2011 IL App (2d) 110081-U
No. 2—11—0081
Order filed August 4, 2011

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re PARENTAGE OF COLE P., a Minor	)	Appeal from the Circuit Court
	)	of Du Page County.
	)	
	)	No. 08—F—277
	)	
	)	Honorable
(Kirsten E. B., Petitioner-Appellee, v.	)	Timothy J. McJoynt,
James E. P., Respondent-Appellant).	)	Judge, Presiding.

JUSTICE McLAREN delivered the judgment of the court.
Justices Hutchinson and Burke concurred in the judgment.

ORDER

Held: The trial court properly awarded joint legal custody to the unmarried parents in the best interest of the minor child, with residential custody awarded to the mother and liberal visitation for the father, pursuant to the Illinois Marriage and Dissolution of Marriage Act section 602 factors relating to the "Best Interest of the Child" (750 ILCS 5/602 (West 2008)); minor child was three years old, had lived with mother prior to trial and; despite prior difficulties, the parties were able to communicate and cooperate with each other regarding matters concerning the child.

¶ 1 Respondent, James E. P. (Eric), appeals the order of the trial court granting custody of the minor child, Cole P., to petitioner, Kirsten E. B. On appeal, Eric contends that (1) the trial court "misinterpreted" the factors relating to the "Best Interest of the Child" contained in section 602 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/602 (West 2008)); (2) the trial

court did not base its judgment on the "Best Interest of the Child" factors; and (3) disregarded an expert witness's recommendation that Eric be granted residential custody. We affirm.[1]

¶ 2 I. BACKGROUND

¶ 3 Eric and Kirsten are the biological parents of Cole P., who was born on January 29, 2008. Eric and Kirsten were never married, but lived together prior to Cole's birth and for two months afterward. In June 2008, the Du Page County State's Attorney filed a "Petition to Set Support Obligation," and in August 2008, Kirsten filed a "Petition for Custody and Contribution to Daycare and Other Expenses." Cole was two years old at the time of the custody trial that took place during October 2010 through January 2011.

¶ 4 Kirsten testified that she and Eric lived together for approximately a year before she became pregnant with Cole. The pregnancy was unplanned, and Eric wanted her to have an abortion, but she could not "go through with it." During her pregnancy she was on Public Aid for medical care and paid the co-pay amounts herself. She went to most of her prenatal doctor visits with her mother, although Eric accompanied her to one appointment. After Cole was born, she returned to Eric's condominium but left when Cole was about two months old because Eric was "still using cocaine"; "[h]e was really controlling"; and "[h]is behavior was just out of control." She and Cole moved into her parents' home. She stated that Eric used cocaine during the time she was pregnant and after Cole was born. After she moved out, she never observed Eric using cocaine. Kirsten denied having

[1]Pursuant to Supreme Court Rule 306A(f) (eff. December 13, 2005), the 150 day deadline for filing a disposition in this case expired June 20, 2011. However, we granted appellee's motion for extension of time to file her brief and ultimately briefing was not completed until May 6, 2011.

"terminated" Eric's visitation, stating that she wanted any visitation with Cole to be supervised because she suspected Eric was using cocaine.

¶ 5 In August 2010, Kirsten obtained her nursing degree and began employment as a nurse. She rented a two-bedroom condominium where Cole had his own bedroom. Kirsten worked 12-hour shifts three days a week. Cole attended preschool on those days. The other four days of the week she was able to stay home with Cole. Her parents lived approximately a "mile to a mile and a half" away.

¶ 6 Kirsten testified that she had been diagnosed with "depression and bulimia." At the time of the trial, she was seeing a psychiatrist every two months. She stated that she had never been diagnosed with anxiety issues, bipolar disorder, borderline personality disorder or obsessive-compulsive disorder. She attended Overeaters Anonymous meetings and Al-Anon meetings, a program for those who have a family member or loved one who is alcoholic or who has an addiction. She began attending Al-Anon before Cole was born. She also occasionally attended open AA meetings for the "12 steps" program; she did not drink alcohol and was not an alcoholic. Kirsten testified that she attended approximately eight meetings a month. Many meetings were on Wednesday evenings after work, when Eric had Cole for visitation. On those evenings, Kirsten's parents would pick Cole up at Eric's at 7:30 p.m. On the other evenings when Kirsten went to meetings, her parents would pick Cole up at his daycare and he would take his nap at their house.

¶ 7 Kirsten's Al-Anon sponsor, Stephanie Kennedy-Mallum, testified that she knew Kirsten since November 2006, when Kirsten started to attend meetings at Al-Anon because "her significant other at that time was using cocaine." From July 2007 until August 2008 Kennedy-Mallum personally met with Kirsten at least two times a week and talked on the phone approximately four

times a week. They also attended nursing school together. Kennedy-Mallum stated that she was concerned about Cole's safety during visitation with Eric if Eric was using drugs. Right after Kirsten moved out and Cole was still a baby, she had "at least ten" conversations with Kirsten regarding offering Eric supervised visits and about drug testing.

¶ 8 After being referred by his pediatrician, Cole received services for developmental problems; physical therapy at Good Samaritan Hospital, and occupational and speech therapy at home. Kiya Olson, a developmental therapist/autism consultant certified by the State of Illinois, testified that she worked with Cole on certain developmental goals. She spent an hour once a week from August 2009 through February 2010 visiting Cole at home at Kirsten's parents' house. She worked with Kirsten and her parents "because they were just as involved." She never met Eric. In February 2010, Olson stopped the visits because Cole had "met his developmental needs" in that he was able to attend and focus, follow directions, and eat a greater variety of foods, and his language development "started to explode." After Eric's counsel asked Olson to opine as to whether Kirsten's "bulimia could have played a role or contributed in any way to the problems" that Cole had, she answered: "I would say no. I see a lot of kids that have tactile issues, and usually it's due to sensory and there's a lot of history [on the part of her other clients with the same concerns as Cole] not having any disorders." She also testified that during the period of time she worked with Cole, he was always very healthy and that she never saw any bruises, burn marks, or injuries. She was a "mandated reporter" by the State and never had any concerns during the time she saw him on a weekly basis.

¶ 9 Kirsten testified that Cole lost some weight when he was between nine and twelve months old; the pediatrician told her that this was normal and due to his being more active after learning to

walk when he was ten months old. At the time of the trial, he was in the 90th percentile for height and weight.

¶ 10 Dr. James Gioia's report, dated August 4, 2009, was admitted into evidence by agreement.[2] After evaluating the parties, he recommended that residential custody be granted to Kirsten, with visitation for Eric. Dr. Gioia did not testify at the trial.

¶ 11 Eric testified as an adverse witness that Dr. Gioia requested that he take a drug test, and the trial court twice ordered him to submit to hair analysis. He never accomplished the hair analysis but he took and passed six urine tests at different times. He stated that in October, 2009, he was told by the lab that his hair at the crown of his head was too short to test for drugs. He also stated that there was "no such thing as a hair sheath test." The affidavit asserted that two different labs told him that "hair sheath" testing did not exist, and that hair follicle testing requires a hair sample that is "at least an inch and a half long."

¶ 12 Eric further testified that he was concerned, when Cole was about a year old, that Cole was losing weight. Eric didn't do anything about the weight loss "other than try to feed him more when he was with me." He saw "some injuries, some things that looked like neglect to me"; he observed "really, really bad diaper rash almost constantly whenever [he] would get [Cole]." A number of photographs of the alleged injuries were admitted into evidence.

¶ 13 On behalf of Eric, Dr. Robert B. Shapiro testified that he was a court-appointed 604.5 evaluator regarding custody of Cole and visitation issues. He stated that Eric had requested his evaluation as a second opinion because there had already been a Du Page custody evaluation

[2]We have been unable to locate a full copy of Dr. Gioia' report in the record; a two-page excerpt is appended to Eric's brief.

conducted by Dr. Goia. Dr. Shapiro testified that as part of his evaluation, he reviewed the results of the MMPI II test and the Million Clinical Multiaxial Inventory-III test (MCMI), which had recently been administered to both Eric and Kirsten by Dr. Gioia. He also met with each party individually for approximately six hours and contacted other individuals for collateral information.

¶ 14 Dr. Shapiro testified as to his impression of the results of Eric's testing. The MMPI II was "slightly defensive" but "completely within normal limits." On the MCMI, Eric had "an elevated score on clinical personality patterns of compulsive personality characteristics."[3] Dr. Shapiro also observed Cole with Eric and with Kirsten in an unstructured observation session. Dr. Shapiro opined that Cole had a "very positive relationship" with Eric and that Eric was "connected and interactive" with Cole.

¶ 15 Dr. Shapiro testified regarding "Kirsten's struggle with bulimia, both in the past and in the present, [based on information] from a number of sources." His sources were Kirsten herself, Kirsten's AA sponsor, her therapist, and Dr. Goia's report.

¶ 16 On cross-examination, Dr. Shapiro testified that he used the terms such as "loving and gentle" in his report to describe the behavior and parenting between Eric and Cole, and he commented that Eric had "good behavior control. He was attentive and had a positive relationship." Dr. Shapiro further testified that he would use "almost all of the same terms" to describe his observations of Kirsten and Cole. He stated that both Eric and Kirsten were loving parents, and that nothing caused him concern about Kirsten's ability to parent.

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[3]Dr. Shapiro explained as follows: "[this] is pretty common for lawyers, architects, doctors, psychologists. People with advanced degrees to show up as somewhat compulsive is in keeping with their education."

¶ 17 Dr. Shapiro's report, dated April 10, 2010, stated the following:

> "To Kirsten's credit she is knowledgeable about [her addictive behaviors and dependency issues] and seems to be working to make changes in her life. It is simply not clear whether she will be able to manage all of the psychological issues that she struggles with, finishing her education, then working, and managing the various developmental needs of her son. It is also of some concern how these psychological problems will impact her parenting and affect her psychological availability to her son."

¶ 18 Dr. Shapiro recommended joint legal custody with residential custody with Eric, and a division of Cole's time, 55% with Eric and 45% with Kirsten. He also testified that Eric paid him "somewhere between $9,500 and $9,800" for his evaluation and $3,000 for his testimony in court.

¶ 19 Eric, a licensed attorney, testified as follows. He grew up in Naperville and graduated from Naperville North High School. He received his undergraduate degree from the University of Michigan, and attended law school at the University of Illinois. At the time of the trial, he lived in a two-bedroom townhouse with three floors in Naperville, where Cole had his own room.

¶ 20 Eric had two daughters from a previous marriage; Danielle, 20 years old and a student at the University of Iowa, and Casey, 9 years old. Eric shared joint custody of Casey while her mother had residential custody. At the time of the hearing, Eric had visitation with Casey anywhere from three to six days a week.

¶ 21 Eric testified that he and Kirsten lived together for about six weeks after Cole was born. In March 2008 Kirsten moved out of the townhouse they had shared, taking Cole with her. According to Eric, Kirsten left without explanation or notice. Eric exercised visitation five days a week from that point until May 2, 2008, when Kirsten "terminated" Eric's visitations with Cole. Kirsten never

told him that she wanted his visitation with Cole to be supervised. He tried to contact her by cell phone and email but was unsuccessful. Eric and Kirsten both commenced court proceedings regarding visitation, and entered into mediation.

¶ 22 Eric testified that he next saw Cole on September 29, 2008, pursuant to a mediated agreement. Thereafter, he saw Cole four or five times a week until November 17, 2008. On December 19, 2008, pursuant to another agreement, Eric regained visitation approximately five days a week, until June 1, 2009, when Kirsten left a him a message that he would not have anymore visitation. When Eric went to Kirsten's parents' house the next day to pick up Cole, no one answered the door. Eric did not see Cole again until October 2009 when the trial court ordered visitation.[4] From November 2009 until the time of the trial, which commenced on September 27, 2010, Eric had consistent visitation with Cole, approximately five days a week that occasionally increased to six or seven days a week.

¶ 23 Regan McGuire, Eric's girlfriend, testified that she was a Kane County Assistant State's Attorney and had known Eric through work for four years. She stated she saw Eric every day and that Eric went to the gym five days a week. She never saw him with drugs and he drank alcohol socially, once or twice a week. She described the relationship between Cole and Eric in very positive terms.

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[4]We note that on November 18, 2009, after a hearing on Eric's Petition for Rule to Show Cause, the trial court found that Kirsten "could have innocently misconstrued" the visitation order previously entered; both parties were ordered to follow the order entered October 22, 2009, allowing Eric every-other-weekend visitation plus one day each week.

¶ 24 Justin Sather testified that he knew Eric since 1997 when he was hired at the Du Page County State's Attorney's office. At the time of trial he was in private practice and saw Eric both professionally and socially. He never saw Eric use drugs or abuse alcohol. In the past two years he saw Eric with Cole two or three times.

¶ 25 In its written findings, the trial court found that two expert opinions were rendered in this cause, by Dr. Gioia and by Dr. Shapiro; "both written reports by these experts have been reviewed and considered by the Court." The trial court also found that the evidence showed that "recently the parties have shown an ability to cooperate with visitation regarding matters affecting the child" and that "[n]either party met a burden to show any bad conduct by the other party such as to effect [*sic*] an IMDMA Section 602 factor."

¶ 26 The trial court then enumerated each of the applicable section 602 factors as follows:

"H. The Court has taken into consideration all the appropriate Section 602 factors:

a. The wishes of the child: not applicable;

b. The wishes of the parent: applicable and the Court has considered this factor;

c. The interaction and interrelationship of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest: probably the most important factor in this case; the Court finds that both parties have, at least recently, fairly good interaction and relationship with the child;

d. Child's adjustment to home, school and community: the child is somewhat young, the child has been with Petitioner more than with Respondent, probably inappropriately because of Petitioner's visitation denial, but Petitioner has been the primary caregiver for the child;

e. Mental and Physical health of all individuals: the Court has heard no evidence that either parent is an inappropriate parent or a danger to the child;

f. There is no threat of physical violence by either party;

g. There is no threat of domestic violence by either party;

h. The willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child: the Court finds more cooperation from both parties during the recent history of this case;

i. Sex offender as parent: not a factor;

j. Military family care plan: not a factor.

The trial court further found that "the parties now are better able to cooperate consistent with 750 ILCS 5/602.1 and joint custody is appropriate."

¶ 27 On January 19, 2011, the trial court granted joint legal custody to Eric and Kirsten, and residential custody to Kirsten. Included in the "Parenting Judgment" was a detailed schedule for parenting time with Eric.

¶ 28 Eric timely appealed.

¶ 29 II. ANALYSIS

¶ 30 Eric first asserts that the trial court "failed to interpret the plain meaning of the mental health of the parties factor in determining the best interest of the child and did not understand how to apply the evidence to this statutory factor." Eric contends that the trial court "misinterpreted" the Illinois Marriage and Dissolution of Marriage Act section 602 factors relating to the "Best Interest of the Child." See 750 ILCS 5/602 (West 2008). Citing *In re Marriage of Lerner*, 316 Ill. App. 3d 1072 (2000), he asserts that, therefore, this Court "applies the *de novo* standard of review when it

examines the trial court's interpretation of a statute." *Lerner* involved a mother's petition for child support for an adult disabled child, and specifically addressed this certified question of law:

> "Whether an alleged mentally disabled person is a necessary party to a petition pursuant to Section 5/513 (a)(1) of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/513) to determine the nature and extent of his disability, when it occurred, whether it is temporary or permanent in nature." *Lerner*, 316 Ill. App. 3d at 1074.

This case is not analogous to *Lerner* in any way. Eric maintains that the trial court misinterpreted the subsection 605(a)(5) of the statute that states: "[t]he court shall consider all of the relevant factors including: (5) the mental and physical health of all individuals involved ***." Eric bases his argument on the specious assertion that the evidence showed Kirsten had "serious mental disorders" and he contends that, therefore, the trial court's finding relative to the statute was reversible error. We disapprove Eric's attempt to couch this issue in terms such that it would require *de novo* review.

¶ 31 This case presents the familiar situation where the trial court has considered the evidence, applied the statutory factors, and rendered a decision. Our standard of review is whether there was an abuse of discretion. *In re Custody of D.R.*, 295 Ill. App. 3d 115 (1998). In a custody dispute, the trial court is in better position than the reviewing court to determine a child's best interest *(In re Marriage of Karonis*, 296 Ill. App. 3d 86 (1998)), and the custody determination is a matter left to the trial court's broad discretion. *D.R.*, 295 Ill. App. 3d at 120. We, as the reviewing court, will reverse only if the determination is against the manifest weight of the evidence or it appears that a manifest injustice has occurred. *In re A.S.*, 394 Ill. App. 3d 204, 212-213 (2009). A decision is against the manifest weight when the opposite conclusion is apparent or when the findings are unreasonable, arbitrary, or not based upon the evidence. *Karonis*, 296 Ill. App. 3d at 88. In other

words, "the weight of the evidence must support the custody decision." *Hall v. Hall*, 226 Ill. App.3d 686, 689 (1991).

¶ 32 "All the relevant factors, including those enumerated in section 602 [of the IMDMA], must be considered when deciding the child's best interest." *A.S.*, 394 Ill. App. 3d at 213. In this case, the statutory factors that are relevant include the wishes of the parents as to his custody; the interaction and interrelationship of the child with his parents, siblings and any other person who may significantly affect the child's best interest; the child's adjustment to his home, school and community; the mental and physical health of all individuals involved; and the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child. 750 ILCS 5/602 (West 2008). The statute also provides that "[t]he court shall not consider conduct of a present or proposed custodian that does not affect his relationship to the child."

¶ 33 The trial court's order awarding residential custody to Kirsten was detailed and addressed each of the relevant factors in the statute. The trial court was careful to enumerate each of these factors and explained each finding at length. The trial court found as "probably the most important factor" that both Eric and Kirsten have "fairly good interaction and relationship with the child." Additionally, the trial court found that "the child is somewhat young, the child has been with [Kirsten] more than with [Eric], probably inappropriately because of [Kirsten]'s visitation denial, but [she] has been the primary caregiver for the child."[5] The court "heard no evidence that either

[5]We note that, in ruling on Eric's Petition for Rule to Show cause, the trial court stated that Kirsten "could have innocently misconstrued" the visitation order; hence the reference to "probably inappropriately."

parent is an inappropriate parent or a danger to the child" and found no threat of physical or domestic violence by either party. Moreover, the trial court found that "recently the parties have shown an ability to cooperate with visitation."

¶ 34 We agree with Eric that the statute does not require a "danger to the child": however, Eric takes this argument further by asserting that Cole's physical health suffered because of Kirsten's mental health. He asserts that Cole had "failure to thrive at an early age" when there is no evidence of this. He points to "photographic evidence of injuries and neglect"; the photographs depict Cole with, variously, diaper rash, ear wax, insect bites, and a bruised forehead[6]. We have viewed the photographs and find none of these conditions particularly alarming or dangerous, especially where a toddler is concerned.

¶ 35 Eric argues that Kirsten "suffers from serious mental disorders." Citing to her testimony on cross-examination, he claims that Kirsten has "traits of anxiety, borderline personality disorder, and obsessive-compulsive disorder." He then argues that "[t]hese conditions combine to negatively affect Kirsten and thereby Cole's best interest according to section 602(a)(5)." This argument overstates the facts. Kirsten's response to counsel's questions about whether she had ever been diagnosed with these conditions was "I think everyone could have those traits, but I've never been officially diagnosed with those." We regard Eric's argument on this point as a misstatement of the evidence and caution him to refrain from such practices.

¶ 36 Kirsten responds that despite two court orders and a request from Dr. Gioia to submit to hair analysis tests, Eric never complied. She points to her long-term involvement with Al-Anon and

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[6]Kirsten testified that she took Cole to the emergency room after he fell and hit his head; she also immediately called Eric and her mother.

Eric's failure to accomplish hair toxicology testing as bases from which Eric's drug use can be inferred. Eric's position on this point is two-fold but self-contradictory: he testified that he went to the lab for a test but was told that his hair was too short; and he maintained at various times that there is no such thing as a hair test. Again, the trial court heard all the above evidence as well as the results of several urine tests Eric took that were negative for drugs.

¶ 37 Eric also states in his opening brief "Kirsten's credibility was found to be minimal by the trial court." The page he references contains the following observation made by the trial court:

> "She's obviously very selective of what she remembers and what she doesn't. And she's obviously just coming up with things she felt—she feels she remembers, but she doesn't remember dates, times and places. The Court is considering all of this in giving the weight to this witness."

This remark can hardly be characterized as a finding of "minimal" credibility, although it does indicate the trial court was, at times, circumspect about her testimony. We view this as an indication of how the trial court reached a sound legal conclusion by keeping a fair and objective perspective toward all the evidence. We also view Eric's argument as somewhat illogical; if the trial court found her "minimally" credible, would the trial court then have awarded her residential custody of Cole? Eric seems to be asking us to substitute our judgment for the trial court's when, in fact, the trial court spent a considerable amount of time making its oral pronouncements, in addition to its written findings, addressing each pertinent statutory factor in detail, thus demonstrating a careful analysis of the issues and facts presented at the hearing.

¶ 38 Finally, Eric argues that the trial court "completely disregarded" Dr. Shapiro's recommendation that residential custody be granted to Eric and that this is reversible error. Eric cites

to *In re Marriage of Martins*, 269 Ill. App. 3d 380 (1995), a post-dissolution modification of child custody case where this court reversed the trial court's denial of a petition to modify the custody. This court found that (1) the seven-year-old and five-year old daughters expressed a preference for living with the non-custodial parent; (2) the custodial parent's lesbian lifestyle had adversely affected the children; (3) the number of housemates moving in and out "did not serve to create a stable home environment"; (4) the children had displayed behavioral problems since the dissolution; and (5) the neutral court-appointed guardian had concluded a transfer of residential custody would be in the best interest of the children. Thus, most of the statutory factors "weighed heavily" in favor of the transfer, and this court found that the guardian's recommendation "was supported by the evidence and should have been given substantial consideration by the trial court; instead, it was seemingly disregarded." *Martins*, 269 Ill. App. 3d at 389-91.

¶ 39 We do not agree that *Martins* is analogous in any way to this case. None of the factors outlined above are remotely related to the facts of this case; the only similarity that could possibly be considered is that Dr. Shapiro recommended residential custody for Eric. However, he was not a neutral expert witness, since Eric paid Dr. Shapiro in excess of $12,500 for his services.

¶ 40 Two experts gave their opinion as to the suitability of each party. Dr. Gioia was appointed by the court to evaluate the parties in February 2009, when Kirsten was still a student in nursing school and managing two jobs and an infant. His recommendation in August 2009 was for joint custody of Cole, with Kirsten retaining residential custody and Eric having liberal visitation. In October 2009, Eric petitioned to appoint Dr. Shapiro for another evaluation. His petition was granted, and Kirsten cooperated with that order. Additionally, Dr. Shapiro's recommendation was that Cole spend 45% of his time with Kirsten and 55% of his time with Eric, which is almost an

equal division. As we stated in *In re Upmann*, 200 Ill. App. 3d 827, 835 (1990), referring to the testimony of a court-appointed investigator and an expert witness retained by the losing party:

> "The trial court is in a superior position to view the witnesses and their demeanor as they testify. We will not second-guess the court on the persuasiveness of these witnesses." *Upmann*, 200 Ill. App. 3d at 835.

Neither will we second-guess the trial court in this case.

¶ 41 We have thoroughly reviewed the record and it is sufficient to note that there are significant differences between Eric's characterization of Kirsten's behavior and Kirsten's explanations. At one point during the trial, these inconsistencies were commented on by the trial court as follows: "somebody is not telling me the truth between these two [parties]." Our review reveals a consistent approach taken by the trial court; *i.e.*, that the issue of residential custody must be decided by applying the statutory factors to the evidence and then deciding the parties' "present parenting styles" and their "present ability to parent." The disagreement between Eric and Kirsten as to the reasons for lack of visitation with Eric when Cole was still an infant was thoroughly explored when each testified, and the trial court concluded that between November 2009, when visitation resumed on a regular basis, and the time of the trial in late 2010, the situation had improved. The record establishes that Kirsten was able to finish her nursing degree, obtain full-time employment, move into her own rented condominium and provide a stable and caring environment for Cole.[7] Kirsten's parents were closely involved in Cole's care, even working with his therapists when he was younger,

[7]We note that Eric characterizes this move as "uproot[ing] Cole from the environment that Dr. Gioia thought was so important to his recommendation." This attitude ignores certain realities such as the passage of time.

and they remained significant in his life. We determine that the trial court gave careful consideration to each of the statutory factors, and that the award of residential custody was reasonable and properly based on the evidence.

¶ 42 III. CONCLUSION

¶ 43 For the reasons stated, we affirm the judgment of the trial court of Du Page County.

¶ 44 Affirmed.