No. 24-499

ORIGINAL

10/26/2024

In the Supreme Court of the United States

NITA A.,

Petitioner,

v.

A.A.,

Respondent.

On Petition for a Writ of Certiorari to the Appellate Court of Illinois, First District, Third Division

PETITION FOR A WRIT OF CERTIORARI

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OCTOBER 26, 2024
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QUESTIONS PRESENTED

1. Whether the Illinois Domestic Violence Act, 750 Ill. Comp. Stat. Ann. 60/101 *et seq.*, as applied by the Illinois Courts, violated Nita's First Amendment, Ninth Amendment, and Fourteenth Amendment rights by interfering with Nita's parent-child relationship.

2. Whether Petitioner was denied due process in the proceedings.

3. Whether the Illinois Courts had jurisdiction over the Petitioner who lacked minimum contacts with Illinois.

LIST OF PROCEEDINGS

Supreme Court of Illinois
No. 130395
In re: A.A., *Respondent*, v. Nita A.. *Petitioner*
Date of Final Order: May 29, 2024
Date of Rehearing Denial: August 6, 2024

Appellate Court of Illinois, First District, Third Division
No. 1-23-0011
A.A., *Petitioner-Appellee*, v.
Nita A., *Respondent-Appellant*
Final Opinion: November 22, 2023

Circuit Court of Cook County,
Illinois County Department,
Domestic Violence Division
No. 21 OP 78104
A.A., *Petitioner*, v. Nita A., *Respondent*
Final Judgment: August 9, 2022
Court Order Denying Motion to Vacate/Reconsider:
December 9, 2022

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PETITION FOR A WRIT OF CERTIORARI

Nita respectfully prays that a writ of certiorari be issued to review the judgment below.

OPINIONS BELOW

The Opinion of the Illinois Appellate Court is officially reported at *A.A. v. Nita A.*, 2023 IL App (1st) 230011, 230 N.E.3d 149 (2023). (App.2a). The Illinois Supreme Court denied permission to appeal without opinion. (App.1a).

JURISDICTION

The Illinois Supreme Court denied permission to appeal on May 29, 2024. (App.1a). The Illinois Supreme Court denied leave to file Reargument on August 6, 2024. (App.33a). Justice Amy Coney Barrett granted an application to extend the time to file this petition to October 26, 2024, which is a Saturday, so it is extended by Sup. Ct. R. 30 to October 28, 2024. *See* Sup. Ct. Docket No. 24A182.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

Although the order has expired, the case is not moot under the capable-of-repetition doctrine: (1) the challenged action is in its duration too short to be fully litigated before cessation or expiration, and (2) there

is a reasonable expectation that the same complaining party will be subject to the same action again. *See FEC v. Wis. Right to Life, Inc.*, 551 U.S. 449, 462 (2007); *Murphy v. Hunt*, 455 U.S. 478, 482 (1982) (per curiam) (quoting *Weinstein v. Bradford*, 423 U.S. 147, 149 (1975) (per curiam))); *see also Norman v. Reed*, 502 U.S. 279, 288 (1992).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- United States Constitution, Amendment I
- United States Constitution, Amendment XIV
- United States Constitution, Amendment VIII
- United States Constitution, Amendment IX
- 750 ILCS 60/201(a)(i), (b)(i)
  Illinois Domestic Violence Act
- 750 ILCS 103(6)
- 750 ILCS 103(1), (7)
- 750 ILCS 214(a)
- 750 ILCS 214(c)
- 750 ILCS 60/214(c)(3)

U.S. Constitution and Illinois Constitution

Rights to equal application, equal protection, equal access, and other legal protections were violated by the Illinois courts, infringing on statutory and constitutional guarantees, the very underpinning of the U.S. Constitutions and the Illinois Constitution.

INTRODUCTION

Nita loves A.A., Nita's only child, unconditionally. Nita is an unwaveringly supportive parent. Nita does not blame A.A. for this case or anything else.

In this case, the Trial Court adjudicated: " . . . but there's very hurtful language here. There's judgmental and mean language. . . . " (Lines 18-19, Page 19, August 9, 2022 Transcript).

> "You know, I think that–I don't–I don't–I am not going to go back into the record and pull out the exhibits right at this time, but there was some rather inflammatory language that I believe was admitted . . . "

(Lines 20-24, Page 7, December 9, 2022 Transcript).

> " . . . the language that I made my findings based on, the language that the Court made its findings based on was extremely hurtful . . . "

(Lines 8-11, Page 8, December 9, 2022 Transcript).

The Trial Court ruled by violating Nita's right to free speech. The Appellate Court imposed several new charges that were neither previously raised nor adjudicated by the Trial Court, "Deadnaming," "Transphobia," "Stalking," and "Suggestions of Violence." It affirmed the Trial Court's decision, resulting in violations of Nita's Constitutional Rights.

This decision, which conflicts with prior rulings in Federal and State Courts, severed the familial relationship between Nita and A.A. in an injustice.

STATEMENT OF THE CASE

In defiance of the Constitution of the United States of America, the First District Appellate Court of Illinois egregiously overlooked its Trial Court's violations of Nita's First and Fourteenth Amendment rights under the Constitution.

In this first-impression case, in a frantic rush to set a precedent, the Appellate court enthusiastically violated Nita's freedom of Speech rights by affirming the trial court rulings:

> " . . . but there's very hurtful language here. There's judgmental and mean language . . . "

(Lines 18-19, Page 19, August 9, 2022 Transcript).

> "You know, I think that–I don't–I don't–I am not going to go back into the record and pull out the exhibits right at this time, but there was some rather inflammatory language that I believe was admitted . . . "

(Lines 20-24, Page 7, December 9, 2022 Transcript).

> " . . . the language that I made my findings based on, the language that the Court made its findings based on was extremely hurtful . . . "

(Lines 8-11, Page 8, December 9, 2022 Transcript).

Additionally, the Appellate Court compromised its judicial integrity by imposing new unadjudicated charges and attributing blame to Nita in violation of Due Process, giving its imprimatur to the Trial Court violations.

The egregious legal precedent established by the Illinois courts has profound national implications for all parents. It compels speech, interferes with familial relationships, punishes parents at the whims of therapists misguiding children, and thereby imperils the familial discourse of families of all shapes and sizes.

This decision conflicted with prior rulings in Federal and State Courts and severed the familial relationship between Nita and A.A. in an injustice.

A. Factual History

Nita loves A.A. unconditionally. Nita's unwavering support always prioritized A.A.'s well-being and fostered A.A.'s happiness, health, and appreciation for life's richness while ensuring a bright future per A.A.'s choices.

Nita empowered A.A. to embrace self-respect, revere their identity, pursue their dreams freely, engage in regular exercise and meditation, get enough sleep, maintain emotional and physical well-being, nurturing self-integrity and strong work ethics.

Additionally, Nita emphasized the importance of self-protection against charismatic characters with ulterior motives.

Nita borrowed money so that A.A. would not have to borrow money and be obligated to or exploited by anyone.

Nita apologizes to A.A. for the lawyers who, without Nita's permission, blamed A.A. for taking Nita's support; Nita will always stand by A.A.

Nita did not "negate" or "buy" the rights to abuse A.A., as the Illinois courts falsely ruled.

Instead, Nita was the safety net that steadfastly shielded and protected A.A. from hate groups and charismatic predators.

Nita is fighting this case because Nita has never abused and harassed A.A.

Nita does NOT blame A.A. for this case or anything else.

Nita remains A.A.'s fiercest champion and steadfast supporter.

A.A. excels at everything.

After A.A. started college, the university informed Nita that meals would not be provided to A.A., forcing Nita to relocate nearby for A.A.'s nutrition and support.

Nita prepared meals and offered unwavering support, enabling A.A. to manage the academic rigor of the university.

Nita paid for A.A.'s dormitory, tuition, and all expenses.

Encouraged by the therapist, A.A. began exploring gender identity and transitioning. Nita's steadfast support of A.A. remained unwavering.

Nita attended A.A.'s graduation, a public event. A.A. did not engage with Nita afterward.

During COVID-19, A.A. briefly visited Nita in New Jersey.

B. Procedural History

1. Trial Court Proceedings

On October 6, 2021, Ascend Justice, a powerful pro-bono legal organization representing A.A., filed a petition for an Order of Protection (OOP) against Nita.

The Trial Court denied all emergency orders, as A.A. was not in imminent danger.

In November 2021, Nita, who never lived in Illinois, was served at Nita's home in New Jersey.

Nita attended the December 2021 hearing via Zoom.

A surprise judicial reassignment occurred in January 2022.

Over five months after the case started, the new judge permitted a discovery abuse, disguised as an unsolicited document dump of 3,000+ pages and amendment of the original affidavit by Ascend Justice, causing Nita severe emotional trauma and financial hardships, compelling Nita's second attorney's withdrawal permitted by the new judge over Nita's objections. (May 25, 2022 Transcript).

Nita borrowed more money to hire a third attorney, whose request for an extension of time was denied.

On August 9, 2022, the Trial Court found Nita guilty of abuse and harassment based on the "hurtful," "judgmental and mean," "extremely hurtful," and "inflammatory" language, issuing a six-month OOP against Nita.

Nita's motion to reconsider was denied on December 9, 2022.

2. Appellate Court Proceedings

Nita's appeal was denied by the First District Appellate Court of Illinois, which published its opinion on November 22, 2023, overlooking the laws and misapprehending the facts.

Nita's reconsideration motion was denied on December 19, 2023.

Nita's Pro Se Petition for Leave to Appeal, raising four constitutional violations, was denied on May 29, 2024, and the motion for reconsideration was denied on August 6, 2024, without any explanations by the Illinois Supreme Court.

Nita files this Petition for Writ of Certiorari Pro Se with the United States Supreme Court from the above denials by the Illinois Supreme Court.

REASONS FOR GRANTING THE WRIT

This case reveals the Illinois appellate courts' scorched-earth stance encouraging misapplication and abuse of the Illinois Domestic Violence Act (IDVA), which blatantly violated Nita's rights to due process and freedom of speech, interfered with familial relationships, and resulted in severe harm, if not destruction, of Nita and A.A.'s relationship and their family.

ANALYSIS

In 2022, Nita was punished by the Illinois courts with an order of protection (OOP) for abusing and harassing A.A., their only child; thereby, it failed to

preserve the sanctity of Nita's family, dealing with some incredibly challenging and complex issues.

The Illinois Domestic Violence Act, as applied by the Illinois courts, blamed Nita for the language of messages sent to A.A. that, per Trial Court's own admissions, lacked foundation (*See* August 9, 2022 Transcript), were incomplete, out-of-context, cherry-picked, with alterations of Ascend Justice, many lacking authorship, date and time-stamps, together with poor Google transcription of the voicemail without the actual voice messages.

The Illinois courts resurrected unsubstantiated evidence (as "language") from the past as a current basis to punish Nita in violation of Nita's constitutional rights, including the freedom of speech and due process.

The Appellate Court's affirmation and the Illinois Supreme Court's inaction ratified the Trial Court's overt infringements upon Nita's individual constitutional rights.

Such judicial oversight raises profound concerns regarding the integrity of the judicial process and the safeguarding of individual rights, as guaranteed by the Constitution of the United States.

The overwhelming necessity for the United States Supreme Court's intervention is underscored by the need to rectify the manifest injustices perpetrated against Nita by the Illinois Courts.

This case presents an opportunity for the US Supreme Court to analyze the implications of the intersection of domestic violence laws and constitutional rights, especially the free speech and due process

clause. The court should grant the writ for the reasons described in this petition.

I. VIOLATIONS OF THE FIRST AMENDMENT

The Illinois courts misused IDVA to punish Nita for abuse and harassment of A.A. based on the language of the evidence (Pages 18-21, August 9, 2022 transcript).

However, this underlying evidence is constitutionally protected under Nita's First Amendment rights.

During the August 9, 2022, ruling on this case, the Trial Court stated:

> "And there were various messages of a harassing nature . . . I am not going to burden everybody by reading all of these, but there's very hurtful language here. There's judgmental and mean language. . . . "

(Lines 15-21, Page 19 August 9, 2022 Transcript).

On December 9, 2022, the Trial Court ruled:

> "You know, I think that–I don't–I don't–I am not going to go back into the record and pull out the exhibits right at this time, but there was some rather inflammatory language that I believe was admitted . . . "

(Lines 20-24, Page 7, December 9, 2022 Transcript).

> "I think under this Court's discretion, that the language that I made my findings based on, the language that the Court made its findings based on was extremely hurtful . . . And that is where I will stand on that issue."

(Lines 8-14, Page 8, December 9, 2022 Transcript).

The First Amendment to the US Constitution protects speech (including language and expression) that others may find improper and offensive. *Matal v. Tam,* 137 S.Ct. 1744 (2017).

In Nita's case, the lower courts predicated their factual findings on the content of the speech (including language and expressions) in the evidence, which, according to the Trial Court's admission, lacked foundation.

> "[A]s a general matter, the First Amendment means that government has no power to restrict expression because of its message, ideas, subject matter, or content."

United States v. Stevens, 559 U.S. 460, 468 (2010) (internal quotations and citations omitted). Since the United States' founding, however, courts have recognized historical and traditional categories of speech "long familiar to the bar" that the government may regulate and even punish without violating the First Amendment. *Id.* at 468 (internal citations and quotations omitted). These categories must be "well-defined and narrowly limited . . ." though. *Id.* at 648-49 (quoting *Chaplinsky v. New Hampshire,* 315 U.S. 568, 571-72 (1942)).

Accordingly, the United States Supreme Court has only recognized a limited number of exceptions to the First Amendment. These exceptions include:

- Fighting Words – *Chaplinsky v. New Hampshire,* 315 U.S. 568 (1942).

- Actual Threats – *Virginia v. Black,* 538 U.S. 343 (2003).
- Incitement – *Brandenburg v. Ohio,* 395 U.S. 444 (1969).
- Obscenity – *Miller v. California,* 413 U.S. 15 (1973).
- Child Pornography – *New York v. Ferber*, 458 U.S. 747 (1982).
- Fraud – *Virginia Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976).
- Intellectual Property Infringement – *Harper & Row v. Nation Enterprises,* 471 U.S. 549 (1985); and
- Speech Integral to Criminal Conduct – *Giboney v. Empire Storage & Ice Co.,* 336 U.S. 490 (1949).

Exceptions for offensive or uncivil speech are absent from the list of recognized exceptions.

Furthermore, the United States Supreme Court has repeatedly affirmed the First Amendment's protections for offensive or uncivil speech, *Matal v. Tam,* 137 S.Ct. 1744 (2017), holding the band's name, "The Slants," a racial slur, protected; *Snyder v. Phelps,* 562 U.S. 443 (2011), holding that, among other things, the homosexual slurs on the signs of the Westboro Baptist Church members protesting at the funeral of an Iraq War marine protected; *Texas v. Johnson,* 491 U.S. 397 (1989) holding that the First Amendment protected the burning of the American flag; *Cohen v. California,* 403 U.S. 15 (1971) holding that the First Amendment protected the message "Fuck the draft."

The US Supreme Court has clearly articulated its reasoning for these decisions:

> *"The constitutional right of free expression is powerful medicine in a diverse and populous society. It is designed and intended to remove governmental restraints from the arena of public discussion, putting the decision as to what views shall be voiced largely into the hands of each of us in the hope that the use of such freedom will ultimately produce a more capable citizenry and more perfect polity and in the belief that no other approach would comport with the premise of individual dignity and choice upon which our political system rests".*

Cohen, 403 U.S. at 24.

Thus, even hate speech or speech that disrespectfully demeans enjoys First Amendment protection. "Speech that demeans based on race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful, but the proudest boast of our free speech jurisprudence is that we protect the freedom to express the thought that we hate." *Matal,* 137 S.Ct. at 1764.

These precedents have long established that even the profane, inflammatory, mean, hurtful, and "coarse criticism" of others is constitutionally protected speech and is not subject to the "fighting words" or any other exception to the First Amendment protection.

No Civility Exception exists under the First Amendment, and no Recognized Exception applies to the language, speech, and expressions in this case against Nita, which did not come close to being

hateful, let alone straying outside the First Amendment's protection.

Nonetheless, the Appellate Court overlooked these violations of Nita's constitutional rights by the Trial Court, which found Nita guilty of abuse and harassment of their child, A.A., an only child, based on "hurtful, "judgmental and mean," "inflammatory" language (August 9, 2022, and December 9, 2022 Transcripts).

Hence, the Appellate Court's egregious overlooking and affirmation of the Trial Court's ruling that Nita has abused and harassed A.A. does not survive constitutional scrutiny.

The Appellate Court's "distaste" for the "inflammatory language" (Footnote 2, Page 2, November 22, 2023, Appellate Court Opinion) and Nita's unwillingness to capitulate to two influential pro-bono legal organizations' twisted and relentless vicious attacks on Nita, a steadfastly supportive parent, is fatal to the US Constitution, the Illinois Domestic Violence Act, and this ruling against Nita.

The Illinois courts failed to do everything possible under their powers to preserve the sanctity of the family dealing with very challenging and "complex" issues, especially since it had "no admissible evidence," "the strongest evidence was from 2014", "the evidence lacked foundation," and its ruling was based on the "language of the evidence." (August 9, 2022, and December 9. 2022 transcripts)

Through this ruling against Nita, the Illinois courts have set a dangerously unprecedented legal precedent against all parents from all walks of life nationwide while interfering and severing Nita's parent-child relationships.

Therefore, Nita respectfully requests this court to overturn this ruling, vacate it, and redact this case for the safety and protection of them and their loved ones from hate groups.

A. Mandating Government Compelled Speech

Government, including the State of Illinois, does not have:

1) the right to compel a parent how to speak to their child and

2) the right to punish the parent by characterizing their free speech (including languages and expressions protected under the First Amendment) as abuse and harassment, ruling it as a violation of IDVA, and issuing an OOP, thereby completely subverting the parent's constitutional rights.

The First Amendment prohibits the government from telling private citizens, including parents, what to say and not to say to their children:

> *Agency for Int'l Dev. v. Alliance for Open Soc. Int'l, Inc.*, 133 S.Ct. 2321, 2327 (2013).

The government must not force a private citizen, including a parent, to utter or not utter what is not in their minds to their child, thereby compelling parents like Nita to Speak in a Certain Way and punishing Nita for Not Speaking the Way they Wanted Nita to Speak to Nita's only child (*Santosky v. Kramer*).

Illinois courts here have violated the "bedrock principle" that "no person in this country may be compelled to subsidize speech by a third party" *Id.* at 1254 (quoting *Harris v. Quinn*, 573 U.S. 616, 656 (2014)).

IDVA, as used by the Illinois Courts, has disrupted this parent-child relationship, severing familial ties and imposing compelled speech (by punishing Nita for alleged messages from 2014) in matters concerning the child's gender identity, raising severe concerns about its constitutionality, subverting and undermining the core tenets of the First Amendment and the Constitution.

The court's decision coerces Nita into specific speech targeted at their child regarding A.A.'s gender identity, further infringing upon Nita's expressive rights.

Under this Court's compelled-speech precedent, the state invades this freedom of mind when it forces a private citizen to speak the government's message.[1]

B. Gag Order

The order under review is effectively a "gag order" violating Nita's First Amendment rights. Gag orders "warrant a rigorous review because they rest at the intersection of two disfavored forms of expressive limitations: prior restraints and content-based restrictions." *In re Murphy-Brown, LLC*, 907 F.3d 788, 796-97 (4th Cir. 2018). Indeed, gag orders are "presumptively unconstitutional." *Id.* at 797. Gag orders may be issued only under an exceptionally narrow set of circumstances. *See id.* at 797-98 (citing *Neb. Press*

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[1] *See, e.g., Agency for Int'l Dev. v. Alliance for Open Soc. Int'l, Inc.*, 133 S.Ct. 2321, 2324 (2013) (private aid organizations mandated to publish a policy opposing prostitution); *Wooley*, 430 U.S. at 715 (citizens forced to display the state motto on their license plates); *Barnette*, 319 U.S. at 642 (students required to salute the flag and recite the Pledge of Allegiance).

Ass'n v. Stuart, 427 U.S. 539, 569 (1976), *Malone v. Rose*, No. M2023-01453-COA-WR-CV (Tenn. Ct. App. Mar. 26, 2024))

C. Causing Irreparable Injury

Nita's "loss of First Amendment freedoms . . . unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion); *see Johnson v. Bergland*, 586 F.2d 993, 995 (4th Cir. 1978) ("Violations of [F]irst [A]mendment rights constitute per se irreparable injury."). Parties need not endure repeated and irreparable abridgments of their First Amendment rights.

There must be evidence or findings that the judicial officer finds imminent prejudice to the administration of justice. *See In re Oliver*, 452 F.2d 111 (7th Cir. 1971).

There is no such finding here.

II. VIOLATIONS OF THE FOURTEENTH AMENDMENT

An appellate court must review lower court legal errors and is prohibited from introducing new, unadjudicated charges or altering the case's legal framework.

The ideals of Due Process, Equal Protection of the laws, and fair trials before impartial tribunals in which every defendant stands equal before the law are deeply ingrained in the legal jurisprudence of the United States and have been upheld by the United States Supreme Court. *Goldberg v. Kelly,* 397 U.S. 254, 271 (1970).

There is no question that an impartial decision-maker is "a principle of justice so rooted in the traditions and conscience of our people as to be ranked

as fundamental." *Snyder v. Massachusetts,* 291 U.S. 97, 105 (1934).

Interweaved with this fundamental principle of impartiality is the equal protection of the law that the Fourteenth Amendment guarantees to everyone, and courts are not accessible to disregard the Fourteenth Amendment's equal protection and due process clauses. *Shelley v. Kraemer,* 334 U.S. 1, 14 (1948) ("That the actions of state courts and judicial officers is to be regarded as action of the State within the meaning of the Fourteenth Amendment, is a proposition which decisions of this Court have long established").

For over a century, this Court has recognized that parents' rights to raise their children and maintain family integrity are among the most fundamental liberties protected by the Fourteenth Amendment, as established in *Meyer v. Nebraska*, 262 U.S. 390 (1923), *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), *Stanley v. Illinois*, 405 U.S. 645 (1972), and *Troxel v. Granville*, 530 U.S. 57 (2000).

While the principles articulated in these cases pertain primarily to minor children, the Ninth Amendment acknowledges that parents have an unenumerated right to try to heal their relationships with adult children at any time, even if they keep failing despite existing tensions. This notion reflects the reality that anger can diminish over time, allowing for the possibility of reconciliation, as many parents continually strive to maintain these bonds.

A child is not merely a creature of the State whose care can be doled by a legislature, administrative agency, or court. *Meyer*, 262 U.S. at 399-400; *Pierce*, 268 U.S. at 535; *Troxel v. Granville*, 530 U.S. 57, 65-66 (2000).

Neither can it be doled out at the whim of unscrupulous therapists or charismatic characters with ulterior motives.

Instead, "[i]t is cardinal with us that the custody, care, and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder." *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944). "And it is in recognition that these decisions have respected the private realm of family life which the state cannot enter." *Id.*

Fundamental personal rights protected by the Bill of Rights and pre-existing the Constitution are protected by the federal judiciary from overreaching by States. *Wise v. Bravo*, 666 F.2d 1328 (10th Cir. 1981). One court has recognized that the right to contact with children may be "more precious to many people than the right of life itself." *In re Welfare of Luscier*, 84 Wn.2d 135, 137, 524 P.2d 906 (1974).

The underlying liberty interest and the presumption that parents act in the best interest of their children do not evaporate, and the state cannot seek to tear apart the family unit without giving due respect to both parents and the children's liberty interests, *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Wallis v. Spencer*, 202 F.3d 1126, 1142 (9th Cir. 2000).

"The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions." *Parham v. J.R.*, 442 U.S. 584, 602 (1979). "More importantly, historically, it has been recognized that natural bonds

of affection lead parents to act in the best interests of their children."

In *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Court set forth a framework to assess due process based on the private interests affected, the risk of erroneous deprivation, and the government's interest. Introducing new allegations never ruled upon at trial infringes a parent's right to fair notice and defense: "The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner."

A. New Charges by the Appellate Court

The Appellate Court imposed added charges on Nita, including "Deadnaming," "Transphobia," "Stalking," and "Suggestions of Violence" that were never raised before nor ruled upon by the Trial Court, assigning guilt to Nita, misusing IDVA, affirming trial court's decision, and setting a precedent.

The appellate court referred to messages without any citations or proof of context, such as:

- "Lay off lgbtq crap or else."
- "You have been screwed by *** and Caltech deans and dragged and drugged straight to lgbtq alter to be sacrificed."
- "You are so mature to manipulate us, parents than [sic] you are equally mature to protect your mind and yourself from these lgbtq communities and predators."
- "I guess TAs don't mind you emailing for tickets to Alice in Wormhole for your LGBTA

gang of goons, but they do mind your mom talking to you for good things, right?"

- "You are at Caltech for education and your degree with a high GPA, above 3.5, not to screw around with everything and go to hell and be a kept woman in lgbtq hell by the KKK of lgbtqs are Caltech."
- "Young man, go home to your mamma. She makes you a real girl, or I beat the crap out of you for leaving your mama in hell."
- "Stop being lgbtq."
- "Whoever is preaching that you should adopt male pronouns and live like a man for one year before they can approve your sex change surgery, meaning you are mutating your body and becoming a major freak, is taking you for a ride."
- "Sure, lgbtq away to death"

(Page 2-3, November 22, 2023, Appellate Court Opinion)

It failed its judicial responsibilities by blaming Nita for these new incomplete, out-of-context snippets of messages with no beginning, middle, or end, many without authorship, date, or timestamp, and cherry-picked charges (to shock the reader falsely) for demonizing Nita in complete disregard and violation of the due process rights of Nita.

The appellate court also failed to produce any proof that Nita sent these messages or that they were addressed to A.A.

The Appellate Court continued creating false unadjudicated charges:

1. Deadnaming

The Appellate Court noted: "In 2019, Nita gave A.A. bank cards issued under A.A.'s "deadname," which is the name given at birth to a transgender individual that the person no longer uses after transitioning. . . . The use of a transgender person's deadname is disrespectful." (Page 17, Paragraph 49, Illinois Appellate Court Opinion.)

Nita neither owns nor controls banks.

Banks are obligated to comply with established rules, laws, and regulations governing banking.

This newly imposed unadjudicated charge by the Appellate Court overlooks critical legal responsibilities.

Notably, Nita does not possess authority over any banking operations or policies, which are governed by stringent regulatory standards.

To help their one and only child, Nita provided A.A. with available bank cards so A.A. had whatever financial resources needed, thereby obviating the need to borrow money, and be obligated to any unscrupulous third parties, entities, or predators. This action, fundamentally rooted in parental unconditional love and support, should not be misconstrued by the Appellate Court as an act of abuse and harassment.

In a frenzied rush to set a precedent, the appellate court immediately attributed the blame for "deadnaming" to Nita and vilified Nita as the abusive parent while ignoring the cardinal rules and common knowledge about the banks. The Appellate Court created and adopted a flawed reasoning that lacked factual

accuracy, to justify its affirmation of the Trial Court's ruling.

2. Transphobia

The Appellate Court also claimed:

> "Furthermore, the evidence established that transphobia motivated Nita's abusive behavior. The messages from 2014 and 2015 explicitly referred to A.A.'s transgender identity and their association with LGBTQ individuals and groups."

(Page 17, Paragraph 49, Illinois Appellate Court Opinion)

The appellate court's reckless determination that these unidentified, incomplete, out-of-context snippets of messages with no beginning, middle or end, and cherry-picked evidence, implies "transphobia" is also a violation of due process because these new messages were never raised before or ruled upon by the Trial Court.

This unfounded ruling authoritatively and repeatedly enforced a lie, a fallacy to A.A. that Nita, a caring and supportive parent, had abused and harassed them.

The required clarity and evidence needed to uphold such a serious ruling against Nita undermines the integrity of the appellate review process *Harjo v. City of Albuquerque*, 326 F.Supp.3d 1145 (D.N.M. 2018); *Mathews v. Eldridge*, 424 U.S. 319, 96 S.Ct. 893 (1976); *People Who Care v. Rockford Board of Education*, 68 F.3d 172 (7th Cir. 1995).

3. Stalking

The Appellate Court stated:

> "Nita sending dozens of unwanted messages over several years, despite A.A. requesting her to stop, constituted stalking behavior"

(Page 17, Paragraph 48, Appellate Court Opinion)

No proofs were ever produced by the Illinois courts to establish that Nita was asked not to contact A.A. This vicious added charge by the Appellate Court was not adjudicated by the Trial Court.

Also, the Appellate Court misapprehended the fact that in reference to "too many calls," the calls were made for good reasons, not just by Nita, but also other concerned parents and family members to make sure A.A. was safe and in good health.

"Too many calls" would not have happened at any time if A.A. was ALLOWED to respond to the first call inquiring about their wellbeing.

The Appellate Court violated due process by imposing this new and unadjudicated charge on Nita thereby further interfering with and harming Nita, Nita's relationship with A.A., and Nita's family. *Santosky v. Kramer* 455 U.S. 745 (1982); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

4. Suggestions of Violence

In its unrelenting pursuit of Nita with a vengeance, the Appellate Court continued its rampage of issuing new charges:

"At least two of those hostile messages included suggestions of violence, such as Nita's threat to "beat

the crap" out of A.A., and Nita's suggestion that A.A. should "lgbtq away to death." "(Page 17, Paragraph 49, Illinois Appellate Court Opinion)

The Appellate Court did not identify which exhibit these snippets of messages were referring to (no citations provided). Additionally, these messages are unsubstantiated and have no contextual information. The appellate court failed to produce any proof that Nita is the one who sent these messages, or if these were addressed to A.A.

It could have been any prankster from a college world-famous for its sophisticated pranks, its high-tech devices, and tools such as GenAI, ChatGPT etc., targeting A.A. and pranking A.A.

The introduction of this charge in this case and the assignment of the guilt to Nita by the Appellate Court raises fundamental questions about its judicial integrity.

In summary, it is important to note that none of the new charges above by the Appellate Court were raised before nor ruled upon by the trial court. The Appellate Court's introduction of such new allegations constitutes a clear violation of due process, equal protection of the laws under the Fourteenth Amendment, and undermines the integrity of the judicial system.

B. Violations of Due Process

The lower courts violated Nita's constitutional rights and many laws by:

- Allowing discovery abuse by Ascend Justice: The courts allowed practices that undermine the fairness and equity of the legal process,

deviating from the procedural safeguards intended to protect the rights of the parties involved.

- Violating and misapplying the IDVA: The courts expanded the IDVA's application far beyond its legislative intent, transforming minor disputes into grounds for an OOP. This misinterpretation is contrary to the principle that laws should not be applied in a manner that unreasonably infringes upon individual rights. It underscores that the IDVA was not "intended to exaggerate every petty argument into a basis for an OOP", *Wilson v. Jackson,* 312 III.App.3d 1156, 1167 (3rd. Dist. 2000).
- Violating Rules of Evidence, Rules of Civil Procedures, and the US Constitution: The courts have disregarded the foundational rules of evidence and civil procedures, infringing upon Nita's constitutional rights, including the right to freedom of speech and due process. Such actions not only compromise the integrity of the judicial process but also directly harm the individuals subjected to these violations, such as Nita's constitutional rights for Freedom of Speech and the Due Process. (Lines 3-7, Page 18, Lines 22-24, Page 18, Line 1, Page 19, Lines 5-6, Page 21, Aug. 9, 2022 Transcript)
- Ignoring Additional Contextual Factors: The Illinois courts failed to consider the broader context of Nita's actions, including the absence of contact for over 12 months before

the petition for the OOP was filed, and the lack of any harm caused to A.A. This oversight disregards the principle that judicial decisions should be informed by a comprehensive understanding of the facts, a principle that is foundational to ensuring justice and fairness in the legal process.

- Violation of Equal Protection and Due Process under the Fourteenth Amendment: The appellate court's failure to recognize the misapplication of the IDVA and the procedural irregularities in issuing the OOP against Nita not only contravenes the Equal Protection Clause but also the Due Process Clause of the Fourteenth Amendment. The Supreme Court has consistently held that the Due Process Clause protects fundamental rights and liberty interests, including the right of parents to make decisions concerning the care, custody, and control of their children, as seen in *Troxel v. Granville* [51],[52]. By ignoring these principles, the Illinois courts have not only violated Nita's constitutional rights but have also set a precedent that could undermine the constitutional protections afforded to individuals.
- Violating 750 ILCS 60/214(c)(3): The trial court's failure to articulate factual findings as required by 750 ILCS 60/214(c)(3) when issuing Nita's OOP represents a clear dereliction of statutory duty. The law mandates detailed articulation of the court's findings at the time of issuing the OOP, a requirement underscored by case law such as

> *Landmann v. Landmann* and *Martinez v. Singh*, which affirm the necessity of such articulation for the validity of an OOP.

By failing to articulate the factual findings that it was statutorily required to articulate in issuing Nita a form Order of Protection (OOP) indicating by a checkbox that the Trial Court made its findings orally on the record with no specific details (please see the order of Protection), it voided its ruling and the order against Nita.

The Trial Court only stated:

"There has been harassment, and the Court has considered all the relevant statutory factors." without identifying them (Lines 1-2, Page 22, August 9 Transcript)

The Trial Court Judge also stated:

> "And there were various messages of a harassing nature . . . I am not going to burden everybody by reading all of these, but there's very hurtful language here. There's judgmental and mean language. . . . " (Lines 15-21, Page 19 August 9, 2022 Transcript).
>
> "You know, I think that-I don't-I don't-I am not going to go back into the record and pull out the exhibits right at this time, but there was some rather inflammatory language that I believe was admitted . . . "

(Lines 20-24, Page 7, December 9, 2022 Transcript).

The case law is abundantly clear that 750 ILCS 60/214(c)(3) requires the Trial Court to articulate its consideration of the statutory factors on the record

when it issues the OOP, not later, *Landmann v. Landmann*, 2019 Ill.App.5th, 180137 (Fifth Dist. 2019);, *Martinez v. Singh* 172 So.3d 578 (Fla.Dist.Ct. App. 2015) *People ex rel. Minteer v. Kozin*, 297 III.App.3d 1038, 1043 (Fourth Dist.1998).

The Appellate Court overlooked that the Trial Court did not make such an articulation on the record at the hearing when it issued the OOP against Nita; It only stated:

> "There has been harassment, and the Court has considered all the relevant statutory factors"

(Lines 1-2, Page 22, August 9 Transcript).

The Illinois courts' failure to comply with 750 ILCS 60/214(c)(3) thus renders the ruling and the OOP void since it explicitly requires detailed articulation of the lower court's findings at the time that it issues the OOP—not just a cursory mention of them.

In the past, the Illinois Appellate Court had overturned the Trial Court's ruling of abuse and harassment in issuing an Order of Protection based on the violations of 750 ILCS 60/214(c)(3) requirements. *Landmann v. Landmann,* 2019 IL App (5th) 180137and *Martinez v. Singh,* 2021 Ill.App. 201027 (Ill.App.Ct. 2021). The same abuses exist in this case but were ignored by the Appellate Court. It also constitutes violations of Equal Protection of the Law, Equal Application of the Law, and due process under the Fourteenth Amendment. It is in direct conflict with the rulings of the Appellate Courts in *Landmann v. Landmann* and *Martinez v. Singh*.

The lower courts also ignored other sources of stress, abuse, harassment, and pressures on A.A. by charismatic and powerful predators and intense academic workloads (causing ongoing sleep deprivation) at a university world known for its highly fierce academic curricula, in addition to abuse, harassment, and discriminations on its campus, and the psychological stress of gender transitioning.

The appellate court here blamed Nita for all of A.A.'s problems, held Nita solely responsible, and erroneously ruled that Nita had abused and harassed A.A.

The lower courts have also openly ignored the fact that Nita never caused any harm to A.A. and that everything Nita did was to protect A.A. from unscrupulous characters and nurture A.A.

The Appellate court also errored by overlooking and misapprehending that the OOP requires Nita to stay away from A.A. even though Nita does not even know where A.A. is—clearly, a trap set up for Nita to violate the OOP if Nita accidentally runs into A.A. anywhere.

Nita always gave A.A. the best of everything. It should not be this easy for Judges, pro-bono Legal Organizations, and unscrupulous therapists to twist, misuse, and abuse the IDVA and Illinois laws and destroy families in blatant violations of equal access to justice, due process, the equal protection of the laws, and constitutional rights.

If worrying about your adult child and trying to protect your child is abuse and harassment, all parents are guilty of abuse and harassment.

These actions by the Illinois Courts and their unfounded ruling violating Nita's constitutional rights have far-reaching and long-lasting consequences on Nita and all parents.

Therefore, Nita respectfully requests this Court to void, overturn, and vacate this ruling and redact all the sensitive information.

C. Violations of Liberty Interests

"All parents and children (minor and adults alike) have, under the Fourteenth Amendment, a constitutionally protected liberty interest in companionship and society with each other. (*Smith v. City of Fontana,* 818 F.2d 1411, 1418 (9th Cir. 1987))."

In this civil preponderance of evidence case, the Appellate Court, by overlooking and affirming the Trial Court's egregious ruling based on the language of the evidence, violated Nita's constitutional rights, such as Freedom of Speech, Due Process, and protected Liberty Interest.

The lower courts failed to order mediation and family therapy and thus lost a valuable opportunity to be the beacon of hope to heal and restore the strong bonds of this close-knit family going through complex and challenging issues of gender identity by providing proper guidance and therapy, to keep this extraordinary family together.

D. Violations of Personal Jurisdiction

The Appellate Court claimed:

> "Nita had minimum contacts with Illinois under the Long-Arm Statute, and thus, the trial court had personal jurisdiction over

> Nita The record indicates that Nita was served in open court in Cook County, Illinois, on December 1, 2021, the day after her attorney entered an appearance, providing the trial court with personal jurisdiction over her"

(Page 10, Paragraph 28-29, Illinois Appellate Court Opinion).

This is a complete lie. The record is incorrect. Nita was never physically present in Illinois courts or served in open courts. Also, Nita was never informed about Nita's jurisdictional rights by the Trial Court.

Nita lives in New Jersey, far from Illinois. In November 2021, Nita was served at Nita's home in New Jersey, not Illinois. Since then, Nita participated in court hearings only through Zoom calls.

Attending court hearings via Zoom does not confer jurisdiction under Illinois law. Illinois also has no law regarding jurisdiction based solely on remote attendance through Zoom calls; *Higgins v. Blessing Hospital*, 2024 Ill.App.4th 231531; *International Shoe Co. v. Washington*, 326 U.S. 310 (1945)

Generally, a court can get personal jurisdiction over a party if that party has a substantial connection ("sufficient minimum contacts") with that state. Nita has no regular connections to Illinois, does not conduct any business in Illinois, and has no minimal contacts with the State of Illinois-required to establish Illinois' personal jurisdiction over Nita.

The long-arm statute of Illinois also does not apply here. The modern approach in Illinois State

Courts is to analyze personal jurisdiction under the due process standards of the U.S. and Illinois Constitutions and not under the Long-Arm Statute. *Russell v. SNFA*, 2013 WL 1683599, 30 (Ill.Ap. 18, 2013); *Keller v. Henderson* 359 Ill.App.3d 605, 834 N.E.2d 930 (Ill.App.Ct. 2005)

Also, for personal jurisdiction, procedural due process requires trial courts to apprise domestic violence defendants of the profound consequences and civil penalties that may result from the entry of a Final Restraining Order and their right to retain legal counsel to defend against the allegations. *A.A.R. v. J.R.C.*, 471 N.J. Super. 584, 274 A.3d 674 (App. Div. 2022).

Illinois courts failed to inform Nita of the full consequences of the Order of Protection. Instead, they hid the fact from Nita that this will remain on Nita's record forever (including in the LEADS database)—whether the OOP has expired or not—ruining, if not completely eliminating, Nita's chances of gainful employment, ability to rent a place of residence, get federal security clearance, etc. and other such serious matters.

E. Misapplication of Statute of Limitations

IDVA lacks a provision explicitly stating that there is no statute of limitation which establishes a dangerous precedent. It enables misuse and abuse by the courts through the resurrection of unsubstantiated past abuse. It permits unfettered misuse of the domestic violence law by unscrupulous therapists and entities, unsuspectingly preying upon vulnerable individuals. It opens doors to costly litigations for open familial discourse about serious matters facing the

family from years past, thereby destroying relationships.

In this case, the Appellate court erroneously relied upon *Richardson v. Booker*, 2022 IL App (1st) 210137, an extremely violent case, unlike this one, to substantiate the lack of a statute of limitations interpretation under the IDVA, creating a dangerous precedent whereby historical claims, could be revisited at any time.

The Appellate Court ruled:

> "Nita also contends that the messages from 2014 and 2015 were too far in the past for the trial court to consider them properly. The trial court concluded that it could consider such evidence under *Richardson*, 2022 IL App (1st) 211055. We agree."

(Page 15, Paragraph 44, AC Opinion)

The Illinois Courts have misapplied *Richardson v. Booker* to justify a witch-hunt for any evidence dating back to the beginning of time. This violates the Federal Statute of Limitations, which plays a pivotal role in the U.S. federal legal system, setting time limits for initiating legal proceedings.

The appellate court's overreliance on *Richardson v. Booker*, 2022 Ill.App.1st. 210137, to disregard the statute of limitations and apply it to historical claims without substantiating evidence conflicts with due process protections. This misapplication sets a dangerous precedent, allowing for the resurrection of unsubstantiated past abuse claims and undermining the Federal Statute of Limitations' role in the legal system.

Such negligence, misread, and violation of the laws (including Federal) by the Illinois courts not only contravenes IDVA's purpose but sets a problematic standard for potentially unlimited temporal remorse against parental speech, which conflicts with the due process protections under the Fourteenth Amendment.

The Appellate Court also stated:

> "Nita has forfeited her statute of limitations argument because she did not timely raise it in the trial court"

(Page 12, Paragraph 35, Appellate Court Opinion.)

Nita's attorney did raise this issue at the trial by objecting to it: "So if we are going back to childhood and high school, I would argue that that is irrelevant for the purposes of this, and outside the scope of the Petition . . . " (Lines 18-21, Page 12, July 27, 2022 Transcript). Even if Nita's attorney had not objected, it is still preserved under the Plain Error doctrine.

III. VIOLATIONS OF THE EIGHTH AMENDMENT

The Eighth Amendment's prohibition against "Cruel and Unusual Punishments" encompasses barbaric penalties and sentences disproportionate to the crime committed, as affirmed in *Solem v. Helm*, 463 U.S. 277 (1983). This case underscores the constitutional principle that punishments must align with the gravity of the offense, a doctrine deeply embedded in the Amendment's history and jurisprudence.

In the matter at hand, the lower courts' decision egregiously failed to uphold the sanctity of the parent-child bond. This relationship could have been mended through mediation or therapy. Despite clear indications of the case's lack of foundation and the complexity of

the family's situation, the Illinois courts ruled detrimentally against Nita. This ruling severed the special bond between Nita and A.A. It inflicted long-lasting, traumatic consequences on Nita, affecting every facet of Nita's life and leaving an indelible mark on her record.

Moreover, the ruling perpetuates a falsehood in A.A.'s perception of Nita, further alienating them instead of fostering reconciliation. This not only contravenes the Eighth Amendment but also denies Nita any hope of reuniting with her child, constituting a punishment far exceeding the bounds of constitutional propriety for a supportive parent.

What else could be more vicious and crueler than the Appellate Court's imprimatur to the Trial Court's destruction of the familial bonds of a loving and caring family instead of healing and preserving it?

This ruling, a modern-day epitome of the cruelest punishment a parent can receive, violates the Eighth Amendment and Nita's other rights under the United States Constitution.

Nita requests this court to overturn this ruling against Nita, vacate it, and redact all sensitive information, thereby rectifying the violation of Nita's Eighth Amendment rights and restoring the possibility of rekindling the familial relationship.

IV. VIOLATIONS OF THE NINTH AMENDMENT

The right to mend a parent-adult-child relationship embodies a fundamental liberty interest that the people inherently retain. The lower courts' actions contravene this constitutional safeguard by undermining Nita's attempts to reconcile with A.A.

The Ninth Amendment, as interpreted in *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Stanley v. Illinois*, 405 U.S. 645 (1972); *Troxel v. Granville*, 530 U.S. 57 (2000); *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Prince v. Massachusetts*, 321 U.S. 158 (1944); *Santosky v. Kramer*, 455 U.S. 745 (1982); *Wallis v. Spencer*, 202 F.3d 1126 (9th Cir. 2000); *Parham v. J.R.*, 442 U.S. 584 (1979); *Mathews v. Eldridge*, 424 U.S. 319 (1976) underscores the sanctity of personal liberties against governmental intrusion. This infringes upon Nita's right to privacy and emotional well-being, constituting an overreach by the judiciary that disregards the essence of unenumerated rights envisioned by the Constitution's framers.

This misstep distorts Nita's character and impedes the inherent parental pursuit to heal familial bonds. This pursuit is fundamental to the liberty interests protected under the Constitution. Therefore, the lower courts' decisions profoundly misinterpret the Ninth Amendment's scope.

V. CONFLICTS WITH OTHER FEDERAL AND STATE CASES

The Illinois courts' determination here is at variance with settled precedent. This conflicts with precedents across various jurisdictions, including the Supreme Court of the United States, which underscores the criticality of due process.

The ruling in this case conflicts with other cases in Illinois and elsewhere, and also at the US Supreme Court:

1. Illinois: *Sherwin v. Roberts,* 2023 Ill.App.4th 220904; *Botero v. Roque*, 2023 Ill.App.

221576; *People ex Rel. Minteer v. Kozin*, 297 Ill.App.3d 1038;4. *Martinez v. Singh*, 2021 Ill.App. 201027 (Ill.App.Ct. 2021); *Landmann v. Landmann*, 433 Ill. Dec. 769 (2019); *Best v. Best*, No. 101135 (September 21, 2006) Supreme Court of Illinois, Docket No: 101135

2. Court of Appeals in Tennessee. *Malone v. Rose*, No. M2023-01453-COA-WR-CV (Tenn. Ct.App. Mar. 26, 2024):

3. United States Supreme Court:.*Santosky v. Kramer*, 455 U.S. 745 (1982); *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Texas v. Johnson*, 491 U.S. 397(1989)

These cases, spanning state appellate courts to the US Supreme Court, collectively emphasize the necessity of due process and the protection of fundamental rights. The Supreme Court's intervention is crucial to rectifying the substantial legal inconsistencies and reaffirming the constitutional protections afforded to parents. Its review is imperative to overturn the flawed decisions that represent an overreach against Nita and pose a significant threat to the foundational principles safeguarding family integrity and parental rights across diverse familial backgrounds.

Thus, the plea for the United States Supreme Court's intervention transcends beyond a mere request for individual justice; it is critical to uphold and protect constitutional rights, reinforcing judicial standards to prevent the entrenchment of such egregious practices within our legal framework.

VI. ABUSE OF THE ILLINOIS DOMESTIC VIOLENCE ACT (IDVA)

The United States has long recognized the importance of domestic violence laws as a critical framework for protecting vulnerable individuals from abuse and ensuring that victims receive justice and support.

In cases like *United States v. Morrison,* 529 U.S. 598 (2000), the Supreme Court reaffirmed the federal government's role in addressing the pervasive issue of domestic violence, highlighting the necessity for such laws to safeguard victims from systemic and disproportionate harm.

However, of late, domestic violence laws, designed to protect the vulnerable and ensure justice for victims, have been increasingly misapplied, often resulting in severe repercussions for innocent parties. In the seminal case of *Castle Rock v. Gonzalez,* 545 U.S. 748 (2005), the Supreme Court acknowledged the importance of allowing law enforcement the discretion to enforce protective orders effectively.

The misuse of the Illinois Domestic Violence Act (IDVA) to infringe upon a parent's constitutional rights to free speech and due process, solely based on their parental status, contradicts the Supreme Court's affirmations in *Troxel v. Granville.* This application disregards the fundamental liberty interests of parents as recognized by the Court, undermining the due process protections enshrined in the Fourteenth Amendment.

LONG-TERM REPERCUSSIONS

This petition presents compelling reasons for review by the United States Supreme Court, grounded in significant violations of the First and the Fourteenth Amendment rights of freedom of speech, due process,

liberty interests, equal protection, and other constitutional rights. The appellate court's decision raises critical legal issues that merit this Court's intervention to uphold the integrity of constitutional protections and ensure justice.

The Illinois courts, through their misuse and abuse of the IDVA in this case, have set a dangerous precedent for unscrupulous therapists, lawyers, or bad actors and predators in positions of undue influence and power to exploit and weaponize their highly trusting clients, including innocent and vulnerable minors and adults, their parents and their families for their ulterior motives.

The rulings, charges, and the additional new charges imposed by the Illinois courts in this domestic violence case shall have significant repercussions for other parents in similar situations for years to come. The implications extend beyond the immediate parties in this case. They can influence legal principles, the behavior of legal entities, and the experiences of perpetrators and their innocent victims in the future.

Nita loves A.A. unconditionally, and Nita does NOT blame A.A. for anything.

CONCLUSION

For the foregoing reasons, the petition should be granted.

Respectfully submitted,

Nita A
Petitioner Pro Se
(609) 915-4735
iappeal2023@gmail.com

October 26, 2024

APPENDIX TABLE OF CONTENTS

OPINIONS AND ORDERS

REHEARING ORDER

ORDER DENYING PETITION FOR LEAVE TO APPEAL, SUPREME COURT OF ILLINOIS (MAY 29, 2024)

SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
200 East Capitol Avenue
Springfield, Illinois 62701-1721
(217) 782-2035

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

In re: A.A. respondent, v. Nita A. petitioner. Leave to appeal, Appellate Court, First District. 130395

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 07/03/2024.

Very truly yours,

/s/ Cynthia A. Grant
Clerk of the Supreme Court

OPINION, APPELLATE COURT OF ILLINOIS FIRST DISTRICT (NOVEMBER 22, 2023)

2023 IL App (1st) 230011
No. 1-23-0011
Opinion filed November 22, 2023

Third Division

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

A.A.,

Petitioner-Appellee,

v.

NITA A.,

Respondent-Appellant.

Appeal from the Circuit Court of Cook County
No. 21 OP 78104 – Honorable Beatriz Frausto-Sandoval, Judge, Presiding

Before: R. VAN TINE, LAMPKIN and D.B. WALKER, Justices.

JUSTICE R. VAN TINE delivered the judgment of the court, with opinion.

Justices Lampkin and D.B. Walker concurred in the judgment and opinion.

OPINION

Nita A. appeals from the trial court's issuance of an order of protection against her and on behalf of her adult child, A.A., pursuant to the Illinois Domestic Violence Act of 1986 (Act) (750 ILCS 60/101 *et seq.* (West 2020)). Nita argues that (1) the trial court lacked jurisdiction to hear A.A.'s petition for an order of protection, (2) the statute of limitations barred A.A. from filing such a petition, (3) the trial court improperly admitted certain electronic messages between Nita and A.A., and (4) the trial court's ruling was against the manifest weight of the evidence. For the following reasons, we affirm.

I. Background

On October 6, 2021, A.A filed a petition for an order of protection against their mother, Nita.[1] A.A. alleged that, from 2014 through 2021, Nita harassed and abused A.A. because A.A. is transgender.

At a hearing on the petition, A.A. testified that they began attending the California Institute of Technology (Caltech) in 2013. Nita moved from New Jersey, where A.A. grew up, to live with and provide housekeeping for A.A. while A.A. attended Caltech. A.A. maintained that Nita's move to California was unnecessary because A.A. could live independently without difficulty. During this time, Nita "closely monitored"

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[1] The record and briefs indicate that A.A. uses they/them pronouns, so that is what we will use in this order. *See People v. Boots*, 2022 IL App (2d) 200640, ¶ 1 n.1.

A.A.'s e-mails and text messages. If A.A. did not respond to Nita's messages, Nita would send a "barrage" of single-character text messages to make A.A.'s phone "buzz 100 times in a row." Nita told A.A. that she assumed A.A. was "off doing LGBT behaviors" when A.A. did not respond to messages.

From March 2014 to May 2015, Nita sent A.A. Gmail chat messages criticizing A.A. for being transgender and for associating with lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals. Screenshots of these messages, which A.A. moved into evidence over Nita's objections, include the following:[2]

> "lay off lgbtq crap or else"
>
> "you have been screwed by *** and caltech deans and dragged and drugged, straight to lgbtq alter to be sacrificed"
>
> "you are so mature to manipulate us parents, than [*sic*] you are equally mature to protect your mind and your self from these lgbtq community and predators"
>
> "I guess TAs don't mind you emailing for tickets to alice in wormhole for your lgbtq gang of goons but they do mind your mom talking to you for good things, right?"
>
> "you are at Caltech for education and your degree with high gpa, above 3.5, not to screw around with everything and go to hell

---

[2] We set out these text messages as they appear in the record, with no corrections of typographical errors or omissions of inappropriate language because they are evidence of Nita's abuse of A.A. We have only omitted the names of individuals who are not involved in this case.

> and be a kept woman in lgbtq hell by the KKK of lgbtqs are Caltech"
>
> "young man go home to your mamma she make you a real girl or I beat the crap out of you for leaving your mama in hell"
>
> "stop being lgbtq"
>
> "who ever is preaching that you should adopt male pronouns and live like a man for one year before they can approve your sex change surgery, meaning you mutating your body and becoming a major freak is taking you for a ride"
>
> "sure, lgbtq away to death"

A.A. testified that these messages caused "significant stress, including depression, anxiety, [and that they had] difficulty engaging with school."

In the spring of 2016, A.A. moved to a dormitory on Caltech's campus and asked Nita not to contact them. Nita tried to find A.A. on campus and asked university staff, relatives, and acquaintances how to contact A.A. Throughout 2016, Nita sent A.A. multiple e-mails, text messages, and voicemails every day. A.A. routed Nita's e-mails to a separate folder and checked it occasionally.

In the summer of 2016, A.A. obtained a prescription for hormone replacement therapy; Nita somehow learned about this and e-mailed A.A. about "the dangers of testosterone." Near the end of 2016, A.A. briefly met Nita to retrieve A.A.'s belongings and "repeated that [they] had no desire for further contact or to live with [Nita]." In 2017, Nita mailed A.A. a package, called the campus mail center when it arrived,

and waited on the phone to speak to A.A. Nita also went uninvited to Caltech's campus on A.A.'s graduation day in 2017 and asked to take a photograph with A.A. A.A. was upset and returned to their dorm room despite wanting to be out with their friends because they were worried about encountering Nita again.

After graduating from Caltech, A.A. moved to San Bruno, California. A.A. briefly met Nita in July 2018 to pick up a package from A.A.'s grandmother. In August 2018, A.A. filed paperwork to legally change their name and gender. Nita sent A.A. e-mails claiming that people would discover the name and gender change and would go to A.A.'s home to kill them.

A.A. then moved to Chicago to pursue a master's degree at the University of Chicago. Nita offered to pay A.A.'s rent, health insurance, and tuition. A.A. agreed because their parents had already set aside certain funds for university expenses, which "would otherwise go to waste." Nita pretended to encounter difficulties sending money so that she could contact A.A. and obtain information such as A.A.'s address. In November 2019, Nita insisted on meeting A.A. in person to deliver debit and credit cards issued under A.A.'s former name. A.A. met Nita for approximately five minutes at a bookstore in Chicago and left feeling "frustrated and harassed" and like they were "being emotionally pressured into" allowing Nita to provide financial support. A.A. did not use the cards that Nita gave them.

In the spring of 2020, A.A. moved from Chicago to their parents' home in New Jersey due to the COVID-19 pandemic. A.A. asked Nita not to discuss medical or academic issues during that time, but Nita "soon reverted back to discussing those topics."

A.A. moved out in late summer 2020 and asked Nita not to contact them. Nita continued to send A.A. e-mails and text messages through the end of 2020.

In May 2021, A.A. traveled to Berkeley, California, for "top surgery," which is a gender-confirming bilateral mastectomy. In July 2021, A.A. unexpectedly encountered Nita on the street in Berkeley. Nita told A.A. to travel to New Jersey to visit their grandmother; A.A. walked away. A.A. later contacted Nita to arrange a Zoom video call with their grandmother, but Nita refused to do so.

Between September and November 2021, A.A. received e-mails and voicemails in which Nita said that she knew A.A. was pursuing a Ph.D. at Northwestern University, which A.A. had not told her about. Nita also sent photographs of Northwestern's campus and claimed that she had visited it. On November 8, 2021, Nita left A.A. a voicemail saying that A.A. needed to move closer to campus, which concerned A.A. because it implied that Nita knew where A.A. lived. As of the hearing on the petition, Nita was not financially supporting A.A. A.A. testified that, without an order of protection, Nita would continue to harass them.

Nita testified that she lived with A.A. in Pasadena, California, from 2013 to spring 2016. Nita worried about A.A.'s allergies, health, and academic workload when they were an undergraduate student, which was why she was concerned when A.A. did not respond to her messages. Nita denied that she accessed A.A.'s e-mail and social media accounts. Nita paid A.A.'s tuition and living expenses at Caltech. Nita testified that she could not remember whether she contacted A.A. after A.A. severed communication with her in the

spring of 2016. Nita and A.A.'s father attended A.A.'s graduation at Caltech in June 2017 because "it was a proud moment" and they were not "told explicitly not to come."

In 2020, Nita drove A.A. from Chicago to New Jersey, where they lived together for approximately three months. When Nita and A.A. lived together in California and New Jersey, Nita cooked, cleaned, did laundry, and provided transportation for A.A. In August 2020, Nita drove A.A. back to Chicago, cleaned their apartment, and paid for movers and a new apartment. When Nita encountered A.A. on the street in Berkeley in July 2021, it was a coincidence because Nita was accompanying her husband on a trip to view real estate investments. During that encounter, Nita asked A.A. to call their grandmother and then walked away. Nita financially supported A.A. until at least October or November 2022 and may have been paying their phone bill at the time of the hearing. Nita testified that she loved A.A. unconditionally.

The court issued a plenary order of protection that ordered Nita to stay away from and not threaten or abuse A.A. for six months.[3] The court described Nita's text messages to A.A. as "hurtful," "judgmental," and "mean" and explained that any reasonable person would feel harassed upon receiving those messages. The court reasoned that A.A. occasionally communicating with, living with, and accepting financial support from Nita did not negate the abuse that occurred. The court issued a six-month order of protection as

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[3] A plenary order of protection is the longest type of order of protection authorized by the Act and can last up to two years. *See* 750 ILCS 60/220(b)(0.05) (West 2020).

opposed to a two-year order because the strongest evidence of abuse was from 2014 and it was possible that Nita could have a loving relationship with A.A. in the future.

Nita filed a motion to vacate or reconsider the order of protection. She argued that (1) the general five-year statute of limitations for civil claims barred A.A.'s allegations of abuse that occurred in 2014 and 2015, (2) A.A. voluntarily maintained contact with Nita and relied upon her for financial support, (3) the order of protection was a "severe penalty" that did not achieve "substantial justice," and (4) A.A. did not establish by a preponderance of the evidence that Nita abused A.A. In response, A.A. argued that (1) under *Richardson v. Booker*, 2022 IL App (1st) 211055, the court properly considered evidence of abuse that occurred more than five years prior to A.A. filing the petition; (2) A.A. explicitly severed contact with Nita in the spring of 2016; (3) Nita failed to explain how the order of protection was a "severe penalty"; and (4) the trial court did not err in finding that Nita abused A.A.

The trial court denied Nita's motion to vacate or reconsider. The court found that the general civil five-year statute of limitations did not apply to A.A.'s petition and that the court properly considered evidence of abuse that occurred more than five years before A.A. filed the petition. The court also rejected Nita's argument that A.A. invited communication and accepted financial support from Nita, finding that A.A. could not be "penalized on that basis." In addition, the court rejected Nita's claim that the order of protection was a "severe penalty," explaining that she had not been charged criminally and the order of protection was unlikely to cause further negative conse-

quences for her. Finally, the court reiterated that A.A. met their burden of proof.

Nita timely appealed.

II. Analysis

On appeal, Nita argues that (1) the trial court lacked jurisdiction to hear A.A.'s petition for an order of protection, (2) the statute of limitations barred A.A.'s petition, (3) the trial court improperly admitted Nita's messages to A.A., and (4) the trial court's decision to grant an order of protection was against the manifest weight of the evidence.

The Act provides that "any person abused by a family or household member" may file a petition for an order of protection. 750 ILCS 60/201(a)(i), (b)(i) (West 2020). A family or household member includes parents and "persons who share or formerly shared a common dwelling." *Id.* § 103(6). Abuse under the Act includes "harassment" (*id.* § 103(1)), which means "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" (*id.* § 103(7)). "If the court finds that petitioner has been abused by a family or household member *** an order of protection prohibiting the abuse, neglect, or exploitation shall issue." *Id.* § 214(a).

A. Appellate Jurisdiction

Before we turn to Nita's arguments, we must address A.A.'s contention that this court lacks jurisdiction to hear this appeal. A.A. argues that this

appeal is moot because the order of protection expired on February 9, 2023.

An appeal is moot "where it presents no actual controversy or where the issues involved in the trial court no longer exist because intervening events have rendered it impossible for the reviewing court to grant effectual relief to the complaining party." *In re J.T.*, 221 Ill. 2d 338, 34950 (2006). In general, an appeal that challenges an order of protection that has expired is moot. *Landmann v. Landmann*, 2019 IL App (5th) 180137, ¶ 11; *see also Creaser v. Creaser*, 342 Ill. App. 3d 215, 219 (2003) (once an order of protection expires, the respondent is no longer subject to a court order and any decision would be "essentially advisory"). The order of protection in this case expired on February 9, 2023, so it appears that this appeal is moot.

However, we will review this matter pursuant to the public interest exception to the mootness doctrine. Under the public interest exception, a court may review a moot issue when "'(1) the moot question is public in nature, (2) it is desirable to provide an authoritative determination so as to offer guidance for public officers, and (3) it is likely that the question will reappear.'" *Landmann*, 2019 IL App (5th) 180137, ¶ 12 (quoting *Whitten v. Whitten*, 292 Ill. App. 3d 780, 784 (1997)). Protecting transgender individuals from abuse by family members is a matter of public interest, and unfortunately, it is likely that transgender individuals will face abuse from family members in the future. There appear to be no reported appellate decisions that address how the Act applies to transgender victims of domestic abuse, so it is necessary to provide guidance as to how courts should apply the Act in cases where transgender individuals are found

to be victims of harassment. *See id.* ("The Act addresses issues of great public interest, and its purposes can only be accomplished if the courts properly apply the statutory requirements."). Accordingly, we find that the public interest exception to the mootness doctrine applies and we have jurisdiction to hear this appeal.

B. Trial Court's Jurisdiction

Nita argues that the trial court lacked jurisdiction over this case. Nita frames this argument as a challenge to the trial court's subject-matter jurisdiction, but it is more accurate to say that she challenges the trial court's personal jurisdiction. Subject-matter jurisdiction "is invoked by the filing of a petition or complaint alleging the existence of a justiciable matter." *In re Luis R.*, 239 Ill. 2d 295, 305 (2010). The Act's subject-matter jurisdiction provision states that "the circuit courts shall have the power to issue orders of protection." 750 ILCS 60/207 (West 2020). Nita does not dispute that the trial court had the power to issue an order of protection, so she does not challenge the court's subject-matter jurisdiction.

Rather, Nita contends that the trial court lacked jurisdiction because the alleged abuse occurred primarily outside of Illinois. This argument attacks personal jurisdiction because "personal jurisdiction is derived from the actions of the person sought to be bound." (Internal quotation marks omitted.) *See Luis R.*, 239 Ill. 2d at 305. To obtain an order of protection, a petitioner must establish personal jurisdiction under section 208 of the Act. *Gasaway v. Gasaway*, 246 Ill. App. 3d 531, 534 (1993); 750 ILCS 60/208 (West 2020). Under section 208, a court has "jurisdiction to bind (i)

State residents and (ii) non-residents having minimum contacts with this State, to the extent permitted by the long-arm statute, Section 2-209 of the Code of Civil Procedure." 750 ILCS 60/208 (West 2020). We review whether the trial court had jurisdiction *de novo*. *Blount v. Stroud*, 232 Ill. 2d 302, 308 (2009).

A.A.'s petition alleged that A.A. lived in Chicago and Nita lived in New Jersey. For the trial court to have personal jurisdiction over Nita, A.A. had to establish that Nita had minimum contacts with Illinois pursuant to the long-arm statute. The long-arm statute provides, in relevant part, that a court "may exercise jurisdiction in any action arising within or without [Illinois] against any person who *** [i]s a natural person present within this State when served." 735 ILCS 5/2209(b)(1) (West 2020). The record indicates that Nita was served in open court in Cook County, Illinois, on December 1, 2021, the day after her attorney entered an appearance, providing the trial court with personal jurisdiction over her. *See id.*; *see also In re M.W.*, 232 Ill. 2d 408, 413-14, 427-28 (2009) (court obtained personal jurisdiction over minor's parents despite no formal service of process because parents appeared in court and were given a copy of the petition).

Nita argues that the trial court lacked jurisdiction because the alleged abuse occurred primarily in California and New Jersey and because "[t]he boundaries and application of the Illinois Domestic Violence Act [are] specifically in regards to the State of Illinois." Nita cites no authority to support her contention that an Illinois court cannot issue an order of protection based on abuse that occurred outside Illinois. The Act's jurisdiction provisions contain no such limita-

tion. 750 ILCS 60/207, 208 (West 2020). Nita's interpretation of the Act as being limited to abuse that occurred in Illinois would leave a victim of abuse that occurred in another state unable to obtain an order of protection upon moving to Illinois, even if the abuser followed the victim to Illinois. Such a limitation would render Illinois ineffective as a haven for victims of domestic violence, which is contrary to the purpose of the Act. *See id.* § 102(3)-(4) (purposes of the Act include not "allowing abusers to escape effective prosecution"). Accordingly, we find that the trial court had jurisdiction to hear A.A.'s petition for an order of protection against Nita.

C. Statute of Limitations

Nita next argues that the statute of limitations barred A.A. from filing a petition for an order of protection because the petition was based on events that occurred more than five years before A.A. filed it. Specifically, Nita argues that "A.A. should have been precluded [from bringing] any claims or evidence regarding matters prior to October 6, 2017."[4]

As an initial matter, the parties conflate Nita's statute of limitations argument with an evidentiary argument. Nita's statute of limitations argument contends that A.A.'s petition for an order of protection could not be premised on events that occurred more than five years before A.A. filed the petition. However, the parties primarily construe this argument as

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[4] A.A. filed the petition for an order of protection on October 6, 2021. If Nita is correct that a five-year statute of limitations applies, that would preclude claims that arose prior to October 6, 2016, not 2017.

addressing whether the court could *consider evidence* of abuse that occurred prior to October 6, 2016. These are two separate issues. We address Nita's statute of limitations argument here and her evidentiary argument below.

The Act contains no statute of limitations for a petition for an order of protection. 750 ILCS 60/101 *et seq.* (West 2020). However, the Act provides that "[a]ny proceeding to obtain *** an order of protection, whether commenced alone or in conjunction with a civil or criminal proceeding, shall be governed by the rules of civil procedure of this State." *Id.* § 205(a). The Code of Civil Procedure provides that a five-year statute of limitations applies to civil actions that do not have a specific statute of limitations. 735 ILCS 5/13-205 (West 2020). Nita reads these provisions together to argue that the general five-year statute of limitations applies to petitions for orders of protection. We have found no caselaw that supports this argument or that imposes any statute of limitations on petitions for orders of protection. Nita cites no such authority.

However, we need not decide which, if any, statute of limitations applies to a petition for an order of protection. Nita has forfeited her statute of limitations argument because she did not timely raise it in the trial court. *See Bedin v. Northwestern Memorial Hospital*, 2021 IL App (1st) 190723, ¶ 37. Nita raised the statute of limitations for the first time in her posthearing motion to vacate or reconsider the order of protection, and a party forfeits an argument that it raises for the first time in a motion to reconsider. *See Zander v. Carlson*, 2020 IL 125691, ¶ 34. Accordingly, Nita has forfeited her statute of limitations argument.

D. Admission of Evidence

Nita next contends that the trial court improperly admitted messages that Nita sent to A.A. through various electronic messaging services. Nita argues that the trial court should not have admitted these messages because A.A. failed to authenticate and lay proper foundation for them and because messages from 2014 and 2015 were too remote in time to warrant admission.

The rules of civil procedure and evidence apply to a hearing on a petition for an order of protection. *See Best v. Best*, 223 Ill. 2d 342, 348-49 (2006); 750 ILCS 60/205(a) (West 2020). We review a trial court's ruling on the admissibility of evidence for an abuse of discretion. *Trinidad C. v. Augustin L.*, 2017 IL App (1st) 171148, ¶ 21. An abuse of discretion occurs when the court's ruling is arbitrary or fanciful or when no reasonable person would take the trial court's view. *Id.*

1. Authentication and Foundation

Nita argues that the trial court improperly admitted the messages because A.A. failed to authenticate and lay foundation for them. We treat text messages like any other form of documentary evidence. *People v. Watkins*, 2015 IL App (3d) 120882, ¶ 36. A proper foundation for the admission of documentary evidence exists when the document has been identified and authenticated. *Id.* To authenticate documentary evidence, the proponent must demonstrate that the document is what the proponent claims it to be. Ill. R. Evid. 901(a) (eff. Sept. 17, 2019). Documentary evidence can be authenticated through direct or circumstantial evidence. *Watkins*, 2015 IL App (3d) 120882, ¶ 37. Circumstantial evidence includes

"appearance, contents, substance, and distinctive characteristics, which are to be taken into consideration with the surrounding circumstances." *Id.* Documentary evidence may also be authenticated by its contents if it contains information that would only be known by the alleged author of the document or, at the very least, to a small group of people including the alleged author. *Id.* In determining whether documentary evidence is admissible, the trial court serves a "limited screening function," assessing whether the evidence of authentication, viewed in the light most favorable to the proponent, would allow a reasonable factfinder to conclude that the document is more likely than not authentic. *Id.* ¶ 36

A.A. testified that exhibits B through D were "chat screen shots" between A.A. and Nita from March 2014 to May 2015, that A.A. took the screenshots with A.A.'s phone and laptop in the spring of 2022, and that the screenshots were true and accurate depictions of the messages. A.A. further testified that the messages were from Gmail's chat system and identified Nita's email address at the top of the messages. A.A. recognized that e-mail address because they had received emails from Nita at that address for years and had seen Nita use it. A.A. identified other exhibits as text messages from a specific phone number that both Nita and A.A.'s father used. A.A. knew the text messages were between A.A. and their parents because they referenced A.A.'s performance in school, grades, friends, living situation, and that A.A. had studied at both Caltech and the University of Chicago. The messages themselves contain circumstantial evidence that they were communicated between A.A. and Nita as opposed to A.A. and their father. For example,

exhibit BW, dated September 17, 2020, is from "Parents" to "A" and asks "A" to "text me or daddy every day one word *** as short or as long, to me, or to your daddy." It is reasonable to conclude that this is a message from Nita to A.A. Similarly, text messages in exhibits CC and CH begin "From Mom" or "from mumma." We find that a reasonable trier of fact could conclude that the messages were what A.A. claimed they were.

Nita argues that the trial court erroneously admitted the messages because "there was no way of knowing who they were from, no phone number, dates, or times." That is not accurate. Several of the Gmail chat messages and text messages between Nita and A.A. contain dated read receipts and the e-mail address and phone number of the sender. As explained above, A.A. testified to who sent the messages, which e-mail addresses and phone numbers they were sent from, which messaging services they were sent through, and when they were sent. Moreover, Nita never denied that she authored and sent the messages at issue. Accordingly, we find that the trial court did not abuse its discretion in admitting these messages over Nita's objections to authenticity and foundation.

2. Age of Messages

As noted above, Nita also contends that the messages from 2014 and 2015 were too far in the past for the trial court to properly consider them. The trial court concluded that it could consider such evidence pursuant to *Richardson*, 2022 IL App (1st) 211055. We agree. *Richardson* holds that evidence of past abuse is relevant to a trial court's determination as to

whether abuse occurred, regardless of whether the prior abuse "occurred 40 years ago or 5 years ago." *Id.* ¶ 59. That is because the Act itself "expressly directs courts to consider instances of past abuse" without limitation as to time. *Id.* ¶ 56 (citing 750 ILCS 60/214(c)(1)(i) (West 2020)). In *Richardson*, this court found that the trial court should not have assigned only "limited relevance" to abuse that occurred in 2015 when determining whether abuse occurred in 2020 and 2021. *Id.* ¶¶ 55-57. Rather, the trial court should have fully considered that evidence and should have issued an order of protection. *Id.* ¶ 60. *Richardson's* reasoning translates to this case and clearly supports the trial court's conclusion that Nita's abuse of A.A. in 2014 and 2015 via Gmail chat message was relevant and admissible at the order of protection hearing in 2022.

E. Manifest Weight of the Evidence

Finally, Nita argues that the trial court's decision to grant the order of protection was against the manifest weight of the evidence. Nita contends that she cannot be blamed for being "worried and concerned about" A.A. and that A.A. voluntarily initiated contact with her and accepted financial support from her.

We review findings of abuse under the Act under the manifest weight of the evidence standard. *Stapp v. Jansen*, 2013 IL App (4th) 120513, ¶ 16 (citing *Best*, 223 Ill. 2d at 349-50). A finding is against the manifest weight of the evidence only when the opposite conclusion is clearly evident or where the court's findings are unreasonable, arbitrary, and not based on any of the evidence. *Id.* The trial court was in the best position to observe the conduct and demeanor of the

parties, so we will not substitute our judgment for that of the trial court by reweighing the evidence. *Id.* ¶ 17. In addition, we will not overturn the trial court's findings simply because we might have reached a different conclusion about what the evidence established. *Id.*

We find that the trial court's decision to grant the order of protection was not against the manifest weight of the evidence. There is no dispute that A.A. and Nita are family members who lived together from fall 2013 to spring 2016 and again in the summer of 2020. *See* 750 ILCS 50/103(6) (West 2020). From 2014 through 2021, Nita sent A.A. harassing text messages, e-mails, and voicemails. The Third District has found that sending 27 unwanted text messages and 6 voicemails over the course of approximately two hours constitutes "stalking behavior" (*Coutant v. Durell*, 2021 IL App (3d) 210255, ¶¶ 75-78), so it is reasonable to conclude that Nita sending dozens of unwanted messages over several years, despite A.A. requesting her to stop, constituted stalking behavior as well. Nita also made unwanted in-person contact with A.A. in multiple cities, including Pasadena, San Bruno, Berkeley, and Chicago after A.A. had directed her to cease contact. As recently as late 2021, Nita communicated that she knew where A.A. lived in Evanston, Illinois, and that she had visited Evanston. Altogether, the evidence showed that Nita verbally harassed and stalked A.A. despite A.A. repeatedly telling Nita to stop.

Furthermore, the evidence established that transphobia motivated Nita's abusive behavior. The messages from 2014 and 2015 explicitly referred to A.A.'s transgender identity and their association with

LGBTQ individuals and groups. At least two of those hostile messages included suggestions of violence, such as Nita's threat to "beat the crap" out of A.A. and her suggestion that A.A. should "lgbtq away to death." In 2016 and 2018, respectively, Nita criticized A.A.'s decision to undergo hormone therapy and to change their legal name and gender. In 2019, Nita gave A.A. bank cards issued under A.A.'s "deadname," which is the name given at birth to a transgender individual that the person no longer uses after transitioning. *See* Christiana Prater-Lee, *#Justice4Layleen: The Legal Implications of* Polanco v. City of New York, 47 Am. J.L. & Med. 144, 145 n.18 (2021). The use of a transgender person's deadname is disrespectful. *Id.* at 145. Harassing A.A. to not express their identity as transgender is not a reasonable or necessary purpose, and A.A.'s uncontested testimony was that Nita's behavior caused emotional distress. *See* 750 ILCS 60/103(1), (7) (West 2020). The evidence clearly established abuse as the Act defines it and supported the trial court's decision to issue an order of protection.

Nita argues that, because she provided financial support for A.A. between 2013 and 2021, A.A. should not be allowed to seek protection from her abusive behavior. This argument is meritless. Merely because one adult gives another adult financial support does not absolve the adult with more resources from violating the Act. A parent providing financial support for her child, particularly in young adulthood, does not give that parent license to abuse the child. Nita cannot and did not "buy" the right to abuse A.A. Furthermore, as the trial court observed, Nita's financial support of A.A. did not negate the evidence of abuse and harassment.

Nita also claims that she "now has a criminal history because of the order of protection." That is incorrect. As the trial court explained to Nita in denying her motion to reconsider, a criminal conviction and being subject to an order of protection are not the same things. *See People v. Alvarez*, 2012 IL App (1st) 092119, ¶ 58; *see also Best*, 223 Ill. 2d at 348 (proceedings to obtain an order of protection under the Act are "civil in nature"). The record contains no indication that criminal charges were filed against Nita or that she was convicted of any crimes because of this order of protection. Accordingly, we find that the trial court's finding of abuse was not against the manifest weight of the evidence.

III. Conclusion

For the foregoing reasons, we affirm the judgment of the circuit court of Cook County.

Affirmed.

COURT ORDER DENYING MOTION TO VACATE/RECONSIDER AND RELEVANT EXCERPTS (DECEMBER 9, 2022)

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

A.A.,

Petitioner,

v.

NITA A.,

Respondent.

No. 21 OP 78104
Calendar: 71

Before: Hon. Beatriz FRAUSTO-SANDOVAL, Judge.

☒ RAIC ☒ RAIC ☒ RAIC

This matter coming before the court on the Petitioner's/Respondent's motion to vacate/reconsider, filed on 9/8/22 and the court having been fully advised.

IT IS HERE BY:

ORDERED BY THE COURT:

[. . .]

☒ Petitioner/Respondent's motion is DENIED, and is taken off call.

For the reasons stated on the record.

ORDER OF COURT

Enter:

/s/ Beatriz Frausto-Sandoval
Judge

rmigliore@ascendjustice.org
support@peraica.com

IRIS MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

This form is approved by the Illinois Supreme Court and is ruled to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS
CIRCUIT COURT COOK COUNTY

ORDER OF PROTECTION

Civil Proceeding ☑ Plenary

Petitioner: A.A.

People to be Protected by this Order (*check all that apply*):

☑ Petitioner

v.

Respondent: Nita A.

Six Month After Hearing

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1. Petitioner's ☒ address OR

   Zip 4570

   [*.*.*.*]

2. Respondent's date of birth (If known):

   Zip 4001

   [*.*.*.*]

3. Respondent's address (If known):

   Zip 4652, 4659

   [*.*.*.*]

THE COURT ORDERS THAT:

☑ Respondent shall not abuse or threaten to abuse Petitioner (*see* R01, page 2)

☑ Respondent shall stay away from Petitioner (*see* R03, page 2)

FOR ADDITIONAL ORDERS, READ THIS ENTIRE FORM

☑ This Order was issued on 08/09/2022 at 2:00 p.m.

☑ The Order will end on 02/09/2023 at 5:00 p.m.

NEXT HEARING (interim Orders only): There will be a hearing on: at 555 W. Harrison in 20/7 Courtroom

Respondent: A plenary (*final*) order of protection may be entered if Respondent does not come to this hearing.

After reviewing the Petition and hearing the evidence and testimony of Petitioner, the Court makes findings

☑ Were made orally and videotaped or recorded by a court reporter and are incorporated Into this *Order*.

THE COURT ORDERS THAT ALL SECTIONS SELECTED BELOW BE OBEYED:

☑ 1. No Abuse (see page 4 of Petition)

(R01) (Police Enforced)

Respondent shall not threaten or commit the following acts of abuse towards Petitioner (check all that apply):

☑ Harassment

☑ Interference with Personal Liberty

☑ Physical Abuse

☑ Stalking

☑ 2. Possession of Residence (*see page 5 of Petition*)

(R02) (Police Enforced)

☑ Exclusive possession of residence Is granted to Petitioner.

☑ Respondent must stay away from the residence of Petitioner BECAUSE (check one):.

☑ Petitioner has a right to live there and Respondent has no right; OR

☑ 3. Stay Away from Petitioner and Certain Places *(see page 4 of Petition)*

(R03) (Police Enforced)

☑ Respondent shall not have any communication with Petitioner and stay away from Petitioner at all times.

Respondent: If any protection in Section 3 is granted, Respondent must not have ANY physical, non-physical, direct or-indirect contact with Petitioner. This also Includes contact through other, who may not know about the *Order of Protection.* It also forbids oral communication, written communication, sign language, telephone and coli phone calls, faxes, texts, tweets, emails, posts, or communication by any other social media, and all other communication with Petitioner.

☑ Respondent shall not be at or stay at any of these places while Petitioner is there:

[. . .]

☑ Schools, kindergartens, or daycare centers of Petitioner, located at:

[. . .]

☑ 11. Restrictions on Property (*see page 6 of Petition*)

(R11) (Court Enforced)

☑ Respondent shall not take, transfer, encumber, conceal, damage, or otherwise dispose of any real or personal property, except as explicitly authorized by the Court, BECAUSE (*check all that apply*):

☑ Petitioner, but not Respondent, owns the property.

[. . .]

Entered:

/s/ Beatriz Frausto-Sandoval
Judge
[SEAL]

Date: August 9, 2022

I hereby certify that this is a true and correct copy of the original order on file with the Court.

Clerk of the Circuit Court of
Cook County, Illinois

/s/ Iris Y. Martinez

[SEAL]

ORDER GRANTING PROTECTIVE ORDER, BENCH RULING TRANSCRIPT (AUGUST 9, 2022)

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

A.A.,

Petitioner,

v.

Nita A.,

Respondent.

No. 21 OP 78104
Calendar 72

Before: Hon. Beatriz FRAUSTO-SANDOVAL, Judge.

[August 9, 2022, Transcript, p.18]

[. . .]

THE COURT: All right. I think that I'm ready to go ahead and issue the ruling.

All right. So I'm just going to go right into it. I'm going to summarize any of the testimony we heard. We heard signific ant testimony from the petitioner, A.A and from the Respondent Nita A. And, well, of course, Nita A. does deny some of the allegations, there's consistency in A.A.'s tes-

timony and in the documentation that has been filed.

So I find that, overall, A.A. did testify credibly as to the allegations. And I do have issues. I think, obviously, apparent at this point—it should be apparent at this point, that there have been numerous foundational issues and issues with the evidence. This is the case that's before us, so this is what we're deciding. This is what I'm deciding this case based on the evidence is what it is, and this is obviously once we're in trial that, you know, there's no more opportunity to present the evidence in any different format.

Despite those issues, those evidentiary issues, there were numerous exhibits that were admitted. I'm going to specifically mention Exhibits B and C, because I did find and admitted these exhibits, because I think that there's sufficient context and information here to show that these are messages between the Respondent and the Petitioner. Most specifically, numerous messages from the Respondent. The Petitioner did not always appear to respond in these messages. And there were various messages of a harassing nature I find within this string of messages.

I'm not gonna burden everybody by reading all of these, but there's very hurtful language here. There's judgmental and mean language about the Petitioner's—the way he wanted to live his life. And that's simply not appropriate, no matter what your relationship is.

I think that any reasonable person if, you know, they're being called a mental case, being insulted

for the way that they've chosen to live their life, been told to stop being LBGTQ, it just goes on and on. I think that any reasonable person would feel harassed on receiving these messages.

The Respondent does mention the fact that the Petitioner continued to have contact with the Respondent and he doesn't deny that. There was still ongoing contact and the Petitioner did reside with the Respondent for a period in 2020.

But I don't think it's persuasive, the argument that these—that the fact that this is contact continued and there were things that the Respondent—the Petitioner received. You could call them benefits. I don't think that changes the fact that there was abuse that had occurred.

And I think that this is akin to, you know, if we have a husband and wife situation and, you know, the wife is beaten by the husband, but then the next week, accepts money for groceries and bills from the husband. Then, you know, that doesn't mean that she wasn't beaten by the husband. We have to view this case in that light.

And I've said numerous times before that we cannot dictate how a victim to going to act. We cannot dictate how they come forward. We cannot dictate when or how they are going to, you know, go through this process.

The Act does state that an order shall issue if there is a finding of abuse. However, the Act does also state that the frequency and nature of the abuse, should be considered in deciding what order to issue. So I know the Petitioner is asking for a two-year order. But I will say, that, you know,

the strongest evidence that we have in this case is unfortunately from 2014.

And it is my sincere hope after hearing the Respondent's testimony, is my belief, that despite what with might have happened, that this is a parent who still loves their child. And that this is a parent who, you know, is not perfect. And who, hopefully, already understands that, you know, there's no going backwards and that A.A. is the person that he is today and that's who he's gonna be. He's not going to change.

And if they're not going to accept that, then he's not gonna want a relationship with them at any time. So I'm going to take into account the fact that the—that the harassment appears have stemmed over the course of the years of these allegations.

And I'm going to issue a six-month Plenary at this time. So based on the Petitioner's sworn testimony and review of the allegations, the Court finds that the Petitioner is a protected person as defined under the Illinois Domestic Violence Act and that there has been abused. Specifically, there has been harassment and the Court has considered all the relevant statutory factors. So the Respondent will be subject to a six-month Plenary Order of Protection.

Ms. Migliore will draft the order and send it to opposing counsel and send it to the Court for issuance.

Now, if, obviously, Ms. Nita A. if there's any violation then A.A. can file a motion to extend.

[. . .]

**ORDER DENYING
LEAVE TO FILE REARGUMENT,
SUPREME COURT OF ILLINOIS
(AUGUST 6, 2024)**

SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
200 East Capitol Avenue
Springfield, Illinois 62701-1721
(217) 782-2035

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

In re: A.A. v. Nita A., 130395

Today the following order was entered in the captioned case:

> Motion by Petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for leave to appeal. Denied.
>
> Order entered by the Court.
>
> This Court's mandate shall issue forthwith to the Appellate Court, First District.

Very truly yours,

/s/ Cynthia A. Grant
Clerk of the Supreme Court

cc: Appellate Court, First District
Maheen Aziza Khatoon