

arguing that (1) the court applied the wrong legal standard and (2) its findings were against the manifest weight of the evidence. We reverse.

¶ 3 The petitioner, Deanna C.S. (Deanna or Dee), and the respondent, Catherine D.W. (Cathy), began a romantic relationship sometime in 2000 or 2001. They subsequently purchased a home together. In 2003 or 2004, they began discussing the idea of having children. They decided that Deanna would become pregnant by artificial insemination. Their first child, T.P.S., was born on January 16, 2006. Shortly after his birth, Cathy and Deanna jointly filed a petition to establish a guardianship, requesting that they be appointed as coguardians. The petition alleged that Cathy and Deanna shared responsibility for caring for T.P.S. The court appointed a guardian *ad litem* for T.P.S., whose report emphasized the fact that Cathy and Deanna were involved in a lengthy relationship and shared in the care of the baby. The court granted the petition for a guardianship.

¶ 4 The parties decided to have a second child and proceeded in the same manner. The second child, K.M.S., was born on October 21, 2008. By this time, the relationship between Cathy and Deanna was strained. One month before K.M.S. was born, Deanna told Cathy that she wanted to end their relationship. They continued to live in the same house, although they did not sleep in the same room. In March 2009, the parties filed a joint petition to establish a guardianship for K.M.S., again requesting that they be appointed as her coguardians. A guardian *ad litem* filed a report in which she noted that Cathy and Deanna shared a home and shared in K.M.S.'s care. The guardian *ad litem* also stated that Cathy was the primary caregiver during the week and that the parties wanted to be able to ensure that she would be able to access medical care for K.M.S. if necessary. The court granted the petition and appointed Cathy and Deanna as coguardians.

¶ 5 In September 2009, Deanna moved out of the parties' home. For nearly a year thereafter, Cathy continued to care for the children on week days while Deanna was at work.

The children also continued to stay overnight at Cathy's home one night per week.

¶ 6 On July 21, 2010, Deanna filed a petition to terminate the guardianships. However, the parties continued the childcare arrangement just described until October 2010. At that time, Deanna prevented Cathy from seeing the children.

¶ 7 In September 2010, as previously noted, the trial court granted Deanna's petitions to terminate the guardianships, finding that Cathy lacked standing to oppose them. Cathy filed a motion to reconsider that ruling in October 2010. It was at that time that Deanna prevented her from seeing the children. The court denied Cathy's motion to reconsider, and she appealed that ruling to this court. We reversed, finding that "both the courts of this state and its legislature contemplate a role for an appointed guardian in proceedings to terminate a guardianship." *In re T.P.S.*, 2011 IL App (5th) 100617, ¶ 17, 954 N.E.2d 673. We explained that a parent seeking to terminate a guardianship must demonstrate by a preponderance of the evidence that a material change in circumstances has occurred. We then explained that if a parent meets this burden, a guardian opposing termination of the guardianship must demonstrate by clear and convincing evidence that termination would not be in the best interest of the children. *In re T.P.S.*, 2011 IL App (5th) 100617, ¶ 16, 954 N.E.2d 673 (citing Pub. Act 96-1338 (eff. Jan. 1, 2011) (adding 755 ILCS 5/11-14.1(b))). We remanded the case to the trial court with directions to make these findings. *In re T.P.S.*, 2011 IL App (5th) 100617, ¶ 19, 954 N.E.2d 673.

¶ 8 In January 2012, while this matter was pending before the trial court on remand, Cathy filed a separate petition to establish parentage, custody, visitation, and child support. That petition, too, was dismissed on the basis that Cathy lacked standing to bring it. Cathy appealed that ruling. We note that Cathy's petition is not before us in this appeal. However, the issues raised in this case are factually intertwined with those involved in the custody and visitation petition. Some of the arguments raised in this case would be better resolved in the

proceedings involving that petition. For the sake of providing context, we note that shortly after the trial court's ruling in the guardianship case, we reversed the court's dismissal of portions of Cathy's petition and remanded for further proceedings. *In re T.P.S.*, 2012 IL App (5th) 120176, ¶ 67, 978 N.E.2d 1070.

¶ 9 The parties entered into a stipulation in the guardianship case. They stipulated that during their relationship, they purchased a home and several trailers together, maintained joint bank accounts, and received bills in both of their names. Deanna considered herself part of Cathy's family. They stipulated that Cathy attended the majority of Deanna's appointments for artificial insemination and prenatal care for both pregnancies and was present in the delivery room when each child was born. They stipulated that members of Cathy's family visited both children in the hospital after they were born. The parties stipulated that T.P.S. loved Cathy and called her "Mom," and he called Cathy's mother "Grandma Pat" and her brother "Uncle Duane." They further stipulated that they both cared for and played with both children.

¶ 10 The court held a two-part hearing in this matter in June and August 2012. Deanna testified that she and Cathy began dating sometime in 2001 and subsequently moved in together. While they were a couple, Deanna considered herself to be a part of Cathy's family. They began discussing the possibility of having children sometime in 2003 or 2004. Deanna testified that Cathy was hesitant to have children at first, but eventually changed her mind. Deanna acknowledged that when they had these discussions, it was her intent to raise the children together with Cathy as a couple.

¶ 11 Deanna testified that she and Cathy selected a sperm donor together for the first child Deanna conceived, T.P.S. Cathy went with Deanna to her initial consultation with a fertility specialist and to all eight artificial insemination appointments. (We note that Cathy testified she went to seven of the eight appointments with Deanna.) Deanna also testified that, when

she was pregnant with T.P.S., Cathy went with her to her childbirth class and nearly all of her appointments for prenatal medical care.

¶ 12 Deanna testified that Cathy was with her in the delivery room when she gave birth to T.P.S. and that Cathy's family members visited the new baby in the hospital after his birth. She testified that some of their friends held a baby shower for them, at which she and Cathy opened gifts for the new baby together.

¶ 13 Deanna testified that setting up a guardianship for T.P.S. was initially Cathy's idea, but she acknowledged that she agreed to be coguardians, and they were represented by the same attorney in the proceedings to establish the guardianship. (As noted previously, the petition to establish the guardianship for T.P.S. was filed jointly.) She further testified that she wanted to make sure that Cathy had the authority to make medical decisions for T.P.S. in case anything happened to him while she was at work. She did not want Cathy to adopt T.P.S. or have custody of him if they broke up.

¶ 14 Deanna testified that Cathy did not want to have a second child, and she did not believe Cathy ever changed her mind on this. However, she testified that when she became pregnant with K.M.S., Cathy was again involved in choosing a sperm donor, went with Deanna to nearly all of her appointments for artificial insemination and prenatal care, and was present in the delivery room when K.M.S. was born. Asked if Cathy was "joyful" at the birth of K.M.S., Deanna replied: "Of course. It was a new baby." She testified that members of Cathy's family visited K.M.S. in the hospital when she was born.

¶ 15 In other respects, however, the circumstances surrounding K.M.S.'s birth were different from those surrounding the birth of her older brother, T.P.S. By the time Deanna was pregnant with K.M.S., the relationship between her and Cathy was strained. A month before K.M.S. was born, Deanna told Cathy that she no longer wanted to be a couple. Although she did not move out of the house, she moved into a different bedroom.

¶ 16 In March 2009, Deanna and Cathy jointly filed a petition to establish a guardianship for K.M.S. They again requested to be appointed as coguardians. Deanna testified that she agreed to the guardianship because she wanted to make sure Cathy could obtain medical care for K.M.S. if necessary and she wanted the children to remain together if anything happened to her.

¶ 17 As previously noted, Deanna moved out of the house she shared with Cathy in September 2009, a year after telling Cathy she no longer wanted to be a couple and 11 months after K.M.S. was born. Deanna testified that Cathy continued to care for the children after she moved out because Deanna could not afford daycare and felt that allowing Cathy to continue caring for them was her only viable option. She further testified that the children stayed overnight at Cathy's home on Tuesday nights because Deanna played in a pool league. She explained that she did not want to have to wake the children up and bring them back to her house when she finished playing pool late Tuesday nights. Deanna acknowledged that she never paid Cathy for providing childcare, noting that Cathy was her partner, not her employee.

¶ 18 Deanna testified about the children's relationships with Cathy and her family. She acknowledged that Cathy took excellent care of the children, and she was "sure that they did" love her, although she did not think Cathy's relationship with K.M.S. was as warm and affectionate as her relationship with T.P.S. Asked if the children formed a close bond with Cathy's family, Deanna replied, "Of course." She testified that T.P.S. called Cathy "Mom," and she acknowledged giving Cathy birthday and Mother's Day cards from the children addressed to her as "Mom."

¶ 19 Deanna testified that after she moved out, conflicts arose between her and Cathy over the care of the children. For example, she testified that Cathy bought T.P.S. fast-food meals, took the children to the park on very hot summer days, and allowed T.P.S. to sit on her lap

while she rode a power lawn mower, all things Deanna did not want her to do. Deanna acknowledged that no harm came to the children as a result of any of these decisions. She also acknowledged that she, too, allowed T.P.S. to have fast food on occasion. Asked why she did not file her petitions to terminate the guardianships until July 2010, Deanna said that she could not afford to hire an attorney initially, and she had hoped that Deanna would "start respecting [her] wishes again."

¶ 20 As mentioned earlier, the children continued to see Cathy regularly even after Deanna filed the petitions to terminate the guardianships. Deanna acknowledged sending Cathy a text message on August 3, 2010, in which she stated: "I would never take these kids from you. That would be harmful *** to the children." She testified that she must have believed this to be true at the time or she would not have sent it.

¶ 21 Things changed, however, in October 2010. At that time, Deanna stopped bringing the children to Cathy's house. She testified that she stopped communicating with Cathy entirely at this time primarily because her attorney advised her to do so. Deanna stated repeatedly that this was her reason for not communicating with Cathy. Although she also testified that Cathy had made decisions Deanna felt were "manipulative" of T.P.S., she never specified what those decisions were.

¶ 22 Asked if she thought that she and Cathy could make decisions together regarding the children's health care and education, Deanna said no. She explained that they disagreed about whether the children should be in a public or private school and that she did not think Cathy knew who the children's current physician was or anything about their medical history since Deanna cut off communication with her in October 2010. Nevertheless, she testified that she would follow any order entered by the court, and she assumed that Cathy would do likewise.

¶ 23 Deanna testified that, subsequent to her breakup with Cathy, she became involved

with another woman, Jamie T. Deanna and Jamie entered into a civil union in September 2011, and Jamie gave birth to a son in June 2012. Deanna testified that T.P.S. and K.M.S. had a good relationship with Jamie, who considered herself to be their stepmother. Deanna considered Jamie's son to be her stepson, and neither had any plans to adopt each other's children or set up guardianships.

¶ 24 Cathy testified that she began dating Deanna in 2000. She testified that during the relationship, Deanna's family made her feel like part of the family. While they were a couple, Cathy and Deanna and the children spent time with both of their families. Cathy testified that she was the one who first suggested that they have children. They decided that Deanna would be the birth mother because she was six years younger than Cathy and had better health coverage through her employer. According to Cathy, they discussed the possibility of a breakup and decided that they would jointly parent like any divorced couple would do if that occurred. Although Cathy acknowledged that she initially did not want a second child, she testified that Deanna talked her into it.

¶ 25 Cathy's testimony regarding artificial insemination process, Deanna's pregnancies, and the births of both children was mostly consistent with Deanna's testimony. She testified that they decided to petition for a guardianship of T.P.S. on the recommendation of another same-sex couple they knew who had set up a similar guardianship for their child. They retained an attorney recommended by their friends. Contrary to Deanna, Cathy testified that they also discussed adoption, but their attorney advised them that she "had not had much success" petitioning for second-parent adoptions by same-sex couples in Williamson County. When K.M.S. was born, they did not consider adoption because they had already been advised that it was not a realistic option. Cathy's intent in setting up the guardianships was to have something as close to parental rights as possible.

¶ 26 Cathy testified that T.P.S. called her "Mom" and he called Deanna "Mommy." She

stated that he called her "Mom" because that is what Deanna called her when talking to him. She testified that he called other members of her family "Grandma Pat," "Uncle Duane," and "Aunt Treva." She testified that she loved K.M.S. as much as she loved T.P.S. and that she considered them to be her children.

¶ 27 Cathy testified that she considered herself and Deanna to be a couple even after Deanna told her she wanted to end the relationship. She explained that this was because they continued to live together, spend holidays together, and petitioned jointly for the guardianship of K.M.S. She also stated that she hoped Deanna would change her mind. However, Cathy acknowledged that she knew Deanna did not consider them to be a couple and that Deanna moved out in September 2009.

¶ 28 Cathy testified that in October 2010, Deanna told her she would no longer allow her to see the children because Cathy had retained an attorney from the American Civil Liberties Union to help her oppose Deanna's petition to terminate the guardianships. Cathy acknowledged feeling animosity towards Deanna, but testified that she would probably feel differently had Deanna not prevented her from seeing the children. Cathy testified that she believed she could work together with Deanna to make decisions for the children, and she would abide by any limitations or modifications placed on the guardianship.

¶ 29 Brian Roberts, who was appointed by the court to act as guardian *ad litem* for the two children, also testified. In making his assessment, Roberts spent time talking with both Deanna and Cathy. He also spent 45 minutes with the children in his office. He testified that Jamie T., Deanna's partner, brought the children to his office. Although he wanted to talk to them alone, they would not talk to him without Jamie present.

¶ 30 Roberts found that the children were well-adjusted. He found that they had an excellent relationship and strong bond with Cathy before Deanna stopped allowing them to see her but that they no longer remembered Cathy. He explained that he asked T.P.S. about

a dog named A.J., visiting the ducks in the park, and a friend named Derrick, all topics that Cathy had suggested to him, but T.P.S. did not remember any of them. Roberts testified that seeing Cathy or a picture of her might have rekindled T.P.S.'s memory of her. However, he was reluctant to reintroduce the children to Cathy or show T.P.S. a picture of her because he was concerned that it would be confusing to the children if they reestablished a relationship with Cathy and the court then decided to terminate the guardianships.

¶ 31 Roberts recommended that the guardianships be terminated, but he also recommended that Cathy be awarded visitation with the children. He explained that he believed that the animosity that had arisen between the parties after Deanna filed the petitions to terminate would make it difficult for them to work together to make decisions on behalf of the children. He testified, however, that the parties had previously been able to keep their conflicts with each other from the children and that he believed both Cathy and Deanna could follow any court orders related to custody or visitation. He also thought that the difficulty could be addressed by a modification of the guardianship which would give one party decision-making authority over schools or medical decisions, but he did not know if such modification was possible. (We note that neither party has requested such a modification.)

¶ 32 Roberts testified that although he did not believe the guardianships should continue, he felt that Cathy should be awarded visitation. He explained that she had functioned as a parent, and it was in the children's best interests to have two parents. He further noted that Cathy had "a strong love for the children" and that she had a strong bond with them until the time Deanna prevented her from seeing them. He believed that gradually reintroducing her to them and restoring this relationship would benefit the children.

¶ 33 Dr. Rachel Tompkins, a clinical psychologist specializing in child welfare, testified as an expert witness on behalf of Cathy. She explained that children develop deep bonds with the adults who take care of them, starting at birth. These bonds do not depend on the

adults having a biological or adoptive relationship with the infant; rather, they depend on the adult's role as a caretaker. Dr. Tompkins noted that an infant can form an attachment or bond to more than one caretaker.

¶ 34 Dr. Tompkins testified that severing a child's bonds with a caretaker can cause severe psychological—and even physical—harm. She explained that severing a child's bonds affects the child's sense of security and can impact the child's intellectual development. It can also affect levels of a stress hormone, which can adversely impact the child's physical development and well-being. She testified that it can be quite harmful to a child to lose ties to one caretaker even if ties to another caretaker remain intact, although it is more damaging if the child's ties to all caretakers are lost.

¶ 35 Dr. Tompkins opined that, generally, if a child's ties to a caretaker are cut off, it is in the child's best interests to reunite with the caretaker and reestablish the bond. She testified that this is so even if the child has been separated from the caretaker for a substantial length of time and does not remember the caretaker. Dr. Tompkins explained that the best way to do this is to gradually reintroduce the former caretaker to the child.

¶ 36 On September 18, 2012, the court entered a written order granting the petitions to terminate the guardianships. In its order, the court first considered whether Deanna had met her burden of demonstrating that a change of circumstances had occurred which justified termination of the guardianships. See 755 ILCS 5/11-14.1(b) (West 2010); *In re T.P.S.*, 2011 IL App (5th) 100617, ¶ 19, 954 N.E.2d 673. In finding that Deanna met this burden, the court noted that the relationship between the parties had ended by the time the second child, K.M.S., was born. The court also pointed to Deanna's testimony that her primary motive in setting up the guardianships was to ensure that Cathy would be able to take the children for medical appointments and that the children would remain together if anything were to happen to Deanna. The court then stated that it "was extremely obvious from the testimony,

at this point, they cannot stand each other, do not speak nor communicate, nor see each other, on any basis, other than court appearances." The court concluded that this constituted a material change in the circumstances of the children and their biological mother.

¶ 37 The court next considered whether Cathy met her burden of demonstrating by clear and convincing evidence that terminating the guardianships would not be in the best interest of the children. See 755 ILCS 5/11-14.1(b) (West 2010); *In re T.P.S.*, 2011 IL App (5th) 100617, ¶ 19, 954 N.E.2d 673. The court noted that the statute governing guardianship termination proceedings includes five factors courts should consider in making this determination. Applying those factors, the court found that (1) the children had a good relationship with Deanna's partner, Jamie (see 755 ILCS 5/11-14.1(b)(1) (West 2010)), (2) Deanna was providing the children with a safe, nurturing environment (see 755 ILCS 5/11-14.1(b)(2) (West 2010)), (3) Deanna had a secure job and a was involved in a stable relationship, and there was no evidence of instability in the home she provided the children (see 755 ILCS 5/11-14.1(b)(3) (West 2010)), and (4) the children had always lived with Deanna, had not lived with Cathy since September 2009, and appeared to be well-adjusted with that arrangement (see 755 ILCS 5/11-14.1(b)(4) (West 2010)).

¶ 38 The court noted that the relevant statute directs it to consider the nature and extent of the visitation between the children and the parent and whether the guardian would be willing and able to facilitate visitation with the parent. See 755 ILCS 5/11-14.1(b)(5) (West 2010). The court stated, however, that "the real problem in this case *** is visitation with Cathy." The court found that it lacked the authority to order visitation with Cathy, citing *Troxel v. Granville*, 530 U.S. 57 (2000). The court noted that Cathy was neither a parent nor stepparent, and stated that she was a former "paramour" who cared for Deanna's children when Deanna needed help with childcare. The court went on to find that the guardianships "must be terminated" because there was "no realistic possibility" that Cathy and Deanna

would be able to cooperate in raising the children or even communicate with each other about the children's needs. Finally, the court found that it would not be in the children's best interests to have any contact or visitation with Cathy or to "force" a relationship with her on them. This appeal followed.

¶ 39 On appeal, Cathy argues that the trial court did not apply the law correctly and that its findings were against the manifest weight of the evidence. We agree.

¶ 40 Guardianship carries with it a right to custody. 755 ILCS 5/11-13(a) (West 2010). As in all other custody matters, the primary consideration of the court must be the best interests of the children involved. *In re Estate of K.E.S.*, 347 Ill. App. 3d 452, 461, 807 N.E.2d 681, 688 (2004). The trial court is in the best position to assess the needs of the children. *In re Estate of K.E.S.*, 347 Ill. App. 3d at 461, 807 N.E.2d at 688. It therefore has great discretion in making decisions regarding guardianships. However, this discretion is not unlimited. See *In re Estate of Green*, 359 Ill. App. 3d 730, 735, 835 N.E.2d 403, 407 (2005) (noting that trial courts have broad discretion in the decision to appoint a guardian, but this discretion is not unlimited).

¶ 41 On appeal, we will reverse only if the court's findings are against the manifest weight of the evidence. *In re Estate of Green*, 359 Ill. App. 3d at 735, 835 N.E.2d at 407; *In re Estate of K.E.S.*, 347 Ill. App. 3d at 461, 807 N.E.2d at 688. A decision is against the manifest weight of the evidence if the opposite conclusion is apparent or if the court's findings are arbitrary or unreasonable or are not based on the evidence. However, we review *de novo* whether the court applied the correct legal standard. *In re Estate of K.E.S.*, 347 Ill. App. 3d at 461, 807 N.E.2d at 688.

¶ 42 As previously discussed, the guardianship termination proceedings required the trial court to make two distinct findings. We first consider the first of these findings—whether Deanna demonstrated a material change in circumstances that justified terminating the

guardianships. We agree with Cathy that the court erred in concluding that Deanna met this burden.

¶ 43 In determining that Deanna proved that a change in circumstances occurred, the court relied on two factors: (1) the fact that the parties' romantic relationship ended, and (2) the animosity that developed between them after Deanna filed a petition to terminate the guardianships and prevented Cathy from seeing the children. For the reasons that follow, we do not find either of these factors to be the type of change in circumstances that justifies terminating a guardianship.

¶ 44 The applicable statute requires a parent seeking to terminate a guardianship to demonstrate that a *material* change in circumstances has occurred. 755 ILCS 5/11-14.1(b) (West 2010). As we explained in the prior appeal in this case, the statute codified previously developed case law that required a parent to demonstrate a "significant" change in circumstances. See *In re T.P.S.*, 2011 IL App (5th) 100617, ¶¶ 15-16, 954 N.E.2d 673 (citing *In re Estate of K.E.S.*, 347 Ill. App. 3d at 462, 807 N.E.2d at 689; *In re Estate of Wadman*, 110 Ill. App. 3d 302, 305, 442 N.E.2d 333, 335 (1982)). Under that case law, the parent was required to demonstrate a change in the circumstances that led to the creation of the guardianship in the first place. *In re Estate of K.E.S.*, 347 Ill. App. 3d at 466, 807 N.E.2d at 690. In addition, because of the central importance of the children's best interests in guardianship cases, we believe that any material change in circumstances directly related to the children's best interest would also meet the parent's burden under the statute. See *In re Marriage of Fuesting*, 228 Ill. App. 3d 339, 344, 591 N.E.2d 960, 963 (1992).

¶ 45 Here, the overwhelming evidence shows that the guardianships were established to enable Cathy to share fully in the care and custody of the children. It is true that Deanna testified that she believed the guardianships were necessary so that Cathy could make medical decisions for the children if Deanna could not be reached and so that Cathy could

have custody if Deanna died. However, the petitions for the guardianships also alleged that Cathy and Deanna cared for the children on a daily basis and provided for their needs together. Moreover, as Cathy correctly notes, the orders establishing both guardianships do not limit Cathy's authority as coguardian to making medical decisions for the children, nor do they make Cathy's authority to act as guardian in any way contingent on Deanna dying or becoming unable to care for the children.

¶ 46 Deanna also testified that she never intended for Cathy to have custody or visitation if the parties' relationship ended. However, all of the evidence—including Deanna's own testimony—showed that Deanna's intent was to raise the children together as a couple. Although Cathy did not adopt the children and become their parent legally, it is clear from all the evidence that the guardianships were established to allow her to function in that role. To the extent that the trial court found that the guardianships were set up for a more limited purpose, its finding was against the manifest weight of the evidence.

¶ 47 We do not believe that the end of Cathy and Deanna's relationship constituted a material change in the circumstances that led them to establish the guardianships to achieve this broad purpose. Indeed, the evidence showed that Cathy continued to function, in essence, as a second parent even after Deanna moved out and that her relationship with the children did not change as a result of the change in her relationship with Deanna. We also note that the parties petitioned to establish the guardianship for K.M.S. several months after Deanna chose to end her relationship with Cathy. There is also nothing in the record to suggest that the change in the parties' relationship, by itself, had an adverse impact on the children's best interests. Thus, to the extent the court found this change to constitute a material change in circumstances, we find that it misinterpreted this requirement.

¶ 48 Likewise, we do not believe the animosity that developed between the parties after their relationship ended constitutes a material change in circumstances within the meaning

of the statute. The guardian *ad litem* expressed reservations about the parties' ability to make joint decisions on behalf of the children, which was the reason he recommended that the guardianships be terminated. He stated, however, that he did not know whether they would be able to work together. He also acknowledged that in the past, the parties had been able to keep their disagreements from affecting the children and that most of the animosity arose after Deanna filed the petitions to terminate.

¶ 49 Deanna also testified that she did not think she could make decisions regarding the children's welfare with Cathy. However, when asked to explain, she stated only that Cathy did not have up-to-date information about the children's medical histories or physicians and that Cathy preferred that the children attend a public school while Deanna had enrolled them in a private school. However, the record shows that both of these concerns can be addressed. Deanna provided Cathy with information relating to the children's medical care pursuant to a court order after the trial court granted Cathy's motion to stay enforcement of the order terminating the guardianships. In addition, Cathy testified that she would defer to Deanna's decision to enroll the children in a private school because she did not want to force them to adjust to a new school.

¶ 50 As previously noted, both parties testified that they would be willing to comply with any court orders. In sum, we do not believe the animosity between the parties was the type of change in circumstances that would justify terminating the guardianships. We conclude that the court erred in finding that Deanna had met her burden on this issue.

¶ 51 We likewise conclude that the court misapplied the statutory factors in assessing the best interests of the children. As a result, we find that the court reached a conclusion that was against the manifest weight of the evidence.

¶ 52 The statute provides that courts are to consider "*all* relevant factors," including those listed in the statute. (Emphasis added.) 755 ILCS 5/11-14.1(b) (West 2010). The factors

include: (1) the interaction and relationship of the children with the parent and other members of the parent's household, (2) the parent's ability to provide a safe and nurturing environment, (3) the relative stability of the parties and the children, (4) the children's adjustment to their home, school, and community, including the length of time they have lived with the parent and with the guardian, and (5) the extent of the children's visitation with their parent and the willingness of the guardian to facilitate such visitation. 755 ILCS 5/11-14.1(b) (West 2010). We find that the court's analysis of some of these factors was incomplete, and the analysis as a whole overlooked the statute's mandate to consider all relevant factors.

¶ 53 With respect to the first two statutory factors, the court found that the children had an excellent relationship with Deanna and her partner, Jamie, and that Deanna was providing them with a safe and nurturing environment. These findings are supported by the evidence, and Cathy does not dispute them.

¶ 54 With respect to the third and fourth statutory factors, the court found that Deanna provided the children with a stable environment, that they were well-adjusted, and that they had always lived with Deanna but had not lived with Cathy since September 2009. These findings, likewise, are supported by the record. However, they leave out important details the statute expressly directs courts to consider. The statute specifically directs courts to consider the relative stability of *both* parties. 755 ILCS 5/11-14.1(b)(3) (West 2010). Here, the court considered only Deanna's stability, not Cathy's. The overwhelming evidence in this case shows that both Cathy and Deanna offer the children stability in their environment and relationships. In addition, the statute directs courts to consider the children's adjustment to their home, school, and community, including the amount of time they have lived both with the parent and with the guardian. 755 ILCS 5/11-14.1(b)(4) (West 2010). Here, the court failed to consider the length of time the children lived with Cathy or the fact that, even after

Deanna moved out with the children, they continued to spend a substantial amount of time with her, at least for the first 10 months.

¶ 55 The final statutory factor is the nature and extent of visitation between the parent and the children and the willingness and ability of the guardian to facilitate such visitation if the guardianship is continued. 755 ILCS 5/11-14.1(b)(5) (West 2010). As discussed previously, the court found that the real issue was visitation with Cathy and proceeded to determine whether that would be in the children's best interests. We note that the issue of temporary visitation was put before the court in this matter. Cathy filed a motion requesting visitation along with a request to stay the orders terminating the guardianships pending our decision in this appeal. The trial court granted the motion to stay the termination order and denied the request for visitation. However, as we stated earlier, we believe that the issue of permanent visitation would be best addressed in the proceedings on Cathy's separate petition involving custody and visitation. Thus, we do not believe the court's consideration of visitation with Cathy was appropriate.

¶ 56 We also find, however, that under the facts of this case, whether Cathy is willing and able to facilitate visitation with Deanna is not a relevant factor because Deanna will continue to have custody if the guardianships are continued. Thus, we do not believe that the court erred in failing to address this factor.

¶ 57 Finally, we find that the court's analysis overlooked relevant factors that are unique to this case. The court did not consider the overwhelming evidence that it was in the best interests of the two children to maintain their relationships with Cathy and her family, nor did it consider the fact that continuing the guardianships would not interfere with the important bonds the children had with Deanna and her family. Cathy, Deanna, and the guardian *ad litem* all testified that Cathy had a warm, nurturing relationship with the children and that the children also had close bonds with her family. The guardian *ad litem* testified

that restoring these relationships would be in the children's best interests. Because the court overlooked important considerations in assessing the children's best interests, its findings were incomplete and its ultimate conclusion was against the manifest weight of the evidence.

¶ 58 For the foregoing reasons, we reverse the order of the court and remand for further proceedings.

¶ 59 Reversed and remanded for further proceedings.