

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2025 IL App (4th) 241514-U

NO. 4-24-1514

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

February 13, 2025

Carla Bender

4th District Appellate
Court, IL

MATTHEW D. KRAPFL,)	Appeal from the
Petitioner-Appellee,)	Circuit Court of
v.)	Rock Island County
STACEY J. KRAPFL,)	No. 24OP229
Respondent-Appellant.)	
)	Honorable
)	Jeffrey Scot McKinley,
)	Judge Presiding.

JUSTICE GRISCHOW delivered the judgment of the court.
Justices Doherty and Lannerd concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed in part and dismissed in part, finding (1) the appellate court lacked jurisdiction to review the trial court's decision to grant an *ex parte* emergency order of protection and (2) the trial court did not abuse its discretion in extending the emergency order of protection on November 1, 2024, and November 22, 2024.

¶ 2 Respondent, Stacey J. Krapfl, filed a *pro se* appeal challenging the trial court's decision to extend an emergency order of protection on November 1, 2024, and again on November 22, 2024. Pursuant to an order of this court entered on December 6, 2024, this is considered an interlocutory appeal as a matter of right under Illinois Supreme Court Rule 307(a)(1) (eff. Nov. 1, 2017). In her brief, Stacey raises an additional argument, contending the trial court erred in granting the *ex parte* emergency order of protection against her. On February 3, 2025, Stacey filed a motion to supplement the record on appeal with a partial transcript of the proceedings on November 1, 2024, which we took with the case and now grant. After our careful

review of the issues raised, we affirm in part and dismiss in part.

¶ 3

I. BACKGROUND

¶ 4

A. Initial Emergency Order of Protection

¶ 5

On March 6, 2024, petitioner, Matthew D. Krapfl, filed a *pro se* petition for an order of protection, seeking emergency and plenary protection from his wife, Stacey, for himself and four minor children. M.K. (two years old) and C.K. (six months old) are Matthew and Stacey’s biological children; K.R. and J.R. are Stacey’s biological children from a prior relationship. In support, Matthew alleged that on March 5, 2024, Stacey came home at 3 p.m. from “2North” (an inpatient facility where she had reportedly been for two weeks) and “was very verbally abusive” to Matthew and his parents, repeatedly calling his family members names and saying “ ‘fuck you’ ” in front of the children. He alleged Stacey

“threw away anything she deemed garbage [and] when I questioned her she got in my face, when I did not back away she yelled again and hit me in the neck/throat. I said do not do that she said—‘I’ll do it again.’ And put counter cleaning chemicals in my face.”

At some point, the police were called, and Stacey was arrested. Matthew alleged further that on February 16, 2024, Stacey was in a “manac [*sic*] state and had been up all night saying illogical things” and “verbally lashing out” at neighbors who came to the door. The police were called, and Stacey was deemed “unsafe.” She was taken to the hospital and transferred to “2North.” Matthew alleged Stacey verbally abused the nurses at the hospital. Matthew additionally listed the time period “2018-2023” and alleged:

“This is Stacey’s 4th mental health breakdown and has began escalating further—she has in the last few years, driven the kids cross country in a state of psychosis,

started a shed on fire, stalked the children's school, been severely verbally abusive, done property damage, hit me—2023—hit our son ([J.R.])—2021.”

Matthew claimed to be the primary caretaker of the children and asked for the following: care and possession of the children, possession of the home, allowance for Stacey to enter the home one time to retrieve her property in the presence of law enforcement, reservation of Stacey's parenting time with the children until a later hearing, and prohibition of contact between Stacey and the children because it is necessary to prevent abuse or wrongful concealment of the children.

¶ 6 At the *ex parte* hearing on March 6, 2024, Matthew testified, “[E]very two years or so this time of the year Stacey has a mental health breakdown and she becomes like another person.” He described her as “angry,” “mean,” “vicious,” and “say[ing] hurtful things.” Matthew stated Stacey had been sent to “2North” for two weeks after the police responded to a well-person check called in by a neighbor. Matthew learned she was going to be released and remarked, “They were just, like hey, she's not taking her meds and she's not getting any better, so we are going to let her go.” He did not know how she got home, but when she arrived, she was “all kinds of pissed off, all kinds of angry.” Everyone went to bed, but she stayed up cleaning and “throwing anything that had any connection to [Matthew's] side of the family away.” When Matthew confronted her at around 5 a.m. and told her she needed help, Stacey struck him in the throat. He denied there had been any recent physical abuse toward the children. The police were called, and she was arrested.

¶ 7 The trial court granted Matthew's petition for an emergency order of protection, giving him care and possession of all four children and the home; requiring Stacey to stay away from Matthew and the children, Matthew's place of employment, and the children's schools; and

reserving the issue of Stacey's parenting time until further hearing. Stacey was served with a summons and the emergency order that same day.

¶ 8 B. Plenary Order of Protection

¶ 9 According to the trial court docket, the matter was set for a hearing on the plenary order of protection on March 20, 2024. Matthew appeared *pro se*, but Stacey failed to appear at the hearing. There is no transcript of the proceedings that took place, but the docket indicated "Plenary Granted" and "Plenary Order of Protection entered." The order issued is not part of the record on appeal; however, the docket indicated Stacey was served with the plenary order of protection on March 21, 2024.

¶ 10 C. Plenary Order Vacated and Emergency Order of Protection Reinstated

¶ 11 On March 22, 2024, Stacey filed a motion to vacate the plenary order of protection, alleging, "Matthew has fabricated events in order to get a one-up in our pending divorce." Stacey disputed Matthew's characterization of their interaction on March 5, 2024, stating there was "some argument and name calling on both sides," but nothing "so explicit." Stacey alleged she slept on the couch that evening, and when she woke up around 5 a.m., she was "cleaning the counter with Dawn" but denied hitting Matthew or J.R. She alleged Matthew told the police that she hit him and the children to get her "committed to a psych facility which caused [her] to miss [her] 3/20 court date." She was released on March 21, 2024, requiring no medication and receiving no diagnosis. Stacey stated she was a stay-at-home mother and her "kids are [her] life." She explained that because the plan was for her to continue to be a stay-at-home mother for two more years, she had no "means to live outside the home" and "Matthew has knowingly made [her] temporarily homeless with this malicious [order of protection]." She would be sleeping in her car until the order was vacated so she could return home. Stacey stated

she has “full custody of [K.R. and J.R.] and must be with them and [the] babies as their primary caregiver.”

¶ 12 On March 28, 2024, a hearing was held on Stacey’s motion to vacate. Both Stacey and Matthew appeared *pro se*. The trial court granted Stacey’s motion to vacate the plenary order. There is no transcript of the hearing that took place that day. The docket stated that the plenary order was vacated, the emergency order was reinstated, and the cause was set for trial on the entry of a plenary order on April 24, 2024.

¶ 13 D. Continuances of the Reinstated Emergency Order of Protection

¶ 14 Both parties retained counsel, and their attorneys filed appearances on April 9, 2024. Matthew’s attorney also filed a motion to continue the plenary hearing, explaining he had a conflict that day and needed time to subpoena witnesses. Counsel also stated Matthew intended to file a petition for dissolution of marriage, so it would be best for both cases to be assigned to the same judge to preside over both matters pursuant to the “One Judge One Family Illinois Supreme Court Rule.” See Ill. S. Ct. R. 903 (eff. Mar. 8, 2016). Stacey filed a response objecting to the motion to continue, arguing the attorney knew of the hearing when he was hired to represent Matthew, the order of protection included four children, two of whom are not Matthew’s biological children, and Stacey was always the primary caregiver and has been “denied contact with them since the Emergency Order was entered.”

¶ 15 The parties appeared with their counsel on April 19, 2024. The docket stated “[m]otion denied” (it is unclear what motion is referenced here). The docket also revealed that a related dissolution of marriage case had been filed by Stacey, docketed as Rock Island County Case No. 24-DC-57. The written order entered that day stated the trial court ordered an extension of the emergency order of protection until May 13, 2024, and set the matter for a hearing on

modification of the emergency order of protection for that day. The order further provided (1) Stacey “shall have facetime or other video chats/calls with the minor children” on Tuesday, Thursday, and Saturday evenings for a “reasonable duration,” (2) Matthew “shall not monitor the calls,” and (3) neither party shall discuss the cases with the children. According to the trial court’s docket, the emergency order of protection was modified at the request of Matthew. The cases were assigned to Judge Jeffrey McKinley.

¶ 16 On May 8, 2024, Matthew’s attorney filed a motion to continue, stating he had a conflict with the hearing date scheduled for May 13, 2024. Stacey filed a response objecting to the motion, noting that she had agreed to the last continuance only “because it was brief and because she was afforded some interim communication with her children.” Stacey contended that “[s]ince that time, [Matthew] has made every effort to deny [her] court-ordered communications with the children.” Stacey reiterated the order of protection included four children, two of whom were not Matthew’s biological children, she was the primary caregiver for the children, and she had “no physical contact with them since the Emergency Order was entered.” She argued the matter should be heard immediately.

¶ 17 The docket indicated that both parties appeared in court on May 9, 2024. The trial court entered a written order extending the emergency order of protection to May 17, 2024, and setting the case for a hearing on modification of the emergency order of protection on that day.

¶ 18 On May 14, 2024, Stacey filed a motion to vacate or modify the emergency order of protection. This motion is not in the record. However, on May 16, 2024, Stacey filed an amended motion to vacate, strike, or modify the emergency order of protection. In this amended motion, which appears in the record, Stacey refuted the allegations in Matthew’s original petition for an order of protection and his testimony at the emergency hearing. She stated at the time of

the hearing on the emergency order of protection, she was in jail and posed no threat to Matthew, and she remained in jail for five days, until Rock Island County Case No. 24-DV-40 was dismissed on March 12, 2024. She also alleged Matthew's attorney "falsely advised this court that a 'Safety Plan' for the children, documented or implied, existed at the behest of the Department of Children and Family Services," which was "false and misleading information." According to the docket, Matthew filed a response to one of these motions, but it is not in the record on appeal.

¶ 19 On May 17, 2024, Matthew and Stacey appeared with counsel, and according to the docket, the "[p]arties ma[de] arguments," and the trial court denied the motion to vacate or modify the emergency order. A written order entered that day extended the emergency order of protection to June 18, 2024, and set the case for a hearing on the plenary order on that date.

¶ 20 On June 18, 2024, both parties appeared with their attorneys in this case, as well as the related divorce case, for a hearing on "all pending Motions." The parties presented the testimony of numerous witnesses in an all-day hearing. The transcripts of this hearing are not included in the record on appeal. The case was continued to July 19, 2024, and the emergency order of protection was extended to that date. Numerous motions were filed in the case between July 11, 2024, and August 20, 2024, by both parties.

¶ 21 According to the docket, the parties appeared on August 21, 2024, to "address pending motions," including motions pertaining to witnesses and in-camera interviews with the older minor children. The case was continued to October 31, 2024, for "temporary" matters in the dissolution case and the plenary order in this case. On October 31, 2024, the case was continued to November 1, 2024.

¶ 22 On November 1, 2024, (the parties agree the docket erroneously indicated the date

was November 2), the parties appeared for “Temporaries in the divorce and plenary order of protection.” During this full-day hearing, numerous witnesses testified, and the trial court conducted an in-camera interview with the two older minor children. According to the partial transcript of this proceeding, the court acknowledged at one point that the parties would not likely complete their presentation of evidence that day (noting Matthew’s counsel had not rested and Stacey’s counsel had yet to present any direct evidence) and proposed identifying a date to continue the hearing, if necessary. The parties agreed on November 26, 2024. The hearing recommenced and after further discussion, the court stated, “So am I getting the sense then that we are in agreement to adjourn for the day or—,” and counsel for both parties agreed to end for the day. According to the docket, the case was continued “[d]ue to time constraints” and set for further hearing on November 26, 2024. The emergency order of protection was extended to that date.

¶ 23 On November 22, 2024, the parties appeared again, and an order was entered continuing the case to February 18, 2025, and the emergency order of protection was, once again, extended to that date. The transcript of the proceedings that occurred that day are not in the record on appeal. On November 25, 2024, Stacey filed a motion stating her attorney intended to withdraw as counsel and she wished to proceed *pro se*.

¶ 24 This appeal followed.

¶ 25 II. ANALYSIS

¶ 26 On appeal, Stacey contends the trial court erred in extending the emergency order of protection issued against her because Matthew failed to meet the requirements necessary to justify extending the emergency order and the court failed to make specific findings to support its decision to extend the order. As an additional contention raised in her brief, Stacey argues the

court erred in issuing the *ex parte* emergency order of protection in the first place.

¶ 27

A. Jurisdiction

¶ 28

As an initial matter, this court is obliged to consider its jurisdiction over the issues raised by Stacey on appeal. *In re Marriage of Salviola*, 2020 IL App (1st) 182185, ¶ 36 (noting a reviewing “court has an independent duty to consider its jurisdiction and dismiss an appeal where jurisdiction is lacking”). This appeal was allowed as an interlocutory appeal as a matter of right under Rule 307(a)(1), which provides that an appeal may be taken from an interlocutory order “granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction.” Ill. S. Ct. R. 307(a)(1) (eff. Nov. 1, 2017). “Illinois courts have held that an ‘order of protection is an injunctive order because it directs a person to refrain from doing something, such as to refrain from entering or residing where he or she lived before the order was entered.’ ” *Fricke v. Jones*, 2021 IL App (5th) 200044, ¶ 19 (quoting *In re Marriage of Fischer*, 228 Ill. App. 3d 482, 486-87 (1992)). Furthermore, interlocutory orders extending or modifying the expiration date of an emergency order of protection are not merely ministerial, as they have a substantive effect over “matters that affect the parties’ everyday life, apart from their litigation” (*id.* ¶ 21), namely, Stacey’s ability to access the marital home and her relationship with her children. The trial court’s order entering the *ex parte* emergency order of protection and subsequent orders extending the expiration date of that emergency order are injunctive orders; thus, they were appealable pursuant to Rule 307(a)(1).

¶ 29

This court must next consider whether Stacey timely filed a notice of appeal from the orders she now challenges on appeal. Rule 307(a) states that an appeal must be perfected within 30 days from the entry of the interlocutory order by filing a notice of interlocutory appeal. Ill. S. Ct. R. 307(a) (eff. Nov. 1, 2017). Stacey’s notice of appeal lists two trial court orders she

wishes to appeal: the order entered on November 1, 2024, continuing the hearing and extending the emergency order of protection, and the order entered on November 22, 2024, again continuing the hearing and extending the emergency order of protection. In her brief, Stacey also argues the trial court erred in granting the *ex parte* emergency order of protection. The original *ex parte* emergency order of protection was granted on March 6, 2024; when Stacey failed to appear at the next hearing date on March 20, 2024, a plenary order was entered; and on March 28, 2024, Stacey's motion to vacate that plenary order was granted and the original emergency order of protection was reinstated. Stacey filed her notice of appeal on November 25, 2024.

¶ 30 We conclude Stacey's notice of appeal as to the orders entered on November 1, 2024, and November 22, 2024, was timely filed. However, Stacey failed to file a timely appeal of the trial court's decision to enter the *ex parte* order of protection in March 2024. As such, the appeal as it relates to that order is dismissed, as this court has no jurisdiction to consider those arguments.

¶ 31 B. Extension of the Emergency Order of Protection

¶ 32 Stacey argues the trial court erred in extending the emergency order of protection because Matthew failed to meet the requirements necessary to justify extending the emergency order and the court failed to make specific findings to support its decision to extend the order.

¶ 33 Under section 220(a)(1) of the Illinois Domestic Violence Act of 1986 (Domestic Violence Act) (750 ILCS 60/220(a)(1) (West 2022)), emergency orders of protection are effective for not less than 14 days nor more than 21 days. An emergency order of protection may be extended "one or more times, as required, provided that the requirements of Section 217 [of the Domestic Violence Act governing emergency orders of protection]" are satisfied. *Id.* § 220(e). The statute requires that extensions may only be granted in open court. *Id.* The statute

provides further that if a motion for an extension is uncontested and does not seek a modification of the order, “the order may be extended on the basis of petitioner’s motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension.” *Id.*

¶ 34 Where an interlocutory appeal is brought pursuant to Rule 307(a), the only question is “whether there was a sufficient showing to affirm the order of the trial court granting or denying the relief requested.” *Woods v. Patterson Law Firm, P.C.*, 381 Ill. App. 3d 989, 993 (2008). Reviewing courts will not disturb such decisions in the absence of an abuse of discretion. *Id.* An abuse of discretion occurs when the trial court’s decision is “arbitrary, fanciful, unreasonable, or where no reasonable person would take the view adopted by the court.” *In re Marriage of Osseck*, 2021 IL App (2d) 200268, ¶ 49.

¶ 35 In this case, our review of the merits of Stacey’s claims is limited because the record on appeal is incomplete. As the appellant, Stacey bears the burden of presenting a sufficiently complete record on appeal to support her claim of error. *Foutch v. O’Bryant*, 99 Ill. 2d 389, 391-92 (1984). When the record on appeal is inadequate, the reviewing court will presume “that the order entered by the trial court was in conformity with law and had a sufficient factual basis.” *Id.* at 392. “Any doubts which may arise from the incompleteness of the record will be resolved against the appellant.” *Id.*

¶ 36 The record contains only a partial transcript of the hearing that took place on November 1, 2024, and no transcripts of the proceedings that took place on November 22, 2024. The only indications as to why the trial court continued the hearing and extended the emergency order of protection can be gleaned from the partial transcript, the entries in the docket, and the two standard form orders entered on those dates.

¶ 37 Regarding the November 1, 2024, decision to extend the emergency order of protection, entries in the docket showed (1) both parties and their attorneys were present for a full-day hearing, with several witnesses testifying, the admission of an exhibit, discussion of a subpoena, and in-camera interviews of two of the minor children; (2) the hearing was continued “[d]ue to time restraints” to November 26, 2024; and (3) both parties were served in open court. The partial transcript of the hearing reveals the parties were unable to complete their presentations of evidence that day and they both agreed to continue the hearing. A party who has “acquiesced in [a ruling of the trial court] or requested that it be made, cannot be heard on appeal to assign that same matter as error.” *In re Marriage of Melton*, 93 Ill. App. 3d 338, 341 (1981). Stacey’s counsel acknowledged the parties did not have time to complete the hearing on the matters pending on November 1, 2024, which included the plenary order of protection, and she agreed to the continuance of the hearing and extension of the emergency order of protection. Stacey cannot now claim error in that decision on appeal.

¶ 38 Regarding the November 22, 2024, decision to extend the emergency order of protection, the docket showed (1) both parties were present with counsel and the court “allows parties 1 day for trial,” (2) “[t]rial set” for February 18, 2025, and (3) both parties were served in open court. The written order entered that day also provided no further explanation for the decision. The record shows Stacey had previously filed motions objecting to the delay in the proceedings and extension of the order of protection. However, there is nothing in the record to suggest Stacey objected to the continuation of the trial and extension of the emergency order of protection on November 22, 2024. In fact, it is notable that although the case was previously scheduled for continuation of the hearing on November 26, 2024, the parties and their attorneys appeared several days earlier instead. It is unknown what, if any, motion was filed to bring the

parties to court on November 22, 2024, but the result of that appearance was the continuation of the hearing and extension of the emergency order of protection to February 18, 2025. There is no basis in the record to conclude that the trial court's decision was an abuse of discretion. When faced with ambiguities in the record, we presume the order entered by the trial court was in conformity with law and had a sufficient factual basis; therefore, we affirm.

¶ 39

III. CONCLUSION

¶ 40

For the reasons stated, we dismiss Stacey's claim of error with the trial court's decision to grant the *ex parte* emergency order of protection for lack of jurisdiction and affirm the trial court's decisions on November 1, 2024, and November 22, 2024, extending the emergency order of protection.

¶ 41

Affirmed in part and dismissed in part.