2014 IL App (2d) 130619-U
No. 2-13-0619
Order filed June 16, 2014

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re MARRIAGE OF ARSHIA ALI-KHAN, Petitioner-Appellee, and AMIR HAMEED SHEIKH, Respondent-Appellant.	))))))))))	Appeal from the Circuit Court of Lake County. No. 11-D-2250 Honorable Christopher B. Morozin, Judge, Presiding.

JUSTICE JORGENSEN delivered the judgment of the court.
Justices Hutchinson and Hudson concurred in the judgment.

ORDER

¶ 1 *Held*: We affirm the trial court's custody award.

¶ 2 Respondent, Amir Hameed Sheikh, appeals the trial court's judgment granting petitioner, Arshia Al-Khan, sole custody of the parties' two children. For the following reasons, we affirm.

¶ 3 I. BACKGROUND

¶ 4 The parties married on July 23, 2005, and they had two sons: Yusuf (born October 17, 2006) and Suleiman (born May 1, 2008). On November 28, 2011, petitioner filed a dissolution petition, seeking sole custody of the children. The parties settled issues regarding property and

debt division, maintenance, and attorney fees. Trial on the issues of child custody, child support, and visitation commenced on May 6, 2013, and proceeded over the course of four days. Petitioner appeared with counsel, while respondent appeared *pro se.*

¶ 5 A. Trial

¶ 6 Petitioner's testimony was voluminous. In sum, however, petitioner testified to the deterioration of the parties' relationship, disputes wherein respondent had yelled at petitioner in front of the children (one involving respondent's entry to a locked bedroom through use of a "heater cord," and another involving respondent's taking car keys, which required a police response), and their inability to effectively communicate or come to an agreement on virtually any issue. Petitioner testified that she and respondent now communicate almost exclusively by e-mail. She presented numerous e-mails reflecting specific incidents wherein the parties disagreed about the children, including regarding discipline, child care, education and/or extracurricular programs, dietary restrictions, and medical care. Petitioner noted that the tone of respondent's e-mails was often snide, condescending, and demanding, and she testified that communicating with respondent had become stressful and anxiety-producing. Petitioner testified that respondent's expressions of anger have caused her emotional pain, and, further, that he has inflicted upon the children corporal punishment, including hitting, slapping, and pushing. Petitioner testified that on numerous occasions she asked respondent to refrain from using corporal punishment. Petitioner agreed, however, that, on one occasion around September 2012, she recalled spanking one of the boys, who was punching his brother. She spanked his bottom to stop him. Once he stopped, she hugged him and later explained to him that although the incident demonstrated why one should not hit another, she was sorry for doing it. Finally, petitioner testified that, if awarded sole custody, she would "absolutely" continue to support respondent's

relationship with the children. Petitioner testified that, if respondent were to be awarded residential custody, she feared the children would experience emotional and psychological endangerment.

¶ 7 Respondent cross-examined petitioner about the incidents described in her testimony, her financial affidavit and the accuracy of claimed expenses therein, and he argued that some of petitioner's e-mail exhibits were incomplete. Respondent provided to the court e-mails that he stated showed the entire exchange between the parties, including responses to e-mails for which petitioner had noted she received no response. Upon questioning by the trial judge, petitioner agreed that some of her notations were apparently inaccurate. Also in response to the court's inquiry, petitioner testified that, if the court awarded the parties joint custody, she would make every effort to cooperate and communicate with respondent.

¶ 8 Waseeya Barkat testified that, from 2010 to 2012, she babysat the children four afternoons per week. In 2010, the boys were happy and excited when picked up by their parents. However, in 2011, the boys became hesitant whenever picked up by respondent. The boys would repeatedly ask why petitioner was not coming to get them, and they would have to be convinced to leave the house with respondent. Their reluctance to leave with respondent continued into 2012. In addition, in 2012, Suleiman told Barkat that, when he had an accident in his pants, respondent had thrown him down "hard" on the couch. Approximately two weeks later, Yusuf told Barkat that he was sad because he had done something wrong and respondent had slapped him across the face. The boys would occasionally mention that they were afraid of respondent. Around this time, Barkat noticed that the boys were becoming more violent and aggressive with each other and that Suleiman started lying. In addition, Barkat testified that she watched the boys during one of the trial days. When they learned that respondent was going to

pick them up, the boys stopped playing and talking and their behavior changed dramatically. Specifically, Suleiman became extremely quiet, crawled into a ball, and started sucking his thumb. He was hesitant in getting ready to leave. Barkat agreed that she had seen respondent hug the boys and tell them that he missed them. Barkat had never witnessed a violent interaction between respondent and the boys, but she had seen respondent yell at them when they were hesitant to leave and he wanted them to get their things.

¶ 9 Rachael Valensia testified that she met the parties in 2007 and that she subsequently became close friends with petitioner. Petitioner and Valensia share similar parenting styles, their kids often played together, and Valensia had observed petitioner with her children on numerous occasions. Valensia testified that petitioner has an admirable relationship with the boys, she kneels down and looks them in the eyes and re-directs them, and has a lot of patience with them. Valensia has never seen petitioner hit the children.

¶ 10 Valensia testified that, in the spring of 2012, Yusef mentioned to Valensia that respondent had moved out and that he was happy that there was no more hitting and yelling at home. Further, also in the spring of 2012, when Valensia was training her daughter to use the toilet, Suleiman asked if Valensia's daughter would be hit if she had an accident. Valensia replied "No. Why would I hit her? That's why it's called an accident." Suleiman answered, "Well, we get hit when we have accidents." Suleiman explained that respondent hit them.

¶ 11 In the summer of 2012, Valensia and her children saw respondent and his boys at the grocery store. In contrast to their usual reaction upon seeing Valensia and her children, the boys did not react with excitement; rather, they remained serious and kept looking at respondent. Later, when Valensia was preparing to check out, respondent walked down an aisle that ends by the checkout lane. Suleiman was in the grocery cart, and Yusef was walking and lagging behind.

Respondent left Suleiman in the cart, turned around and "came at" Yusef, yelled at him, grabbed him by the shirt on the upper arm area, and dragged him back to the cart. Yusef's face looked "terrified." Valensia was "very saddened by the look on Yusuf's face."

¶ 12 Dr. Frances Pacheco, the court-appointed custody evaluator (the "604(b) evaluator") (750 ILCS 5/604(b) (West 2012)), did not testify at trial. However, her report, which recommended sole custody for petitioner and liberal visitation for respondent, was admitted into evidence. The report reflects that, in addition to reviewing exhibits and interviewing the parties and the children's therapist, Pacheco interviewed petitioner with the children for one hour, respondent with the children for one hour, and each child on his own for one-half of an hour.

¶ 13 Gretchen Fisher, the court-appointed guardian *ad litem*, recommended (in two separate reports) joint custody. She agreed, however, that she met with the children for 15 minutes and, in that period, one child's comment reflected that respondent was involving the children in issues relating to parenting. Fisher agreed that doing so was inappropriate. Fisher did not ask the children any specific questions regarding whether either parent hit them. Fisher agreed that petitioner had been the children's primary caretaker since their birth, she had done a "very good job" caring for them, and that petitioner had a very close and nurturing relationship with them. The trial judge asked Fisher: "if the Court disagreed with your opinion and thought sole custody was in the best interest of the two minor children, what would your recommendation be for the residential parent?" Fisher answered, "it would have to be [petitioner]"; however, she testified that she felt that "precautions" should be put in place so that respondent will not be "written out."

¶ 14 Respondent testified in narrative fashion. In sum, he disagreed that the communication problems described by petitioner were solely his fault. He reiterated that many of the e-mails petitioner had submitted as exhibits were incomplete, and he referred the court to his own exhibit

binder, wherein he purportedly had provided the complete chain of communication. Respondent discussed various incidents and e-mails, explaining why he acted or said what was reflected and, further, why petitioner was, in his opinion, incorrect. The court asked respondent if he believed that various e-mails demonstrated a lack of cooperation between the parties; respondent agreed. In addition, the court, on numerous occasions, informed the parties that it would read each and every exhibit. For example, the court stated:

> "What I'm going to do is I'm going to read every exhibit that has been admitted into evidence, so I want it clear. I have said that on a couple of occasions. I intend to read every one and I will that has been admitted into evidence.
>
> It's quite—there is [*sic*] inches. I mean it's probably your [respondent's] exhibits that have been admitted into evidence are probably three and a half to four, five inches thick; and there is at least one inch of documents from the petitioner. I will read every one of them. I will read them more than once. I will give them quite a lot of thought to the issues at hand."

¶ 15 Respondent testified that he is a supportive and involved father. Respondent agreed to having hit the children on the "back," which he later clarified as their bottom, but he generally denied using corporal punishment in the manner described by the other witnesses. He agreed that, in December 2011, he opened the master bedroom door with a heater cord and the parties had an "emotional" discussion about his access to the children. Respondent agreed that the children were "probably" present. He agreed that, around February or March 2012, he unilaterally withdrew $6,000 from a joint bank account, leaving little remaining (allegedly $29) for petitioner's use. Finally, he agreed that, in March 2012, he took car keys from petitioner (for

the car she used to get to work), would not return the keys, and the police eventually responded. He agreed that the children were present during the incident.

¶ 16 Respondent called Shumila Butt, his step-mother, to testify on his behalf. Butt testified that respondent and the children have a loving and playful relationship. She testified that the relationship the children have with petitioner and respondent is "equally good."

¶ 17 B. Trial Court's Rulings

¶ 18 On May 22, 2013, the trial court announced its rulings. It noted that it had considered all testimony and exhibits admitted into evidence, had taken into account witness credibility and demeanor, arguments of counsel and respondent, and that the absence of specific mention of any testimony or exhibit in the ruling "does not reflect that it was not considered by the court because it was."

¶ 19 The court found that, since their birth, petitioner has been the children's primary caretaker. However, since the parties' physical separation in April 2012, respondent has become more involved in the children's lives. The court noted that both parties were in agreement that the children have sensitive personalities.

¶ 20 The court found that, despite his denials, the evidence reflected that respondent had used corporal punishment to discipline the children. The court noted that respondent's use of corporal punishment was established through testimony by petitioner, Valensia, and Barakat, that it found those witnesses' testimonies credible, and that it found respondent's general denials to be less than credible. The court found that petitioner had also used corporal punishment, but had done so more as a teaching lesson, *i.e.*, she spanked one of the children when he was hitting his brother to make the point, "how do you like being hit?" In contrast, the evidence of respondent's use demonstrated yelling, screaming, and grabbing. The court emphasized that it was well-aware

that parents may use corporal punishment as discipline and, further, it found that the use here did not rise to an excessive or abusive level. However, the court found that the evidence was nevertheless relevant because it reflected that the parties disagree on methods of disciplining the children, and, further, that the evidence reflected that respondent's use of corporal punishment emotionally affected the children, who were both sensitive; therefore, use of corporal punishment was not in their best interests. In addition, the court noted that the evidence regarding punishment was not favorable to respondent, reflected a common theme of lack of cooperation between the parties, and "also raises a concern of future escalated use of corporal punishment by [respondent] and explains why the children feel more safe and secure with [petitioner]." The court found that respondent would yell in anger and frustration at the children.

¶ 21 The court further found that, in November or December 2011, respondent broke the parties' master-bedroom door with a cord to confront petitioner. He did so while the children were in the bedroom, and there was yelling and screaming in front of them. Further, the court found that, in later March 2012, respondent confronted petitioner in front of the children about car keys. There was yelling and screaming, and the police were called. The court found these incidents showed a lack of judgment on respondent's part, were not in the children's best interests, and showed respondent's lack of facilitation of a close relationship between the children and petitioner. The court found that, in 2012 and around the time he left the marital home, respondent withdrew from the parties' joint financial accounts $6,000, leaving petitioner with only $29, which was not in the children's best interests. In contrast, the court found that, despite their differences, petitioner had only fostered a close and loving relationship between respondent and the children.

¶ 22 The court noted that, prior to the parties' separation, the children were involved in religious training and Arabic classes, but when, after the separation, petitioner decided to continue those activities for the children, respondent voiced disagreement. The court found that respondent's concerns were financially motivated as opposed to concerning the children's best interests. Similarly, the court noted respondent's arguments that petitioner had tried to destabilize and undermine his relationship with the children and listed examples of respondent's arguments. The court rejected those arguments, finding "allegations like these are misplaced, not rational and brought on by [respondent's] own insecurities and his loss of control on a given issue."

¶ 23 The trial court noted that it:

> "gives great weight, and I stress great weight, to the 604(b) evaluation. The Court gives less weight, and I stress less weight, to the guardian *ad litem* report and update as it relates to her custody recommendation. The Court has concerns over the lack of time the guardian *ad litem* spent in meeting with the children, and said guardian *ad litem* report and update failed to recognize the overall distrust, hostility and animosity the parties have of one another which this Court has witnessed throughout the trial and concludes based upon the evidence."

¶ 24 The court noted that petitioner had requested sole custody of the children, while respondent requested joint custody, with him as the custodial parent and the parties having equal parenting time. Concerning the best interests of the children, the court found, pursuant to the factors delineated in section 602 of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/602 (West 2012)), that: (1) the children are more comfortable with petitioner, who has been their primary caregiver and who provides them with a nurturing, caring, and stable

environment; "[c]learly, [respondent's] use of corporal punishment has created a lack of trust between him, the children and [petitioner]. This has created some hesitancy and fear by the children and affects the relationship with [respondent]."; (2) the children would be allowed to stay in their current home, school, and neighborhood if placed with petitioner; (3) respondent's use of corporal punishment had a negative impact on the overall mental well-being of the children and petitioner; (4) although the corporal punishment and aggressive incidents did not rise to the level of abuse or excessiveness, respondent had used force in anger and frustration against the children and petitioner; and (5) petitioner had demonstrated a willingness and ability to encourage a close and continuing relationship between respondent and the children, but respondent, by arguing, screaming, breaking a door, and causing the police to come, had not done the same.

¶ 25 The court determined, based on the parties' failed attempts at mediating the issues of custody and visitation, their testimony, and all of the evidence, that there existed a high level of distrust, animosity, and hostility between them.

> "Sadly, this is not a case where the parents have been able to achieve the high level of cooperation necessary for joint parenting. This is evidenced when it comes to issues of extra-curricular activities, which include the continued religious training, the Arabic lessons, [and] karate lessons. The parties disagree on religious dietary restrictions, the children's bedtime, use of a minute clinic instead of the children's pediatrician, [ ] issues of daycare and costs, and certainly issues of disciplining the children."

Accordingly, the court found that joint custody was not in the children's best interests. It awarded petitioner sole custody, subject to reasonable and liberal visitation for respondent.

¶ 26 The court awarded respondent visitation on alternating weekends, from Friday until Sunday during the school year, and from Friday until Monday morning during summer vacation from school. In addition, the court awarded respondent visitation every Wednesday from 4:30 until 7 p.m. during the school year, and every Tuesday from 4:30 p.m. overnight until Wednesday at 7 p.m., during summer vacation. The court split holidays, so that respondent will have visitation with the children on certain holidays during even-numbered years, and other holidays during odd-numbered years. Respondent is to have the children on their birthdays during even-numbered years, Father's Day every year, spring break in even-numbered years, the first half of winter break each year, and two separate one-week periods each summer.

¶ 27 After orally announcing its ruling, the court ordered petitioner's attorney to prepare a dissolution judgment that incorporated its ruling and the parties' marital settlement agreement. Before that judgment was entered, however, on June 12, 2013, respondent filed his notice of appeal. Thereafter, on: (1) June 28, 2013, the guardian *ad litem* filed a fee petition; (2) July 1, 2013, the court entered the dissolution judgment (and the parties entered an agreed order that modified the judgment by lowering respondent's child support obligations); (3) July 17, 2013, petitioner filed a rule to show cause; (4) July 24, 2013, respondent moved for a substitution of judge; and (5) July 26, 2013, the guardian *ad litem*'s fee petition was scheduled to be heard.

¶ 28 II. ANALYSIS

¶ 29 A. Jurisdiction

¶ 30 We start by considering petitioner's claim that we lack jurisdiction over this appeal. Petitioner notes that respondent filed his notice of appeal on June 12, 2013, after the court orally announced its ruling on May 22, 2013, but *before* the dissolution judgment was entered on July 1, 2013. She argues that the notice was premature and, further, that, because several items,

including a contempt petition, were subsequently filed, the judgment that respondent appeals was not final. We disagree.

¶ 31 As to the premature nature of the notice of appeal, Illinois Supreme Court Rule 303(a) provides that "[a] notice of appeal filed after the court announces a decision, but before the entry of the judgment or order, is treated as filed on the date of and after the entry of the judgment or order." Ill. Sup. Ct. R. 303(a) (eff. June 4, 2008). Accordingly, we consider the notice of appeal here as filed on the date of and after entry of the July 1, 2013, dissolution judgment.

¶ 32 Further, the finality of the July 1, 2013, judgment is not of concern here, where respondent's primary contention on appeal is that, for a variety of reasons, the trial court's custody decision was improper. Although final judgments that do not dispose of the entire proceeding are typically not appealable (absent specific written language from the trial court), Illinois Supreme Court Rule 304(b)(6) provides an exception to that principle for custody judgments. Ill. Sup. Ct. R. 304(b)(6) (eff. Feb. 26, 2010). Accordingly, our jurisdiction is proper.

¶ 33 B. Motions to Strike

¶ 34 In a motion taken with this appeal, petitioner argues that we should strike respondent's opening brief for numerous alleged violations of Illinois Supreme Court Rule 341(h) (eff. Feb. 6, 2013). Respondent, in turn, asserts that petitioner's response brief also violates Rule 341(h) and asks that it be stricken. We deny the motions to strike. We will, in our discretion, disregard those portions of the briefs that violate Rule 341(h).

¶ 35 C. Custody

¶ 36 Turning to the substance of this appeal, respondent argues that the court abused its discretion by awarding petitioner sole custody of the children. He argues, in sum, that petitioner

made false representations to evaluators and committed perjury before the court. We disagree and conclude the court's custody determination does not reflect an abuse of discretion.

¶ 37 When making a custody determination, the court must consider the best interests and welfare of the children. *Hall v. Hall*, 226 Ill. App. 3d 686, 689 (1991). In doing so, the court must consider all relevant factors, including the statutory factors listed in section 602(a) of the Act. 750 ILCS 5/602(a) (West 2012). The court's consideration and weighing of the relevant statutory factors is to be given great deference. *In re Marriage of Seitzinger*, 333 Ill. App. 3d 103, 108 (2002). Therefore, we will not overturn a court's sole custody award unless the court abused its discretion or its factual determinations are against the manifest weight of the evidence. *Id.*; *Hall*, 226 Ill. App. 3d at 689. An abuse of discretion occurs when the court's ruling is arbitrary, fanciful, or unreasonable. *Favia v. Ford Motor Co.*, 381 Ill. App. 3d 809, 814 (2008). A factual determination is against the manifest weight of the evidence if the opposite conclusion is clearly evident or the determination is unreasonable, arbitrary, or not based on the record. *In re J'America B.*, 346 Ill. App. 3d 1034, 1038 (2004).

¶ 38 Here, respondent does not clearly challenge the court's application of section 602(a)'s factors or its best-interests determination. Respondent argues instead that the court "abused its discretion relying upon petitioner's credibility while overlooking hard evidence supporting respondent's claims that: petitioner had tampered with evidence, petitioner was non-cooperative, petitioner committed perjury, petitioner engaged in slander and petitioner attempted to manipulate professionals appointed to assess custody with fraudulent misrepresentations along with a biased counselor to gain sole custody." Respondent further contends that the court erred in placing little weight on the guardian *ad litem*'s two recommendations of joint custody.

Respondent's arguments, which essentially attack the court's credibility determinations and petitioner's character, must fail.

¶ 39 For example, respondent notes that petitioner testified that she was seeking sole custody because she felt that their ability to communicate had deteriorated and that they could no longer jointly make decisions. To combat petitioner's assertion at trial that he was uncooperative, respondent points to an e-mail from two years prior (2011), wherein he suggested divorce terms, asked to discuss the matter in person, and noted that they could save time by working out the terms in advance. Further, respondent notes that petitioner unilaterally decided to change the children's bedtime to an earlier time, which caused him distress. Respondent takes this evidence as proof that petitioner, not he, was uncooperative. But weighing the evidence and determining the credibility of the parties' assertions was within the trial court's discretion. See, *e.g.*, *In re Marriage of Anderson*, 409 Ill. App. 3d 191, 199 (2011) ("it is well established that the credibility of the witnesses and weight to be given to their testimony is for the trier of fact to decide, and a reviewing court may not substitute its judgment for that of the fact finder."). Further, and regardless of who was allegedly at "fault" in the disagreements, the court noted that the disputes were primarily relevant for the purpose of assessing whether the parties could, in a manner consistent with the children's best interests, jointly parent.

¶ 40 Respondent's assertions that petitioner committed fraud and perjury primarily stem from her representations that respondent did not respond to various e-mails. However, petitioner acknowledged the error at trial, respondent brought the information to the trial court's attention, and respondent provided the court with the "complete" e-mail correspondence. The court emphasized that it would read the volumes of correspondence, which included respondent's submissions. Similarly, respondent asserts that petitioner misrepresented expenses in her

financial affidavit, but, again, respondent brought those errors to the court's attention. Accordingly, it was again for the trial court to determine, in light of the deficiencies respondent highlighted, how much weight to give petitioner's testimony, representations, and evidence.

¶ 41 Further, although respondent contends that the court erred in giving little weight to the guardian *ad litem* reports, the court detailed its reasons for doing so. Those reasons included the fact that the guardian spent only minimal time with the children and did not ask them about corporal punishment. Further, the guardian recommended joint custody without mention of the pervasive hostility and distrust present in the parties' relationship, which the court had personally observed. Again, it is the court's job to weigh the evidence and, as the court's findings find support in the record, we will not disturb them.

¶ 42 Respondent takes issue with the court's finding, under section 602(a)(8), that petitioner is willing to facilitate a close and continuing relationship with respondent, noting, for example, that petitioner has not always agreed with respondent's requested parenting time. However, the court's finding was simply that this factor favored petitioner when weighed against respondent's actions, which included screaming and arguing with petitioner in front of the children. We find no error in the court's weighing of the evidence.

¶ 43 Finally, respondent takes issue with the court's finding that his use of corporal punishment justified awarding sole custody to petitioner (which, of course, is an oversimplification, as the court noted that the corporal punishment was relevant as it related to the parties' inability to agree on discipline for the children and as it related to the children feeling more secure with petitioner). To do so, however, he does not directly deny the incidents. Rather, he focuses on those incidents as having been in various ways "fraudulently" reported by petitioner to the children's counselor, Pacheco, and Fisher; he then asserts that those

misrepresentations rendered Pacheco's report, upon which the court relied, inherently defective. Respondent is incorrect, however, that the court based its corporal punishment findings on Pacheco's report. Although the court relied on Pacheco's report as guidance for its custody determination, with respect to corporal punishment, the court explicitly found credible the testimony from petitioner, Valensia, and Barkat. It found less than credible respondent's general denials thereof. Thus, respondent's arguments regarding petitioner's alleged dishonesty or misrepresentations to the counselor, Pacheco, and Fisher do not reflect that the court's findings with respect to corporal punishment were contrary to the manifest weight of the evidence.

¶ 44 Although respondent pinpoints *numerous* other alleged inaccuracies in petitioner's testimony, her statements to Pacheco or Fisher, or her version of events, as well as the court's reliance on or rejection of other evidence, we need not address them all here because, in sum, respondent loses the forest for the trees. The trial court found that *all* of the evidence, as well as its own observations of the parties over the course of the proceedings, reflects that there exists between the parties a high level of distrust, animosity, and hostility. Indeed, the evidence in its entirety without question demonstrates that, regardless of who was "right" in the he-said, she-said of any particular dispute, the *overall ability* of the parties to communicate, cooperate, and compromise had significantly deteriorated. After reviewing all of the evidence, observing the parties, weighing credibility, hearing the parties' arguments, and applying all of the appropriate section 602(a) factors, the court determined that joint parenting is not in the children's best interests. That decision was simply not contrary to the manifest weight of the evidence. Further, we note that once the court had determined that joint custody was inappropriate, it did not err in awarding sole custody to petitioner. Not only did respondent not seek sole custody (respondent requested joint custody, while petitioner requested sole custody), both Pacheco and Fisher

recommended that, if sole custody were awarded, petitioner be the residential parent. Thus, the court's decision was not unreasonable or an abuse of discretion.

¶ 45 We note that respondent also raises disjointed allegations on appeal that his "substantial rights" were violated where the trial court committed alleged evidentiary violations. His allegations, however, may be summarized as challenging the weight the court decided to give various exhibits and testimony, a matter that soundly falls within the court's discretion. See, *e.g.*, *Anderson*, 409 Ill. App. 3d at 199.

¶ 46 Finally, in his opening brief respondent summarily asserts in one paragraph that the court's visitation was "harsh," not in accordance with Pacheco's visitation recommendation, and not in keeping with the policy to afford liberal visitation rights. We find the visitation argument forfeited, as respondent did not thoroughly develop the argument with any specificity until his reply brief. See Ill. Sup. Ct. R. 341(h)(7) (eff. Feb. 6, 2013); *see also People v. Robinson*, 2013 IL App (2d) 120087, ¶ 15 (finding forfeited an issue raised in a brief but not developed or supported until reply brief).

¶ 47 In any event, the court's visitation award clearly does not constitute an abuse of discretion. See *In re Marriage of Minix*, 344 Ill. App. 3d 801, 803 (2003) ("the trial court is vested with wide discretion in resolving visitation issues. The appellate court will not interfere with the trial court's determination unless an abuse of discretion occurred or where manifest injustice has been done"). The court announced that it was awarding respondent reasonable and liberal visitation and it thoughtfully and thoroughly specified that visitation. In his reply brief, and presumably to demonstrate his contention that the court's visitation award was not entirely equal, respondent details the days upon which holidays and birthdays fall in his assigned visitation years. However, the focus of a court's visitation schedule is not perfect equality but,

rather, the best interests of the children. See *In re Marriage of Chehaiber*, 394 Ill. App. 3d 690, 696 (2009). Respondent fails to establish the court abused its discretion in its visitation award.

¶ 48 III. CONCLUSION

¶ 49 For the reasons stated, we affirm the judgment of the circuit court of Lake County.

¶ 50 Affirmed.