



## SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING  
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FIRST DISTRICT OFFICE  
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March 30, 2023

In re: In re Marriage of Cinque Robinson, petitioner, and Janeen D.  
Guajardo, respondent. Leave to appeal, Appellate Court, First  
District.  
129445

The Supreme Court today DENIED the Petition for Leave to Appeal in the above  
entitled cause.

The mandate of this Court will issue to the Appellate Court on 05/04/2023.

Neville, J., took no part.

Very truly yours,

*Cynthia A. Grant*

Clerk of the Supreme Court

1-22-1489

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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<i>In re</i> MARRIAGE OF	)	Appeal from the
	)	Circuit Court of
CINQUE ROBINSON,	)	Cook County.
	)	
Petitioner-Appellant,	)	
	)	
v.	)	No. 06 D 630907
	)	
JANEEN D. GUAJARDO,	)	Honorable
	)	Sharon O. Johnson,
Respondent-Appellee.	)	Judge Presiding.

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

SUMMARY ORDER

¶ 1 On May 26, 2020, petitioner, Cinque Robinson, filed a pleading titled “Emergency Motion to Modify Allocation of Parental Responsibilities and the Residential Address.” Robinson’s motion asked the trial court to order a modification of the current allocation order or for “any other remedy the court deems equitable and in the best interest of the child.” However, after a hearing on the petition, the court denied relief to petitioner and went further by entering an order that found it was in the best interest of the child that the petitioner’s parenting time be abated:

“It is in the best interest of the minor child that she remain in the control and possession of Respondent, and that Petitioner’s parenting time be temporary

[sic] abated until such time that a mental health professional can assess the minor child and make recommendations to the parties, about how to proceed.”

¶ 2 On April 27, 2022, Robinson filed an emergency motion to vacate the May 2020 order which is the subject of this appeal. Robinson argued the abatement order was void for lack of jurisdiction. The trial court denied the motion to vacate, and Robinson appealed. Robinson filed his opening brief on appeal on November 21, 2022. Respondent has failed to file a response brief or request an extension of time. On January 19, 2023, this court ordered that Robinson’s appeal would be considered on the appellant’s brief only.

¶ 3 This court has jurisdiction to hear the appeal of the trial court’s order denying the motion to vacate the May 2020 order as void under Illinois Supreme Court Rules 304(b)(3) and 304(b)(6) (eff. Mar. 8, 2016) as an appeal from the denial of relief pursuant to a section 2-1401 petition and an order modifying an allocation of parental responsibilities judgment pursuant to the Illinois Marriage and Dissolution of Marriage Act. A petition seeking relief from a void judgment is a section 2-1401 petition, regardless of whether or not it bears that title. *In re Custody of Ayala*, 344 Ill. App. 3d 574, 581-82 (2003).

¶ 4 On appeal, Robinson argues the trial court’s order abating his parenting time and all related orders are void and unenforceable because the trial court lacked subject matter jurisdiction to enter them. Robinson argues the trial court did not have subject matter jurisdiction to abate his parenting time because the only matter before the court was Robinson’s motion to modify the allocation of parenting time. Robinson argues a restriction of his parenting time “was not in the nature of the case/matters being heard.” Robinson also argues the trial court failed to make statutorily required findings of fact. In making the argument, Robinson admits that “the circuit [court] based its abatement of my parenting time solely on the best interest of the child.”

plan or allocation judgment when necessary to serve the child's best interests if the court finds, by a preponderance of the evidence, that on the basis of facts that have arisen since the entry of the existing parenting plan or allocation judgment or were not anticipated therein, a substantial change has occurred in the circumstances of the child or of either parent and that a modification is necessary to serve the child's best interests." 750 ILCS 5/610.5(c) (West 2020).

Furthermore, section 603.10 of the Dissolution Act provides:

"(a) After a hearing, if the court finds by a preponderance of the evidence that a parent engaged in any conduct that seriously endangered the child's mental, moral, or physical health or that significantly impaired the child's emotional development, the court shall enter orders as necessary to protect the child. Such orders may include, but are not limited to, orders for one or more of the following:

(1) a reduction, elimination, or other adjustment of the parent's decision-making responsibilities or parenting time, or both decision-making responsibilities and parenting time." 750 ILCS 5/603.10(a) (West 2020).

¶ 7 The trial court did modify the allocation judgment to serve the child's best interests, just not in the way Robinson wanted it to. The court had jurisdiction to modify the allocation by reducing the parent's parenting time.

¶ 8 As for any allegedly required findings, this court has held that: "Although a trial court must consider all relevant factors when determining the best interests of a child, it is not required to make an explicit finding or reference to each factor. [Citation.] Generally, we presume that a trial court knows the law and follows it accordingly." *In re Custody of G.L.*, 2017 IL App (1st)

163171, ¶ 43. Robinson has pointed to nothing to indicate the trial court did not consider all of the relevant factors. We therefore presume the trial court knew and followed the law. *Id.*

¶ 9 Robinson's pleading invoked the trial court's subject matter jurisdiction to modify the allocation of parenting time. The decision as to what specific remedy the court would impose is not controlled by the pleadings. The trial court was required, and Robinson specifically asked the court, to enter an order that was in the child's best interest. Just because Robinson was not expecting the trial court's order does not mean the trial court was without authority to enter it.

¶ 10 Accordingly, the trial court's judgment is affirmed.

¶ 11 Affirmed pursuant to Illinois Supreme Court Rules 23(c)(2) and 23(c)(6). Ill. Sup. Ct. R. 23(c)(2), (c)(6) (eff. Jan. 1, 2021).

1-21-0757

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

---

<i>In re</i> MARRIAGE OF	)	Appeal from the
CINQUE ROBINSON	)	Circuit Court of
	)	Cook County.
	)	
Petitioner-Appellant,	)	No. 06 D6 30907
	)	
v.	)	Honorable
	)	Sharon O. Johnson,
JANEEN D. GUAJARDO,	)	Judge Presiding.
	)	
Respondent-Appellee.	)	

---

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

SUMMARY ORDER

¶ 1 Petitioner Cinque Robinson appeals *pro se* from interlocutory orders entered by the circuit court temporarily abating his parenting time with the parties' minor child and denying his motion to vacate those orders. For the reasons that follow, we dismiss the appeal on jurisdictional grounds.

¶ 2 Petitioner and respondent married in November 2005 and had one child together. The child was born in August 2006.

¶ 3 The marriage ended in May 2007 when the circuit court entered a judgment for dissolution of marriage and a final custody determination. The judgment provided respondent

with primary custody of the minor child and gave petitioner reasonable rights of visitation with the minor child.

¶ 4 Petitioner filed the underlying emergency motion to modify the allocation of parental responsibilities and the minor child's primary residence in May 2020. The trial court denied petitioner's emergency motion but continued petitioner's request for modification of the minor child's primary residence.

¶ 5 Following the next court date, the trial court entered an order on June 3, 2020 restating the previous order temporarily abating petitioner's parenting time without prejudice until the minor child is examined by doctors. Petitioner then filed an "Emergency Motion to Vacate Orders Terminating Petitioner's Parental Rights Pursuant to 735 ILCS 5/2-1301(e)." In his motion, petitioner asked the trial court to vacate its prior orders of May 26 and June 3. On June 5, 2020, the trial court entered an order denying petitioner's section 2-1301(e) motion. Petitioner appealed the trial court's June 5 order under case number 1-20-0740. However, we dismissed the appeal for want of prosecution.

¶ 6 More than one year later on June 28, 2021, petitioner filed a notice of appeal from the trial court's May 26, 2020 order. Then on August 23, 2021, petitioner filed an amended notice of appeal adding the trial court's orders entered on June 3 and June 5, 2020. In his notices of appeal, petitioner indicated the appeal involves a matter subject to expedited disposition under Supreme Court Rule 311(a). Because respondent did not file an appearance or responsive brief in this court, we took this appeal on petitioner's brief only and will address the appeal under the principles of *First Capital Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 7 However, we must first consider our jurisdiction before addressing the merits of petitioner's appeal. See *Secura Insurance Co. v. Illinois Farmers Insurance Co.*, 232 Ill. 2d 209, 213 (2009).

¶ 8 Appellate review begins with the filing of a proper notice of appeal. *Huber v. American Accounting Ass'n*, 2014 IL 117293, ¶ 8. “ ‘No other step is jurisdictional.’ ” *Id.* (quoting *Harrisburg-Raleigh Airport Authority v. Department of Revenue*, 126 Ill. 2d 326, 341 (1989)). Absent a properly filed notice of appeal, we lack jurisdiction and must dismiss the appeal. *Id.*

¶ 9 We are without jurisdiction to review non-final judgments and orders absent an exception in the supreme court rules. *In re Marriage of Kostusik*, 361 Ill. App. 3d 103, 108 (2005). Here, the May 26 and June 3, 2020 orders are *temporary* orders abating petitioner's parenting time. Those temporary orders can only be appealed on an interlocutory basis in accordance with the supreme court rules. *Id.* Supreme Court Rule 306(a)(5) (eff. Oct. 1, 2020) provides that a party may petition this court for leave to appeal from “interlocutory orders affecting the care and custody of or the allocation of parental responsibilities for unemancipated minors or the relocation (formerly known as removal) of unemancipated minors.” The party must file a petition for leave to appeal in the appellate court “within 14 days of the entry or denial of the order from which review is being sought.” Ill. S. Ct. R. 306(b) (eff. Oct. 1, 2020). Petitioner did not file a petition for leave to appeal within 14 days of the May 26 or June 3, 2020 orders. The time limit under Rule 306 is jurisdictional. See *In re Leonard R.*, 351 Ill. App. 3d 172, 174 (2004). Accordingly, we lack jurisdiction to consider petitioner's appeal from the May 26 and June 3, 2020 orders.

¶ 10 We reach the same conclusion as to the June 5, 2020 order denying petitioner's section 2-1301(e) motion because the denial of a motion to vacate is neither final nor appealable. *EMC*



*Mortgage Corp. v. Kemp*, 2012 IL 113419, ¶ 13. Therefore, we do not have jurisdiction to consider petitioner's appeal from the June 5, 2020 order.

¶ 11 Petitioner argues the May 26 and June 3, 2020 orders are void because of fraud. Although a void order may be challenged at any time, this proposition "by itself, does not act to confer appellate jurisdiction on a reviewing court if such jurisdiction is otherwise absent." *EMC Mortgage Corp.*, 2012 IL 113419, ¶ 15. Because we lack jurisdiction to hear petitioner's appeal from the temporary care and custody orders, we lack jurisdiction to address petitioner's voidness argument.

¶ 12 CONCLUSION

¶ 13 Accordingly, we dismiss this appeal for lack of appellate jurisdiction. This order is entered in accordance with Supreme Court Rule 23(c)(1).

¶ 14 Appeal dismissed.

ON **ENTERED**  
Judge Gregory Ahern-2090  
SEP 26 2022  
IRIS Y. MARTINEZ  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, IL

**Case No. 2006 D 630907**

Attorney. No. 61027  
Cunningham Lopez LLP  
*Attorneys for Respondent*  
120 West Madison, Suite 611  
Chicago, Illinois 60602  
Phone: (312) 419-9611  
zr@cunninghamlopez.com



# SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING  
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CYNTHIA A. GRANT  
Clerk of the Court

(217) 782-2035  
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March 14, 2023

FIRST DISTRICT OFFICE  
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Chicago, IL 60601-3103  
(312) 793-1332  
TDD: (312) 793-6185

Cinque Robinson  
P.O. Box 498114  
Chicago, IL 60649

In re: IRMO Robinson and Guajardo  
129445

Today the following order was entered in the captioned case:

Motion by Petitioner, *pro se*, for leave to file less than the required number of copies of Petition for Leave to Appeal. Allowed.

Order entered by Chief Justice Theis.

Very truly yours,

A handwritten signature in cursive script that reads "Cynthia A. Grant". The signature is written in black ink on a light-colored background.

Clerk of the Supreme Court

cc: Janeen D. Guajardo  
Masah Sedia SamForay  
Vickie L. Pasley

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION**

**IN RE: THE FORMER MARRIAGE OF:  
CINQUE ROBINSON,**

*Petitioner,*

**and**

**JANEEN GUAJARDO,**

*(fka Watson)*

*Respondent.*

**No. 2006 D6 30907**

**ORDER**

This cause coming before the Court on Petitioner's Emergency Motion, Petitioner present pro se, Respondent represented by Masah SamForay of The Foray Firm, Inc., testimony being given, and the Court being fully advised in the premises:

**FINDINGS:**

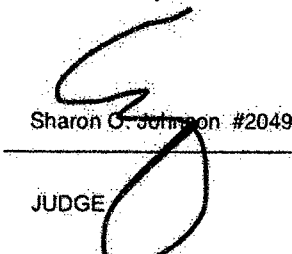
1. This matter is an emergency;
2. It is in the best interest of the minor child that she remain in the control and possession of Respondent, and that Petitioner's parenting time be temporary abated until such time that a mental health professional can assess the minor child and make recommendations to the parties, about how to proceed. This is being done over Petitioner's objection and without prejudice to Petitioner, and shall have no affect to Petitioner's "joint custody" on decision-making, inasmuch as no findings or allegations have been made regarding any wrongdoing by the Petitioner;

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Petitioner's emergency motion to modify allocation of parental responsibility is denied in part;
2. The minor shall remain in the custody and possession of Respondent;
3. That the Petitioner's parenting time is temporarily abated until such time that mental health professionals can assess the minor child and make recommendations to the parties about how to proceed, and further order of Court;
4. The parties shall adhere to the recommendations of the minor child's treating/attending doctor and therapist, and any related professionals, unless otherwise ordered by the Court;
5. Otherwise, both parties shall be fully informed and have equal access to the minor child's treating/attending physicians and medical records, and may have contact with the child, pursuant to the recommendations of the mental health professionals in charge of her care;
6. Petitioner's request for modification of residential allocation is entered and continued;
7. Vickie Pasley is appointed as GAL for the minor child. Her retainer is \$2,500 to be split 50/50 subject to reallocation, and the parties shall contact her no later than May 27<sup>th</sup> to engage her services. Counsel for Respondent shall notify her of the appointment; and
8. The matter is set for pretrial conference and status on June 1, 2020 at 1:00pm via Zoom teleconference.

**MASAH SAMFORAY**  
THE FORAY FIRM, INC.  
Attorneys for Respondent  
1953 Ridge Rd.  
Homewood, Illinois 60430  
(312)702-1293  
Attorney No. 62157

ENTER: May 26, 2020

  
Sharon O. Johnson #2049

JUDGE

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION**

**IN RE: THE FORMER MARRIAGE OF:  
CINQUE ROBINSON,**

*Petitioner,*

**and**

**JANEEN GUAJARDO,**

*(fka Watson)*

*Respondent.*

**No. 2006 D6 30907**

**ORDER**

This cause coming before the Court on continued hearing of Petitioner's Emergency Motion, Petitioner present pro se, Respondent represented by Masah SamForay of The Foray Firm, Inc., and the Court being fully advised in the premises:

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. That the Petitioner's parenting time is temporarily abated, without prejudice, until such time that mental health professionals can assess the minor child and make recommendations to the parties about how to proceed, and further order of Court;
2. The parties shall adhere to the recommendations of the minor child's treating doctor and therapist, and any related professionals, unless otherwise ordered by the Court;
3. The Respondent shall timely relay any information regarding the minor child's medical condition to the Petitioner via Talking Parents.
4. Otherwise, both parties shall be fully informed and have equal access to the minor child's treating physicians and medical records, and may have contact with the child, pursuant to the recommendations of the mental health professionals in charge of her care;
5. Petitioner is ordered to maintain a job search diary and tender same to counsel for Respondent via email weekly by Monday at 5:00pm, starting, Monday, June 8, 2020. The diary shall contain min. of 1 entry per day:  
Shall be an actual application, not submissions to a mass job search engine (i.e. Indeed, etc.), must include position, title, name of contact and next step. Petitioner has also received the updated IDES COVID-19 protocol and list of employers currently hiring and is expected to apply to applicable positions.
6. Parties shall exchange financial disclosure statements within 14 days.
7. Vickie Pasley is appointed, sua sponte, as Guardian Ad Litem for the minor child, at the reduced rate of \$200 per hour. Her initial retainer is \$1,000, to be paid 30% by Petitioner and 70% by Respondent, subject to reallocation. The parties shall contact her no later than June 5, 2020 to engage her services, and fully cooperate with her, including, but not limited to, executing any releases necessary.
8. The following pleadings are entered and continued for status to the next court date, and 28 days given to each side to reply to any outstanding pleadings:
  - a. Respondent's Motion for Child Support;
  - b. Respondent's Motion to Modify Parenting Time;
  - c. Respondent's Verified Petition for Rule to Show Cause (child support, job search, etc.);
  - d. Petitioner's Motion to Strike and Dismiss Respondent's Motion to Modify Parenting Time;
  - e. Petitioner's Motion to Amend Emergency Motion to Modify APR;
  - f. Petitioner's Motion to Amend Emergency Motion to Modify APR;

9. Petitioner's Motion to Reconsider and Petitioner's Motion for Criminal Contempt, previously set for hearing prior to COVID-19 closures, are hereby reset for hearing on June 15, 2020 at 1:00pm via Zoom teleconference. All remaining matters are continued for status.

**#62517**

**MASAH SAMFORAY  
THE FORAY FIRM, INC.  
Attorneys for Respondent  
1953 Ridge Rd.  
Homewood, Illinois 60430  
(312)702-1293**

**ENTER: June 3, 2020**



Sharon C. Johnson #2049

---

JUDGE

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION, SIXTH DISTRICT

Cinque Robinson	)	
Petitioner	)	
v.	)	06D630907
Janeen Watson	)	
Respondent	)	

**REMOTE SCREENING OF EMERGENCY PLEADINGS**

This matter comes before the Court for Remote Screening of emergency pleadings pursuant to General Administrative Order No. 2020-01 Amended and General Order 2020 D 3 Amended. The Court has reviewed all pleadings and attachments submitted via email before 12:00pm on June 5, 2020 and HEREBY FINDS:

- A. That Petitioner Cinque Robinson has not established a prima facie case of the Emergency Motion to Vacate Orders Terminating Petitioner's Parental Rights Pursuant to 735ILCS 5/2-1301(e); Allegations of Child Endangerment Against Respondent.
- B. This matter is not an emergency.

IT IS HEREBY ORDERED:

- a. Petitioner Cinque Robinson's Emergency Motion to Vacate Orders Terminating Petitioner's Parental Rights Pursuant to 735ILCS 5/2-1301(e); Allegations of Child Endangerment Against Respondent is hereby Denied.
- b. The Court Orders entered on May 26, 2020 and June 1, 2020 shall stand and remain in full force and effect.

ENTERED: June 5, 2020

  
Sharon G. Johnson #2049

JUDGE 