

again. Two children were born to the parties. Prior to the entry of a judgment of the dissolution of the second marriage, the trial court entered an order on October 22, 2008, appointing Dr. Robert Clipper as a custody evaluator. The record is devoid of any objections from either party regarding this appointment, and Sabrina's counsel confirmed at oral argument that the appointment was made by the trial court after the agreement of the parties. Dr. Clipper's 12-page evaluation is included in the record, the final paragraph of which provides Dr. Clipper's recommendation that the trial court consider Brandon for the role of primary residential parent.

A judgment of the dissolution of the parties' second marriage was entered on July 26, 2010, dissolving the bonds of matrimony and reserving all the remaining issues. Hearings on the remaining issues were subsequently conducted, at which Sabrina appeared *pro se*. Testimony and evidence from these hearings relative to the issues of custody and visitation was as follows. Dr. Clipper testified regarding the custody evaluation he conducted. His testimony encompasses 112 pages of transcript. Sabrina questioned Dr. Clipper repeatedly regarding various details of information she provided him that had not been explicitly mentioned in his evaluation. Sabrina also questioned Dr. Clipper regarding other information included in the evaluation that Sabrina had not confirmed. Dr. Clipper responded that he took into account all the information he had been given by both parties in formulating his recommendation but that the report would have been too lengthy had he repeated all the information received. He added that because he did not include in his report every detail of what Sabrina shared, he likewise did not include every detail of what Brandon shared. Dr. Clipper added that the information relayed in his evaluation was not his own words, but a summarization of Sabrina and Brandon's words. He emphasized that the focus of the evaluation was to obtain an overall picture of the relationship each party shares with the children and how the parties will manage their parenting roles in the future.

The trial court listened to three days of testimony. In addition to Dr. Clipper's testimony, Sabrina herself testified and presented 14 additional witnesses and Brandon presented 3 witnesses. On August 23, 2010, the trial court entered an order resolving the remaining issues. The trial court stated in the judgment that it had heard the testimony and observed the credibility and demeanor of the parties and the various witnesses and that it had reviewed the exhibits and the case record, as well as the applicable statutes and cases interpreting the same. After reviewing the relevant factors of the Illinois Marriage and Dissolution of Marriage Act regarding the best interests of a child in a custody determination (750 ILCS 5/602(a) (West 2008)), the trial court provided a written analysis of its findings regarding each of the applicable factors and awarded Brandon the sole custody of the children.

The trial court granted visitation to Sabrina every third weekend during the school year and rotated visitation every other year for Thanksgiving, Christmas, and Easter. In addition, Sabrina was granted visitation every Mother's Day weekend, as well as every legal holiday, other than those previously mentioned that fall on Mondays or Fridays. During the summer, Sabrina was awarded visitation from the beginning of the second week of June until the end of the first week of July, as well as from the beginning of the second week of August until the last day before the beginning of school. Sabrina, represented by counsel, filed a motion for relief after judgment, which the trial court denied, followed by a timely notice of appeal.

ANALYSIS

Sabrina's first issue on appeal is whether the trial court erred by considering the recommendations of Dr. Clipper in awarding Brandon the custody of the children. A child custody decision will not be overturned on appeal unless it is against the manifest weight of the evidence. *In re Marriage of Petraitis*, 263 Ill. App. 3d 1022, 1031 (1993). A judgment

is considered to be contrary to the manifest weight of the evidence when the opposite conclusion is apparent or when the findings appear to be unreasonable, arbitrary, or not based upon the evidence. *In re Marriage of Karonis*, 296 Ill. App. 3d 86, 88 (1998). "In determining whether a judgment is contrary to the manifest weight of the evidence, the reviewing court views the evidence in the light most favorable to the appellee." *In re Marriage of Ricketts*, 329 Ill. App. 3d 173, 177 (2002). "We will affirm the trial court's ruling if there is any basis to support the trial court's findings." *Id.*

Sabrina contends that Dr. Clipper's report is inadequate, that his methods failed to disclose any discernible protocol, and that his testimony lacks consistency and credibility. She claims that Dr. Clipper ignored evidence which corroborated various complaints she had regarding Brandon's behavior. We find these arguments to be without merit. As a threshold matter, we note, "The trial court's custody determination is afforded 'great deference' because the trial court is in a superior position to judge the credibility of the witnesses and determine the best interests of the child." *In re Marriage of Ricketts*, 329 Ill. App. 3d at 177. Moreover, Dr. Clipper testified that he took into consideration all the information he had been given by both parties but that he simply did not reiterate in his report every scintilla of that information because doing so would have made the report too lengthy.

Sabrina makes several allegations in her brief on appeal regarding the trial court's supposed deference to Dr. Clipper. Examples of these allegations are as follows: the trial court erred by giving "any credibility to [Dr. Clipper's] report," the trial court "failed to consider the report in light of the other testimony," and the trial court "committed error when it relied on [Dr. Clipper] instead of considering the additional evidence presented at trial which was overlooked or ignored by [Dr. Clipper]." Our review reveals that these assertions are without merit. To the contrary, the trial court considered much more than Dr. Clipper's report and recommendation. In the judgment, the trial court explicitly stated that it had

observed all the witnesses and that it had reviewed the exhibits, the record, and the applicable statutes and case law. With regard to its custody determination, the trial court mentioned Dr. Clipper only with respect to two of the eight best-interest factors it analyzed, going so far as to state the obvious, in its analysis of one of those factors, that its conclusion was "[b]ased on the evidence, *including but not limited to* the testimony and report of *** Dr. Clipper." (Emphasis added.) As previously stated, the trial court entertained three days worth of testimony in this case. Sabrina herself testified, in addition to questioning Dr. Clipper. Moreover, Sabrina called 14 additional witnesses to present her case, thereby giving her the opportunity to provide the information to the trial court that she complains Dr. Clipper omitted from his report. Brandon also presented three witnesses, and for each of them Sabrina had the opportunity to either cross-examine or present testimony in rebuttal. For these reasons, it was not against the manifest weight of the evidence for the trial court to consider, *inter alia*, Dr. Clipper's report and recommendations.

Sabrina's other issue on appeal is whether the visitation schedule established by the trial court is against the manifest weight of the evidence. "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 Ludwinski*, 329 Ill. App. 3d 1149, 1153 (2002). Again, "[a] judgment is against the manifest weight of the evidence when the opposite conclusion is apparent or when the findings appear to be unreasonable, arbitrary, or not based upon the evidence." *In re Marriage of Ricketts*, 329 Ill. App. 3d at 181-82. "A trial court has broad discretion in determining the visitation rights of a nonresidential parent with the best interest of the child being of primary concern." *In re Marriage of Seitzinger*, 333 Ill. App. 3d 103, 112 (2002).

In this case, Sabrina was awarded visitation every third weekend during the school year. Evidence in the record reveals that the parties live approximately three hours apart,

necessitating extensive travel for visitation exchanges. The visitation arrangement established by the trial court provides for fewer disruptions for the children during the school year. We note that Sabrina was granted liberal visitation in the summer, as well as visitation on holidays falling on Mondays and Fridays, in addition to Mother's Day weekend and the rotating visitation on Easter, Thanksgiving, and Christmas. With the best interests of the children in mind, we cannot say the visitation schedule established by the trial court was manifestly unjust, unreasonable, arbitrary, or not based upon the evidence.

Finally, pending before this court is Brandon's motion to strike portions of Sabrina's brief on appeal. Because the matters raised in the motion have no bearing on the disposition of this case, we deny the motion.

CONCLUSION

For the foregoing reasons, we affirm the August 23, 2010, judgment of the circuit court of Madison County.

Motion denied; judgment affirmed.