

SECOND DIVISION

June 3, 2014

No. 1-13-2246

**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).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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<i>In re</i> PARENTAGE OF R.M.M.,	)	
	)	
(Basia M.,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellee,	)	Cook County.
	)	
v.	)	No. 03 D 379010
	)	
Larry M.,	)	Honorable
	)	Kay M. Hanlon,
	)	Judge Presiding.
Respondent-Appellant).	)	

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JUSTICE LIU delivered the judgment of the court.  
Justices Simon and Pierce concurred in the judgment.

**ORDER**

¶ 1 *HELD:* Circuit court's order denying petition to modify visitation rights affirmed where decision was not against the manifest weight of the evidence or an abuse of discretion.

¶ 2 Respondent, Larry M., appeals from an order of the circuit court of Cook County denying his petition to suspend the parenting time of petitioner, Basia M., pursuant to section 16 of the

Illinois Parentage Act of 1984 (Parentage Act) (750 ILCS 45/16 (West 2012)). He contends that the circuit court's denial of his petition was against the manifest weight of the evidence and an abuse of discretion. For the following reasons, we affirm.

¶ 3

### BACKGROUND

¶ 4 Larry and Basia<sup>1</sup> are the biological parents of the minor R.M.M. In February 2003, Basia initiated the instant litigation by filing a petition for an order of paternity, child support, and visitation, against Larry. As pertinent here, on May 4, 2010, the circuit court entered a final custody judgment in this case and granted sole custody of R.M.M. to Larry with visitation rights afforded to Basia. As part of the judgment, the court ordered that R.M.M. receive therapy with Dr. Peter Fink "as often and as long as is suggested by Dr. Fink," with Larry responsible for the therapy fees. R.M.M. was nine years old at the time the judgment was entered.

¶ 5 On December 28, 2011, Basia filed a motion to remove Dr. Fink as R.M.M.'s therapist.<sup>2</sup> Larry then filed, *inter alia*, a petition to order Basia to submit to a mental examination pursuant to Illinois Supreme Court Rule 215(a) (eff. Mar. 28, 2011) and for the temporary suspension of her parenting time pending a report of that examination.

¶ 6 On May 22, 2012, the court denied Basia's motion to remove Dr. Fink and ordered that she submit to a Rule 215(a) mental examination to be conducted by Dr. Sander Marcus. The court's order stated that "[t]he relief sought of Temporary Suspension of BASIA'S parenting time until the Report of such Mental Examination is **reserved** by Larry \*\*\*, without prejudice, to a future evidentiary hearing on such issue." The court stated, in a subsequent order, that "[t]he scope of the mental examination by Dr. Sander Marcus is to enable him to form an opinion to a reasonable degree of psychological certainty if whether or not Basia's mental condition

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<sup>1</sup> Basia's name is alternately spelled Bascia in the record.

<sup>2</sup> The record shows that Basia had unsuccessfully attempted to have Dr. Fink removed as R.M.M.'s therapist on another occasion prior to the entry of the final custody judgment.

(including her alleged pattern of conduct to manipulate and/or alienate her son, [R.M.M.], age 11 years old, from his father \*\*\* and/or his stepmother \*\*\*) poses a potential for serious endangerment to [R.M.M.'s] mental and/or emotional health."

¶ 7 After Dr. Marcus' report was completed, a hearing was held on Larry's petition to suspend Basia's parenting time. Larry called two witnesses while Basia testified on her own behalf. The following testimony was presented at the hearing.

¶ 8 A. Testimony of Dr. Peter Fink

¶ 9 Dr. Fink testified that he is a licensed physician and that he primarily practices child and adolescent psychiatry. On April 22, 2008, Dr. Fink was appointed to evaluate and treat R.M.M., replacing Dr. Robert Davenport. He was instructed, as part of his appointment, to evaluate whether the visitation schedule should be changed, and he subsequently interviewed R.M.M., Basia, Larry, R.M.M.'s stepmother, and R.M.M.'s maternal grandparents. Dr. Fink prepared a report (dated June 10, 2008) recommending that Basia's visitation not be expanded, and the court accepted his recommendations.

¶ 10 Since 2008, Dr. Fink has met with R.M.M. about 30 to 40 times for hour-long therapy sessions and has also had additional interviews with Basia and R.M.M.'s maternal grandparents. He has only met with Basia two or three times since June 10, 2008, because "the only issues that she contacted me about were the nature of her parents' visitation and on one occasion what my therapy plan or my goals were for [R.M.M.]." Dr. Fink testified that Basia once brought an "autism specialist" to an interview in an attempt to convince him that R.M.M. had certain autistic traits, which were previously identified by a Dr. Louis Kraus. Dr. Fink indicated, however, that he would not label R.M.M. as either autistic or as having Asperger's. Dr. Fink testified that

Larry has paid for R.M.M.'s therapy over the past five years, to the tune of about \$10,000 per year. He testified that Larry's payment of his fees does not have any effect on his opinions.

¶ 11 Dr. Fink first met with R.M.M. on March 18, 2008, to conduct an intake assessment and to meet his parents. He testified that R.M.M., who was seven years old at the time, "pulled up the blinds and stared in the window and screamed at himself for about 20 minutes \*\*\* that he hated himself, what a bad person he was over and over and over again." Dr. Fink testified that during his five years of therapy, R.M.M. has repeatedly tortured and dismembered toys that were in his office. He specifically referred to a Mickey Mouse figurine, which R.M.M. would frequently bite and attempt to decapitate. Dr. Fink testified that R.M.M. would become increasingly "goofy sounding" and make a "maniacal laugh" during these sequences before eventually "fizzl[ing] out." He explained that R.M.M. was attributing his emotions to the characters. The last time R.M.M. attacked Mickey Mouse was on May 14, 2013. Dr. Fink said to R.M.M. at the time: "I can't quite get a sense of whether it's Mickey being tortured or you being tortured." He testified that R.M.M. at that point "sort of slid to the floor out of my big leather chair and in a very baby voice sort of rolling back and forth \*\*\* looked at me and said I'm tortured." Dr. Fink opined: "It's my mother torturing me is my understanding of what he meant."

¶ 12 According to Dr. Fink, R.M.M. is "extremely loyal to [Basia] and he feels he has to protect her." Dr. Fink believes that R.M.M. cannot express anger, however, and that he and Basia have a "connection through bashing his stepmother." R.M.M. and Basia consider Basia to be "oppressed" and "having to work hard." They consider R.M.M.'s stepmother, on the other hand, to be "lazy and an idiot and stupid and all kinds of things."

¶ 13 Dr. Fink testified that R.M.M. is a "very talented" individual with "very good logical reasoning." He noted that R.M.M. also shows affection for nature and animals and "has a capacity to understand other people and an ability to display kindness." R.M.M. is particularly gifted in mathematics and became involved in an organization called "Kumon," which presented him with an award for achievement at the tenth grade level when he was in fourth grade. Larry has enrolled R.M.M. in summer science classes at Northwestern University, and R.M.M. has also served as a child ambassador in the "people to people program," which required him to travel to Australia for several weeks one summer.

¶ 14 Dr. Fink opined that R.M.M. has suffered a psychiatric relapse in the past seven months. Specifically, R.M.M.'s behavior has changed in that he has become "much more aggressive in attacking" and there have been more problems at home. Dr. Fink testified that R.M.M. told him that "[h]e was being tortured by his emotions of rage and anger and that he was being tortured by his mother."

¶ 15 Dr. Fink testified about the manner in which each of R.M.M.'s parents deal with his temper tantrums. He testified that R.M.M.'s stepmother "tolerates his anger to the point that it's expressive; and when it begins to escalate out of control, she attempts to provide some limit setting and containment and attempts to soothe him through this process." Larry similarly "attempts to step in and set limits and reinforce both that it's okay to be angry, but it has to be understood and translated into some effective collaborative solution, not just [R.M.M.] being entitled and being in a rage and that being justified." Basia, on the other hand, "tells him to be calm and not disturb her and that his emotions are hurting her." She also "tries to explain to him why it's important to be calm and look at the positive and on the good side of things."

¶ 16 Dr. Fink opined that R.M.M.'s anger derives from the fact that Basia rejected him at the age of two, when she moved out of Larry's home and saw R.M.M. only "once a week for a couple of hours at most" over the next two years. He testified that Basia has contributed to R.M.M.'s anger because "[b]y not responding to an individual's anger as having a legitimate source, that the emotion itself is legitimate by sort of being dismissive and just sort of telling him to calm down, explaining that that's the right thing to do, that's really rejecting an aspect of who he is." Dr. Fink noted that Dr. Grossman, in her 2007 report, also found "[t]hat Bascia's priority are [*sic*] Bascia and that [R.M.M.] has learned to basically take care of her needs and not to disturb her." Ultimately, Dr. Fink opined that "Bascia's [*sic*] mental condition seriously endangers [R.M.M.'s] emotional and mental health" and that contact should be ended for the immediate future.

¶ 17 Dr. Fink testified that as of February 10, 2012—the date he prepared the affidavit attached to Larry's petition—it was his opinion that Basia was engaged in a pattern of conduct to interfere with or to destroy R.M.M.'s positive development. He testified that R.M.M.'s rage is accelerating and that Basia is putting him "in a pressure cooker situation where the thing is building and building and building." Dr. Fink believes that R.M.M. is regressing and "getting so engaged as to be on the verge of com[m]itting an aggressive act, either suicide perhaps or even aggression against his own mother, Bascia." When asked why court intervention was necessary, Dr. Fink testified:

"Because this child needs protection. This is a situation that he's losing control of his ability to manage. I think the situation is dire. I think that without an intervention and being relieved of the burden of managing his mother and protecting his mother in some

demonstrable way, that he will not be able to get through this difficult period of development, particularly so because he's entering into early adolescent [*sic*].

I think it's an unreasonable request for him to participate in the current course of dealing and his relationships [*sic*] with his mother in particularly [*sic*] because based strikingly on the Marcus findings that this person doesn't get it. She does not presently have the capacity to understand the volatility and dangerousness of the situation.

In my opinion, if there is even a ten percent chance that this child could harm himself or, God forbid, harm his mother, I think it would be the best thing, the thing that must be done to protect him and that's why I'm here today."

Dr. Fink ultimately suggested that Basia not have contact with R.M.M. through the first year of high school.

¶ 18 On cross-examination, Dr. Fink disagreed with a 2008 diagnosis by Dr. Kraus that R.M.M. has ADHD and a pervasive disorder. He also acknowledged receiving an e-mail from Basia at the end of December 2011, in which she asked him what his goal was in treating R.M.M. He denied that Basia was interested in anything other than visitation; however, he wrote an e-mail response to Basia on December 9, 2011, stating that R.M.M. had come a long way since he had first met him. He acknowledged mentioning in his response that R.M.M. was having a difficult time dealing with two parts of his life: his parents' separation and Larry's remarriage.

¶ 19 Dr. Fink stated that his conclusion that Basia was torturing R.M.M. was based on R.M.M.'s statements, Dr. Marcus' report, and his discussions with Dr. Marcus. He noted that R.M.M. has stated on numerous occasions that he could not express his anger and rage to Basia and that keeping it bottled up was becoming "a tortuous burden." Dr. Fink never contacted Basia about R.M.M.'s statements, explaining that he "had no working relationship" with Basia. At one point, when being questioned about not reaching out to Basia, Dr. Fink lost his composure and the following colloquy was had:

"Q. [counsel for Basia:] Is she not the mother?

A. [Dr. Fink:] Well, then what's she doing? Isn't she on the horn to me? Does she schedule appointments?

THE COURT: I'm sorry, what was that, Doctor? What was the last comment you made?

THE WITNESS: Why isn't she contacting me? Why isn't she on the horn scheduling appointments? It says in the final custody judgment that if push comes to shove that [R.M.M.'s] father would have to pay for such appointments, but I was never contacted to set up appointments. I'm not going to pick up the phone and call someone who hasn't contacted me in five years, other than that one e-mail about such a serious thing, when the kid tells me that he's being tortured in her presence because of the burden of managing her emotional life. That's a setup. That's dangerous, counselor.



THE COURT: All right. Hang on a second. Doctor, I want you to calm down. All right.

THE WITNESS: Excuse me.

THE COURT: That's all right. Take it easy and then counsel ask another question."

Dr. Fink subsequently denied that Basia's petition to remove him as R.M.M.'s therapist has affected his objectivity. Rather, he stated:

"[I]t confirms that I don't hear from Bascia directly very often. It confirms that it's an attack, rather than an attempt to reach out and communicate and resolve an issue or get more information about an issue. And, obviously, she's displeased with what I'm doing, otherwise she wouldn't recommend it, but the basis for it was actually a false premise, which is that the basis was that supposedly I didn't report child abuse when I couldn't have known about the alleged child abuse that was subsequently found to be unfounded. In fact, is [*sic*] a tactic that [R.M.M.] uses every time when he's distressed and people disagree with him."

¶ 20 Dr. Fink described R.M.M.'s current emotional health as being able "to go to school and do his day-to-day activities." He noted, however, that R.M.M. is "continuing to be quarrelsome and troublesome and argumentative and confrontational at his home on an almost daily basis and in an irrational way." Dr. Fink stated that R.M.M. had begun to stall before his relapse, and he acknowledged that Larry's remarriage, along with his new stepmother and stepsister, could have

affected R.M.M.'s behavior. He noted that the birth of R.M.M.'s half-stepsister "was a particularly difficult issue for [R.M.M.]."

¶ 21 Dr. Fink stated that R.M.M. has occasionally expressed that he misses his mother and wishes he could spend more time with her. He also stated that R.M.M. "blames most things on his stepmother" and has "[a] push, pull relationship between his feelings of wanting to make a very strong affiliation with his stepmother, but feeling that to do so would be condemned by his mother." When asked what the effect of not seeing his mother for the next three years would be on R.M.M., Dr. Fink stated, "I think that it will be a change and that he will find a way to adapt to the change."

¶ 22 B. Testimony of Dr. Sander Marcus

¶ 23 Dr. Sander Marcus is a licensed clinical psychologist. He conducted his first clinical interview of Basia on June 18, 2012. Dr. Marcus opined to a reasonable degree of psychological certainty that Basia's "mental condition, her conduct, does [seriously] endanger [R.M.M.'s] mental health, his emotional development." Dr. Marcus further opined that Basia "should be barred from any contact with [R.M.M.] until the end of his first year of high school."<sup>3</sup> Dr. Marcus' opinions were based on eight clinical interviews of Basia over a four month period, four consultations with Dr. Fink, interviews with Larry and R.M.M.'s stepmother, two interviews with R.M.M., and numerous documents, including a 604(b) evaluation conducted by Dr. Gail Grossman in August of 2007.

¶ 24 Dr. Marcus testified that he did not find Basia credible "in some ways," specifically her denial of anger and her discussions "about how she deals with [R.M.M.'s] temper tantrums and any of his expressions, anger." He did find Basia credible, however, when she said that she deals

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¶ 1 <sup>3</sup> Dr. Marcus testified that R.M.M. was almost 13 years old and was entering seventh grade at the time.

with R.M.M.'s anger by attempting to calm him down and "to have him essentially feel guilty for hurting her feelings, which only intensifies his anger." Dr. Marcus testified that Basia has made R.M.M. an "emotional pressure cooker." He noted that R.M.M.'s anger has built up to almost a breaking point and he "could explode at any time." Dr. Marcus opined that "there's a potential for violence, either against himself in the form of a suicidal gesture or if it's outward, I believe his mother would be his primary target." He reached this conclusion based on information from Basia as to how she deals with R.M.M.'s anger issues and information obtained from Dr. Fink about R.M.M.'s psychology and inner rage. Dr. Marcus explained why he believes R.M.M. should have no contact with Basia through the first year of high school, stating:

"That period of time is critical because, number one, it removes him from the pressure she puts on him as far as that imploding anger. That, I think, would give [R.M.M.] a chance to gain the most from his therapy with Dr. Fink. I also think it would be good for Basia if she were to get some long-term psychotherapy and help her understand and deal with her issues of rage and really fully understand what her son is really like inside, and that I think is an opportunity for them to relate in a more healthy way but at this point, he's like—to me like an emotional time bomb, that's my conclusion, that could explode at any time."

¶ 25 On cross-examination, Dr. Marcus stated that the only test that he performed on Basia was the MMPI-2,<sup>4</sup> and the scores were not in the extreme elevated range that would indicate severe psychopathology. He stated that he "was not very trustful of the MMPI results," however, because Basia had taken the test before and may have been familiar with the questions.

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<sup>4</sup> The Minnesota Multiphasic Personality Inventory.

¶ 26 Dr. Marcus stated that he did not diagnose Basia with a mental condition, but did find that her complete denial of anger was a "mental problem." He stated that this could be one of several diagnoses, but that he did not include a diagnosis in his report because he was "looking at the limited issue of characteristics, mental characteristics that she has that might endanger her son." Dr. Marcus later stated that he did, in fact, diagnose Basia with a mental condition and include it in his report, referring to her personality style. However, to Dr. Marcus' knowledge, Basia does not have any "personality illnesses."

¶ 27 Dr. Marcus opined that Basia is a "major cause" of R.M.M.'s anger issues, but "not the sole cause." When asked to define "major," he stated "more probable than not." Dr. Marcus stated that he had asked Dr. Fink about his perceptions of Basia. Dr. Fink told him that "he had not met with her \*\*\* very often but that his perception was that [R.M.M.'s] major problem was his relationship with his mother." Dr. Marcus stated that during his conversations with R.M.M., R.M.M. was "very guarded" and "did not want to talk about anything that had conflict."

¶ 28 Dr. Marcus stated that part of Basia's personality is "pleasant, cooperative, \*\*\* and \*\*\* focus[es] on the positives." He nonetheless believes that Basia "was hiding her anger." Dr. Marcus also stated that he had asked Basia about a few specific incidents with R.M.M. and how she responded, but Basia merely responded that she did not remember or responded with generalities.

¶ 29 Dr. Marcus stated that he had no opinion as to the underlying cause of R.M.M.'s anger, but he nonetheless believes that removing Basia from R.M.M.'s life would lessen it. Dr. Marcus stated that R.M.M. has anger problems and that Basia minimizes the intensity of his temper tantrums. He stated that if all Basia does is attempt to calm R.M.M. down and make him feel

guilty about hurting others' feelings, "that is a problem." When asked whether R.M.M. gets any of his anger from his father's household, Dr. Marcus stated, "[s]ome of it probably."

¶ 30 At the conclusion of Dr. Marcus' testimony, Basia unsuccessfully moved to strike and dismiss Larry's petition.

¶ 31 C. Testimony of Basia

¶ 32 Basia subsequently testified that her son R.M.M. would be 13 years old in two weeks and that Dr. Fink was appointed as R.M.M.'s therapist in 2008. Basia has seen Dr. Fink about four times in person since that date. She met with Dr. Fink for an introductory meeting when he was first appointed. According to Basia, Dr. Fink sought information about her and her parents so that he could decide whether Basia's parents could see R.M.M. She testified that they have never had a specific discussion about R.M.M.'s behavior, nor has Dr. Fink contacted her about R.M.M.'s behavior.

¶ 33 Basia described her visits with R.M.M. as "regular parenting time." She testified that they "spend time together" and have "better days" and "not so better days." R.M.M. "can be challenging at time," but overall their time together is "fine." Basia agrees that R.M.M. has anger problems and testified: "He gets upset. He—he struggles. He's confused a lot of times. He overreacts to things." She testified that his anger developed "as he got older." When asked how she responds to R.M.M.'s anger, Basia testified:

"I simply respond to it. I ask him what is wrong, I ask him to—to tell me what—how he's feeling, I ask him if I can be of help. We talk about things that—that anger me. Often—more often than not he will share why he's upset, whether it's school or—or any other issues."

Basia testified that R.M.M. has shared what makes him angry: specifically, "his life, how hard it is, about—he speaks of other children, he speaks of school sometimes, he speaks of the other household." She testified that she is not always able to get R.M.M. out of his angry mode, but that he is never angry for an entire weekend visit and "recovers pretty quickly." During the past six months, Basia has spoken with R.M.M. about his anger. R.M.M. told her that he was upset because his stepmother had hit him and that he was also angry "about overload of homework, extracurricular activities, all the work he has to do—he had to do for Kumon including when going on vacation he would be stuck in the hotel room doing homework." He has also told Basia that she does not always pay attention to what he is telling her, and she agrees, stating, "Sometimes I get distracted, yes, but I—I think—I try to listen to him."

¶ 34 Basia testified that Dr. Fink was incorrect in testifying that she left R.M.M. with Larry when he was two years old. She testified that they had "shared parenting time" and that she has "never left [R.M.M.] to pursue other things or to not be with him." Basia testified that R.M.M. gets good grades in school and that she has never been contacted by anyone at his schools about his behavior.

¶ 35 Basia testified that she intended to be open with Dr. Marcus when they first met, but was never totally open with him because of his demeanor. She testified that she had read a letter that he wrote before his evaluation of her where he stated that she was guilty of "parental alienation." In that letter, Dr. Marcus stated that he was going to determine whether the parental alienation could be treated or improved; he stated that, if it could not be improved, she should be barred from R.M.M.'s life. Basia testified that "[i]t was pretty clear to me that he already made up his—his mind about the person that I am and he stated it." Basia believes that the misperception about her stemmed from Dr. Grossman's report:

"There were numerous things in that report [by Dr. Grossman] alleging things that I had said that I had never said, things about my parents that they said that they never said, about time frames, about parenting time, about so many things and it's—basically, I think, started with that report.

When I received the report, \*\*\* I believe \*\*\* there was maybe 50 percent of it, if not less, accurate, and everything else was painted in such a negative way when you read that report you get the impression that I am someone that is incapable of taking care of—of anybody including probably myself. So someone that doesn't know what is going on with [R.M.M.], with the challenges, with issues, with the emotional turmoil that's in him.

So I think that when I met for the first time with Dr. Fink and he said that he read that report and it was clear to me that he accepted everything [*sic*] was in it, I felt a sense of hopelessness that there was really nothing that I could do to change his assessment of me."

Basia also testified that she feels her "son is not being helped for what really is going on in his head and in his life."

¶ 36 Basia testified that Dr. Marcus "was very nice" and had told her that he would not "just take what was given to him no matter who pays him." However, he also said, at the end of their first meeting, that "he was not going to be reinventing the wheel."

¶ 37 Basia testified that none of the allegations in Larry's petition were true and that she is not guilty of parental alienation. Furthermore, she disagrees with Dr. Marcus' assessment that she is not properly dealing with R.M.M.'s anger. Basia explained that her lack of candor with Dr. Marcus was due to the fact that Dr. Marcus had already formed an opinion about her. She testified that she did not want to give him any "ammunition," stating: "I just didn't feel comfortable or—or safe in that room with—with really disclosing how I felt." Basia testified that she wishes the court would intervene by appointing someone to investigate "the whole situation." She specifically would like the court to appoint someone with whom R.M.M. could "share his feelings and what really bothers him, which has not happened up to this point even though he's had therapists for the last nine years." Basia does not believe that she is the cause of R.M.M.'s anger or that she is aggravating his anger.

¶ 38 Basia testified that R.M.M. did not show any signs of being suicidal when she saw him the previous week. She testified that the signs she would look for are life changes, such as grades or interactions with friends, and changes in R.M.M.'s behavior. Basia opined that a court order preventing her from contacting R.M.M. would be "devastating" to R.M.M. and lead to "unrepairable consequences for probably a very long time for him."

¶ 39 Basia testified that she shows her anger and believes doing so is healthy. That said, she does not get angry with R.M.M. when he exhibits anger. She testified that she wants to be of help to R.M.M. and that there is usually "other things going on" when he gets angry; for instance, he is tired or afraid. Basia does not believe that R.M.M. is autistic, but does think that there is some underlying biological condition affecting him.

¶ 40 Basia does not fear for her safety when she is with R.M.M. Basia is concerned about R.M.M.'s anger and admitted that it affects her. However, its effect on her is not her main



concern; rather, she is concerned that "when he gets angry and overwhelmed[,] \*\*\* he's hurting and I don't always know how to help him." Basia believes that R.M.M. is behaving similarly in both households, but she and Larry do not communicate. She testified that she had sent Larry an e-mail the previous month about getting counseling to help them with R.M.M. Larry followed up with an e-mail requesting her to elaborate, and she responded that communications between them regarding R.M.M. would be "helpful" and that she would cover half of the cost. Larry replied that "it should be put off until this case is over in court."

¶ 41 On cross-examination, Basia denied ever stating to Dr. Marcus that she told R.M.M. during his temper tantrums, "calm down, you're hurting my feelings." She stated that Dr. Marcus "asked general questions and then he extrapolated from my answers and came to this conclusion." She sometimes tells R.M.M. to calm down, but she denied telling him to "calm down because your actions are hurting me."

¶ 42 D. The Circuit Court's Findings

¶ 43 Following Basia's testimony, the parties presented argument and the court announced its findings. In addressing the testimony of Dr. Fink, the court noted that it found no evidence that Basia rejected R.M.M. when he was two years old "other than Dr. Fink saying she rejected him." The court found, to the contrary, that Basia went back to school to get a degree so that she could make money and be a better mother. The court also rejected Dr. Fink's conclusion that Basia's priorities took precedence over R.M.M.'s priorities. It stated, "I've heard a lot of conclusions, but I've read everything and I've listened to all the testimony and, again, I see no evidence of that." The court acknowledged that R.M.M. would benefit from therapy. It then stated: "Now, whether or not [R.M.M.] should continue with Dr. Fink is another issue, but he needs some therapy."

¶ 44 The court also found that Dr. Marcus "didn't come close" to establishing serious endangerment by a preponderance of the evidence. The court noted that Dr. Marcus indicated that "there was no mental diagnosis that would cause harm to [R.M.M.]" and that he also acknowledged the potential for harm to R.M.M. if contact with his mother was ended for three years. In addressing Dr. Marcus' opinion, the court stated, "boy, he really relied on Dr. Fink—relied on Dr. Fink for in this court's opinion most of the information that he used in his evaluation to the point that they used the same exact wording. They use the same exact wording that this was a pressure cooker." The court found it "very clear \*\*\* that there is a lot of animosity between \*\*\* Dr. Fink, Dr. Marcus and mom." Ultimately, it concluded:

"The issue is not whether [Basia's] a concerned mother, whether she's a perfect parent, whether or not she should have reached out to these doctors who she feels animosity—feels that they prejudged her, and I can certainly see from the reports and the testimony why she would feel that way. I can see that.

But, again, following the case law and following the testimony, which I absolutely must do, I do not believe that [Larry] has met his burden of proof here and, therefore, this petition will be denied respectfully."

Larry now appeals the denial of his petition.

#### ¶ 45 ANALYSIS

¶ 46 Before addressing the merits of this appeal, we note that Basia has failed to comply with the Supreme Court Rules governing appellate court briefs in that she has failed to consistently cite the pages of the record relied on. Ill. S. Ct. R. 341(h)(7), (i) (eff. Feb. 6, 2013). "[A] party's

failure to comply with basic rules is grounds for disregarding his or her arguments on appeal." *Epstein v. Galuska*, 362 Ill. App. 3d 36, 42 (2005). Although Basia's arguments could be considered forfeited on the basis of her non-compliance with Rule 341, we choose to address them because of the important interests involved in this case. *Kic v. Bianucci*, 2011 IL App (1st) 100622, ¶ 23. We admonish Basia that full compliance with the Supreme Court Rules is *required* in any future appeals.

¶ 47 Turning to the merits, we note that a circuit court has continuing jurisdiction to modify a visitation order included in a judgment entered under the Parentage Act. 750 ILCS 45/16 (West 2012). Any such modification "shall be in accordance with the relevant factors specified in the Illinois Marriage and Dissolution of Marriage Act" (Marriage Act) (750 ILCS 5/101 *et seq.* (West 2012)). 750 ILCS 45/16 (West 2012).

¶ 48 Section 607(a) of the Marriage Act provides that "[a] parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health." 750 ILCS 5/607(a) (West 2012). Section 607(c), in turn, provides:

"The court may modify an order granting or denying visitation rights of a parent whenever modification would serve the best interest of the child; but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger seriously the child's physical, mental, moral or emotional health."

750 ILCS 5/607(c) (West 2012).

¶ 49 "The endangerment standard embodied in sections 607(a) and 607(c) has been described as onerous, stringent, and rigorous." *In re Marriage of Diehl*, 221 Ill. App. 3d 410, 429 (1991).

"The courts of this State have been reluctant to deny visitation rights because of the principle that parents have a natural or inherent right of access to their children, and because sound public policy encourages the maintenance of strong family relationships, even in post-divorce situations; only extreme circumstances allow courts to deprive a parent of visitation.'" *Id.* (quoting *In re Marriage of L.R.*, 202 Ill. App. 3d 69, 85 (1990)). "[L]iberal visitation is the rule; restricted visitation is the exception." *Id.* The burden is on the custodial parent to prove by a preponderance of the evidence that visitation with the noncustodial parent would seriously endanger the child. *Id.* We will not reverse the circuit court's decision concerning modification of visitation unless it is against the manifest weight of the evidence or an abuse of discretion. *Heldebrandt v. Heldebrandt*, 251 Ill. App. 3d 950, 954 (1993). A decision will be found against the manifest weight of the evidence only when the opposite conclusion is clearly apparent. *In re Parentage of J.W.*, 2013 IL 114817, ¶ 55. "An abuse of discretion occurs only when no reasonable person would take the view adopted by the court." *In re Marriage of Levinson*, 2013 IL App (1st) 121696, ¶ 34.

¶ 50 Larry contends that the circuit court's decision to deny his petition to suspend Basia's parenting time was against the manifest weight of the evidence and an abuse of discretion. He specifically claims that the court's "refusal" to accept the testimony of his expert witnesses "makes no sense, in light of the fact that there are two very well qualified experts, one who has a lot of experience with R.M.M. and one who saw Basia eight times."

¶ 53 Here, Drs. Fink and Marcus testified that Basia's "mental condition" seriously endangered R.M.M.'s mental and emotional health. They essentially concluded that R.M.M. is in a "pressure cooker" situation because Basia does not allow R.M.M. to express his anger and, she instead, tries to calm him down and make him feel bad about hurting her feelings. Basia rebutted the

doctors' conclusions, testifying that she does not get angry with R.M.M. when he exhibits anger and that she never stated to Dr. Marcus that she told R.M.M. during his temper tantrums, "calm down, you're hurting my feelings." Basia, indeed, expressed concern about R.M.M.'s anger and the effect it is having on him, as opposed to her. The circuit court ultimately found that Larry failed to meet his burden of establishing, by a preponderance of the evidence, that visitation with Basia would seriously endanger R.M.M.'s emotional and mental health. We agree that the alleged conduct of Basia comes nowhere near establishing a *serious* danger to R.M.M. Basia may need assistance in helping R.M.M. deal with his anger issues, which is not for us to determine; however, telling a child that he needs to calm down and that he is hurting others' feelings does not rise to the level of a *serious* danger to the child such that his mother's contact with him should be completely terminated during three of his formative years.

¶ 54 Larry takes issue with the fact that the court did not assign much weight to the conclusions of Drs. Fink and Marcus. However, the court was in a better position to determine the credibility and weight to be given the witnesses' testimonies (*In re Stephen K.*, 373 Ill. App. 3d 7, 20 (2007)), and we do not find its credibility determinations to be against the manifest weight of the evidence or an abuse of discretion. The court noted that "there is a lot of animosity between \*\*\* Dr. Fink, Dr. Marcus and mom." This is evident from the record, as it reflects that the court had to instruct Dr. Fink to calm down at one point when he was testifying as to Basia's proper role in the treatment of R.M.M. Dr. Fink may have testified that Basia's petition to remove him as R.M.M.'s therapist has not affected his objectivity; however, his demeanor at the hearing in conjunction with his occasionally conclusory testimony suggests otherwise. As for Dr. Marcus, the court gave greater weight to his acknowledgment of potential harm to R.M.M. if contact with Basia was ended for three years, than to his finding that Basia was creating a

"pressure cooker" situation for R.M.M., which the court found was largely a parroting of Dr. Fink's findings. The court's finding was supported by the testimony and, therefore, we have no basis for substituting our own opinion. See *Parentage of J.W.*, 2013 IL 114817, ¶ 55; *Marriage of Levinson*, 2013 IL App (1st) 121696, ¶ 34.

¶ 55 For the reasons stated, we affirm the order the circuit court of Cook County denying Larry's petition to suspend the parenting time of Basia.

¶ 56 Affirmed.