order of protection "as an excuse to refuse to meet with the child's representative and Timothy to attempt to resolve holiday parenting time issues"; (3) incidents in which Adrienne used the plenary order of protection "to justify refusing to jointly attend with Timothy tours of and interviews at private schools to which the parties applied for the children"; and (4) incidents subsequent to the grant of the plenary order of protection in which Adrienne limited Timothy's phone access to the children.

¶ 91 Timothy also contends that subsequent to the entry of the plenary order of protection, Adrienne has "paint[ed] herself as the victim without justification, making wholly unwarranted accusations of improper behavior by Timothy." For example, according to Timothy: "Adrienne claimed that Timothy ferreted out the location of her new residence by interrogating [one of their children] when in reality the child spontaneously revealed her new home and Adrienne herself revealed her new address with her own mail forwarding blunders."

¶ 92 Timothy also contends that subsequent to the entry of the order of protection, Adrienne has improperly "take[n] issue with Timothy's attendance at his children's school events, going to great pains to document in an utterly absurd email how close he allegedly sat to her during the children's school's Christmas pageant and how he had the gall to attend the classroom gathering afterward."

¶ 93 Timothy has crafted no coherent argument regarding how these events subsequent to the entry of the plenary order of protection show that the court's finding that Timothy committed abuse by way of harassment under the Act was against the manifest weight of the evidence and/or that the circuit court erred in denying his motion to reconsider the entry of the protective order. Nor does he provide citation to any case law. Accordingly, the issue is waived. See *Eckiss v. McVaigh*, 261 Ill. App. 3d 778, 786 (1994) ("A reviewing court is also entitled to have issues clearly defined with pertinent authority cited and coherent arguments presented; arguments inadequately presented on appeal are waived.").

¶ 94 Next, Timothy argues we should reverse the circuit court's denial of his motion to reconsider entry of the protective order, and remand the case to lift the plenary order of protection, because the court failed to make the requisite findings under section 214(c) of the Act. Section 214(c) provides that the circuit court must make the following findings "in an official record or in writing": that the court considered the applicable relevant factors in determining whether to grant the plenary order of protection, including the "nature, frequency, severity, pattern and consequences of the respondent's past abuse"; that the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse; and that the grant of the requested relief was necessary to protect petitioner. 750 ILCS 60/214(c) (West 2012).

¶ 95 Review of the record indicates that in its oral ruling (*i.e.*, in an "official record"), the circuit court made the requisite findings supporting the grant of the plenary order of protection. Specifically, the circuit court found:

"But after all is said and done, in this case, I do find that [Adrienne is] credible. And I note harassment requires an intentional act that causes someone to be worried, anxious,

or uncomfortable. And I believe and I find that [Timothy] has crossed the line here. I do find there has been a violation of the [Act] and that abuse has occurred as defined by that Act, and that [Timothy] has harassed [Adrienne] on a number of and continued occasions in various ways. *** Given what I found to be the nature of the abuse in this case, a no contact order is warranted."

The court further noted for the record that based on Adrienne's credible testimony regarding Timothy's abusive behavior toward her, it was prohibiting Timothy from committing harassment, physical abuse, interference with personal liberty, and stalking with respect to Adrienne.

¶ 96 These findings by the circuit court in the official record indicated that the court had considered the nature, frequency, severity, pattern and consequences of Timothy's past abuse of Adrienne, that it had found that unless prohibited, Timothy would continue to abuse Adrienne, and that it was necessary to grant the requested relief to protect Adrienne. Accordingly, the circuit court's findings sufficiently complied with section 214(c) of the Act.

¶ 97 Next, Timothy argues we should reverse the circuit court's denial of his motion to reconsider entry of the protective order, and remand the case to lift the plenary order of protection, because the remedies entered (forbidding Timothy from committing physical abuse, interference with personal liberty, stalking, or harassment with respect to Adrienne) were not supported by the evidence.

¶ 98 When a circuit court crafts an order of protection after finding abuse, it " 'acts as a shaper of remedies' and, in that capacity, the court has 'true discretion.' " *Frank v. Hawkins*, 383 Ill. App. 3d 799, 816 (2008) (quoting *Best v. Best*, 358 Ill. App. 3d 1046, 1053 (2005)). Therefore, we review the court's granting of remedies in the order of protection under an abuse of discretion standard. *Frank*, 383 Ill. App. 3d at 816.

¶ 99 In imposing remedies under an order of protection, the circuit court is "free to consider a respondent's past conduct" and its duty is "to determine whether petitioner or others protected under the Act [are] in need of future protection." *Id.* at 817. Notably, a respondent "need not have previously exhibited behavior that would fit squarely into each of the remedies granted [in the order of protection] before the trial court could order that he be prohibited from doing so in the future." *Id.*

¶ 100 In the present case, Adrienne testified regarding Timothy's past abusive conduct toward her, which included: throwing and breaking items during arguments; throwing a phone past her head on one occasion and "lobb[ing]" a phone toward her on another occasion; screaming profanities and threats in person and over the phone; making repeated hostile phone calls and texts; relentlessly following Adrienne around the house (and once even into the shower) while arguing with her and preventing her from sleeping; confining her in the car on occasion; withdrawing \$385,000 from their joint checking account, including monies from Adrienne's bonuses from work; and demanding that she give him her jewelry. The circuit court expressly found Adrienne's testimony to be credible and that Timothy had committed abuse by way of harassment under the Act. Adrienne's testimony amply supported the circuit court's finding of harassment and also indicated the likelihood that Timothy would continue his abusive behavior by screaming and cursing at her, following her around (sometimes even into the bathroom), preventing her from sleeping or leaving the car, and maybe even physically harming her by throwing things (such as a phone) at her head. Accordingly, the circuit court entered an order of protection prohibiting Timothy from committing any further harassment, or any physical abuse, interference with personal liberty, and stalking with respect to Adrienne. The circuit court also ordered Timothy to stay away from Adrienne and to have no contact with her except in the event

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of an emergency regarding the children, and subsequently modified the order to permit the parties to communicate regarding the children through the website "2houses." The circuit court committed no abuse of discretion in the fashioning of its remedies under the Act, especially as the Act specifically provides that its remedies are to be "liberally" applied for the protection of the victims of domestic abuse, such as Adrienne here. 750 ILCS 60/102 (West 2012).

¶ 101 For the foregoing reasons, we affirm the circuit court.

¶ 102 Affirmed.