

# Petition of Rehearing

USSC # 19-8236

BROOKS v FOSTER

PETITIONER: IVA BROOKS

RESPONDENT: AARON FOSTER

APPEALS FROM DECISIONS OF THE LOWER COURTS

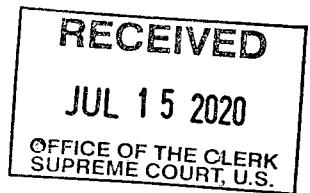
IN THE STATE OF ILLINOIS

**THIS APPEAL INVOLVES A MATTER SUBJECT TO  
EXPEDITED DISPOSITION UNDER RULE 311(a).**

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## **STATUTES, LAWS, and or AUTHORITIES**

1. Child Support 750 ILCS 5/505 (from Ch. 40, par. 505 sec.)
2. Parenting Time 750 ILCS 5/517, 750 ILCS 5/602.7
3. Emergency Order/ Emergency APRR 750 ILCS 5/602.7 best interest of the child 750 ILCS 5/602.7(a)
4. Orders of Protection, 750 ILCS 60/214 (from Ch. 40, par. 2312-14)
5. Substitution of Judge, 735 ILCS 5/2-1001(a)
6. Abuse of Judge's Discretion ,750 ILCS 5/602.10
7. Roll of the Guardian Ad Litem, 750 ILCS 5/506
8. Civil Code of Procedure (administrative and procedural rules)
9. Uniform Rules of Practice Circuit Court Illinois
10. Electronic Home Monitoring, 730 ILCS 5/ch plausibility of the constitutionality of the use of electronic monitoring and home detention, Contempt (13.8) indirect civil
11. Illinois Supreme Court General Rules Article I and Article II

Factual material and legal matters had been extensively overlooked during the lower court's appellate processes concluding misappropriated decisions which led to an explicitly exceptional importance of complying with protective rights of the Petitioner and child honed by the Constitutions which had been extremely negated in regard to this domestic relations child support case, the litigants and the child. During the case, there had also been change in laws and or statutes in Illinois in regard to parenting time or the filing of a parenting plan agreement, which the Petitioner filed a fair and reasonable parenting plan which the Respondent had not responded to and the lower courts negated motions filed which contributed to violations of rights of due process of the child and Petitioner. The questions presented within the Writ of Certiorari in the USSC present reasons an exceptional impartial review of how an in-court oral motion of the respondent is considered and whether or not the opposing litigant's rights could be involuntarily revoked without cause in lieu of rights of the Constitutions, which is what is presented for an appeal of what was a simple matter of child support which developed into unquestionable violation of rights of both the child and the Petitioner mother of the child. The more important vantage point to consider is also the rights of the child, which had not been protected by the court appointed Guardian ad

child and Petitioner.

This Petition of Rehearing is being presented in good faith efforts with time of essence concern of the non-attorney pro se petitioner. Although there may have been some misguided advice from lower courts staff attorneys within the appeals processes from decisions of the lower courts, the petitioner presents this Petition of Rehearing to be considered to receive an appeal of the decisions of the lower courts of Illinois. The petitioner understands there is conflict between the lower courts of Illinois and the United States Supreme Court in conjunction with conflicting statutes of other states within our union as it pertains to interpretations of laws and or statutes as well as implementation of codes of procedure applied within case matters which is the claim presented in this Petition for Rehearing. Although in my strong opinion these matters could have and or should have been overturned for an appeal within the lower courts of the State of Illinois, the claim of this petition could be of good interest to the United States Supreme Court to remedy the fundamental judicial injustices of misapplied statutes of law or faulty reasoning in the opinions, which in this case were not disclosed, however led to decisions and or rulings of which the United States Supreme Court could remedy direct violations of rights to due process honoring the Constitutions of our democracy. This Petition for Rehearing presented to the United States Supreme Court is for an

Court from decisions of the lower courts in the State of Illinois. The state of emergency our country is in during filing of the Writ of Certiorari and Petition of Rehearing is an even greater reason for an appeal to be considered and granted. Application of codes of procedure as well as protection of rights is not just an issue currently in the media it is a responsibility of our legal system particularly the judges and or court representatives and integrity bestowed upon them which had not been the case within what was a simple child support matter. To further admit the case standing as it is currently, not only jeopardizes the integrity of the justice system but particularly the manners in which decisions could be implemented, how rights could be involuntarily revoked without cause as well as the case as standing has neglected to adhere to the codes of procedure which compromise integrity of the court members as well as violates rights to due process of litigants. In particular, violations of rights of the petitioner and child as the statutes and or laws were misinterpreted and or misapplied in this case which further conflict with the protective statutes of our Constitutions. The substance of which has led these case matters to be presented are not just of concern for this case but any case. The manner, procedures and or processes in which decisions had been continuously made in granting an in-court oral motion of the respondent subsequently negates rights to due process and is a direct violation of the

obvious bias on behalf of the lower court judge whereby neglecting an oath and obligation to clarify matters especially considering litigants were non-attorney pro se and obviously knowledgeable of statutes, codes of procedure and the duties of members of the courts. There also are detailed accounts of violations of the Fifth, Sixth & Fourteenth amendments of the non-participatory disposition of those of whom decisions, particularly the court appointed guardian ad litem, which could have served justice in this case, instead the non-participatory dispositions conflict with protective statutes. More importantly, misapplied statutes and or laws within decisions and or facilitation of procedures of this case greatly conflict with the appropriation of simple and or understood statutes, which in this case, subsequently violated the Fifth, Sixth and Fourteenth amendments of the parties of the case. Progressively, to maintain dignity, respect and integrity of our judicial system within our democracy this Petition of Rehearing is before the United State Supreme Court for an appeal of the decisions of the lower courts of the State of Illinois.

#### **REASONS FOR GRANTING PETITION**

Petitioner exhibited just causes of reasons to grant an impartial review of matters and to resolve an important question of law in these case matters due to misappropriated statutes and or misused statutes and or laws

1. Rights to substitution of judge as matter of right

- a. petitioner had been refused right to substitution of judge as matter of right before any significant rulings had been made

2. Rights to an attorney

- a. although a civil case, the petitioner was held in civil contempt for five months without right to an attorney whereby being processed through the criminal court system and held against petitioner's will by (EHM) electronic home monitoring infringing upon petitioner's freedoms and liberties and an intrusion of petitioner's private residence and workplace

3. Rights of the child's better and or best interest

- a. There is continued non-participatory dispositions of the guardian ad litem violating statutes and rights to due process

4. Procedural errors and or omissions

- a. there had not been question as to the mental stability of the petitioner throughout the 5 years of the child support case, drawing question to intent of

violating due process and statutes in regard to rule 215 exams, an emergency petition dated Sep/20/2017 is omitted from the Certification of Record on Appeal

5. Misappropriated statutes applied

a. there had not been an offense nor legal charge where by a rule 215 exam would be requested and granted which directly conflicts with relating statutes of the State of Illinois and also other states within our union, violating due process and statutes in regard to rule 215 exams conflicting with codes of procedure in Illinois

6. Unreasonable application of laws and or statutes

a. rule 215 mental exam, there had not been any overlapping issues nor substantiated causes which draws question to intent and or reasons for the respondent's motion for a rule 215 mental exam granted by the circuit court judge, whereby the motion had been that of the respondent and not an opinion nor an observation to led to the judge's granting of the

b. constitutionality of (EHM) electronic home monitoring

whereby no offence has been/had been committed,

questioning the plausibility of the implementation of

unreasonable means and excessive force which

conflicts with protective statutes and direct violations

of rights to due process

## **CONCLUSION**

This Petition for Rehearing for an appeal raises questions as to conflicts other than that of the better interest and or well being of the parties, in particular, the child and or plausibility of the potential abuse of judge's discretion for an unlawful intent, including but not limited to attorneys of the case. In the matters regarding this Petition for Rehearing for an impartial review and an appeal from the decisions of the lower courts in the State of Illinois, of the courts violations of due process which directly conflict with the laws and or statutes of our Constitutions which infringed upon the civil liberties of both the mother and minor child within the case and caused irretrievable loss of valuable time, missed important life events, inflicted familial discord, caused pain and suffering and direct violations of rights of the Fifth, Sixth and Fourteenth amendments of our US and State

The petition for rehearing should be granted.

Respectfully submitted, \_\_\_\_\_

Date: \_\_\_\_\_

## **CERTIFICATE**

1. This petition for the rehearing complies with the rules set forth in Rule 44.2 and limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.
2. This petition of rehearing is restricted to the grounds specified and that it is presented in good faith and not delay.