2015 IL App (2d) 150020-U
No. 2-15-0020
Order filed June 12, 2015

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re MARRIAGE OF MICHAEL GEIGER, Petitioner-Appellee, and LAURIE ANN GEIGER, Respondent-Appellant.	))))))))))	Appeal from the Circuit Court of Du Page County. No. 08-MR-1027 Honorable Neal W. Cerne, Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Presiding Justice Schostok and Justice Burke concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's decision to change the children's residence was not against the manifest weight of the evidence; the trial court's denial of respondent's petition for contribution to attorney fees was not an abuse of discretion; the court's decision to terminate petitioner's child support obligation was not an abuse of discretion.

¶ 2 Respondent, Laurie Ann Geiger, appeals from three orders of the circuit court of Du Page County: the July 7, 2014, order designating petitioner, Michael Geiger, as the residential parent of the parties' three minor children; the November 5, 2014, order denying respondent's petition for contribution to attorney fees; and the December 8, 2014, order granting petitioner's petition

to modify child support. Initially, we note that this appeal was accelerated under Supreme Court Rule 311(a) (eff. Feb; 26, 2010). Pursuant to Rule 311(a), the appellate court must, except for good cause shown, issue its decision within 150 days of the filing of the notice of appeal. Ill. S. Ct. R. 311(a)(5) (eff. Feb. 26, 2010). Respondent filed the notice of appeal on January 6, 2015. On March 3, 2015, she filed a brief in excess of the page limitation without leave of court, and this court granted without prejudice petitioner's motion to strike the brief on March 26, 2015. Also on March 26, 2015, we gave respondent a 37-day extension, until April 9, 2015, to file a compliant appellant's brief. Consequently, we find good cause for this decision to be issued after the time frame mandated by Supreme Court Rule 311(a) (eff. Feb. 26, 2010). For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 We recite the facts generally applicable to the issues. We will supplement the analysis with additional facts where necessary. The parties were married on December 16, 1999. During the marriage, three children were born: Ava, born December 20, 1999; Michael, born July 25, 2003; and Patrick, born November 30, 2004. The parties were divorced on September 12, 2007. Although the judgment of dissolution contained a marital settlement agreement, the marital settlement agreement did not contain a joint parenting agreement. Nevertheless, at the prove-up of the dissolution, the parties testified that they agreed to a joint parenting arrangement with respondent as the primary residential parent.

¶ 5 On June 6, 2013, petitioner filed a petition to modify custody. He alleged a change in circumstances in that respondent had resided in numerous residences, had failed on numerous occasions to deliver the children to school on time, had changed employment so that petitioner had become the *de facto* residential parent, had another child out of wedlock, and had been

involved with domestic issues with the new child's father. Petitioner concluded that it was in the children's best interests that he be awarded residential care and custody.

¶ 6 The trial court heard the following evidence at trial. Petitioner was a 23-year veteran patrol officer with the Naperville, Illinois police. He lived in a four-bedroom, two-bathroom ranch home with a fully furnished basement. He had rented the house for the past five years with an option to buy it. Following the marriage's dissolution, the parties adopted a parenting schedule based on petitioner's work schedule. The children stayed with petitioner on his days off, three or four days a week. The boys stayed upstairs in a bedroom with bunk beds, and Ava had her own bedroom and bathroom downstairs. The children attended a Catholic parochial school nearby. Petitioner testified that after respondent took a job as an airline attendant, his parenting time significantly increased.

¶ 7 Regarding the parties' situation at the time of trial, the evidence showed as follows. On the days that petitioner has residential parenting time, his fiancée, Donna Schultz, and her son Sam stay with them. According to petitioner, they all function as a family, with Donna assisting the children to get ready for school. Donna testified that she wakes the children at 6 a.m. and makes breakfast. Then she and Sam go to their home, and petitioner comes home from his patrol duties at 6:30 a.m. and takes the children to school. Petitioner washes the children's school uniforms the night before, and their school clothes are laid out for them in the mornings.

¶ 8 One of petitioner's concerns was that the children were chronically tardy for school when they were with respondent. He kept records that showed that the children were tardy 97% of the time. Respondent blamed the children for being slow in the mornings. However, according to petitioner, when the children are with him, they have no trouble getting to school on time. Petitioner was also concerned because respondent did not give the children breakfast but took

them to McDonald's. Petitioner testified that he assisted the children with their homework, whereas the homework was not being completed when they stayed with respondent. Patrick told petitioner that respondent never studies with him. Another concern that petitioner voiced was that respondent failed to register the children for their First Communion. Still another concern was that respondent had 11 different residences after the divorce. Yet another of petitioner's concerns was that respondent was in a relationship with her new daughter's father, Nick, which involved allegations of abuse, and petitioner was disturbed that the children were alone with Nick.

¶ 9 Josette Allen, the children's GAL, testified that respondent considered the change-of-custody process "nonsense." Respondent felt that the legal system was against her. Allen testified that after respondent had a meeting with her, respondent told the children that petitioner wanted to take them away from her. Then respondent told the children that she "didn't want the fucking kids." The boys were crying, but Ava was not. Ava told respondent that she did not want to live with her, whereupon respondent struck Ava in the face and kicked her out of the house.

¶ 10 According to Allen, respondent was not receptive to talking about things like getting the children to school on time. Respondent claimed that the congestion of vehicles at the school in the mornings caused the children to be late. However, the children had told Allen that respondent woke them at 7 a.m. While respondent stayed in bed, the children had difficulty finding socks and other apparel. Laundry was throughout the house. There was no food in the house, so respondent stopped at McDonald's for breakfast. With respect to homework, the children related to Allen that respondent had no computer, no wifi, and no work table. Michael had to hide a pencil so that he could later locate it among the jumble in the house. An i Pad went

missing. The boys did not have beds so they slept in respondent's room, while respondent slept with her new daughter.

¶ 11 Of particular concern to Allen was that respondent lied to her. Respondent told Allen that the school had changed its schedule and started later in the mornings, but when Allen checked, the school denied any change in start time.

¶ 12 Allen testified that petitioner's parenting style is "loving but firm," and respondent's parenting style is "loving and caring." She testified that petitioner could appear to be overbearing. Both Ava and Michael expressed a desire to live with petitioner. Because of Patrick's age, Allen did not solicit his input.

¶ 13 Christine Corbett testified that she taught each of the children in first grade. She could not tell which parent had the children during the week based on the children's behavior. For instance, Patrick's behavior was always consistent. According to Corbett, respondent worked in the school lunch room and was a "reading mom," meaning that she assisted with reading in the classroom. Respondent was always loving and supportive with the children. Corbett testified that the children were more tardy than most and that the majority of children were on time on a daily basis. However, in first grade, the only things that happened first thing in the morning were the pledge of allegiance and a prayer with the principal.

¶ 14 Respondent testified that the change-of-custody proceedings were disruptive for the whole family. Specifically, Ava plays both sides and is manipulative. Respondent testified that Ava's behavior is characterized by "manipulation, hostility, sneakiness, [and] lies." Nevertheless, according to respondent, she does not back off her rules or expectations. Respondent believes that the children are being "divided and conquered."

¶ 15 According to respondent, she lives in a "big mansion." She described the house as a "nice split level" with three bedrooms, two full bathrooms, a living room, dining room, family room, and large sun room. Respondent has a bedroom, her new daughter has a bedroom, and Ava has a bedroom. The family room was converted into a bedroom for the boys. Respondent testified that the boys have beds. Originally, their beds had wooden frames, but those were replaced with metal frames because of wear and tear. She described the neighborhood as being full of children and nice and safe.

¶ 16 Respondent testified that Ava is an honor student, although her grades have slipped. She described Michael as "wonderful, perfect" and "self-disciplined," but she also said that Michael fibs. She described Patrick as "laid back," which is how he approaches his studies. Respondent testified that she is waiting for Patrick to mature out of his "I-hate-school" phase. Respondent blamed petitioner's spanking with a hairbrush for Patrick's low academic performance. After an order was entered prohibiting petitioner from punishing with a hairbrush, Patrick's self esteem rose and his grades improved. Respondent helps Patrick with his homework. The children have access to technology. Ava's i Pad disappeared after respondent gave it to petitioner. According to respondent, Ava had been accessing inappropriate social media sites.

¶ 17 Respondent encountered no problems with the school regarding the children's tardiness. She testified that she found out about the tardiness only from looking at their report cards. She believed that the tardiness occurred on petitioner's days with the children. Ava recently was tardy, because she did not walk into the school as fast as Patrick, who was on time. Also, respondent added, there was a lot of traffic congestion in front of the school in the mornings.

¶ 18 Respondent testified that she volunteered at the children's school. Up until the market collapse in 2007 and 2008, she worked as a real estate agent. Then, in 2011, she became a flight

attendant. Although she was classified as "full time," she dropped her flight schedule to be home full time with the children. In 2013, she worked 200 flight hours total, while the average for a full-time flight attendant would be 75-90 flight hours per month. The children receive school financial assistance, because she is below the poverty line.

¶ 19 Respondent obtained an order of protection against Nick for having spit at her only because the police counseled her to do so. She testified that she was going to drop the order of protection at the next court hearing. Respondent described Nick as being very warm with the children and very responsible. She testified that the children like him "a lot."

¶ 20 Respondent is concerned about petitioner leaving the boys alone while he spends over two hours at the gym. She is also concerned about excessive physical punishment. She testified that petitioner withholds love to get love, making the children anxious. She has a very large extended family in the area, and they honor a tradition of family reunions. However, if a reunion occurs during petitioner's parenting schedule, he refuses to allow her to take the children to the reunion.

¶ 21 Stephanie Vaneekeren testified that her daughter goes to school with Ava. She testified that respondent volunteers at school. Vaneekeren's husband coached Ava's basketball team, and she has observed petitioner interacting with Ava at games. He yells at Ava in a negative tone, which upsets Ava. Vaneekeren has also observed that respondent yells at Ava from the stands and gets an upset reaction from her also.

¶ 22 Patricia Bajek testified that she is the director of student services at the children's school. She testified that the car line in front of the school is congested in the mornings. Although starting time is 8 a.m., at one point the teachers were instructed not to mark a student tardy until 8:06 a.m., because of the congestion.

¶ 23 The court ruled in a written order on July 7, 2014. The court found a change of circumstances in that: (1) the children were nearly 7 years older since the last order concerning custody was entered; (2) respondent's residence with the children changed nine times; (3) the children were subjected to a chaotic residency schedule resulting in their being in petitioner's care 50%, or more, of the time ; (4) while in respondent's care, the children were habitually late for school and often had breakfast at McDonald's on the way to school; and (5) respondent introduced Nick and her new daughter into her relationship with the children and subsequently obtained an order of protection against him.

¶ 24 The court next considered the factors pursuant to section 602 of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/602 (West 2012)) on the issue of the children's best interests and found: (1) petitioner and respondent have both expressed their desire to have custody and are active and involved parents; (2) the parties are able effectively to co-parent the children; (3) the children have a good relationship with petitioner; (4) respondent's relationship with the children appears strained; (5) since the judgment of dissolution, respondent has had another child; (6) the children have a preference for petitioner's home; (7) respondent has no mental or physical condition that adversely impacts her ability to parent the children; (8) petitioner has no mental or physical condition that adversely impacts his ability to parent the children; (9) neither party has exhibited ongoing or repeated violence or abuse directed against the children; (10) each party is willing and able to facilitate and encourage a close and continuing relationship between each other and the children; (11) neither party is a sex offender; (12) neither party is in the military; and (13) the children's needs are being met. Accordingly, the court denied petitioner's request for a change of custody but designated his home as the children's physical residence. The court awarded respondent parenting time. The court also ordered that

petitioner continue to pay respondent $1,750 per month for child support. The court denied respondent's motion to reconsider on September 29, 2014.

¶ 25 On July 2, 2014, respondent filed a motion asking that petitioner be ordered to contribute $13,900 toward her attorney fees. Respondent alleged that she borrowed $3,500 for the retainer and that she earned $4,500 as a flight attendant in 2013, and only $2,000 in the first six months of 2014. At the October 30, 2014, evidentiary hearing on respondent's motion, she testified that her earnings to date from a full-time job as an airline attendant were barely $3,500. She testified that the airline sets her schedule, but if her work schedule conflicts with her parenting schedule, her parenting schedule prevails over work. Her wages were being garnished to pay prior legal fees of $14,000, she borrowed $3,500 for the retainer for her present legal representation, and she owed $45,000 in student loans. Respondent's rent was $1,850 per month. She testified that her expenses exceeded her income.

¶ 26 Petitioner testified as follows. His gross earnings for the first nine months of 2014 were $95,150. Due to an injury, he was unable to work overtime. In 2013, his gross earnings were $110,000. His take home pay was $45,000 per year after all of the automatic deductions plus paying for private schooling for the boys. At the time of the hearing, he was still paying child support. The balances in his checking and savings accounts were $1,353 and $61.64, respectively. He still owed respondent $41,000 that he was unable to pay. His landlord suddenly decided to sell the house that he had been renting for the past five years. Petitioner borrowed $13,000 from his brother for a down payment, and then he secured 100% financing. He was unable to repay his brother. The mortgage payment was higher than his rent payment had been, and he was barely able to make it. He owed approximately $20,000 in legal fees, although he had paid nothing and had not been billed. Petitioner covered the children's medical

and extracurricular expenses with no contribution from respondent. He had $15,000 in credit card debt. He was not able to cover his bills.

¶ 27 At the conclusion of the hearing, the court observed that respondent would be left in a "financially distraught place" if she had to pay her legal fees, which totaled approximately $17,000. However, the court found that her current financial condition was due in part to the fact that she did not earn a full-time wage. The court noted that she was able to work full time through her airline but the hours she actually worked did not indicate full-time employment. The court found that petitioner was not able to contribute to respondent's fees without leaving him in a "financially unstable" position and denied the motion.

¶ 28 On November 5, 2014, petitioner filed a petition to modify support, stating, *inter alia*, that he was now the children's residential custodian, he no longer had overtime work available, and his house payments had increased by $1,000 per month. Petitioner requested that his support obligation be terminated and that respondent be ordered to pay support. Following an evidentiary hearing, the court found that there was a substantial change in circumstances in that petitioner was named the primary residential parent on July 7, 2014. The court also found that both parties have an obligation to support their children pursuant to *In re Marriage of Turk*, 2014 IL 116730. Further, the court found that respondent was intentionally underemployed and in violation of her duty to provide support. The court imputed income of $8.50 per hour for a 40-hour week to respondent and ordered her to pay $395 per month, which was 32% of her income. The court terminated petitioner's obligation. This timely appeal followed.

¶ 29 II. ANALYSIS

¶ 30 Respondent first argues that the trial court erred in modifying the children's residence without clear and convincing evidence of a change in circumstances that adversely affected their

best interests. A decision regarding child custody modification will not be disturbed on appeal unless it is against the manifest weight of the evidence. *In re Marriage of Divelbiss*, 308 Ill. App. 3d 198, 206 (1999). A judgment is against the manifest weight of the evidence when the opposite conclusion is apparent or the findings are unreasonable, arbitrary, or not based on the evidence. *In re Marriage of Lonvick*, 2013 IL App (2d) 120865, ¶ 33.

¶ 31 To modify a child custody order, the petitioner must demonstrate by clear and convincing evidence (1) a change in circumstances of the child or his custodian and (2) a modification is necessary to serve the best interests of the child. *In re Marriage of Smithson*, 407 Ill. App. 3d 597, 600 (2011). The clear-and-convincing standard is intended to favor the present custodial parent in order to promote stability and continuity in the child's custodial and environmental relationships. *Divelbiss*, 308 Ill. App. 3d at 207. When deciding whether to modify child custody, the trial court must look at the totality of the circumstances. *In re Marriage of Maurice B.H. and Gatanya A.A.*, 2012 IL App (1st) 121105, ¶ 19. A 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. *Divelbiss*, 308 Ill. App. 3d at 207. Where the evidence permits multiple reasonable inferences, we will accept those inferences that support the trial court's determination. *Divelbiss*, 308 Ill. App. 3d at 206-07. This court will affirm the trial court if there is any basis to support the trial court's findings. *Divelbiss*, 308 Ill. App. 3d at 207.

¶ 32 Section 610(b) of the Act provides that in the case of a joint custody arrangement, the court shall not modify a prior custody order unless, by clear and convincing evidence, a change has occurred in the circumstances of the child or either or both parties having custody, and the modification is necessary to serve the child's best interests. 750 ILCS 5/610(b) (West 2012).

¶ 33 Respondent maintains that the trial court never made a finding that petitioner met his burden of proof by clear and convincing evidence. According to respondent, the court enunciated the opposite when it said at the close of proofs that it found this to be "an extremely" difficult case. Respondent posits that the court should have denied the petition to modify custody immediately instead of taking the matter under advisement. Respondent takes the court's comment out of context. The court clarified that it found the case to be difficult because it was upsetting that "the children were involved" and that the parents aired their "dirty laundry" with people from the school and people whom they knew. The court stated: "My hope is that the relationships the parents have with the school aren't irretrievably damaged by all this." The court further stated that the case was difficult because it involved "a lot of factors." More important, in the court's written order, it recited that its findings were made pursuant to section 610 of the Act, which means that the court clearly was aware of, and applied, the correct evidentiary standard.

¶ 34 Respondent asserts that the court's findings in support of its conclusion that a change of circumstances had occurred were against the manifest weight of the evidence. Respondent segregates each individual finding and highlights those facts that favor her. However, it is not for the reviewing court to try the case *de novo*. *In re Marriage of Dunn*, 208 Ill. App. 3d 1033, 1040 (1991).

¶ 35 The trial court should consider all relevant factors, including those listed in section 602 of the Act, when making child custody determinations in order to decide what custodial arrangement serves the child's best interests. *In re Marriage of Spent*, 342 Ill. App. 3d 643, 652 (2003). The court considered the section 602 factors and determined that, while a change of custody was not warranted, a change to petitioner's residence was in the children's best interests.

We cannot say that the conclusion that the children's lives had become more chaotic is against the manifest weight of the evidence.

¶ 36 While respondent portrayed a fairly blissful existence, other witnesses, such as Allen, the GAL, painted a wholly different picture gleaned from Allen's interaction with the children. The evidence showed that respondent had changed residences frequently; the children did not have proper sleeping arrangements at respondent's home, which respondent fancifully characterized as a "big mansion"; the children, especially Patrick, did not finish their homework on time or at all when they were with respondent; respondent's relationship with Ava was particularly strained; laundry was all over the house so that the children could not locate socks and other clothing in the mornings; respondent did not get the children up and ready for school on time; there was no food in respondent's house, so she stopped at McDonald's for the children's breakfast; and the children were tardy 97% of the time when they were with respondent.

¶ 37 Respondent argues that none of the supposed changes in circumstances adversely impacted the children's lives. The court found otherwise, indicating that the degree of chaos was abnormal and contributed to a lack of stability in the children's lives. We agree. Respondent slapped Ava in the face and kicked her out of the home after telling the children that she did not "want the fucking kids." Not finishing homework assignments and chronic tardiness have a negative impact in that they teach irresponsibility instead of responsibility. We cannot say that the court's determination of the best interests factors was against the manifest weight of the evidence. Accordingly, we affirm the order changing the children's physical residence to petitioner.

¶ 38 Respondent next argues that the court improperly denied her motion for contribution to her attorney fees. We review an award of attorney fees under section 508(a) of the Act (750

ILCS 5/508(a) (West 2012)) for an abuse of discretion. *In re Marriage of Sobieski*, 2013 IL App (2d) 111146, ¶ 37. Although attorney fees are generally the responsibility of the party incurring the fees (*In re Marriage of Patel*, 2013 IL App (1st) 112571, ¶ 113), section 508(a) of the Act permits the trial court to order a party to contribute to the other party's attorney fees in light of the parties' respective financial situations. *Sobieski*, 2013 IL App (2d) 111146, ¶ 38. The party seeking an award of attorney fees must establish an inability to pay and the other spouse's ability to do so. *In re Marriage of Streur*, 2011 IL App (1st) 082326, ¶ 36. Financial inability exists where requiring payment of fees would strip that party of his or her means of support or would undermine his or her financial stability. *Streur*, 2011 IL App (1st) 082326, ¶ 36. Here, the court found that respondent would be left in a "financially distraught place" if she paid all of her fees. However, the court also found that she had the ability to work full time through her airline but worked only part time, earning only a part-time wage. Further, the court found that petitioner did not have the ability to contribute, as it would leave him in a "financially unstable position."

¶ 39 Respondent argues that her limited ability to earn sufficient income as a flight attendant to support just herself, plus her loss of child support from petitioner, renders her unable to pay her attorney fees. In contrast, she argues, petitioner can earn substantially more, especially once he resumes working overtime. Respondent questions petitioner's credibility in light of the fact that he obtained 100% financing on his home. However, the trial court determines the credibility of the witnesses. *In re Marriage of Ligas*, 110 Ill. App. 3d 1, 6 (1982). The ability or inability to pay attorney fees is judged by the relative position of the parties to each other and not by some objective standard. *In re Marriage of Courtright*, 155 Ill. App. 3d 55, 61 (1987). We do not believe that the trial court abused its discretion, where respondent testified that she foregoes

opportunities to work in order to spend time with the children and where she failed to prove that petitioner had the ability to contribute to her fees.

¶ 40 Respondent's final contention is that the court erred in terminating petitioner's child support obligation where there was no change in the parties' circumstances. Respondent does not directly challenge any of the court's factual findings, but she nevertheless reargues the evidence. She also argues that the court's interpretation of *Turk* was faulty in light of its prior interpretation of that case on July 7, 2014, when it changed residential custody to petitioner but continued his child support payment of $1,750 per month. Respondent argues that the court on July 7, 2014, interpreted *Turk* as requiring the custodial parent to pay support to the noncustodial parent where the circumstances and best interests of the child warrant it. The court's order modifying child support will not be disturbed absent an abuse of discretion. *In re Marriage of Baptist*, 232 Ill. App. 3d 906, 916 (1992).

¶ 41 Respondent maintains that the court's decision to continue petitioner's support obligation past the date that it changed residential custody became the law of the case and could not be altered thereafter, because there was no change in circumstances between July 7, 2014, when the trial court ordered petitioner to pay support, and December 8, 2014, when the court terminated support. The law-of-the-case doctrine limits relitigation of a previously decided issue in the same case. *Rommel v. Illinois State Toll Highway Authority*, 2013 IL App (2d) 120273, ¶ 15. However, the rule is applicable upon remand, where the final ruling of the circuit court was unchallenged or affirmed on appellate review. *Trossman v. Philipsborn*, 373 Ill. App. 3d 1020, 1045 (2007). As such, the law-of-the-case doctrine is inapplicable under the present facts.

¶ 42 Notwithstanding, respondent recognizes that if there was a change in circumstances after the entry of the July 7, 2014, order, the court could revisit the support issue. See *In re Sharp*, 65

Ill. App. 3d 945, 947 (1978) (child support is a continuing obligation subject to change as the conditions and circumstances of the parties warrant). Respondent acknowledges that petitioner proved at least three changes: petitioner's increased housing expense; his reduction in income; and a contribution to respondent's living expenses from the father of her new daughter. However, respondent argues that petitioner's increased housing expense was voluntary and unnecessary. She posits that petitioner's claim that his income dropped due to temporary disabling injuries was false and that his income actually rose. With respect to the contribution to respondent's living expenses from the father of her new daughter, she argues that was negligible. We will not retry the case. Moreover, in reviewing the evidence, we are mindful that the court questioned respondent's honesty and trustworthiness.

¶ 43 With respect to the court's interpretation of *Turk*, the record shows the following. In ruling on petitioner's petition to modify custody, the court, citing *Turk*, indicated that the children were entitled to reasonable financial assistance regardless of where they resided. In ruling on petitioner's petition to modify support, the court again cited *Turk* for the proposition that both parties have an obligation to pay child support. Respondent maintains that the court improperly "reinterpreted" *Turk* in its second ruling. We disagree. The issue in *Turk* was whether section 505 of the Act permits a court to award child support to a noncustodial parent. *Turk*, 2014 IL 116730, ¶ 1. In resolving this issue, the court observed that "[i]n Illinois, the support of a child is the joint and several obligation of both the husband and the wife." *Turk*, 2014 IL 116730, ¶ 14. Contrary to the custodial parent's argument that the Act imposes the obligation to pay child support only on the noncustodial parent and that a custodial parent can never be ordered to pay support, our supreme court held that section 505 was intended to protect the rights of children to be supported by their parents in an amount commensurate with the

parents' income. *Turk*, 2014 IL 116730, ¶ 25. Consequently, the court rejected the custodial parent's position, holding that such an outcome would plainly not serve the child's best interest and would undermine the purposes of the law. *Turk*, 2014 IL 116730, ¶ 25. Our supreme court held that custodial parents may be required to pay support to noncustodial parents. *Turk*, 2014 IL 116730, ¶ 26. Clearly, the court in the present case correctly cited *Turk* on both occasions. Accordingly, we hold that the court did not abuse its discretion in granting petitioner's petition to modify support.

¶ 44 III. CONCLUSION

¶ 45 For the reasons stated, we affirm the judgment of the circuit court of Du Page County.

¶ 46 Affirmed.