2017 IL App (2d) 160977-U
No. 2-16-0977
Order filed March 27, 2017

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re CUSTODY OF A'MAYA S., a Minor	)	Appeal from the Circuit Court
	)	of Du Page County.
	)	
	)	No. 14-F-892
	)	
(Brandon S., Petitioner-Appellee	)	Honorable
v. Derrontae Gonzalez, Respondent-Appellant.)	)	Thomas A. Else,
	)	Judge, Presiding.

JUSTICE ZENOFF delivered the judgment of the court.
Justices Hutchinson and Birkett concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's judgment granting the *pro se* petition for permanent custody was not against the manifest weight of the evidence where (1) respondent waived her argument that petitioner failed to comply with section 610.5(a) of the Illinois Marriage and Dissolution of Marriage Act; (2) petitioner proved, by a preponderance of the evidence, a change in circumstances; and (3) petitioner proved that it was in the minor's best interest to modify the agreed parenting order.

¶ 2 Respondent, Derrontae Gonzalez, appeals from the trial court's order granting petitioner, Brandon S., 100 percent of the parental decision-making responsibilities and designating him the primary residential parent of their minor daughter, A'maya S., with a majority of the parenting time. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Petitioner and respondent were never married. They were in a dating relationship and were physically intimate. On February 19, 2009, respondent gave birth to A'maya. Petitioner signed a Voluntary Acknowledgment of Paternity on February 20, 2009.

¶ 5 On December 18, 2014, petitioner filed a *pro se* petition for custody. On January 13, 2015, after the parties attended mediation, they entered into an agreed parenting order. Pursuant to the agreed order, the parties shared joint custody of A'maya, and respondent was designated as the primary residential parent. Petitioner agreed to pay $35 a week in child support.

¶ 6 On October 6, 2015, petitioner filed a *pro se* petition for temporary custody, alleging that A'maya was unsafe living with respondent. Specifically, petitioner alleged that respondent's boyfriend, Richard, abused A'maya by "whooping her/pinching her[.]" On October 28, 2015, the trial court entered an order granting petitioner temporary custody, care, and control of A'maya, pending the outcome of a Department of Children and Family Services (DCFS) investigation "pertaining to the minor."

¶ 7 On November 12, 2015, petitioner filed a *pro se* petition for permanent custody. He alleged that A'maya had been neglected and abused while living with respondent and Richard in Chicago, Illinois. He further alleged that A'maya had witnessed physical violence between respondent and Richard, and she had been left alone without supervision. Attached to the petition was an email from respondent's mother, Connie Hodges, to petitioner. In the email, Hodges stated that she had witnessed A'maya being mistreated by respondent and Richard on numerous occasions. Hodges further stated that respondent allowed Richard to "whip" A'maya with a belt, and A'maya was often tired from staying up all night and hungry from not being fed. Hodges further stated that Richard abused respondent and that respondent was "not mentally or

physically capable of caring for A'maya." Petitioner also attached a copy of a text message that Richard sent to him via cell phone, in which Richard stated that he "popped [A'maya] with a belt on her ass *** and yea [*sic*] I pinched her on the ass." Petitioner further attached a picture of respondent with a black eye, which she allegedly received from Richard.

¶ 8 On July 11, 2016, respondent filed a motion to strike the petition for permanent custody. Respondent argued that, pursuant to section 610.5(a) of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/610.5 (West Supp. 2015)), the petition should be stricken because it was filed within two years of the agreed parenting order and referred "only" to allegations of abuse to the minor which were "determined unfounded." There is no order in the record that disposed of the motion to strike.

¶ 9 On August 3, 2016, petitioner filed an amended *pro se* petition for permanent custody, alleging that A'maya was in "harms [*sic*] way" at respondent's residence; that respondent and Richard physically fought in front of A'maya; and that respondent made A'maya lie to the court-appointed guardian *ad litem* (GAL).

¶ 10 On September 13, 2016, the court held an evidentiary hearing on the petition. The GAL testified that, in his opinion, there was serious endangerment to A'maya. During interviews with the GAL, both respondent and Richard admitted that they hit A'maya with a belt; A'maya told the GAL that both respondent and Richard hit her with a belt and left her at the home unsupervised. The GAL also testified that, during his walkthrough of respondent's residence, he noticed bottles of liquor stored on shelves that were easily accessible to a child. He further testified that he had major concerns with respondent's neighborhood in Chicago. Specifically, there were nine murders and five sexual assaults during the previous year. The GAL testified that, "if you cross the street from where [respondent] lives" to the Grand Crossing neighborhood

of Chicago, there were 27 murders and 40 reports of sexual assault during the previous year; there were 7 murders, 3 sexual assaults, 47 robberies, and 24 batteries during the 30 days leading up to the hearing. He further testified that, two weeks before the hearing, a mother pushing her child in a stroller was shot and killed less than a half mile from the home.

¶ 11 Lorronda Frish, respondent's aunt, testified that she lived with respondent and Richard. Frish testified that she had not witnessed any abuse in the home. She also testified that respondent had a "fine" relationship with Richard, and that "everything has been blown out of proportion." Frish also testified that A'maya was "spoiled" and had never been left at home alone because "there is a supervisor there."

¶ 12 Respondent testified that A'maya lived "off and on" at her maternal grandmother's house in Bolingbrook, Illinois, for six years. Respondent moved to Chicago in 2013, and A'maya moved in with her in Chicago after completing kindergarten. Respondent testified that she had been dating Richard for four years by the time A'maya began to live with them. She further testified that the petition for permanent custody was the result of an incident that took place in approximately October 2015. According to respondent, petitioner and police officers arrived at 2 a.m. to take custody of A'maya because of alleged child abuse. Respondent testified that A'maya missed a whole month of school after that incident because petitioner would not return her to Chicago.

¶ 13 Respondent also testified that she spanked A'maya as a form of discipline, "but not to the point where she's hospitalized or she's bleeding or she has bruises." Richard physically disciplined A'maya, but A'maya and Richard had a "regular relationship." Respondent further testified that petitioner did not physically discipline A'maya and that nothing bad happened to A'maya when she was under petitioner's care. She also testified that petitioner did not allow her

to talk to A'maya, she was unaware that A'maya was enrolled in a new school in Naperville, and A'maya was "always" at her maternal grandmother's house while under petitioner's care.

¶ 14 On cross-examination, respondent testified that, while they were dating, petitioner had a good relationship with A'maya. After their separation, it was "kind of hard to say what type of relationship" petitioner and A'maya had, because he moved out of state for work. Respondent testified that petitioner called A'maya every day when he was out of state, and that A'maya lived with him for a summer in Philadelphia. Respondent further testified that she received a black eye during an altercation with Richard. On redirect examination, respondent testified that the altercation with Richard occurred a few months before A'maya began living with them; Richard did not hit her but, rather, threw a phone at her. Respondent acknowledged that she left A'maya at home alone, but she informed a neighbor in the building that "the kids were upstairs."

¶ 15 After the close of respondent's evidence, the trial court examined petitioner under oath. He lived in Naperville, Illinois, with his girlfriend and son. He had a full-time job at Crate and Barrel, and he also worked as a licensed barber. Petitioner enrolled A'maya in school in Naperville, and she was well-adjusted to her environment. He testified that A'maya performed well in school. Petitioner also testified that respondent was inconsistent in her visitation with A'maya, but he would continue to facilitate A'maya's relationship with respondent if he were awarded custody.

¶ 16 On cross-examination, petitioner testified that respondent had not helped with "anything" since A'maya began living with him. He testified that his girlfriend and Hodges provided additional care and assistance. A'maya met petitioner's girlfriend when A'maya was a baby, and they developed a strong relationship. Petitioner also testified that he drove A'maya to and from school; he spends time with A'maya after school and helps her with homework. He further

testified that his full-time job requires him to work the "third shift," which runs from 10:00 p.m. to 6:30 a.m. Petitioner's girlfriend is at home during those hours.

¶ 17 Petitioner called Hodges, respondent's mother, to testify. Hodges testified that on October 5, 2016, she called petitioner in the early morning hours and asked him to retrieve A'maya from respondent's residence in Chicago, because a fight between respondent and Richard had escalated. She also called the police that night and asked them to go to respondent's residence. Additionally, Hodges testified that respondent would come to her house with bruises "all the time." While living with respondent in Chicago, A'maya had called Hodges to state that she was left unsupervised; A'maya also called several times to complain about being hungry and stated that Richard would refuse to feed her. Hodges also testified that A'maya lived with her and her husband in Bolingbrook for the first six years of her life. Hodges and her husband "did everything" for A'maya during those six years, and respondent did "nothing." She testified that, in her opinion, it was best for A'maya to live with petitioner. A'maya was "thriving" with petitioner, and she had a good attitude. Hodges also testified that A'maya was safe with petitioner.

¶ 18 On cross-examination, Hodges testified that she knew about numerous physical fights between respondent and Richard, and Hodges and her husband once had to "actually kick the door down" to free respondent after Richard held her "hostage." She also testified that she personally witnessed physical altercations between respondent and Richard, and that Richard was "beating on my daughter and then my granddaughter at the same time."

¶ 19 Following the close of evidence, the court found that there was a serious endangerment to A'maya. The court also found that it was in A'maya's best interest that petitioner be designated as the primary residential parent and that he be granted the majority of parenting time. The court

also found that it was in A'maya's best interest that petitioner be granted 100 percent of parental responsibilities pursuant to section 602.5 of the Act (750 ILCS 5/602.5 (West Supp. 2015)).

¶ 20 Respondent timely appealed.

¶ 21 II. ANALYSIS

¶ 22 At the outset, we note that petitioner has not filed an appellee's brief. In such circumstances, the reviewing court has three options: (1) if justice so requires, actively seek bases for sustaining the judgment of the trial court; (2) when the record and issues are simple, decide the case on the merits; or (3) reverse when the appellant's brief shows prima facie error. *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976). Here, because the record is simple and the issues can be decided easily, we decide the case on the merits.

¶ 23 On appeal, respondent argues that the trial court erred in modifying the agreed parenting order when (1) petitioner failed to comply with section 610.5(a) of the Act; (2) petitioner failed to present, by a preponderance of the evidence, a substantial change in circumstances; and (3) petitioner failed to prove that modification was in the best interest of A'maya.

¶ 24 We note that petitioner filed a *pro se* petition for "permanent custody" on November 12, 2015, and an amended *pro se* petition for "permanent custody" on August 3, 2016. Public Act 99-90 amended the Act, effective January 1, 2016, and replaced the term "custody" with the term "allocation of parental responsibilities." Additionally, former section 610 of the Act was repealed, and, as of January 1, 2016, provisions regarding modification of an order "allocating parental responsibilities" appear in section 610.5 of the Act. Pub. Act. 99-90 (eff. Jan. 1, 2016). The amended provisions apply to "all pending actions and proceedings commenced prior to its effective date with respect to issues on which a judgment has not been entered." 750 ILCS

5/801(b) (West Supp. 2015). Accordingly, the 2016 amended version of the Act applies, and the petitions filed here implicate section 610.5 of the Act.[1]

¶ 25 A. Compliance with Section 610.5(a) of the Act

¶ 26 Respondent argues that petitioner failed to comply with section 610.5(a) of the Act when he did not attach an affidavit to his *pro se* petitions for permanent custody. She also appears to argue that he failed to allege sufficient facts to show that A'maya was seriously endangered.

¶ 27 Section 610.5(a) provides: "no motion to modify an order allocating parental responsibilities may be made earlier than 2 years after its date, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may endanger seriously his or her mental, moral, or physical health or significantly impair the child's emotional development." 750 ILCS 5/610.5(a) (West Supp. 2015). A petition that fails to allege endangerment to the child is subject to dismissal upon a motion to dismiss. *In re Marriage of Noble*, 192 Ill. App. 3d 501, 506 (1989). Additionally, when a party seeks to

[1] The February 20, 2009, Voluntary Acknowledgment of Paternity established petitioner's legal parent-child relationship with A'maya pursuant to the Parentage Act of 2015. 750 ILCS 46/301 (West Supp. 2015). The Voluntary Acknowledgment was the equivalent of an adjudication under the Parentage Act, and it had the "full force and effect of a judgment" under the Parentage Act. See 750 ILCS 46/305(a), (b) (West Supp. 2015). Under the Parentage Act, the court determines or modifies the allocation of parental responsibilities in accordance with the relevant factors and provisions of the Act (the Illinois Marriage and Dissolution of Marriage Act). See 750 ILCS 46/802(a) (West Supp. 2015); 750 ILCS 46/808 (West Supp. 2015). Hence, although the petition here was filed under the Parentage Act, the determination of the outcome is dependent upon the relevant provisions of the Act.

modify a custody order within two years, the affidavit requirement is mandatory. *In re Custody of Sexton*, 84 Ill. 2d 312, 319 (1981). Nevertheless, compliance with the affidavit requirement may be waived. *Sexton*, 84 Ill. 2d at 320-23; *Noble*, 192 Ill. App. 3d at 506.

¶ 28 *Sexton* and *Noble* are instructive. In *Sexton*, our supreme court held that the respondent waived her argument concerning the affidavit requirement where she failed to object to the hearing on the petition to modify custody; the facts not sworn to by affidavit were testified to in open court; the proceedings resulted in an adjudication on the merits; the appellant "sought to gain advantage on appeal" from her silence in the trial court; and the petition informed the court and the parties of the facts relied on for a change in custody. *Sexton*, 84 Ill. 2d at 321-22. Moreover, "considerations of judicial economy and simple justice support holding that the affidavit requirement was waived" when the respondent elected to forgo its protections and proceed to the merits. *Sexton*, 84 Ill. 2d at 322.

¶ 29 Similarly, in *Noble*, this court held that the respondent waived her argument on appeal that the petitioner failed to comply with either the affidavit requirement or the requirement to allege facts that demonstrate serious endangerment to the child. *Noble*, 192 Ill. App. 3d at 508. Although the respondent filed a motion to dismiss the petition, she cited the wrong statutory provision in the motion, and the trial court did not understand the respondent's objection to be based on either the affidavit requirement or the requirement to allege statutory factors. *Noble*, 192 Ill. App. 3d at 507. Moreover, the respondent participated in a full evidentiary hearing. *Noble*, 192 Ill. App. 3d at 508. We reasoned: "where the parties have had an opportunity to present evidence concerning the child's best interest, it would be senseless to exalt form over substance and remand for failure to file a proper pleading or affidavit." *Noble*, 192 Ill. App. 3d at 508.

¶ 30 Here, as in *Sexton* and *Noble*, respondent waived her argument that petitioner failed to comply with section 610.5(a) of the Act. Petitioner filed his first *pro se* petition for permanent custody on November 12, 2015. On July 11, 2016, eight months later, respondent filed her motion to strike the petition pursuant to section 610.5(a), in which she noted that the petition was filed within two years of the agreed parenting order and that it alleged abuse to the minor child. The motion to strike then stated: "the Petition only refers to, as its grounds for change of custody, allegations of abuse which have been determined unfounded. The Petitioner was well aware and received notice that these allegations were unfounded. Petitioner even stated in open court, on May 2, 2016, that he would release the minor child back to the Respondent's residential care." No order in the record disposes of respondent's motion to strike. Additionally, petitioner filed an amended *pro se* petition for permanent custody on August 3, 2016. Respondent did not file another motion to strike or otherwise renew her July 11 motion to strike.[2] Respondent then proceeded to an evidentiary hearing on the merits of the petition, without making any argument or objection concerning the petitions' failure to comply with section 610.5(a). As in *Sexton* and *Noble*, the petitions informed the court and parties of the facts relied on for a modification, facts that were not sworn to by affidavit were testified to in open court, and the trial court entered a judgment on the merits. Accordingly, in the interests of justice and judicial economy, respondent waived her argument.

¶ 31 B. Substantial Change

[2] There is an order dated August 5, 2016, that continued the matter to September 13, 2016, for trial. The order did not address respondent's motion to strike, nor is the transcript from the August 5, 2016, hearing included in the record.

¶ 32 Respondent also argues that petitioner failed to present, by a preponderance of the evidence, that there was a substantial change in circumstances that warranted a modification of the agreed parenting order.

¶ 33 Section 610.5(c) of the Act specifies the legal standards a court must use in determining whether to grant a petition for modification. 750 ILCS 5/610.5(c) (West Supp. 2015); see also *Department of Public Aid ex rel. Davis v. Brewer*, 183 Ill. 2d 540, 555 (1998) (analyzing former section 610 of the Act). Section 610.5(c) provides that a court may modify a parenting plan or allocation judgment if it finds by a preponderance of the evidence, on the basis of facts that have arisen since the entry of the existing plan or order, that a substantial change has occurred in the circumstances of the child or the parents and that modification is necessary to serve the child's best interests. 750 ILCS 5/610.5(c) (West Supp. 2015).

¶ 34 A trial court's determination regarding custody and parental decision-making responsibilities is given great deference, because it is in a better position to judge the credibility of the witnesses and determine the best interests of the child. *In re Marriage of Lonvick*, 2013 IL App (2d) 120865, ¶ 33. We will not disturb the trial court's judgment unless it is against the manifest weight of the evidence. *Lonvick*, 2013 IL App (2d) 120865, ¶ 33. A judgment is against the manifest weight of the evidence when the opposite result is apparent or when the trial court's findings appear to be unreasonable, arbitrary, or not based on the evidence. *Lonvick*, 2013 IL App (2d) 120865, ¶ 33.

¶ 35 Here, the evidence supports the trial court's finding that there was a serious endangerment to A'maya's physical, mental, moral, and emotional health and that such endangerment was a change in circumstances. At the time of the hearing in September 2016, A'maya was six-and-a-half years old, and she had lived with her maternal grandparents for the

first six years of her life. Respondent moved to Chicago in 2013. When the agreed parenting order was entered in January 2015, A'maya was still living with her maternal grandparents in Bolingbrook, Illinois; she moved to Chicago to live with respondent and Richard shortly thereafter.[3] When she lived in Chicago, Richard corporally punished A'maya by hitting her with a belt and "whooping her," and A'maya witnessed physical violence between respondent and Richard. Hodges also testified that, when A'maya lived in Chicago, she called several times to complain of hunger and being left unsupervised. The GAL testified that liquor bottles were easily accessible to A'maya in the home in Chicago, and the neighborhood was dangerous.

¶ 36 Respondent contends that there was no endangerment to A'maya, because any alleged abuse was "in conjunction" with two DCFS investigations that were ultimately determined to be unfounded, one of which petitioner initiated. There are only two references in the record to any DCFS investigations. The first appears in an order dated October 28, 2015, in which petitioner was granted temporary custody of A'maya pending the outcome of a DCFS investigation "pertaining to the minor." The second reference appears in counsel's argument during the evidentiary hearing. There is no documentary or testimonial evidence in the record that sheds light on either DCFS investigation or how they were initiated or otherwise disposed of, and we decline to hold that the trial court's judgment was against the manifest weight evidence based on argument unsupported by the record.[4] We similarly reject respondent's contentions regarding

[3] While the record is unclear as to the exact date A'maya moved to Chicago, it appears that she moved around May 2015.

[4] We note that the GAL made a passing reference to "this pending DCFS investigation, which turned out unfounded" while discussing a phone call he had received from Hodges. The GAL provided no specifics of the investigation or otherwise elaborated on the content or

the GAL's testimony. Respondent contends that, before the evidentiary hearing, the GAL agreed that the original parenting order should be reinstated. No evidence in the record supports such an assertion, especially considering the GAL's unequivocal testimony at the hearing and the fact that there is no GAL report in the record.

¶ 37 Respondent further argues that, while all relevant parties confirmed that A'maya had been hit with a belt, respondent had a constitutional right to use corporal punishment. Respondent notes that A'maya never had any bruises, marks, or required hospitalization. The right of privacy encompasses the right to care for, control, and discipline one's *own* children. *People v. Green*, 2011 IL App (2d) 091123, ¶ 14. Respondent testified that Richard, who is not a parent, physically disciplined A'maya by hitting her with a belt. The record also shows that Richard admitted to "whooping" and "pinching" A'maya. Respondent has not provided any case law that suggests that anyone other than a parent has the constitutional right to corporally punish a child, especially when one of the parents (petitioner) disagrees with such methods.

¶ 38 Respondent also takes issue with the court's ruling in finding a substantial change of circumstances, because Frish, respondent's aunt, testified that she had not witnessed any abuse in the home. The trial court was in the best position to hear the testimony and judge the credibility of the witnesses. *Lonvick*, 2013 IL App (2d) 120865, ¶ 33. The court heard the evidence and chose to reject Frish's testimony. The court similarly rejected respondent's argument that the GAL's concerns about the safety of the home and the neighborhood were exaggerated.

¶ 39 Accordingly, the trial court's finding that petitioner proved a change in circumstances was not against the manifest weight of the evidence.

¶ 40 C. Best Interest

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initiation of the investigation.

¶ 41 Respondent also argues that petitioner failed to prove that it was in A'maya's best interest to modify the agreed parenting order.

¶ 42 As mentioned, a court has the authority to modify a parenting plan if it is necessary to serve the child's best interest. 750 ILCS 5/610.5(c) (West Supp. 2015). To determine the child's best interest, the court shall consider all relevant factors, including the wishes of the child; the wishes of the parents; the child's adjustment to home, school, and community; the mental and physical health of all individuals involved; the ability of the parents to cooperate to make decisions; the amount of time each parent spent performing caretaking functions with respect to the child in the 24 months preceding the filing of the petition; the level of each parent's participation in past decision-making with respect to the child; the interaction and interrelationship of the child or or other members of the household; any prior agreement or course of conduct between the parents relating to decision-making; the child's needs; the distance between the parents' residences; whether a restriction on decision-making is appropriate; the willingness and ability of each parent to facilitate and encourage a relationship with the other parent; the physical violence or threat of physical violence; the occurrence of abuse against the child or other member of the household; and whether one parent is a sex offender or resides with a sex offender; the terms of a parent's military family-care plan; and any other factor that the court expressly finds to be relevant. 750 ILCS 5/602.5(c) (West Supp. 2015) (best interest factors pertaining to decision-making); 750 ILCS 5/602.7(b) (West Supp. 2015) (best interest factors pertaining to parenting time).

¶ 43 Here, A'maya lived with her maternal grandparents for the first six years of her life in Bolingbrook. Hodges testified that she "did everything" for A'maya during those six years. A'maya lived in Chicago for approximately six months before she began living with petitioner in

Naperville, which is close to Hodges' residence in Bolingbrook. Hodges continued to provide support to A'maya while she lived with petitioner in Naperville. Additionally, A'maya is enrolled in school in Naperville and is doing well. Hodges testified that A'maya is "thriving" and "safe" under petitioner's care. Petitioner lives with his girlfriend, who has a good relationship with A'maya and provides assistance to her. On the other hand, while she was living in Chicago, Richard corporally punished A'maya; Hodges testified that A'maya was left unsupervised and would sometimes go hungry. Moreover, petitioner testified that he intends to continue respondent's visitation with A'maya and facilitate their relationship.

¶ 44 We reject respondent's claim on appeal that A'maya "made it clear that she wanted to continue to live with her mother." No evidence in the record supports this assertion. There was no testimony concerning A'maya's preferences. A'maya did not testify, nor did the court interview her in chambers to ascertain her wishes. See 750 ILCS 5/604.10 (West Supp. 2015) ("The court may interview the child in chambers to ascertain the child's wishes as to the allocation of parental responsibilities."). We admonish counsel that Illinois Supreme Court Rule 341 (eff. Jan. 1, 2016) requires that facts be stated with appropriate reference to the record. Ill. S. Ct. R. 341(h)(6), (7).

¶ 45 We also reject respondent's contention that the court's best interest finding was against the manifest weight of the evidence, because petitioner was not involved in past decision-making and is presently unable to care for A'maya. At the hearing, respondent testified that, during the first few years of A'maya's life, petitioner helped "when he could." Petitioner testified that, before 2014, he did not consider himself "stable" enough to be the primary residential parent, because he lived in a college town with unsuitable roommates and then moved to Philadelphia for work. Nevertheless, he testified that, at the time of the hearing, he was stable, lived with his

girlfriend and son, had a full-time job, received benefits, and had a second job as a licensed barber. Additionally, petitioner testified that, since A'maya began to live with him, he enrolled her in a new school, took her to and from school, and helped her with her homework. We also note that Hodges testified that she "did everything" for A'maya when she lived in Bolingbrook for the first six years of her life. Hodges further testified that, even when she lived at her house, respondent did "nothing" for A'maya.

¶ 46 Additionally, respondent suggests that the best interest decision must be reversed because the trial court failed to make specific findings of fact. "[T]he trial court is not required to make specific findings for each factor as long as the record reflects that evidence of the factors was considered by the trial court before making its decisions." *In re Marriage of Diehl*, 221 Ill. App. 3d 410, 424 (1991). Here, the trial court explicitly stated that it considered the statutory best interest factors before making its ruling. Moreover, we note that contrary case law relied on former section 610(b) of the Act, which was repealed by Public Act 99-90, in finding that courts are required to make specific findings of fact before modifying a parenting order. See, *e.g.*, *Suriano v Lafeber*, 386 Ill. App. 3d 490, 493 (2008); see also 750 ILCS 5/610(b) (West 2008) ("The court shall state in its decision specific findings of fact in support of its modification or termination of joint custody if either parent opposes the modification or termination."). Section 610.5(c) contains no such mandate that the court make specific findings of fact. See 750 ILCS 5/610.5(c) (West Supp. 2015).

¶ 47 Finally, respondent argues that, even if there was sufficient proof justifying a modification of the designated residential parent, the trial court erred in terminating her decision-making rights. Respondent contends that petitioner failed to allege facts to call into question her decision-making rights, and there was no argument or testimony "to confirm that finding."

Respondent did not raise this argument before the trial court, and she does not develop or provide any legal support for her argument on appeal. Accordingly, her argument is forfeited. See Ill. S. Ct. R. 341(h)(7) ("Argument, [] shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on.").

¶ 48 Forfeiture aside, respondent's argument is meritless. As mentioned, petitioner filed a *pro se* petition for "permanent custody." Public Act 99-90 amended the Act by replacing the term "custody" with the term" allocation of parental responsibilities." "Parental responsibilities" is defined as "both parenting time and significant decision-making responsibilities with respect to a child." 750 ILCS 5/600(d) (West Supp. 2015). Accordingly, petitioner's *pro se* petition for "permanent custody" was essentially a petition to modify parental responsibilities – which includes parenting time and significant decision-making responsibilities. The record is clear that petitioner was seeking to become the primary residential parent and to be awarded a majority of the significant decision-making responsibilities. Thus, the trial court was authorized to modify respondent's decision-making responsibilities if doing so was in A'maya's best interest. See 750 ILCS 5/602.5(c) (West Supp. 2015).

¶ 49 Based on the foregoing, the trial court's finding that it was in A'maya's best interest to modify the agreed parenting order was not against the manifest weight of the evidence.

¶ 50 III. CONCLUSION

¶ 51 For the reasons stated, we affirm the trial court's order that, among other things, designated petitioner as the primary residential parent with a majority of the parenting time and granted him 100 percent of parental decision-making responsibilities.

¶ 52 Affirmed.