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2019 IL App (5th) 180435-U

NO. 5-18-0435

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

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).

<i>In re</i> MARRIAGE OF)	Appeal from the
)	Circuit Court of
TERESA LEANN NOLEN,)	Franklin County.
)	
Petitioner-Appellee,)	
)	
and)	No. 16-D-130
)	
WILLIAM ROY NOLEN,)	Honorable
)	Eric J. Dirnbeck,
Respondent-Appellant.)	Judge, presiding.

JUSTICE CHAPMAN delivered the judgment of the court.
Justices Cates and Barberis concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's finding that a restriction on parenting time was warranted due to conduct that seriously endangered the child's emotional development was against the manifest weight of the evidence where there was no evidence of serious endangerment and it appeared that the real basis for the restriction was the court's reluctance to enforce parenting time against the wishes of the child.

¶ 2 The respondent father appeals an order of the trial court suspending his parenting time with his 13-year-old daughter after finding this restriction necessary due to conduct that seriously endangered her emotional development. He argues that (1) the court's finding of serious endangerment was against the manifest weight of the evidence and

(2) the court abused its discretion in suspending his parenting time because it gave too much weight to the child's expressed desire not to be bound by a structured schedule of parenting time. We reverse.

¶ 3

I. BACKGROUND

¶ 4 The respondent, William Nolen (Bill), and the petitioner, Teresa Nolen, were married in 1992. They have four daughters together. Only their youngest daughter, Samantha, is still a minor.

¶ 5 In April 2016, the parties separated. Prior to filing for dissolution of marriage, Teresa obtained an order of protection against Bill. On July 19, 2016, Teresa filed a petition for dissolution. Bill filed a counterpetition for dissolution on July 27. We note that the court has not yet entered an order dissolving the parties' marriage. This appeal, therefore, involves a temporary parenting order.

¶ 6 On August 3, 2016, the court entered a temporary order setting forth the parties' agreement on parenting time. At that time, the parties' third child, McKenzie, was 16 years old and Samantha, the child at issue in this appeal, was 11. The order dissolved the prior order of protection, but it provided that the parties were to have no contact with each other, including through third parties or through electronic means. The order further provided that both of the minor children would continue to live with Teresa in the marital home. It provided that Bill's parenting time would be every other weekend from 6 p.m. on Friday to 6 p.m. on Sunday, and every Wednesday from 4 to 8 p.m. The order provided that Bill was to ensure that the children attend all extracurricular activities during his parenting time. Because Bill lived with his parents, Roy and Zina, his

parenting time generally took place at their home. The order provided that Roy and Zina were to provide transportation to and from their home for Bill's parenting time.

¶ 7 The order was to be supplemented by a written agreement, but no such agreement was ever submitted, and both parties assert that they agreed to provisions that were not included in the order. Both parties testified that they agreed to a "right of first refusal." In addition, according to Teresa, the parties adjusted the schedule in order to allow the girls to spend time with both families on holidays, which were not addressed in the schedule. They also adjusted the schedule in order to accommodate the girls' extracurricular activities. In the case of Samantha, this typically meant that if she had an extracurricular activity or social event on Wednesday, Bill's parenting time would be moved to Tuesday or Thursday.

¶ 8 On June 5, 2018, Bill and Samantha had an argument after Samantha sent him a text asking to reschedule his Wednesday parenting time to Thursday so she could go to practice for a travel ball tournament. Bill responded to Samantha's text by stating that he could take her to the practice. Samantha responded, noting that her mother said she would drive her because the practice was in Carmi. (We note that Samantha ultimately arranged to ride to the practice with the mother and grandmother of one of her friends.) Samantha also told Bill that she wanted to see him on Thursday instead so she could spend more time with him than she would if they spent most of the evening at her practice. Bill replied with a text telling Samantha that he likes taking her to practice. He acknowledges that he wrote in the text, "Only reason I can see is you don't want me to take you to the

game this weekend." Samantha responded, "You can come to the game." Bill acknowledges that during the exchange that followed, he sent Samantha a text saying,

"You don't even have to come see me again. I'm done. Just stay with your mom. I'm not shoved to the side. The shit I gave up to try to get more time with you. You have fun at practice, babe. You won because I won't be trading anymore. You let me down. Do travel ball on Mom's time, not mine."

Bill further acknowledges that he told Samantha that she chose which parent she loved, and it was not him. After this argument, Samantha began refusing to attend parenting time with Bill.

¶ 9 On June 19, 2018, Bill filed a petition seeking to enforce parenting time and to modify the current parenting order. Attached to his petition was an affidavit in which he described the text message exchange with Samantha we have just discussed. He alleged in his petition that Teresa interfered with his parenting time, using the June 5 argument as a pretext. He further alleged that there had been a substantial change in circumstances because Teresa, previously a stay-home mother, was now working. Bill requested that the court modify the parenting schedule to increase his parenting time, enforce his parenting time, and hold Teresa in contempt of court "if she continues to interfere" with his parenting time.

¶ 10 On June 21, 2018, Teresa filed her own petition to modify parenting time. She alleged that Samantha raised several concerns with her about the time she spent with her father. Specifically, Teresa alleged that Samantha told her that Bill reacted angrily to her communications with him, disparaged Teresa and her family in front of her, and sent her

text messages during Teresa's parenting time telling her about fun activities going on at his house that she could be joining in if she were there. Teresa also pointed to the text message exchange of June 5 described in Bill's affidavit. She alleged that Bill's conduct seriously endangered Samantha's mental health and impaired her emotional development. She further alleged that Samantha was refusing to participate in parenting time. Teresa requested a suspension of Bill's parenting time.

¶ 11 On July 11, 2018, the matter came before the court for a hearing. Teresa testified that she had been a stay-at-home mother for 17 years, but she had recently started working at Samantha's school part-time. At the time of the hearing, the parties' two youngest daughters, 13-year-old Samantha and 18-year-old McKenzie, lived with Teresa.

¶ 12 Teresa testified that prior to the parties' separation, there were "occasionally" incidents of domestic violence in the home. She explained that most of these incidents involved pushing and name-calling. She described one more serious incident that occurred in December 2015. She testified that Bill came home from work in a bad mood. He then left the house for a while. On his way home, he called Teresa "screaming and having a fit on the phone." When he arrived home, the windshield of his car was broken because he had thrown his phone against it. The parties argued when Bill came into the house. According to Teresa, McKenzie tried to get between the parties, but Bill pushed her to the sofa, and he then punched Teresa in the mouth. Teresa decided to leave the house with both girls, but she could not find Samantha. She found Samantha hiding in a shower stall in the laundry room. Teresa testified that Bill confronted her in the laundry

room, held her against the washing machine, and started choking her. She emphasized that this took place in the presence of Samantha.

¶ 13 Teresa described another incident that took place in April 2016, although her testimony was not as detailed as her testimony describing the December incident. She testified that Bill came home in "the same kind of mood" he was in when the December incident occurred. She further testified that he tried to physically block her from driving away. Teresa testified that after this incident, she decided to end the marriage.

¶ 14 Teresa also described a third incident. This incident took place after the parties separated. Teresa testified that after an argument, Bill yelled and refused to leave. He sat in a kitchen chair and held Samantha against him even though she was "kicking and screaming and yelling."

¶ 15 Teresa testified about Bill's conduct after the separation and the effect it had on Samantha. She described the text message exchange that took place between Bill and Samantha on June 5, 2018, and she testified that this exchange was not unusual. She stated that Bill had similar exchanges with Samantha on other occasions. She also noted that Bill sent similar messages to their three grown daughters as well.

¶ 16 Teresa testified that Samantha was sometimes upset after parenting time with Bill because Bill insulted Teresa and told Samantha that he hated Teresa's family. She read a text message Bill sent to Samantha on this theme. In it, Bill wrote, "Did you know Grandpa Dale is a convicted perv? Never mind. How was school? I love you."

¶ 17 Teresa testified that even before the June 5 incident, Samantha was sometimes reluctant to visit her father for parenting time. Asked to describe Samantha's behavior,

Teresa testified that she appeared anxious and indicated that she did not know what kind of mood her father would be in when she got to his house. She further testified that after some visits with Bill, Samantha would go into her room and "shut everybody out for a while."

¶ 18 Teresa testified that after the June 5 incident, Samantha refused to go to scheduled parenting time with Bill. There was one exception. Teresa explained that Samantha and her older sister, Kelsey, visited their father together and went swimming. Teresa acknowledged that the visit went well, but noted that Samantha believed that this was because Kelsey was with her.

¶ 19 Teresa testified that Samantha had been in counseling for the past two years. She noted that Samantha's counselor was helping her learn how to communicate better with her father.

¶ 20 Teresa acknowledged that Bill had never missed scheduled parenting time. She testified that both parties had agreed to change the schedule at times to accommodate holidays, family events, and Samantha's activities. She acknowledged that as a result of the court's order prohibiting contact between her and Bill, Samantha was responsible for communicating with Bill about these schedule changes. Teresa noted that Samantha knew her activity schedule "probably better than anybody." Teresa suggested that in the future, the parties might be able to alleviate the problem by setting up an online Google calendar with all of Samantha's scheduled activities.

¶ 21 Bill likewise testified that the parties had rescheduled his parenting time with Samantha to accommodate her extracurricular activities many times in the past. He

testified that Samantha usually sent a text notifying him of the change an hour or two before his parents were scheduled to pick her up. When asked why he believed such flexibility was no longer possible, Bill replied, "I ain't saying it's not. But they take advantage of us at times." He further testified that he wanted to modify the order to give him more parenting time with Samantha. He believed this would improve their relationship.

¶ 22 Bill acknowledged that during the June 5 dispute, he sent Samantha a text telling her that she "chose" Teresa over him, and he acknowledged that he should not have said this. He also acknowledged that Teresa's account of their marriage was at least partly true. According to Bill, the couple had "a lot of problems." He alleged that the house was "trashed all the time" and that Teresa regularly hit him. He admits that he "handled it the wrong way," but he insisted that his response was never physical. When asked about the December 2015 incident, Bill stated, "I remember us getting into it on the phone on the way home." He testified that Teresa hit him and pushed his head down. He admits that he punched her in response, but said that he could not see where he struck her because she was holding his head down at the time. He also admitted to holding Teresa against the washing machine "because she was swinging" at him, but he denied trying to choke her.

¶ 23 Bill's parents, Zina and Roy Nolen, also testified at the hearing. Because Bill lived with his parents after separating from Teresa, his parenting time took place at their home, and they were nearly always present. Both Zina and Roy testified that Bill had a good relationship with Samantha, and both testified that they had never heard him say anything negative about Teresa in front of her. Zina added, "We don't really talk about Teresa."

Zina confirmed Bill's testimony that last-minute changes to the parenting time schedule were common. She noted that they happened "constantly."

¶ 24 At the end of the hearing, the court told the parties that it was going to make the following modifications to the temporary parenting order: Bill would now be responsible for providing transportation for parenting time, and the exchanges would take place at the sheriff's department. Teresa and Bill would be permitted to communicate by email concerning Samantha's schedule. These communications would take place using a system that would keep records of their email exchanges, and their communications would be limited to discussions of Samantha's schedule. In addition, the right of first refusal would be eliminated.

¶ 25 The court went on to note that it had to make a decision on how to address Samantha's "issues with going right now to see her father." The court encouraged the parties to set up a Google calendar, as Teresa had suggested. The court also noted that the fact that Bill was living with his parents gave it "significant assurances" that Samantha would not be exposed to anything the court was "particularly concerned about." The court explained, "I don't think they would ever allow anything to happen to Samantha. And, frankly, I haven't heard any reason to be concerned about her personal physical safety when she's with her dad. So whatever there is, it is simply an interpersonal relationship." The court told the parties that it would not decide whether to change the parenting time schedule until hearing from Samantha.

¶ 26 On July 19, 2018, the court entered a written order setting forth the modifications it announced at the end of the July 11 hearing. On the same day, the court interviewed

Samantha. Samantha told the court that she was going into eighth grade at school, and she was involved in a lot of sports—softball, volleyball, cheerleading, and trap shooting. Asked if she had a favorite, she replied, "Not really." She explained that she loved all of her activities. She added, "I have finally gotten used to balancing everything with school." She told the court she did not want to give up any of her activities.

¶ 27 Asked about her life at her mother's house, Samantha told the court that she liked living with her mother. She noted that her sister was home most of the time and that she had her pets "and everything [she] love[d]" at her mother's house. Asked if she felt there was any physical danger at her father's house, Samantha replied, "Oh no. Not like hitting or something else."

¶ 28 The court then asked Samantha to talk about the issues she was having with her father. Samantha told the court that she loves her father, but feels that she needs a break from seeing him. She gave her account of the June 5 incident. She explained that she wanted to go to practice with her friend, Kamree. Kamree's mother and grandmother were going to take them. The practice was scheduled during her father's parenting time, so Samantha asked him if she could reschedule their time. She felt that he overreacted. Samantha told the court that this was not the first time her father overreacted to something. She explained that overreacting was a part of her father's personality. But she noted that "some days he's fine, some days he's not."

¶ 29 Samantha told the court that the June 5 incident was "the straw that broke the camel's back," but the problem had been "basically kind of building up through the years." She felt that she needed a break from seeing her father because she wanted him to

realize that when he says things to her like, "You can just stay with your mom," she sees it as something hurtful rather than "just, like a persuasion." She then told the court that it was hard for her to explain. The court asked if she was trying to say that she felt like her father was trying to manipulate her and she wanted to call his bluff. Samantha said, "Yes."

¶ 30 Asked what type of schedule she would like if she could choose, Samantha told the court she would want something "super flexible" that would allow her to see her father whenever she wanted to do so. Asked if she would be more comfortable with supervised visits, Samantha said that she did not think that arrangement would work. She explained that her father had "the power of his words," and he would use that power to convince people to allow him to have one-on-one time with her even if his visits were supposed to be supervised.

¶ 31 At the end of the interview, the court told Samantha that she seemed to be very mature. Samantha indicated that being seen as mature was very important to her. The court directed counsel for both parties to submit written arguments, and took the matter under advisement.

¶ 32 On August 29, 2018, the court entered a docket order stating as follows:

"The court finds that petitioner has proven by a preponderance of the evidence that respondent's behavior significantly impaired the child's emotional development. Accordingly, the court hereby temporarily suspends respondent's parenting time. The court will, from time to time, reconsider said supervision, and the court suggests to respondent that his willingness to initiate counseling for himself and

participate in counseling with the child will have a significant impact on the court's future determinations on this matter."

This appeal followed.

¶ 33

II. ANALYSIS

¶ 34 Trial courts have broad discretion in deciding issues related to parenting time. *In re Marriage of Mayes*, 2018 IL App (4th) 180149, ¶ 57. As in all matters that have an impact on children, the court must make its decision according to the best interests of the child, the standard long recognized by Illinois courts as the "guiding star" in all such decisions. *In re Parentage of J.W.*, 2013 IL 114817, ¶ 41. Because the trial court is in a better position than this court to evaluate the evidence and to determine the best interests of the child involved, "there is a strong and compelling presumption" that the court reached the right result. *In re Marriage of Agers*, 2013 IL App (5th) 120375, ¶ 25. However, there is also a compelling presumption that it is in a child's best interest to maintain a meaningful relationship with both of her parents following the dissolution of their marriage. *J.W.*, 2013 IL 114807, ¶ 45. To that end, it is presumed that reasonable parenting time with both parents is in the child's best interest. *Id.* ¶ 43.

¶ 35 In spite of the presumption in favor of reasonable parenting time for both parents, the Illinois Marriage and Dissolution of Marriage Act (Dissolution Act) authorizes trial courts to place restrictions on parenting time and/or parental responsibility. A court may order such restrictions only if it finds that the parent has engaged in "conduct that seriously endangered the child's mental, moral, or physical health or that significantly impaired the child's emotional development." 750 ILCS 5/603.10(a) (West 2016). The

"serious endangerment" standard is an onerous burden (*Mayes*, 2018 IL App (4th) 180149, ¶ 56), and the parent seeking to restrict parenting time has the burden of proving by a preponderance of the evidence that the other parent's conduct seriously endangered the child (*In re Marriage of Diehl*, 221 Ill. App. 3d 410, 429 (1991)).

¶ 36 Deciding to restrict parenting time under section 603.10 of the Dissolution Act is a two-step process. *Mayes*, 2018 IL App (4th) 180149, ¶ 58. The first step requires the trial court to make a factual determination that the parent's conduct has seriously endangered the child. *Id.* On appeal, we consider whether the court's determination was against the manifest weight of the evidence. *Id.* ¶ 59. The second step requires the trial court to determine what type of restriction is appropriate to protect the child. *Id.* ¶ 58. This decision requires the court to exercise its considerable discretion, and we will reverse its decision to impose a particular restriction only if we find that the court has abused its discretion. *Id.* ¶ 61.

¶ 37 Bill argues that the court's finding that a restriction was necessary because his behavior seriously endangered Samantha's emotional development was against the manifest weight of the evidence. We agree.

¶ 38 We first note that the court ordered that Bill's parenting time be completely suspended in a docket entry that contained no findings of specific facts. It is therefore impossible for this court to discern what facts the court relied upon in finding that a restriction was warranted due to serious endangerment. Bill acknowledges that the record contains some evidence of inappropriate conduct on his part, but he argues that this evidence was insufficient to meet the onerous "serious endangerment" standard. He also

argues that the trial judge was improperly influenced by his reticence to enforce parenting time against the wishes of a child. We agree.

¶ 39 We first consider the weight of the evidence. As we have just noted, the record does contain evidence that some of Bill's conduct towards Samantha was inappropriate. Uncontroverted evidence showed that he reacted angrily to Samantha's last-minute request to reschedule his Wednesday parenting time in June 2018. Samantha felt that his response was manipulative. Bill acknowledged that he sent the texts in question, and he also acknowledged that he should not have done so. Both Teresa and Samantha stated that the text exchange was not an isolated incident. Teresa testified that similar exchanges occurred at other times, but offered no specific examples. Samantha similarly told the court that overreacting to things that upset him was part of her father's personality, but she, too, offered no examples. It is also worth noting that Samantha's main concern appeared to be her desire to have the freedom to decide when she would spend time with her father.

¶ 40 In addition, although not emphasized by either party, the record contained some evidence that Bill disparaged Teresa and members of her family in front of Samantha. Teresa testified that Samantha told her that Bill said negative things about Teresa and her family during parenting time. She further testified that he sent Samantha a text informing her that her grandfather was a "convicted perv." We note, however, that during a lengthy *in camera* interview, Samantha never mentioned that her father disparaged her mother. We also note that both Roy and Zina Nolen testified that they never heard Bill speak negatively about Teresa in front of Samantha. The court's docket entry does not contain

any credibility findings, so there is no way to know how the court resolved this conflict in the evidence.

¶ 41 Finally, as Teresa emphasizes, there was evidence of at least one episode of domestic violence. Bill acknowledges that the December 2015 incident occurred, although he disputes Teresa's account of the incident. It is worth noting, however, that both Teresa and Samantha explicitly stated that they had no concerns about Samantha's physical safety during Bill's parenting time. The court, too, stated on the record that it had no concerns about Samantha's physical safety after hearing the parties' testimony concerning these incidents.

¶ 42 Considering the evidence in its totality, we do not believe it was sufficient to support a finding of serious endangerment. This case stands in stark contrast to other cases in which courts have found that a restriction on parenting time was necessary. For example, in *Mayes*, there was evidence that the father responded to disagreements with his children by using profanity, disparaging their mother, and "threatening dangerous punishment, such as having his 15-year-old daughter exit his vehicle on the ramp to the interstate and walk home." *Mayes*, 2018 IL App (4th) 180149, ¶ 60. Witnesses described multiple incidents in which the father was unable to control his anger (*id.* ¶¶ 21-48), including one incident in which the police were called (*id.* ¶ 37). Another incident involved a heated argument in a hotel room that "lasted a few hours" (*id.* ¶ 31) and resulted in hotel security being called to the room (*id.* ¶ 29). The trial court found that the father's conduct took "a significant emotional and mental toll" on his two children, and the appellate court found that the evidence was sufficient to meet the serious

endangerment standard. *Id.* ¶ 60. In *In re Marriage of Ashby*, the trial court found that the father had sexually abused his two-year-old daughter, and the appellate court found the evidence sufficient to support this finding. *In re Marriage of Ashby*, 193 Ill. App. 3d 366, 377 (1990). The appellate court also upheld the trial court's determination that the abuse seriously endangered the child. *Id.* at 378.

¶ 43 We recognize that every case is different, and each case must be decided on its own unique set of facts. We also recognize that courts have an obligation to consider a child's emotional well-being whether or not their physical well-being is at risk. See 750 ILCS 5/603.10(a) (West 2016) (expressly providing that restrictions are appropriate if a parent seriously endangers the child's mental health or emotional development). However, we find that these cases are illustrative of the type of serious conduct that typically supports a finding of serious endangerment. The conduct at issue in this case was nowhere near as egregious as that involved in *Mayes* or *Ashby*.

¶ 44 Moreover, we agree with Bill's contention that the court's decision appeared to be grounded largely in the court's belief that a child should not be forced to attend parenting time against her wishes. We recognize that a party must do more than merely assert that the court based its decision on improper factors in order to overcome the presumption that the court knew and followed the law. *In re Marriage of Whitehead*, 2018 IL App (5th) 170380, ¶ 16 (quoting *In re Custody of G.L.*, 2017 IL App (1st) 163171, ¶ 44). In this case, we believe the record supports Bill's assertion.

¶ 45 We reach this conclusion for two reasons. First, the court stated multiple times that it did not want to force an unwilling child to attend parenting time. Second, as we have

already discussed, the court did not find it necessary to restrict Bill's parenting time until after interviewing Samantha. Yet nothing Samantha said during the interview raised the type of concerns that ordinarily lead to a finding of serious endangerment.

¶ 46 Samantha told the court that she wanted to take a break from seeing her father to "call his bluff" after he told her that she could just stay with her mother during an argument. She also told the court that she wanted to visit her father whenever she chose to do so rather than being bound by a schedule of any kind. After noting that her requests to reschedule parenting time were the main reason she argued with her father, Samantha told the court, "So that's why I don't want to get into a real schedule even if it is flexible because that's basically how this is all happening because of that."

¶ 47 Equally significant is what Samantha did *not* tell the court. Unlike Teresa, she did not tell the court that Bill engaged in any type of physical abuse or that he disparaged Teresa. Even after the court asked if there was anything else she thought the court should know, Samantha gave no indication that any serious problems occurred during parenting time with Bill. It is thus difficult to reach any conclusion other than that the court was ultimately swayed by Samantha's expressed desire to decide when or if she would visit her father.

¶ 48 We note that although our discussion thus far has focused on the question of serious endangerment, the court was also asked to consider whether other modifications of the parenting order were appropriate, an issue it will need to address on remand. In this regard, we note that it was not error for the court to interview Samantha before making its decision, and on remand, it will not be unreasonable if the court gives at least *some*

consideration to Samantha's wishes. Indeed, the preference of a child is a statutory factor courts may consider in deciding how to allocate parenting time. See 750 ILCS 5/602.7(b)(2) (West 2016). Whether to interview a child to ascertain her preference is a matter within the court's discretion. *Agers*, 2013 IL App (5th) 120375, ¶ 24. However, parenting time is not ultimately an issue left to the child's discretion. *In re Marriage of Charous*, 368 Ill. App. 3d 99, 111-12 (2006). Moreover, this case also involved the question of whether the court should take the unusual step of restricting Bill's parenting time due to conduct that seriously endangered Samantha's mental health or emotional development. See *In re Marriage of Lombaer*, 200 Ill. App. 3d 712, 724 (1990) (calling this an "extraordinary finding"). As we have discussed, nothing Samantha said during her *in camera* interview supports this finding. We conclude that the court's finding of serious endangerment was against the manifest weight of the evidence.

¶ 49 In light of this conclusion, we need not consider whether the court abused its discretion by suspending Bill's parenting time rather than choosing a different restriction. We also note that although he did argue at oral argument that the court abused its discretion by not imposing a less onerous restriction, he argues in his brief only that the court abused its discretion by giving too much weight to Samantha's refusal to attend parenting time. See Ill. S. Ct. R. 341(h)(7) (eff. May 25, 2018) (providing that issues not raised in an appellant's brief are forfeited).

¶ 50 Because we reverse the court's finding that Bill's conduct seriously endangered Samantha's emotional development and its decision to suspend Bill's parenting time, we must remand this matter to the court to consider whether the parenting schedule should be

modified. The court will also have to determine what sort of permanent parenting schedule to include in the dissolution order. In its July 19 order, the court made modifications to the original parenting order that might alleviate some of the conflicts that have arisen due to the parties' willingness to reschedule Bill's Wednesday night parenting time in the past. On remand, the court should consider whether any additional changes might likewise alleviate some of these tensions. For example, the court might order the parties to adhere to the schedule without even agreed-to schedule changes, or it might instead order the parties to provide some specified amount of advance notice any time they wish to reschedule parenting time. The court might modify the schedule to address holidays, birthdays, and family vacations so that fewer schedule changes occur.

¶ 51 We emphasize that determining the most appropriate parenting schedule is a matter within the trial court's discretion. *Mayes*, 2018 IL App (4th) 180149, ¶ 57. In exercising its discretion, however, the court must remain cognizant of this state's "strong public policy" in favor of preserving the relationships between parents and children after dissolution of marriage. *Ashby*, 193 Ill. App. 3d at 378.

¶ 52

III. CONCLUSION

¶ 53 For the foregoing reasons, we reverse the trial court's order and remand for further proceedings consistent with this decision.

¶ 54 Reversed; remanded for further proceedings.