

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).

2026 IL App (4th) 260119-U
NO. 4-26-0119
IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

FILED
August 27, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> MARRIAGE OF	)	Appeal from the
	)	Circuit Court of
BRENDELYN J.,	)	Rock Island County
Petitioner and Counterrespondent-Appellant,	)	No. 19D40
and	)	
ERIC J.,	)	Honorable
Respondent and Counterpetitioner-Appellee.	)	John L. McGehee,
	)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Vancil and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, concluding the petitioner and counterrespondent mother had not established any error with respect to the circuit court’s reallocation of parental responsibilities.

¶ 2 Petitioner and counterrespondent, Brendelyn J., appeals the circuit court’s judgment reallocating parental responsibilities between her and her ex-husband, respondent and counterpetitioner, Eric J., with respect to their two children. On appeal, Brendelyn argues the court’s reduction of her parenting time from seven to five nights every two weeks amounts to an improper restriction under section 603.10 of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/603.10 (West 2024)). Alternatively, to the extent the court’s parenting time allocation was a modification under section 610.5 of the Act (*id.* § 610.5), she argues the court’s finding that its allocation was in the children’s best interests is against the manifest weight of the evidence. Brendelyn also argues, with respect to the court’s reallocation of parental decision-

making authority to Eric, the court’s finding that its allocation was in the children’s best interests is against the manifest weight of the evidence. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Brendelyn and Eric were married in May 2013. Two children were born of the marriage, Br. J. (born in January 2014) and Be. J. (born in October 2016).

¶ 5 A. Dissolution of Marriage

¶ 6 In July 2019, the parties’ marriage was dissolved. The judgment of dissolution incorporated a marital settlement and parenting agreement and a parenting plan. Under its terms, the parties were allocated joint parental decision-making authority and equal parenting time. Specifically, the parties were allocated shared decision making in the areas of the children’s education, healthcare, religion, and extracurricular activities. Brendelyn was allocated parenting time every Wednesday afternoon until Friday morning and every other weekend from Friday evening until Monday morning, and Eric was allocated parenting time every Monday afternoon until Wednesday morning and every other weekend from Friday evening until Monday morning. The parenting agreement provided the children “shall attend the Moline School District schools, unless otherwise agreed upon by the parties.”

¶ 7 B. Petition for Modification

¶ 8 In August 2022, Brendelyn filed a petition to modify the judgment of dissolution. She alleged there had been “substantial changes in circumstances” and modifying the judgment would be in the children’s best interests. In support, she indicated (1) she expected to move to Scott County, Iowa, in the near future; (2) Br. J. was not doing well in school; and (3) the schools available near her home in Iowa were ranked higher than the children’s current schools. Brendelyn requested she be allowed to enroll the children in the school near her home and be granted sole

parental decision-making authority over the children’s education.

¶ 9 C. Petitions for Protective Relief

¶ 10 In April 2023, Brendelyn filed a petition for relief from domestic abuse against Eric in Scott County, Iowa. Brendelyn sought relief based, in part, upon a report from the children that Eric had kicked Be. J. in the head at a wrestling practice. On the same day the petition was filed, an Iowa court dismissed it, finding there was insufficient evidence. The day after the Iowa petition was dismissed, Brendelyn filed a petition for an order of protection against Eric in Rock Island County, Illinois. Brendelyn again cited, in part, the alleged kicking incident at the wrestling practice. Brendelyn received an emergency protective order temporarily restricting Eric’s parenting time. The matter was continued for plenary relief.

¶ 11 D. Amended Petition for Modification

¶ 12 In May 2023, Brendelyn filed motions for leave to amend her petition to modify the dissolution judgment, which the circuit court later allowed. In the amended petition, Brendelyn maintained there had been “substantial changes in circumstances” and modifying the judgment would be in the children’s best interests. In support, she indicated, in part, (1) there had been a complete breakdown in the communication between the parties; (2) Br. J. continued to struggle in school, and the school was not meeting his needs; (3) Eric kicked Be. J. at a wrestling practice; and (4) Eric was not properly parenting the children. In addition to the previously requested relief, Brendelyn sought sole parental decision-making authority in the areas of healthcare, religion, and extracurricular activities. She also sought to modify Eric’s parenting time to every other weekend and Wednesday overnights.

¶ 13 E. Guardian *Ad Litem* Report

¶ 14 In July 2023, Tionn Fambro Carter, a guardian *ad litem* (GAL) previously

appointed to the case, filed a 28-page report. The report set forth an analysis of best-interests factors based upon interviews of the parties and the children. Carter found (1) the distance between Brendelyn’s new residence in Iowa and Eric’s residence in Illinois, which was approximately 30 minutes, was “one of the leading driving forces of this current litigation”; (2) Brendelyn was the “parent that is placing limitations on the continuing relationship between [Eric] and [the] minor children”; and (3) a change in the children’s schooling “would be unnecessarily disruptive.” Carter recommended, in part, no changes be made to the parties’ parental responsibilities and the children remain in their current schools.

¶ 15 F. Hearing on the Petition for an Order of Protection

¶ 16 Also in July 2023, the circuit court conducted a hearing, at which it considered plenary relief on Brendelyn’s petition for an order of protection. With respect to the allegation that Eric kicked Be. J. in the head, the court observed a video recording of the incident and heard testimony from Eric indicating he nudged Be. J. with his foot. The court also received a report from the Iowa Department of Human Services indicating the incident was investigated and returned as not confirmed. Finally, the court heard testimony from GAL Carter indicating she did not observe a kick in the videos shown to her by the parties. After its review, the court denied plenary relief and allowed the emergency order of protection to expire.

¶ 17 G. Appointment of a New GAL

¶ 18 In June 2024, because of the appointment of GAL Carter to the bench, Jennifer Olsen was appointed as GAL in this case.

¶ 19 H. Counterpetition for Modification

¶ 20 In August 2024, Eric filed a counterpetition to modify the dissolution judgment. He alleged there had been a “substantial change in circumstances” and modifying the judgment

would be in the children’s best interests. In support, he indicated the parties could no longer maintain a coparenting relationship, as evidenced by Brendelyn’s persistent interference with his parental rights and her move to Iowa. Eric requested he be granted sole parental decision-making authority and the majority of parenting time.

¶ 21 I. Supplemental GAL Report

¶ 22 In November 2024, GAL Olsen filed a supplemental 11-page report. The report set forth an analysis based upon a review of the case and the previously filed GAL report, as well as interviews of the parties, the children, the principal of the school where the children attended, Monica Furlong, and Br. J.’s therapist, Kim Riley-Quinn. With respect to her October 2024 interview of the children, Olsen indicated they (1) expressed “a strong desire” for the litigation to end and (2) wondered if it would be fun to go to a different school. Olsen found Brendelyn was “overbearing and aggressive.” She continued:

“This GAL has a concern for [Brendelyn’s] mental health and actually questions her parental judgement as she seems to be missing the fact that her efforts are harming her children. Not to mention the thousands of dollars that she is spending on litigation and also the money she is forcing [Eric] to spend on litigation.”

Olsen also found the children’s educational needs were being met and it would be disruptive for them to transfer schools. Olsen recommended no changes be made to the parties’ parental responsibilities, the children remain in their current schools, and all litigation cease. Olsen also recommended, if Brendelyn pursued further litigation, Eric should seek “primary” parenting time and parental decision-making authority.

¶ 23 J. Hearing on the Petitions for Modification

¶ 24 In October 2025, the circuit court conducted a three-day hearing on the parties’

petitions for modification. The court heard testimony from multiple witnesses and received numerous exhibits. The transcript from the hearing is more than 800 pages. The court also received written closing arguments. The following is gleaned from the evidence presented and the closing arguments as is relevant to the issues presented in this appeal.

¶ 25

1. Dr. Cindy Nichols Anderson

¶ 26

Dr. Cindy Nichols Anderson, a qualified expert in children's neurology evaluations, evaluated Br. J. in July 2023. Dr. Anderson concluded Br. J. has a mild neurocognitive disorder due to known physiological conditions. She further diagnosed him with attention-deficit/hyperactivity disorder, combined type (ADHD); generalized anxiety disorder; learning disabilities in reading, dyslexia; and learning disability in writing, dysgraphia. Dr. Anderson recommended (1) coordination amongst caregivers; (2) consultation with a psychiatrist for medical treatment; (3) no physical punishment; (4) consultation with a neurologist for brain imaging; (5) outpatient therapy two to four times a month; (6) family involvement; (7) social support and activities; (8) a crisis plan; (9) physical exercise; (10) holistic and nutritive care; (11) a 504 plan and an evaluation for an individualized education program (IEP); and (12) a structured home life. See 29 U.S.C. § 794 (2018) (affording reasonable accommodations to students with disabilities through formalized educational arrangements, known as 504 plans, which are crafted to meet a student's needs). Dr. Anderson acknowledged she had not met with Br. J. since her evaluation of him and had not reviewed the 504 plan prepared by Br. J.'s school in October 2023. She agreed small group testing with frequent breaks and extended time for testing were appropriate accommodations for Br. J. Dr. Anderson did not recommend a one-on-one paraeducator for him.

¶ 27

2. Kim Riley-Quinn

¶ 28 Kim Riley-Quinn, a therapist, testified she treated Br. J. for ADHD and generalized anxiety disorder. She had provided treatment since June 2023. She initially met with Br. J. once a month. She explained they had been working on anxiety related to home transitions and school, including getting along with his peers. They also previously worked on bullying issues when Br. J. was in elementary school. Riley-Quinn had met with Br. J. twice since his recent advancement to junior high school. Br. J. expressed optimism about being in junior high. He also expressed feeling as if he was caught between his parents. Riley-Quinn recommended Br. J. be seen every other week when school is in session and when he is struggling. She did not recommend a one-on-one paraeducator for him. She was not aware Dr. Anderson previously recommended Br. J. be seen by a therapist two to four times a month.

¶ 29 *3. Andrea Marshall*

¶ 30 Andrea Marshall, a therapist, testified she treated Be. J. for anxiety. She had provided treatment for several years. She explained they had been working on anxiety related to home transitions and school. Marshall indicated Be. J. struggled with academics, behaviors, and getting along with his peers. She recommended bimonthly therapy sessions. Marshall had only seen Be. J. once in 2025.

¶ 31 *4. GAL Olsen*

¶ 32 GAL Olsen testified based upon her review of the case and the interviews she conducted.

¶ 33 Olsen indicated the children, during their October 2024 interviews, expressed a desire for the litigation to end. They did not report any concerns of abuse, and they indicated they felt safe with their parents. Olsen believed the children were negatively impacted by the litigation, especially when the emergency order of protection was in effect. Olsen found the children were

“doing fine in the school that they are in.”

¶ 34 With respect to Brendelyn, Olsen found Brendelyn provided “a lot of negative information” and expressed concerns about Eric’s parenting. Olsen did not find any indication suggesting Brendelyn would be supportive of the father-child relationships. She also found Brendelyn was “overly aggressive” when seeking services for the children with their schools. Olsen explained that finding was based upon Brendelyn requesting services which were not recommended, namely, the assistance of a paraeducator for Br. J. Olsen acknowledged the alleged request for a paraeducator was based upon a statement made by Furlong. Olsen believed Brendelyn was “putting her needs above the [children] overall” and making a case for their school to be deemed inadequate as a reason to get the children to be placed in her care in Iowa.

¶ 35 Olsen opined the litigation should have ceased long before the hearing on the petitions for modification. She also opined Brendelyn should not have parental decision-making authority for the children’s education and extracurricular activities because of her “over aggression when it comes to requesting things that may not be needed for the children, at least education-wise, and mental health-wise.”

¶ 36 Olsen acknowledged she had not reviewed e-mails sent by Eric to the school. Olsen also acknowledged receiving a “binder” of documents from Eric, which included photographs taken from an Instagram page associated with Brendelyn, copies of Brendelyn’s private text messages with friends, copies of text messages from individuals providing information about Brendelyn, and a three-page “timeline” of Eric’s complaints about Brendelyn.

¶ 37 *5. Brendelyn*

¶ 38 Brendelyn testified the parties coparenting relationship deteriorated around May 2020, when Br. J. was bitten by a dog during Eric’s parenting time. Brendelyn indicated Eric did

not (1) promptly inform her of the incident, (2) adequately communicate with her about Br. J.'s treatment, or (3) allow her to care for Be. J. while Eric and Br. J. went to the hospital. Brendelyn confronted the owner of the dog about the incident, which upset Eric because the owner was his friend. Eric yelled at Brendelyn and informed her that his parents were no longer willing to assist her with childcare. Brendelyn's efforts resulted in Br. J. being awarded insurance monies for the incident, which had been set aside for educational expenses.

¶ 39 The animosity between the parties increased after Br. J. began struggling in school. Eric indicated he wanted to hold Br. J. back a grade. Brendelyn agreed with finding out more information about holding Br. J. back. Further, around January 2022, the parties agreed the schools were not doing enough for the children and were investigating other schools, including schools in Iowa. Once Brendelyn found out that holding Br. J. back would result in him losing resources, she informed Eric she did not support that decision.

¶ 40 Brendelyn testified she, without Eric's involvement, researched and pursued services for Br. J. related to his education. Brendelyn explained she was the one who dealt with the children's education during the parties' marriage. Brendelyn obtained the neurological assessment of Br. J. with Dr. Anderson. She testified Eric discounted the diagnoses from the assessment. She also testified her advocacy for Br. J. was largely disregarded by his school. She explained the school believed Br. J. did not require services, and it took a year for the school to schedule a meeting to discuss accommodations. She further had to engage the school several times to ensure all of Br. J.'s diagnoses were listed on a 504 plan. Brendelyn testified she never asked for a paraeducator for Br. J. The lack of assistance from Br. J.'s school led Brendelyn to investigate other nearby schools, including the schools near her home in Iowa.

¶ 41 Around this time, Eric, according to Brendelyn, made efforts to discredit her with

the children's school. He e-mailed the school and referred to her as a "master manipulator" and "mentally ill." He also removed her from the system used to communicate with the school. Brendelyn noticed school staff started watching her social media accounts, and the school had conducted a "pre-assessment screening" of Br. J. without her knowledge. She also experienced harassment from Eric's coworkers, colleagues, and friends.

¶ 42 Brendelyn acknowledged Eric had previously taken the children to a therapist for an assessment. She learned of the scheduled assessment through the ex-husband of Eric's paramour. She then showed up at the therapist's office. She acknowledged being upset and raising her voice, at which time the therapist suggested they speak away from the children. She maintained she did not yell and it was the therapist who was "belligerent" and "unprofessional."

¶ 43 Brendelyn testified she always informed Eric of the children's therapy appointments. She also testified she was the only parent sharing information through the joint parenting app.

¶ 44 Brendelyn acknowledged enrolling the children in an Iowa school prior to any modification of the judgment of dissolution. She also acknowledged communicating with the children's school without Eric's involvement.

¶ 45 When asked about the parenting time schedule, Brendelyn testified Br. J. struggled with the "midweek transition" and it was "really hard" for him to "regulate," given the differences in how the houses operated.

¶ 46 Brendelyn did not believe Eric would "purposely harm" the children but was concerned with "the lack of supervision and his aggressive way of maybe handling situations in the past."

¶ 47 6. *Eric*

¶ 48 Eric testified he has lived in the same home in Illinois for 13 years, now with his paramour, Cassie J., and her three sons. His relationship with his paramour started in early 2023, and she moved into the home in late 2023 or early 2024. Eric described the dynamic in the home as “great” and “amazing.” He further described it as a “happy blended family.”

¶ 49 Eric believed his coparenting relationship with Brendelyn ended when he was served with the emergency order of protection. He indicated, with respect to allegations against him, he was investigated by the Illinois Department of Children and Family Services twice while the litigation was pending, both of which were determined to be unfounded. Eric was examined about the incident in which was alleged to have kicked Be. J. in the head and maintained he did not kick his son.

¶ 50 With respect to Br. J.’s education, Eric initially believed it was best to hold him back a grade due to his immaturity. He attended several meetings about holding Br. J. back, and they ultimately decided not to do so. Br. J. later received a 504 plan. Eric acknowledged Brendelyn advocated for the 504 plan, and Br. J. benefited because of that advocacy. Eric testified he participated in meetings concerning Br. J.’s education. He also assisted the children with homework and attended parent-teacher conferences. Eric was satisfied with the education the children were receiving in their current schools.

¶ 51 Eric acknowledged he had previously denied Brendelyn her right of first refusal for parenting time.

¶ 52 With respect to his attempt to have the children seen by a therapist, Eric testified Brendelyn appeared at the appointment and caused “pandemonium.” The appointment was canceled.

¶ 53 Eric testified he initially did not want a change to the parties’ parental

responsibilities because he thought they were fantastic coparents. However, because of the persistent litigation and conflict, he believed allocating him the majority of parenting time and parental decision-making authority would provide the children with stability.

¶ 54

7. Mitchell Davenport

¶ 55 Mitchell Davenport, a therapist, testified he met Eric in May 2023. Eric conveyed his difficulties with Brendelyn and his concerns about the impact it was having on the children. At Eric's request, Davenport scheduled an appointment with the children in August 2023. Eric did not provide Davenport with Brendelyn's contact information. Eric further did not submit insurance information for the appointment. At the scheduled appointment, Brendelyn appeared and was yelling in the waiting room. Davenport directed Brendelyn and Eric to discuss the matter in his office, outside the presence of the children. Unable to defuse the situation, Davenport canceled the appointment.

¶ 56

8. Tamara Ruthui

¶ 57 Tamara Ruthui, a reading intervention teacher, testified she provided services to Br. J. when he was in second and third grades. Br. J. made "significant improvement." Because Br. J. advanced above the threshold for assistance, Ruthui no longer provided services to him. Ruthui believed both Eric and Brendelyn were involved in Br. J.'s education.

¶ 58

9. Steven Etheridge

¶ 59 Steven Etheridge, the former principal at the children's elementary school, testified he frequently communicated with Eric and Brendelyn about the children. Etheridge acknowledged communications occasionally occurred without the other party's involvement. Etheridge also acknowledged Eric would often volunteer irrelevant information about Brendelyn in his communications. Etheridge did not believe there was a lack of communication between Br. J.'s

teachers and Brendelyn. Etheridge did not observe a refusal by Eric to accept that Br. J. had a learning disability.

¶ 60 Etheridge testified the school advised against holding Br. J. back a grade. In the fall of 2023, the school prepared a 504 plan for Br. J. Etheridge affirmed it was Brendelyn who requested the 504 plan. The 504 plan allowed for certain accommodations, including (1) adjusted testing procedures, (2) being seated near a teacher, (3) extra time to complete assignments, (4) the ability to take breaks and listen to music, and (5) a structured learning environment. Etheridge testified the school also evaluated Br. J. for an IEP and concluded he did not qualify. Etheridge testified Br. J. showed growth in his education but did not have significant growth in reading.

¶ 61 *10. Rebuttal Cases*

¶ 62 Brendelyn called witnesses to rebut Eric's testimony regarding the dynamics in his home. She called two law enforcement officers, who testified to the oldest child of Cassie having been previously the victim of a robbery while he was trying to sell marijuana. She also called the middle child of Cassie, who at the time was 14 years old. The circuit court noted for the record that the child lost his composure while testifying and was having "an emotional breakdown." The child testified Eric had anger issues, which made living with him difficult. The child also testified Eric had (1) blamed him for the court proceeding earlier that morning, (2) told Cassie's oldest child he was going to break his neck and choke him out some five months earlier, and (3) grabbed Br. J. and Be. J. around the neck and walked them up the stairs some eight months earlier.

¶ 63 Eric, in turn, called Cassie's ex-husband and the father of her children, Chris J., as a witness. At one point during the testimony, the circuit court had to admonish Chris, "We're not going to get angry." Chris denied a prior friendship with Eric. He acknowledged texting Eric in 2022 and asking to stay the night at Eric's house, which Eric allowed. He testified Eric had

threatened to kill one son and had pushed one son, grabbed another son, told one son that he was going to choke him out, and told one son he was going to break his neck. Chris called the police, and “nothing was done.” Chris acknowledged he did not allow his oldest son to live with him and was critical of Eric and Cassie for allowing that son to live with them.

¶ 64

11. *Closing Arguments*

¶ 65

Both parties submitted written closing arguments. The parties argued for the circuit court to consider the best-interests factors when allocating parental responsibilities. They provided analyses of those factors based upon the evidence favorable to their respective positions.

¶ 66

K. Circuit Court’s Judgment

¶ 67

In December 2025, the circuit court issued a three-page written decision. In part, the court concluded modification was warranted under section 610.5 of the Act (750 ILCS 5/610.5 (West 2024)). The court found the evidence “clearly shows a change in circumstances exists on the ability of the parties to coparent.” The court indicated Brendelyn’s filing of petitions for protective orders and complaints with state health and child services were attempts “to manipulate the legal process” in her favor. The court also indicated: “Both [Brendelyn] and [Eric] testified that they have many difficulties with co[]parenting the two minor children and from the evidence presented great animosity exists with many examples of no cooperation between the parties which has created a change in circumstances warranting modification.” The court further found its allocations of parental responsibilities, which it set forth in a separate 20-page exhibit to its order, were in the children’s best interests. The court noted (1) it had considered the closing arguments and (2) the GAL reports provided “further evidence and basis on determining what is in the best interest of the *** children.” The court allocated parental decision-making authority to Eric. Brendelyn was allocated parenting time every Wednesday morning until Thursday morning and

every other weekend from Friday morning until Monday morning, and Eric was allocated parenting time every Monday morning until Wednesday morning, every Thursday morning until Friday morning, and every other weekend from Friday morning until Monday morning. The court did not allow a change to the children's schools.

¶ 68 This appeal followed.

¶ 69 II. ANALYSIS

¶ 70 On appeal, Brendelyn argues the circuit court's reduction of her parenting time from seven to five nights every two weeks amounts to an improper restriction under section 603.10 of the Act (*id.* § 603.10). Alternatively, to the extent the court's parenting time allocation was a modification under section 610.5 of the Act (*id.* § 610.5), she argues the court's finding that its allocation was in the children's best interests is against the manifest weight of the evidence. Brendelyn also argues, with respect to the court's reallocation of parental decision-making authority to Eric, the court's finding that its allocation was in the children's best interests is against the manifest weight of the evidence. Eric, in response, asserts Brendelyn has established no error.

¶ 71 A. Timeliness of Decision

¶ 72 We must initially address the timeliness of our decision.

¶ 73 Because this appeal concerns the reallocation of parental responsibilities, it has been designated as accelerated pursuant to Illinois Supreme Court Rule 311 (eff. July 1, 2018). See *Reynolds v. Reynolds*, 2025 IL App (2d) 240028, ¶ 18. Rule 311(a)(5) states, in part, "Except for good cause shown, the appellate court shall issue its decision within 150 days after the filing of the notice of appeal." Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2018).

¶ 74 In this case, Brendelyn filed two motions for an extension of time to file an appellate brief, both of which we granted, and sought oral argument, which we denied after a review of the

briefs. The delays caused by Brendelyn’s motions and request resulted in this court not receiving the case for disposition until after the 150-day deadline had passed. Under these circumstances, we find the existence of good cause for the late decision.

¶ 75 B. Applicable Legal Standard

¶ 76 Brendelyn argues the circuit court’s reduction of her parenting time amounts to an improper restriction under section 603.10 of the Act (750 ILCS 5/603.10 (West 2024)). Specifically, she asserts the court’s reduction amounts to a restriction because it is based upon her alleged misconduct, and that restriction is improper because it is not supported by the requisite finding her conduct seriously endangered the children.

¶ 77 At issue is whether the circuit court applied an incorrect legal standard in reaching its decision to reallocate parenting time. This is a question of law, subject to *de novo* review. See *In re Marriage of Izzo*, 2019 IL App (2d) 180623, ¶ 26. In conducting our review, we begin with the presumption the circuit court knew and followed the law. See *In re Commitment of Snapp*, 2021 IL 126176, ¶ 22.

¶ 78 Section 603.10 of the Act (750 ILCS 5/603.10 (West 2024)) allows for the restriction of parenting time due to a parent’s misconduct. See *In re Marriage of Mayes*, 2018 IL App (4th) 180149, ¶ 55. Section 603.10(a) states:

“(a) After a hearing, if the court finds by a preponderance of the evidence that a parent engaged in any conduct that seriously endangered the child’s mental, moral, or physical health or that significantly impaired the child’s emotional development, the court shall enter orders as necessary to protect the child.” 750 ILCS 5/603.10(a) (West 2024).

Orders necessary to protect a child include orders reducing parenting time. *Id.* § 603.10(a)(1).

¶ 79 Section 610.5 of the Act (*id.* § 610.5), in turn, allows for the modification of parenting time due to a change in circumstances. Relevant here, section 603.5(c) states:

“(c) Except in a case concerning the modification of any restriction of parental responsibilities under Section 603.10, the court shall modify a parenting plan or allocation judgment when necessary to serve the child’s best interests if the court finds, by a preponderance of the evidence, that on the basis of facts that have arisen since the entry of the existing parenting plan or allocation judgment or were not anticipated therein, a substantial change has occurred in the circumstances of the child or of either parent and that a modification is necessary to serve the child’s best interests.” *Id.* § 610.5(c).

¶ 80 In this case, we find Brendelyn has not shown the circuit court applied an incorrect legal standard in reaching its decision to reallocate parenting time. Both parties petitioned for the modification of the judgment of dissolution. Specifically, they argued there had been a substantial change in circumstances and modifying the judgment would be in the children’s best interests. The court, in its written decision, recognized the parties sought a modification and cited section 610.5 as the statutory authority upon which its decision was based. While, as Brendelyn emphasizes, the court highlighted the misconduct of Brendelyn in its order, it did so as some evidence of a change in circumstances—that the parties were no longer able to cooperate and coparent the children. The court explained: “Both [Brendelyn] and [Eric] testified that they have many difficulties with co[]parenting the two minor children and from the evidence presented great animosity exists with many examples of no cooperation between the parties which has created a change in circumstances warranting modification.” On this record, we find the court’s reallocation of parenting time did not amount to a restriction pursuant to section 603.10 but rather was a modification pursuant to

610.5. See *In re Marriage of Chehaiber*, 394 Ill. App. 3d 690, 697 (2009) (“[I]t is not the result—the actual change in [parenting time]—that distinguishes a restriction from a modification; it is the purpose for the change.”).

¶ 81

C. Best-Interests Findings

¶ 82

Brendelyn argues the circuit court’s findings that its reallocation of parenting time and parental decision-making authority were in the children’s best interests are against the manifest weight of the evidence.

¶ 83

At issue is whether the circuit court’s best-interests findings are supported by sufficient evidence. This is a question of fact, subject to review under the manifest-weight-of-the-evidence standard, meaning we will not reverse the court’s findings unless “the opposite conclusion is clearly evident or if the finding itself is unreasonable, arbitrary, or not based on the evidence presented.” (Internal quotation marks omitted.) *Andrew W. Levenfeld & Associates, Ltd. v. O’Brien*, 2024 IL 129599, ¶ 56.

¶ 84

In cases involving the allocation of parental responsibilities, “there is a strong and compelling presumption in favor of the result reached by the [circuit] court because it is in a superior position to evaluate the evidence and determine the best interests of the child.” (Internal quotation marks omitted.) *Young v. Herman*, 2018 IL App (4th) 170001, ¶ 64. Sections 602.5 and 602.7 of the Act (750 ILCS 5/602.5, 602.7 (West 2024)) set forth several factors for a court to consider in allocating parenting time and parental decision-making authority.

¶ 85

In this case, we initially reject Brendelyn’s suggestion that the circuit court did not consider all the statutory factors in reaching its best-interests findings. The initial GAL report set forth a detailed analysis of the best-interests factors, which the court indicated was “further evidence and basis on determining what is in the best interest of the *** children.” The parties also

set forth detailed analyses of the best-interests factors in their written closing arguments, which the court indicated it considered. Although we agree it would have been helpful to this court if the circuit court explained which factors it gave more weight in reaching its best-interests findings, the record does not support Brendelyn's suggestion that the court did not consider all the statutory factors. See *In re Marriage of Whitehead*, 2018 IL App (5th) 170380, ¶ 16 ("A petitioner's mere assertion that the [circuit] court did not consider the statutory factors is insufficient to overcome the presumption that the *** court knew and followed the law.").

¶ 86 Brendelyn otherwise provides this court with an analysis of the best-interests factors based upon evidence favorable to her. It is not, however, the role of this court to reassess the evidence or reweigh the factors. The evidence showed the parties had been unable to coparent in recent years. With respect to the circuit court's reallocation of parenting time, the evidence showed the children would benefit from more consistency in their home life during the week, which could be provided by allocating Brendelyn only one overnight during that time. With respect to the court's reallocation of parental decision-making authority, the evidence showed the children would benefit from less conflict and uncertainty when it came to resolving significant decisions in their lives, which could be provided by allocating to Eric sole parental decision-making authority. On this record, we cannot say an opposite conclusion is clearly evident or the best-interests findings themselves are unreasonable, arbitrary, or not based on the evidence presented.

¶ 87 D. Final Comment

¶ 88 The record makes clear both Eric and Brendelyn care deeply for Br. J. and Be. J. We encourage the parties to set aside their differences for the children's benefit. Continued animosity and litigation will not only cost the parties but also the children.

¶ 89 III. CONCLUSION

¶ 90 For the reasons stated, we affirm the circuit court's judgment.

¶ 91 Affirmed.