

2011 IL App (2d) 110042-U
No. 2—11—0042
Order filed June 1, 2011
Modified upon denial of rehearing July 6, 2011

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

<i>In re</i> ISABELLA and BETHANY G., Minors)	Appeal from the Circuit Court
)	of Du Page County.
)	
)	No. 08—D—846
)	
)	
(Marikay F. and Norris F., Petitioners-)	
Appellants and Cross-Appellees, v. Jerrod G.)	Honorable
and Trisha S.G., Respondents-Appellees and)	Brian R. McKillip,
Cross-Appellants).)	Judge, Presiding.

JUSTICE SCHOSTOK delivered the judgment of the court.
Justices Bowman and Birkett concurred in the judgment.

ORDER

Held: The trial court's denial of the respondents' motion for a directed finding and granting of the petitioners' request for a grandparent visitation schedule was not against the manifest weight of the evidence.

¶ 1 On February 5, 2010, the petitioners, Marikay and Norris F., filed a petition to establish a schedule of grandparent visitation with their two grandchildren, Isabella and Bethany G. Following a hearing, the trial court granted that request and entered an order establishing a visitation schedule. However, the trial court had not granted the amount of visitation requested by the petitioners. The

petitioners appeal, *pro se*, and the respondents, Jerrod G. and Trish S.G., cross-appeal from that order. We affirm.

¶ 2 The petitioners' daughter, Rachel G., was married to Jerrod. On May 28, 2005, Jerrod and Rachel were involved in an automobile accident. Rachel died as a result of the accident. Jerrod suffered traumatic brain injury and other peripheral injuries that necessitated hospitalization and several months of rehabilitation. At the time of the accident, Jerrod and Rachel had two minor children: Isabella (born December 15, 2000) and Bethany (born February 26, 2003). While Jerrod was undergoing rehabilitation, the minor children lived with and were cared for by their maternal grandparents, the petitioners. On June 23, 2005, the petitioners filed a petition for guardianship of Isabella and Bethany. During the guardianship proceedings, a guardian *ad litem*, Marti Sladek, was appointed. Sladek stated in an October 26, 2005, letter to the court, that he found no reason why the children should not reside with their father, Jerrod. Also in October 2005, a doctor's report verified that Jerrod was no longer disabled. On November 10, 2005, the trial court entered an order noting that the petitioners had withdrawn their amended petition for guardianship with prejudice. The trial court therefore ordered that the custody of the minor children be immediately surrendered to Jerrod.

¶ 3 The record indicates that at that time, the petitioners continued to provide some level of care for the children. The involvement of Jerrod in the children's lives between March 2006 and April 2008 was a subject of dispute. In April 2008, the petitioners sought and were denied an emergency order of protection to prevent Jerrod from having contact with the children. On April 16, 2008, Jerrod picked his children up from their respective schools and relocated to Channahon, Illinois. On April 22, 2008, the petitioners filed a petition for custody of the children. On April 24, 2008, Jerrod filed a motion to dismiss the petition on the basis that the petitioners lacked standing to petition for

custody. On May 12, 2008, following a hearing, the trial court denied Jerrod's motion to dismiss and found that the petitioners had standing to pursue their petition for custody. The parties were ordered to participate in mediation.

¶ 4 Following unsuccessful attempts at mediation, proceedings continued on the petitioners' petition for custody. During that time, by request of the petitioners, the trial court appointed an evaluator pursuant to section 604(b) of the Illinois Marriage and Dissolution of Marriage Act (the Dissolution Act) (750 ILCS 5/604(b) (West 2008)), ordered Jerrod to undergo a Supreme Court Rule 215 (eff. July 1, 2002) mental examination, and appointed a guardian *ad litem*. The mental examiner interviewed and tested Jerrod and interviewed the petitioners. The examiner determined that Jerrod had "no ongoing neuropsychological impairments and no indications for the need for any restrictions on his activity." The mental examiner also noted that there was a striking contrast between his findings concerning Jerrod and the information the petitioners had provided concerning Jerrod's behavior. The court-appointed evaluator and the guardian *ad litem* both recommended that custody of the children remain with Jerrod. The matter was set for trial on August 5, 2009.

¶ 5 Prior to the trial date, the parties entered into discussions and two agreed orders were entered disposing of the need for trial. The first agreed order, entered July 31, 2009, provided that the petitioners' petition for custody was withdrawn with prejudice and that Jerrod would retain sole custody of his children. It further provided that the petitioners "shall have grandparent visitation" with the children and that visitation would be "determined in accordance with the best interest standard, i.e., determining what is in the best interests of the minor children and not the standard as contained in Section 607 of the [] Dissolution Act ***." In other words, the petitioners would not have to show that Jerrod's decision regarding visitation was harmful to the children's mental,

physical, or emotional health. See 750 ILCS 5/607 (West 2008). Finally, the agreed order provided that the parties would work with the guardian *ad litem* to establish a grandparent visitation schedule. The parties also agreed that if they were unable to establish a schedule, a pretrial conference would be held.

¶ 6 A subsequent agreed order was entered on August 5, 2009. That order provided that, following an August 1, 2009 meeting between the parties and the guardian *ad litem*, the parties had “resolved all of the pending [m]otions and that they shall implement a grandparent visitation schedule as agreed upon between the parties in accordance with the representations and discussion on August 1, 2009.” The parties did not move to modify or vacate either of the agreed orders. The record indicates that at some point Jerrod remarried. In December 2009, Jerrod’s new wife, Trish S.G., adopted the minor children.

¶ 7 On February 5, 2010, the petitioners filed a motion to establish a visitation schedule. In that motion, the petitioners alleged that Jerrod had failed to establish a regular schedule of visitation between the petitioners and the minor children. The petitioners further alleged that between August 4, 2009, and January 3, 2010, they had only been allowed five short supervised visits, five short unsupervised visits, and only four overnight visits. Further, they had been denied any visitation since January 3, 2010. The petitioners argued that they were entitled to a standard schedule of visitation that any non-custodial parent would enjoy such as alternate weekends, weekday and holiday visitation, and at least two weeks during the summer. The petitioners also argued that such regular visitation was in the best interests of the minor children.

¶ 8 On June 8, 2010, Trish was joined as a necessary party and named a co-respondent in this case. On June 15, 2010, a hearing commenced on the petitioners’ motion to establish a schedule of

visitation. Marikay testified that the purpose of the August 1, 2009, meeting was to establish a visitation schedule. Her expectation was that she would be allowed frequent visitation that included consistent overnight stays. When she and Norris arrived for that meeting, she spoke with Trish privately for about two hours. Marikay discussed the children and their well-being, religion, and Jerrod's allegedly abusive behavior. Marikay suggested that Jerrod receive counseling. Marikay did most of the talking and Trish did not respond or commit to anything. Marikay and Trish indicated that they were going to work toward an amicable visitation schedule among themselves and did not need the attorneys to put one in place. However, they did not discuss particulars at the meeting. After the meeting, the parties went out to brunch together. Marikay asked Trish to call her to arrange a visit.

¶ 9 Marikay testified as to the visitation that was allowed since August 2009. There had been about fourteen visits. Ten of those visits were for a number of hours. Trish and Jerrod were present for some of those visits. Although the petitioners had requested overnight visitation in early September, they were not granted the first overnight visitation until November 27, 2009. There were four one-night overnight visits between that date and January 3, 2010. The last overnight visit was supposed to be for two nights. However, on December 29, 2009, they received an e-mail from Jerrod and Trish modifying the previously arranged visitation to a four-hour visit on January 3rd. After some further correspondence, Jerrod and Trish allowed an overnight visit on January 2. Shortly after that visit, on January 12, Marikay suggested that the parties seek family counseling because she believed Jerrod and Trish had threatened to eliminate the petitioners' visitation. The parties had no further communications after that suggestion. That is when the petitioners decided to file their motion to establish a visitation schedule.

¶ 10 Marikay further testified that prior to Rachel's death, the petitioners had visited with the children two to four times per week. Jerrod and Rachel and the children lived very close. Marikay would frequently babysit. Jerrod would go to the movies with Norris and Rachel's brother, Zachary. Since August 2009, she had not been provided with a list of the children's activities. She would like to be able to attend their activities when appropriate. The petitioners admitted as exhibits various e-mail correspondence between the parties.

¶ 11 Norris testified that at the August 1, 2009 meeting, following the private talk between Marikay and Trish, Trish stated that she and Jerrod would work toward facilitating a relationship between the petitioners and the children. No specific visitation schedule was discussed. However, he expected that they would receive overnight visitation. In early September 2009, he had a phone conversation with Jerrod expressing the petitioners' desire for overnight visitation. Jerrod agreed to allow an overnight visit in October.

¶ 12 Norris further testified that following the two night visitation from December 20 to December 22, 2009, Jerrod sent an e-mail that stated he was reconsidering overnight visitation in light of the fact that the petitioners had given Bethany a baby bottle on both nights. Communications between the parties broke down after that. The petitioners suggested family counseling in mid-January. In going forward, Norris believed that e-mail communication between the parties would be best. He would work with Jerrod and Trish to make a visitation schedule work. Norris did not think a flexible visitation schedule would work. Based on past experience, he believed that a specific schedule was necessary.

¶ 13 On cross-examination, Norris acknowledged that he had sent an e-mail to Jerrod on November 22, 2009. In that e-mail Norris requested expanded visitation because the petitioners

wanted to take the children to Sunday morning mass. Norris accused Jerrod of allowing Trish to sever the children and Jerrod away from their Catholic faith. Norris wrote that this was the demise of Jerrod's salvation. Norris acknowledged another e-mail communication where the petitioners wrote that Trish was not free to marry because her previous marriage was never annulled. Accordingly, the petitioners told Jerrod that he was not free to enter into a sacred union with her as her husband. The petitioners referred to Trish as Jerrod's "common-law-wife."

¶ 14 After Norris testified, the petitioners rested their case. The respondents moved for a directed finding. The respondents argued that there was a presumption in the law that reasonable parents act in the best interests of their children when they deny or limit grandparent visitation. The respondents argued that there had been no evidence to rebut that presumption. Additionally, they argued that there had been no unreasonable denial of visitation and no evidence that visitation was in the best interests of the children. Accordingly, the respondents requested that the trial court deny the petition for setting a visitation schedule. The trial court denied the respondents' motion. The trial court noted that the agreed orders established that the petitioners were entitled to visitation and that the only issue was whether any visitation would be in the best interests of the children. Accordingly, the petitioners did not need to show that there had been an unreasonable denial of visitation. The trial court also found that, based on the evidence at that point, visitation should be scheduled and not agreed upon on an *ad hoc* basis.

¶ 15 Trish testified that she was a registered nurse and was currently employed at Edward Hospital. She and Jerrod were married. She had three children from a previous marriage and she and Jerrod had a daughter together. She, Jerrod, and their six children lived in a single family home in Channahon. After she and Marikay spoke privately at the August 1, 2009 meeting, they

determined that a specific visitation schedule was not practical due to the children's involvement in a competitive cheerleading squad. They agreed to work toward allowing the petitioners as much visitation as practical without disrupting the children's schedule. At that meeting, the petitioners did agree that Jerrod was solely responsible for decisions as to the children's religious upbringing.

¶ 16 Trish further testified that she was angry with the petitioners due to the time and money that had to be spent on litigation. However, she still wanted the petitioners to be a part of the children's lives. She never denied the petitioners visitation. Trish testified that both children are straight-A students. They participate in Girl Scouts, soccer, softball, and competitive cheerleading. Trish did not feel comfortable giving Marikay a list of the girls' activities. Trish testified that when Marikay had attended the girls' activities in the past, the girls were not able to participate the way they normally would have because Marikay did not allow the children to mingle with their friends. Trish did not think a set visitation schedule would work due to the girls' numerous activities.

¶ 17 On cross-examination, Trish testified that she did not respond to the petitioners' request to attend family counseling because she did not think it was necessary. The respondents were not denying visitation; the petitioners were just unhappy because they were not getting everything they asked for. Trish believed that future discussions regarding visitation should be accomplished through e-mail.

¶ 18 Jerrod testified that, at the August 1, 2009, meeting, Marikay had requested to speak privately with Trish. After the two talked, they stated that they had agreed to handle visitation with no set schedule. The guardian *ad litem* then questioned the petitioners as to whether they understood that Jerrod, as the custodial parent, was solely responsible for decisions as to the girls' religious upbringing. The petitioners stated that they understood.

¶ 19 Jerrod further testified that after the visit on December 20-22, Isabella stated that Bethany was given a baby bottle at the petitioners' house. This concerned Jerrod because he had spoken with the petitioners in the past about age-appropriate behavior. He never told the petitioners that he was going to cut off visitation as a result of the incident. In fact, there was another overnight visitation in early January.

¶ 20 Jerrod testified that he believed that the girls should be allowed visitation with the petitioners but that the visitation should be limited. He believed that one day per month was appropriate. He was opposed to overnight visitation. He believed that it was also important for the girls to interact with their siblings and be a part of family activities in their own household. It was difficult during the holidays to meet all the demands of all the various families. Jerrod testified that the girls were doing well academically and physically. He was disgusted with the petitioners and the litigation. He believed he was giving the petitioners more than adequate visitation time. He was grateful for the care they provided to the girls while he was in the hospital after the accident.

¶ 21 On cross-examination, Jerrod explained that between the early January visit and the time the petitioners filed the petition for a visitation schedule in mid-February, there were no visits because the weekends were filled with competitions and family birthday parties. The children had not asked why there had not been any visits with the petitioners within the last six months. He did not respond to the petitioners' request, in mid-January, to attend family counseling because he did not think counseling would be fruitful. He believed that any future visitation should be arranged via e-mail. The petitioners were difficult to talk to and very opinionated.

¶ 22 Following rebuttal testimony from Marikay, the trial court ordered the parties to submit written proposed visitation schedules prior to closing argument. The respondents proposed that the

petitioners be allowed one visit per month to occur on either a Saturday or Sunday from 12 p.m. to 6 p.m.; one internet video contact per non-visitation week on Monday at 4:30 p.m.; one overnight visitation of two consecutive nights during Christmas break; one overnight visitation of two consecutive nights during spring break; and two overnight visits of two consecutive nights during the summer. The proposal indicated that further visitation could be allowed by agreement of the parties. The petitioners proposed visitation one weekend per month from Friday through Sunday; in addition, overnight visitation once a month from Saturday to Sunday to celebrate special holidays; two full weeks in the summer; and telephone contact every Sunday when visitation does not occur.

¶ 23 On September 15, 2010, the trial court issued a letter memorandum granting the petitioners' motion for a visitation schedule. The trial court noted that via the agreed orders, the petitioners withdrew their efforts to obtain custody and, in exchange, were to receive grandparent visitation as determined under the under the best interest standard of section 602 of the Dissolution Act. As such, the petitioners were relieved of the section 607 statutory burden of proving that the respondents' decisions regarding grandparent visitation were harmful to the girls' mental, physical or emotional health. The trial court noted that, in determining a visitation schedule, it relied on the principle, set forth by our supreme court in *Wickham v. Byrne*, 199 Ill. 2d 309 (2002), that "a fit parent's decision to deny or limit grandparent visitation is in the child's best interests." The trial court further noted that the petitioners had not stepped into the shoes of their deceased daughter and were not comparable to a divorced parent.

¶ 24 The trial court found that there was scant evidence as to the best interests of the girls. However, it found extensive evidence that the petitioners had a significant history with the girls and that there was friction between the parties. The trial court found that in considering the girls' best

interests it had to consider all matters that bore on their welfare, including the overall welfare of the new family unit being “nurtured” by the respondents. The trial court stated that the success of the new family unit was more important than grandparent visitation. The trial court stated that it hoped a visitation schedule would reduce the disagreements between the parties.

¶ 25 The trial court ordered the following visitation: (1) one Saturday or Sunday per month from noon until 8 p.m.; two overnights during the Christmas break from school; two overnights during Spring break; two periods of extended visitation during the summer from Thursday at noon until the following Sunday at 8 p.m. (in lieu of monthly visitation set forth above); once a week internet communication of between 10 and 20 minutes; and any additional visitation as agreed upon between the parties. The trial court set parameters for establishing the visitation dates and ordered that all communication be via e-mail. The trial court denied the petitioners’ request for a list of all the girls’ extracurricular activities and found that it was solely within the province of the respondents to determine who was allowed to attend the girls’ activities. The trial court noted that the schedule may have to be adjusted as the girls get older. Finally, the trial court reminded the parties that visitation should be in the best interest of the children and that it could be eliminated if it became destructive to the girls’ new family unit. The trial court instructed the petitioners to respect the wishes of the respondents in how the children are raised. On September 30, 2010, an order was entered in accordance with the trial court’s memorandum. On December 13, 2010, the trial court denied the petitioners’ *pro se* motion to reconsider. Thereafter, the petitioners filed a timely notice of appeal and the respondents filed a timely notice of cross-appeal.

¶ 26 On appeal, the petitioners argue *pro se* that the trial court erred in (1) denying their emergency petition for temporary custody on June 4, 2008; (2) granting Jerrod custody of the

children; (3) applying the standard set forth in section 607 rather than section 602 of the Dissolution Act; and (4) improperly excluding certain evidence. On cross-appeal, the respondents argue that the trial court erred in denying their motion for a directed finding at the close of the petitioners' evidence.

¶ 27 At the outset, we note that the respondents also argue that the petitioners' appellant brief fails to comply with Supreme Court Rule 341 (eff. Mar. 16, 2007) because the statement of facts is riddled with argument, personal conclusions, and references to matter not contained in the record. The respondents request that we consider sanctions against the petitioners in the form of striking their brief and awarding attorney fees to the respondents.

¶ 28 We agree that the petitioners' appellant brief is not in compliance with Rule 341. The brief contains a rambling statement of facts that includes unnecessary commentary and fails to articulate an organized or cohesive legal argument for us to consider. The appellate court is not a depository in which the appealing party may dump the burden of argument and research. *Williams v. Danley Lumber Co.*, 129 Ill. App. 3d 325, 325 (1984). We acknowledge that respondents are appealing *pro se*, but admonish them that their *pro se* status does not excuse them from complying with the appellate procedures required by our supreme court rules. *In Interest of A.H.*, 215 Ill. App. 3d 522, 529-30 (1991). Where an appellant's brief fails to comply with supreme court rules, this court has the inherent authority to strike the brief and dismiss the appeal. *Epstein v. Galuska*, 362 Ill. App. 3d 36, 42 (2005). However, the striking of an appellate brief is a harsh sanction and is appropriate only when the procedural violations interfere with or preclude our review. *Moomaw v. Mentor H/S, Inc.*, 313 Ill. App. 3d 1031, 1035 (2000). In the present case, we were able to decipher some of the arguments set forth in the brief. We will address the merits of those arguments. Any arguments that

the petitioners believed they raised, but which we were not able to make sense of and are therefore not addressed below, are forfeited.

¶ 29 In so ruling, we note that the respondents also request that we award them attorney fees due to the Rule 341 violations. However, the authority cited by the respondents, *Holmberg v. Baxter Healthcare Corporation*, 901 F. 2d 1387 (7th Cir. 1990) and *Reis v. Morrison*, 807 F. 2d 112 (7th Cir. 1986), does not support such a sanction. See *Holmberg*, 901 F. 2d at 1393 (striking portions of a brief because it referenced facts outside the record); *Reis*, 807 F. 2d at 113 (awarding attorney fees as a sanction because appeal was frivolous). In addition, the respondents provided no reasoned argument in support of the contention. Accordingly, we deny the request and turn to the merits of the appeal.

¶ 30 The petitioners' first contention on appeal is that the trial court erred in denying their emergency petition for temporary custody and related relief on June 4, 2008. We lack jurisdiction to review this contention. Appeals from interlocutory orders, denying an emergency petition for temporary custody, may be appealed by permission of the appellate court pursuant to Supreme Court Rule 306(a)(5) (eff. Sep. 1, 2006). The petitioners did not seek permission of this court for leave to appeal the June 4, 2008, order or otherwise attempt to comply with the requirements as set forth in Supreme Court Rule 306. See 210 Ill. 2d R. 306(b) (requiring that interlocutory appeals of orders affecting the care and custody of unemancipated minors must be filed within 14 days of the entry or denial of the order from which review is being sought). Accordingly, we lack jurisdiction to review the propriety of the June 4, 2008, order. See *Village of Mundelein v. Aaron*, 112 Ill. App. 3d 134, 136 (1983).

¶ 31 The petitioners' next contention is that the trial court erred in granting Jerrod sole custody of his two children. However, Jerrod was granted sole custody by way of an agreed order entered July 31, 2009. The petitioners argue that they were pressured to withdraw their petition for custody and cede custody to Jerrod. Nonetheless, agreed orders may be modified or vacated only upon a showing that meets the standard applied to section 2—1401 petitions (735 ILCS 5/2—1401 (West 2008)). *In re Marriage of Rolseth*, 389 Ill. App. 3d 969, 972 (2009). In the present case, the petitioners never moved to modify or vacate the agreed order. As such, custody is not at issue in this appeal and we lack jurisdiction to address the contention. *In re M.W.*, 232 Ill. 2d 408, 424 (2009) (jurisdiction exists in a court of review only where the parties present a justiciable matter).

¶ 32 The petitioners' third contention on appeal is that the trial court used the wrong standard in setting the visitation schedule. Specifically, the petitioners argue that the trial court used the standard set forth in section 607 of the Dissolution Act and not section 602, as agreed upon by the parties in the July 31, 2009, agreed order. A reviewing court will not set aside the trial court's ordered visitation arrangements unless they are against the manifest weight of the evidence, manifestly unjust, or resulted from a clear abuse of discretion. *In re Marriage of Deem*, 328 Ill. App. 3d 453, 455 (2002).

¶ 33 In the present case, the July 31, 2009, agreed order stated that grandparent visitation was to be determined using the best interest standard “and not the standard as contained in Section 607 of the [] Dissolution Act.” It appears that the petitioners believe that because the best interest standard was to be applied, that they were entitled to visitation traditionally granted to a non-custodial parent. The petitioners also seem to believe that because they were found to have standing in 2008 to pursue their petition for custody, that they were forever elevated to the level of a non-custodial parent.

However, the petitioners have cited no legal authority, and in fact there is none, to support such a notion. Moreover, the agreed order specifically stated that the petitioners would receive “grandparent visitation,” not visitation due to a non-custodial parent. The application of the best interest standard only relieved the petitioners from having to prove, pursuant to section 607, that the respondents’ decisions regarding visitation were harmful to the girls’ mental, physical, or emotional health. In its letter memo, the trial court acknowledged that the visitation schedule would be determined under the best interest standard of section 602 of the Dissolution Act. Accordingly, we find the petitioners’ argument that the trial court relied on the wrong standard to be without merit.

¶ 34 Moreover, we cannot say that the visitation schedule established by the trial court was against the manifest weight of the evidence or resulted from a clear abuse of discretion. In closing argument, the respondents clearly agreed that there should be visitation and requested that the trial court enter an order in accord with their proposed visitation schedule. There is a presumption that a fit parent’s decision to deny or limit visitation is in the child’s best interests. See *Wickham v. Byrne*, 199 Ill. 2d 309, 318 (2002). The trial court acknowledged this presumption and found that visitation was in the best interests of the children. The visitation ordered by the trial court varied only slightly from what was proposed by the respondents. The trial court noted that the ordered visitation schedule was appropriate because it balanced the petitioners’ relationship with the girls with the need for the girls to spend time with their new family, attend school, and participate in extracurricular activities. This was not an abuse of discretion.

¶ 35 The petitioners’ final contention on appeal is that the trial court was “extremely resistant” to certain testimony. The admission of evidence is within the sound discretion of the trial court, whose rulings will not be reversed absent an abuse of that discretion. *Gill v. Foster*, 157 Ill. 2d 304,

312–13 (1993). The petitioners first complain that the trial court did not allow Marikay to testify that the respondents threatened to eliminate visitation. Specifically, when Marikay was being questioned by the respondents’ counsel, he asked her whether Trish had ever verbally stated that visitation would be eliminated. In response, Marikay testified that Trish had so stated in the written pleadings. The trial court then stated as follows:

“THE COURT: *** just answer his question. Why don’t we just forget about the pleadings for a moment. Just forget about the pleadings. Ask a question, answer a question.”

Review of Marikay’s testimony reveals that her answers were repeatedly unresponsive and the trial court had admonished her several times during her testimony to “answer the question.” As such, the trial court did not abuse its discretion in reminding Marikay that she was required to answer the questions asked. Moreover, the respondents’ counsel did not object to the answer as not responsive, so her response was not stricken. See *People v. Fritz*, 84 Ill. 2d 72, 114 (1981) (upon proper motion, it is the duty of the trial court to strike nonresponsive answers to questions). Accordingly, she was not prejudiced by the trial court’s comments.

¶ 36 The petitioners next complain that the trial court improperly struck Marikay’s rebuttal testimony that Trish had slammed the door in her face on one occasion when she returned the children after visitation. Specifically, the petitioners’ counsel noted that the respondents had testified that they were encouraging visitation. Petitioners’ counsel then asked Marikay what happened when she returned the children on December 22, 2009. Marikay stated that when she returned the children she walked up to the door and started talking to Trish about Bethany’s loose tooth. Marikay testified that Trish did not respond and, instead, shut the door in Marikay’s face. The respondents’ counsel

objected to that answer on the basis that it was not proper rebuttal. The petitioners' counsel argued that it went to the respondents' credibility because they both testified that they were encouraging a relationship between the children and the petitioners and this rebuttal testimony suggested the contrary. The trial court sustained the objection and stated:

“THE COURT: *** I just don't see how it relates to that issue. Had there been testimony that [Marikay] said, Well, when can Norris and I pick up the girls again and she slammed the door, now you've got something. But you've got nothing here. Talk about a loose tooth and Merry Christmas and — you've got nothing.”

We cannot say that this ruling was an abuse of discretion. *Gill*, 157 Ill. 2d at 312–13. Merely because Trish slammed the door did not show that the respondents were not encouraging a relationship between the children and the petitioners. As explained by the trial court, there may have been a connection had Trish slammed the door upon a request to schedule another visitation.

¶ 37 The petitioners' final complaint is that the trial court did not allow testimony that the respondents had threatened to eliminate visitation in a December 30, 2009 e-mail. Specifically, Marikay was questioned as to the issues that prompted the petitioners' request for family counseling. Marikay testified that the issue was that the respondents had threatened to eliminate the overnight visitation. The context of the questioning showed that the threat had allegedly occurred in an e-mail. The court stated as follows:

“THE COURT: This is the issue. The issue is, if there were e-mails, I want to see the e-mails. That was the actual communication. I don't want to hear different witnesses' interpretation of what they thought the e-mails said. ***.

THE COURT: Not, they threaten to eliminate overnight visitation. That doesn't identify an issue. That restates what someone thinks was in the e-mail. Now, I don't know what was in the e-mail.

MR. DEPEW [petitioners' attorney]: No, I understand. ***

THE COURT: Why is this so hard?

MR. DEPEW: I'm not suggesting it is, your Honor. I'm sorry.

THE COURT: No? Well, then, let's get to it."

The best evidence rule requires that the original of documentary evidence be admitted when the contents of the documentary evidence are sought to be proved. *Village Discount Outlet v. Department of Employment Security*, 384 Ill. App. 3d 522, 526 (2008). Although the respondents objected to Marikay's testimony about the e-mails, they indicated that they would not object to actually entering the e-mails as evidence for the court to review. The e-mails were admitted into evidence. Accordingly, we cannot say the trial court abused its discretion in refusing to allow Marikay to testify as to what was in the e-mails.

¶ 38 On cross-appeal, the respondents argue that the trial court erred in denying their motion for a directed finding at the close of the petitioners' case. In that motion, the respondents requested that the trial court deny the petition for a visitation schedule. However, any error in the trial court's ruling on a motion for a directed finding is forfeited unless the respondent renews the motion at the close of all the evidence. *In re Liquidation of Inter-American Insurance Co. of Illinois*, 329 Ill. App. 3d 606, 617 (2002). In the present case, the respondents did not renew the motion at the close of all the evidence. Therefore, this contention has been forfeited.

¶ 39 Even absent forfeiture, the trial court’s decision to deny the motion for directed finding was not against the manifest weight of the evidence. *Id.* The parties had stipulated in the agreed orders that the petitioners would receive visitation in accordance with the best interests of the children. The agreed orders also indicated that the parties intended to facilitate a “visitation schedule.” The evidence showed that the petitioners spent a considerable amount of time with the girls before Rachel’s death and shortly thereafter when they cared for the girls while Jerrod was recovering. Moreover, the evidence showed that the respondents did not oppose grandparent visitation. The respondents had offered ample visitation time between the date of the agreed orders and the date the petitioners filed this petition. The conflict arose over the amount, manner, and frequency of visitation. The purpose of the petition at issue was to resolve that conflict. Undoubtedly, resolution of the conflict was in the best interests of the children. Accordingly, we cannot say the trial court erred in denying the motion for a directed finding.

¶ 40 For the foregoing reasons the judgment of the circuit court of Du Page County is affirmed.

¶ 41 Affirmed.