

2026 IL App (2d) 240669-U
No. 2-24-0669
Order filed September 16, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

In re MARRIAGE OF CHRISTY N. AUGUST, Petitioner-Appellee,

and

RONNIE L. WADE, Respondent-Appellant.

Appeal from the Circuit Court of Lake County.
Honorable Rhonda K. Bruno, Judge, Presiding.
No. 20-D-1433

JUSTICE SCHOSTOK delivered the judgment of the court.
Justices Hutchinson and Jorgensen concurred in the judgment.

ORDER

¶ 1 *Held:* On respondent’s appeal from a judgment purportedly granting petitioner’s petition to dissolve the parties’ marriage, we vacate those portions of the judgment addressing matters over which the trial court had lost jurisdiction because more than 30 days had elapsed since the court entered a judgment dismissing petitioner’s petition. We affirm those portions of the judgment entered in a companion action to determine parentage. We remand the cause with directions.

¶ 2 Respondent, Ronnie L. Wade, appeals a judgment purportedly dissolving his marriage to petitioner, Christy N. August. On appeal, he contends that (1) the trial court lacked jurisdiction to “reinstate[]” the parties’ dissolution action more than 30 days after the court had declared the parties’ marriage invalid and dismissed petitioner’s dissolution petition; (2) the judgment reinstating the dissolution action was barred by *res judicata*, based on the dismissal order; and

(3) the court erred in denying respondent’s motion for a declaratory judgment that petitioner does not have the rights of a putative spouse under section 305 of the Illinois Marriage and Dissolution of Marriage Act (Marriage Act) (750 ILCS 5/305 (West 2020)). We affirm the judgment in part, vacate it in part, and remand the cause with directions.

¶ 3

I. BACKGROUND

¶ 4 This case involves three originally separate actions: (1) petitioner’s 2020 petition to dissolve the parties’ marriage (case No. 20-D-1433), (2) petitioner’s 2022 action to establish parentage, set child support, determine contribution to child-related expenses, and allocate parental responsibilities and parenting time (case No. 22-FA-354), and (3) petitioner’s 2022 petition for injunctive relief as to title to the parties’ residence (case No. 22-CH-192). The third action was dismissed, and the other two were consolidated. This appeal is taken from a judgment entered in the consolidated cases.

¶ 5 We note that, except for the bystander’s report of a two-day trial on September 30 and October 1, 2024, there is no transcript or permissible substitute report of any proceedings. See Ill. S. Ct. R. 323(a), (d) (eff. July 1, 2017).

¶ 6

A. Case No. 20-D-1433

¶ 7 On October 7, 2020, petitioner petitioned to dissolve the parties’ marriage. The Honorable Rhonda K. Bruno presided. Petitioner alleged as follows. On January 14, 2010, the parties were married in Los Angeles, California. Two children, a 7-year-old boy and a 6-year-old girl, were born to the marriage. The family now lived in Illinois. Petitioner requested a judgment dissolving the marriage, dividing the marital property and debts, barring either party from claiming maintenance, awarding her “primary residential care” of the minors, and otherwise providing for the minors’ “residential and *** financial care.”

¶ 8 On September 21, 2021, respondent filed a “Petition for Declaration of Invalidity of Marriage.” As amended on April 27, 2022, the petition alleged as follows. In August 2009, the parties started dating in Illinois. On January 14, 2010, the parties were married in Los Angeles per a “confidential marriage license[(CML)].” However, unbeknownst to respondent, petitioner was unable to enter into a lawful marriage because she was still married to Emil Staine. Although petitioner and Staine were divorced in California on September 21, 2009, the judgment did not take effect until January 24, 2010. Respondent alleged that his marriage to petitioner was void under California law because, on January 14, 2010, petitioner was still married to Staine.

¶ 9 Respondent also alleged that the parties’ marriage was invalid because “they were not living together when obtaining the [CML].” See Cal. Fam. Code § 500 (West 2009).

¶ 10 Petitioner moved to dismiss the petition, contending that, on August 18, 2009, a Belize court dissolved her marriage to Staine. Her motion attached a copy of the Belize judgment.

¶ 11 On June 8, 2022, the trial court granted respondent’s petition, declared the marriage invalid, and dismissed petitioner’s dissolution action. The only ground of invalidity cited by the court was that California law “requir[ed] the parties to live together prior to applying for a [CML] [and] the parties [were] not living together at the time of the marriage.” The judgment also ruled on ancillary matters not pertinent here. On July 11, 2022, respondent moved to modify the ancillary provisions of the June 8, 2022, order. On August 16, 2022, petitioner responded to respondent’s motion and filed her own motion to reconsider the June 8, 2022, order. On August 19, 2022, the trial court modified the ancillary provisions but again declared the marriage invalid, based on the same ground stated in the June 8, 2022, order. Neither party filed an appeal from the orders resolving the parties’ respective petitions.

¶ 12

B. Case No. 22-FA-354

¶ 13 On July 7, 2022, petitioner filed a petition under the Illinois Parentage Act of 2015 (Parentage Act) (750 ILCS 46/101 *et seq.* (West 2020)). The record, while not containing the petition itself, indicates that the petition sought to establish parentage, set child support, determine contribution to child-related expenses, and allocate parental responsibilities and parenting time. Judge Bruno presided. On August 16, 2022, respondent filed a response, requesting that the trial court declare him the children's natural father, award him parenting time, and require both parties to contribute to supporting the children.

¶ 14

C. Case No. 22-CH-192

¶ 15 On August 31, 2022, petitioner filed a petition for injunctive relief. The Honorable Janelle Christensen presided. Petitioner alleged as follows. After the parties were married in California, they acted in all respects as though they were legally married, and petitioner assumed that they were. They had two children, a son born in 2012 and a daughter born in 2014. The parties had a tumultuous relationship and began living apart.

¶ 16 The petition alleged further as follows. On February 27, 2018, petitioner purchased a residence in Illinois in her own name. On January 8, 2020, she recorded a quitclaim deed transferring title to herself and respondent as tenants by the entirety. However, she alleged, the tenancy by the entirety was invalid because the residence was never maintained, or intended to be maintained, “ ‘as a homestead by both husband and wife together during coverture.’ ” (quoting 765 ILCS 1005/1(c) (West 2020)). On October 7, 2020, she initiated the dissolution proceeding (case No. 20-D-1433). On September 13, 2021, the trial court in the dissolution proceeding awarded petitioner exclusive possession of the residence. On June 8, 2022, the court declared the parties' marriage invalid and dismissed the dissolution proceeding. On July 7, 2022, petitioner

filed the parentage action (case No. 22-FA-354). On August 19, 2022, the court modified the June 8, 2022, order but reaffirmed that the dissolution proceeding was dismissed.

¶ 17 Petitioner alleged that the quitclaim deed had placed a cloud on title to the residence. In alternative counts, petitioner sought (1) a declaration that the January 8, 2020, deed was void; (2) a partition or sale of the residence; and (3) damages for unjust enrichment, based on the respondent's insufficient contribution to household expenses and the support of the children.

¶ 18 On November 29, 2022, respondent moved to dismiss the petition for injunctive relief (see 735 ILCS 5/2-619 (a)(9) (West 2020)). He alleged the following facts. From January 14, 2010, through mid-September 2021, respondent had believed that his marriage to petitioner was valid. However, sometime in mid-September 2021, he “inadvertently stumbled on [petitioner's] Los Angeles divorce decree” relating to her marriage to Staine. The decree stated that the effective date of the “termination of marital *** status” was January 24, 2010. Consequently, on September 21, 2021, respondent filed his petition to declare the marriage invalid, which, as he noted, the trial court granted on June 8, 2022.

¶ 19 Respondent argued as follows. As pertinent here, section 305 of the Marriage Act (750 ILCS 5/305 (West 2020)) states:

“Any person, having gone through a marriage ceremony, who has cohabited with another to whom he is not legally married in the good faith belief that he was married to that person is a putative spouse until knowledge of the fact that he is not legally married terminates his status and prevents acquisition of further rights. A putative spouse acquires the rights conferred upon a legal spouse, *** whether or not the marriage is prohibited, *** or declared invalid, ***.” (Emphasis added.)

¶ 20 Respondent noted that, under section 503(b)(1) of the Marriage Act (*id.* § 503(b)(1)), “*all property* acquired by either spouse after the marriage and before a judgment of dissolution of marriage or declaration of invalidity of marriage is presumed marital property.” (Emphasis added.) Respondent argued that he was a putative spouse because (1) the parties participated in the Los Angeles marriage ceremony “believ[ing] [that] their marriage was valid, and cohabited together,” and (2) petitioner purchased the residence “while both parties believed [that] they were legally married.” Thus, the residence was marital property that must be divided in accordance with the Marriage Act. Therefore, respondent alleged, the injunctive relief and damages that petitioner sought were outside the scope of the Marriage Act and an award would violate public policy.

¶ 21 Petitioner responded in part that respondent had waived any rights to the residence that he might have had as a putative spouse, because he had argued in case No. 22-FA-354 that the “family law court” had no “authority over the house.” She argued next that, even if the court in the dissolution action (case No. 20-D-1433) or the parentage action (case No. 22-FA-354) had jurisdiction over the residence, the court in the injunction action could also have jurisdiction. Finally, she argued that, even if the court in the injunction action had no jurisdiction over the matters raised, the solution was not dismissal but “to consolidate the matter with the ongoing family court matter.”

¶ 22 On February 24, 2023, the trial court granted respondent’s motion to dismiss. The court also stated: “The divorce case and the parentage action filed by [petitioner] and [respondent] are *consolidated* before Judge Bruno ***.” (Emphasis in original.) Neither party moved to reconsider the judgment, and neither party appealed.

¶ 23 D. Consolidated Case (case Nos. 22-FA-354 and 20-D-1433)

¶ 24 On March 1, 2023, the trial court in case Nos. 22-FA-354 and 20-D-1433 ordered: “The divorce case *** is reinstated and the parentage case *** is consolidated into the divorce case *** as the parties are considered putative spouse [sic] under 750 ILCS 5/305.”

¶ 25 On August 1, 2023, respondent moved for a declaratory judgment that petitioner never acquired the status of a putative spouse. He argued that, on January 14, 2010, when the parties were purportedly married, petitioner already knew that the Belize court had ruled that she could not lawfully remarry until January 24, 2010. Also, he alleged that, when she applied for and obtained the CML, she knew the parties had not been living together. Therefore, petitioner never acquired putative spouse status.

¶ 26 On September 7, 2023, petitioner moved to strike respondent’s motion. She argued that respondent was attempting to relitigate issues that Judge Christensen had already decided in dismissing petitioner’s injunctive suit (case No. 22-CH-192). On September 12, 2023, the trial court denied respondent’s motion for a declaratory judgment, based on “the [c]ourt’s finding that one party being a putative spouse and the other not being a putative spouse is not equitable.” The order did not elaborate on this finding.

¶ 27 After further proceedings, the matter was set for trial. The record contains a bystander’s report for a two-day trial on September 30 and October 1, 2024. The report for September 30, 2024, noted that the parties “requested a binding pre-trial which the court conducted and made certain recommendations and rulings, which are memorialized in a 9/30/24 order—attached.” The court noted that, after making these rulings, it continued the matter to October 1. The court added a parenthetical note about the history of the case:

“(The [c]ourt notes that it had invalidated the parties’ marriage on August 19, 2022[,] due to a violation of the California Penal [sic] Code *** which requires parties to live together prior to applying for a [CML], and the parties did NOT live together before applying for said license. Thereafter, Judge Christensen granted a motion to dismiss and reinstated the divorce [sic] in 22 CH 192 on 2/24/23 ***. Case was also re-instated pursuant [sic] to a 3/1/23 order as the parties are putative spouses under 750 ILCS 305 [sic].)”

The report for October 1, 2024, noted that the court received argument, ruled on the issues presented, and incorporated those rulings into a dissolution judgment entered that day. The court recounted that the parties revisited the validity of the parties’ marriage:

“The [c]ourt has discussed in this report how the marriage was declared invalid and then reinstated in [sic] March of 2023. Counsel for [respondent] asked the [c]ourt to reconsider the decision to reinstate the marriage some 16 months after the order was entered. The [c]ourt explained to counsel the statute that allowed for the marriage to be reinstated, and did NOT state it was her discretion, but rather the law as set forth in the statute.”

¶ 28 On September 30, 2024, the trial court entered a handwritten order reflecting that the case had come on “for trial” and that the court had “conduct[ed] a pre-trial” and made “various rulings.” In the order, the court divided the equity in the parties’ home, required petitioner to pay respondent the value of his share, scheduled daily phone calls from respondent to the children, required respondent to obtain life insurance on the children’s behalf, and ordered him to sell the parties’ guns and divide the proceeds with petitioner.

¶ 29 On October 1, 2024, the trial court entered a “Judgment for Dissolution of Marriage.” The judgment stated in part that “[t]he parties were lawfully married on January 14, 2010, and said marriage was registered in the County of Los Angeles, State of California.” The judgment did not

explain the basis for this finding or reconcile it with the court's statement in its March 1, 2023, order that the parties were putative spouses.

¶ 30 The dissolution judgment restated some provisions of the September 30, 2024, handwritten order. The dissolution judgment contained the following sections: "A. Dissolution" (dissolving the parties' marriage); "B. Allocation of Parental Responsibilities" (incorporating an attached "Allocation Judgment/Allocation of Parental Responsibilities and Parenting Plan" signed by the parties); "C. Maintenance" (stating that both parties waive maintenance and, in subparagraph "3. Life Insurance," requiring respondent to maintain a life insurance policy that named petitioner as trustee beneficiary for the benefit of the children); "D. Medical Insurance for the parties" (stating that the parties will be responsible for their own health insurance); "E. Health Insurance for Children" (requiring both parties to maintain health, dental, and vision insurance for the children and to equally divide expenses not covered by insurance); "F. Child Support" (requiring respondent to pay monthly child support); "G. Daycare Expenses" (requiring respondent to contribute to daycare expenses); "H. School Expenses" (requiring the parties to equally divide school expenses); "I. Extracurricular Expenses" (requiring the parties to equally divide extracurricular expenses); "J. College" (requiring both parties to contribute to college expenses and to seek an agreement on contribution before seeking court involvement); "K. Tax Returns" (requiring the parties to file separate tax returns and allocating tax credits and exemptions); "L. Real Estate" (requiring that the parties' jointly owned real estate be conveyed by quitclaim deed to petitioner alone, but requiring her to pay respondent \$23,936.50 as his share of the real estate); "M. Personal Property" (allowing the parties to retain their own personal property); "N. Guns" (requiring respondent to sell his guns and divide the proceeds equally with petitioner); "O. Vehicles" (allocating the parties' vehicles); "P. Indebtedness" (declaring the parties

responsible for their own debts); “Q. Bank Accounts” (noting that the parties have closed their joint accounts and separated their funds, and allowing the parties to maintain their individual accounts); “R. Retirement” (dividing the parties’ requirement accounts); “S. Attorney’s [sic] Fees” (stating that the parties are responsible for their own costs and attorney fees); “T. Disclosure of Assets” (declaring that all assets of the parties have been identified and allocated in the judgment); “U. Execution of Documents” (requiring the parties to execute all documents needed to effectuate the judgment); “V. Joint Drafting” (acknowledging that each party had the assistance of counsel in drafting the judgment); “W. Maiden Name” (noting that petitioner maintained her maiden name throughout the marriage); “X. Jurisdiction” (stating that the court “shall retain personal and subject matter jurisdiction over the parties and this matter in the event either party brings a motion to enforce the terms of this Agreement”).

¶ 31 The allocation judgment, which was incorporated into the dissolution judgment, allocated parenting time and responsibilities between the parties and addressed education, religion, extracurricular activities and lessons, medical and health-related issues, communication, and travel.

¶ 32 On October 31, 2024, respondent filed his notice of appeal from the October 1, 2024, dissolution judgment.

¶ 33 On June 25, 2025, the trial court entered an order certifying the bystander’s report. The order also stated:

“Regarding the proceedings on March 1, 2023[,] and the reinstatement of this divorce proceeding ordered that day, the [c]ourt settles and certifies that no witnesses were called and the divorce [sic] was reinstated due to an [o]rder entered by Judge Christensen in 22 CH 192 and pursuant to section 305 of the [Act] pertaining to putative spouses.”

¶ 34 On February 17, 2026, we entered a summary order dismissing this appeal for lack of jurisdiction. Respondent subsequently filed a petition for rehearing. We now grant that petition, vacate the summary order, and enter this order.

¶ 35 II. ANALYSIS

¶ 36 Respondent raises three alternative claims of error: (1) the trial court lacked jurisdiction to “reinstate[]” the dissolution-of-marriage action (case No. 20-D-1433) more than 30 days after the entry of the judgment declaring the marriage invalid and dismissing the action, (2) the reinstatement and the further proceedings thereon were barred by *res judicata* based on the dismissal of the dissolution action, and (3) the court erred in denying his motion for a declaratory judgment that petitioner never was a putative spouse. We find respondent’s first claim dispositive and resolve the appeal solely on this basis.

¶ 37 Respondent contends that the trial court exceeded its jurisdiction when, on March 1, 2023, it *sua sponte* reinstated petitioner’s dissolution action. He notes that, on June 8, 2022, the court declared the parties’ marriage invalid and dismissed the dissolution action, and, on August 19, 2022, the court upheld those rulings. Neither party, respondent emphasizes, filed a postjudgment motion or an appeal. Thus, by March 1, 2023, the court had lost jurisdiction to modify or reverse the dismissal.

¶ 38 Respondent requests that we vacate the March 1, 2023, order, which would leave standing the June 8 and August 19, 2022, orders declaring the marriage invalid and dismissing the dissolution action. He requests further that we vacate the orders “entered as a consequence of the ‘reinstatement’ of the proceedings relating to property and financial matters,” the last one being the dissolution judgment of October 1, 2024.

¶ 39 “A trial court loses its jurisdiction over a case 30 days after it enters the final judgment in that case, unless there is a filing within that 30 days that extends jurisdiction.” *Village of Bloomingdale v. Lake/Ridge, LLC*, 2021 IL App (2d) 200232, ¶ 13; see also *Peraino v. County of Winnebago*, 2018 IL App (2d) 170368, ¶ 13. Orders entered by a trial court lacking jurisdiction are void. *Peraino*, 2018 IL App (2d) 170368, ¶ 15 (citing *People v. Bailey*, 2014 IL 115459, ¶¶ 28-29). A void order may be attacked at any time. *In re Marriage of Tronsrue*, 2025 IL 130596, ¶ 33. We hold that, because the trial court lost jurisdiction over case No. 20-D-1433 after 30 days had passed from the entry of the 2022 final judgment dismissing the case, the court had no authority thereafter to reinstate the dissolution action or address the claims or issues in that action. To the extent that the judgment on appeal—the October 1, 2024, dissolution judgment—purported to resolve the claims in the dissolution action, it is void.

¶ 40 Further, the trial court’s March 1, 2023, order purportedly consolidating case No. 20-D-1433 with case No. 22-FA-354 is also void. The trial court had long since lost jurisdiction over the former case and could not “consolidate” the extinct case with the surviving one. See *Lake/Ridge, LLC*, 2021 IL App (2d) 200232, ¶ 13; *Peraino*, 2018 IL App (2d) 170368, ¶ 15.

¶ 41 Petitioner makes several attempts to circumvent the established rules of jurisdiction. First, she argues that the trial court still retained “jurisdiction to adjudicate property claims between the parties based upon a finding that the parties are putative spouses.” This suggestion simply ignores that the trial court lost jurisdiction over *any* such claims (even had petitioner actually pleaded a cause of action based on putative-spouse status) after the expiration of the 30 days following the judgment declaring the marriage invalid and dismissing the dissolution action. After the 30 days elapsed, the trial court had no power to adjudicate claims in case No. 20-D-1433.

¶ 42 Second, petitioner argues that, even after the trial court lost jurisdiction to adjudicate any claims in case No. 20-D-1433, it retained jurisdiction in case No. 22-FA-354 (the parentage action) to adjudicate all claims raised in the dissolution petition. There are two fatal flaws in petitioner’s argument.

¶ 43 The first flaw is that, by the time of the March 1, 2023, order purportedly consolidating case No. 20-D-1433 with case No. 22-FA-354, the trial court had long since lost jurisdiction over the former case. Therefore, it could not “consolidate” the former action, which no longer had any legal existence, with the latter action.

¶ 44 The second flaw is that the trial court in case No. 22-FA-354 had no authority to adjudicate the status of the parties’ alleged marriage, divide their property, order maintenance, or adjudicate any other matter over which the Parentage Act did not grant the court authority. “All actions brought under the Parentage Act are statutory in origin, and the circuit court’s authority is limited to that granted to it under the Parentage Act.” *In re Parentage of Tavares*, 363 Ill. App. 3d 964, 969 (2006).¹ As respondent observes, the Parentage Act’s grant of authority includes establishing parentage (750 ILCS 46/104, 105 (West 2020)), ordering support (*id.* §§ 801, 802), and allocating parental responsibilities (*id.* § 802); there is no provision for dissolving a marriage (or adjudicating whether the marriage is lawful), deciding whether to award maintenance, or dividing the parties’ property between them.

¶ 45 Because the October 1, 2024, dissolution judgment was issued after the trial court lost jurisdiction over the dissolution proceeding and when the court had before it only the parentage

¹*Tavares* and some other cases cited herein involved an earlier iteration of the statute, the Parentage Act of 1984 (see, *e.g.*, *Tavares*, 363 Ill. App. 3d at 965-66), but the interpretations in those cases apply equally to the Parentage Act of 2015, which is the version involved here.

proceeding, we must vacate the portions of the judgment that the Parentage Act did not authorize. (We determine only whether the provisions broadly correspond to a trial court's powers under the Parentage Act; we do not judge the validity of any provision under the facts of this case.) Those include the following paragraphs: "A" (dissolving marriage); "C" (maintenance) except for subparagraph (3), which requires respondent to maintain life insurance naming petitioner as trustee beneficiary for the benefit of the children, which is a form of child support under the Parentage Act (see *In re Parentage of Janssen*, 292 Ill. App. 3d 219, 226 (1997)); "D" (medical insurance for the parties); "K" (tax returns); "L" (real estate); "M" (personal property); "N" (guns); "O" (vehicles); "P" (indebtedness); "Q" (bank accounts); "R" (retirement plans); "W" (petitioner's maiden name); and "X" (retaining jurisdiction), except insofar as case No. 22-FA-354 is involved.

¶ 46 In addition to the portions noted, the following paragraphs are authorized by the Parentage Act: "B" (allocating parental responsibilities by incorporating the allocation judgment), "E" (health insurance for the children (a form of child support under the Parentage Act (see *In re Parentage of I.I.*, 2016 IL App (1st) 160071, ¶¶ 69-70))), "F" (child support), "G" (daycare expenses), "H" (school expenses), "I" (extracurricular expenses), "J" (college expenses), "S" (attorney fees (addressable under the Parentage Act (750 ILCS 46/802 (West 2020))), "T" (disclosure of assets), "U" (execution of documents), and "V" (joint drafting). Additionally, all terms of the allocation judgment are authorized by the Parentage Act.

¶ 47 We remand this cause to the trial court to proceed only with case No. 22-FA-354 to administer the terms of the judgment.

¶ 48 III. CONCLUSION

¶ 49 For the reasons stated, we affirm the judgment of the circuit court of Lake County in part and vacate in part, and remand the cause with directions.

¶ 50 Affirmed in part and vacated in part.

¶ 51 Cause remanded with directions.