2017 IL App (2d) 170651-U
No. 2-17-0651
Order filed January 11, 2018

IN THE

APPELLATE COURT OF ILLINOIS

SECOND DISTRICT

In re MARRIAGE OF KRISTEN LEE PETERSON, Petitioner-Appellee, and BRIAN PETERSON, Respondent-Appellant.	))))))))))	Appeal from the Circuit Court of Du Page County. No. 13-D-1470 Honorable Robert E. Douglas, Judge, Presiding.

JUSTICE SPENCE delivered the judgment of the court.
Presiding Justice Hudson and Justice Hutchinson concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's rulings, that there was a substantial change in circumstances since the entry of the original joint parenting agreement and that the children's bests interests required that they reside primarily with petitioner during the school year, were not against the manifest weight of the evidence. Therefore, we affirmed.

¶ 2 Respondent, Brian Peterson, and petitioner, Kristen Lee Peterson, were married in May 2003. They had twins, L.P. and T.P., on August 7, 2007. The parties' marriage was dissolved on March 12, 2014, and the dissolution judgment incorporated the parties' marital settlement agreement and joint parenting agreement (JPA). The parties agreed to joint custody of the

children and equal parenting time, with the children continuing to attend the same elementary school in Glen Ellyn that they had attended prior to the dissolution.

¶ 3 About two years later, petitioner filed a motion to modify the JPA on the basis of a substantial change in circumstances, including her work schedule and the children's medical and emotional needs. She sought to have the children reside primarily with her in Geneva and attend Geneva schools, and reduce respondent's parenting time. The trial court granted petitioner's motion, and respondent appeals. We affirm.

¶ 4 I. BACKGROUND

¶ 5 The JPA contained the following provision regarding parenting time:

> "During the school year, FATHER shall have the children after school on Monday through drop-off at school on Wednesday. MOTHER shall have the children after school on Wednesdays through drop-off at school on Thursday. FATHER shall have the children from Thursday after school through drop-off at school Friday and MOTHER shall have from pick up at school on Friday through drop-off at school on Monday; however FATHER shall have the second full weekend of every month from Friday after school through Sunday at 7:00 p.m. [Handwritten] *In lieu of Father having the fourth weekend every month, he shall have the 4th Friday after school to Saturday at 7:00 p.m. for alternating months beginning the first full month of the school year[,] and he shall have his choice of the 1st 6 full days the children have off of school for teacher institute days, Presidents' Days[,] and other similar days there [is] no school."

The JPA further provided for an equal division of holidays and school vacations.

¶ 6 Petitioner filed a motion to modify the JPA on June 14, 2016, alleging as follows. She was a registered nurse and the children's primary caregiver. Since the entry of the dissolution

judgment, her employer had hired additional staff, allowing her to have a more flexible schedule. She lived one block from Fabyan Elementary School in Geneva, and if the children attended that school, they could walk instead of riding the bus, as they currently did in Glen Ellyn. The student-teacher ratios were also better in Geneva. The children had special needs and required a regular schedule of sleep, nutrition, and hygiene, which respondent was not adequately providing. Their son, T.P., was currently engaged in therapy after having told petitioner that he had no friends and wanted to kill himself. T.P. had also acted out at school, and he needed asthma medications. Their daughter, L.P., had type I diabetes and celiac disease that required consistent monitoring. Petitioner "manage[d] L.P.'s pump [and] change[d] her basal rate and carb ratios." She also coordinated all of L.P.'s health care and communicated with the school nurse and health aide. L.P. preferred that petitioner change her ports that delivered medicine to her body. L.P. would soon be going through puberty, and the hormonal changes would require greater management of her diabetes.

¶ 7 Petitioner requested that the children be permitted to reside primarily with her and attend school in Geneva; that the parenting time during the school year be modified to give respondent parenting time from Tuesday after school to Wednesday morning, and the second and fourth weekends of the month, with her receiving the remaining time; and that days off from school be divided equally.

¶ 8 Petitioner also filed a motion requesting that the children receive psychological evaluations. The trial court granted this motion on October 26, 2016.

¶ 9 A trial on petitioner's motion to modify the JPA took place on June 30 and July 20, 2017. Respondent testified as follows. When the JPA was entered, he was receiving Social Security disability payments and not working. Petitioner was working full-time, and this distinction was

taken into consideration in negotiating the JPA. Respondent's disability payments ceased in 2015, and he went back to work full-time. He did not recall if he advised petitioner of this fact. Respondent was a general contractor and usually worked from home. He typically went out for calls when the children were with petitioner.

¶ 10 L.P. was diagnosed with diabetes in March 2013, about one year before the entry of the dissolution judgment. Petitioner had noticed changes in L.P. and had taken her to a doctor. Petitioner was the "go-to" person regarding L.P.'s condition, and she was the one who set the "carb ratio" and ordered all the medication. Petitioner gave him directions for the protocol, but she relayed what she learned from L.P.'s doctor, as opposed to her own knowledge or independent research. She was the parent communicating with the doctor because she carried the medical insurance and wanted control.

¶ 11 Changing L.P.'s "port site" was necessary every three days. It involved an injection with a needle and was painful for her. There used to be times when L.P. became overly emotional when respondent attempted to change the site, and once she wanted to talk to petitioner. However, she no longer became emotional. When she entered puberty, her glucose levels would likely spike due to hormone changes. Respondent did not know the long term effects of frequent spikes. L.P.'s diabetes was electronically monitored, and her glucose levels were sent to the parties' phones every five minutes. Respondent had noticed spikes when L.P. was with petitioner.

¶ 12 Before the dissolution, petitioner was gone from 5 a.m. to after 6 p.m. four days per week. A couple times per week, she would come home after they were in bed. Respondent was the parent feeding and taking care of the kids, and he also took care of L.P.'s diabetes. However, they had sitters during respondent's work hours until he went on disability in 2013.

¶ 13 Petitioner moved to Geneva during the divorce proceedings and did not tell respondent until after she had purchased the house. Respondent agreed that the children had adjusted to the community in Geneva, and they had a few friends there. The Glen Ellyn school and a park were less than a mile from his house, and the school had a ratio of about 20 kids per teacher. Respondent agreed that in Geneva the school was four blocks away from petitioner's house, there was a park across the street from her house, and the Geneva school had a ratio of a little less than 17 kids per teacher.

¶ 14 The children were doing well in school in Glen Ellyn and had been involved in scouts for about four years. Respondent agreed that petitioner learned from a teacher that T.P. did not do his homework for one week. Respondent had signed off on those homework assignments, trusting that T.P. had completed them. Respondent had also occasionally forgotten to check for the math homework that T.P. was supposed to do online.

¶ 15 The children went to bed at his house at 9 or 9:15 p.m., whereas they went to bed between 8:30 and 9 pm at petitioner's house. They could sleep in longer at his house because the drive to school was shorter. Respondent did not previously think that the children needed to shower ever day, but he now believed that they did based on their growth and activities. He did not require that the children do regular chores. On occasion, respondent had raised his voice with the children when he became frustrated.

¶ 16 Respondent agreed that in January 2016, T.P. told petitioner that he was sad and wanted to kill himself. Respondent participated in counseling with T.P. for almost one year, and the therapist confirmed that T.P. had made such a statement to petitioner.

¶ 17 Respondent had two siblings who lived in the suburbs, but he had not spoken to them in years.

¶ 18 Petitioner was the one who came up with the parenting plan in the JPA. She said that she would not otherwise sign the agreement. Respondent considered petitioner to be a good mother and himself to be a good father. They just had different parenting styles. He thought that she was too strict with the kids, and she thought that he was too easy on them. Respondent was open to a revised parenting schedule that would still give both parties equal parenting time. His proposed schedule was admitted into evidence.

¶ 19 We next summarize petitioner's testimony. She had been a nurse for 30 years. When the children were born in 2007, she stayed home for five months, and respondent worked. She then went back to work, beginning with two days per week and eventually increasing to four days per week. Petitioner's mother, respondent, and sitters watched the children. Respondent began receiving disability benefits in 2013, and he started solely taking care of the children when they were not in school and she was working. Petitioner did not know that he went off of disability in 2015 until the depositions for this proceeding. The parties had both agreed to the original parenting schedule, but in retrospect it was not a good schedule for the children because they were always confused about where they were supposed to be.

¶ 20 Respondent knew that petitioner had purchased a house in Geneva before the dissolution judgment was entered. Petitioner agreed that if the children went to school in Geneva and there was an emergency, it would take her at least 40 to 45 minutes to get home from work, and respondent would need 20 to 25 minutes to drive to Geneva. In contrast, respondent lived five minutes from the Glen Ellyn school. However, she had friends and neighbors on her street who were familiar with diabetic children and could help out in an emergency. Her parents, and her brother and his family, also lived in Geneva.

¶ 21 Petitioner described how she monitored L.P.'s glucose levels and coordinated "carb

ratios." L.P.'s "A1C" level in September 2013 was six, which was good, but it had increased 13% to 6.9 in March 2017. If it passed 7.5, L.P. would be more at risk for long-term negative effects to her arteries, kidneys, heart, and reproductive system. Petitioner's goal was to have L.P. be able to change her own injection site in less than five years. Respondent was more lax than she was about monitoring L.P.'s carbs, and he once let her have a doughnut, milkshake, pizza, and cake all in the same day, which made her blood sugar level very high. Petitioner also disagreed with respondent's practice of giving L.P. extra insulin at night, because it created upwards and downwards spikes in her blood sugar levels. Petitioner agreed that respondent had taken classes about caring for someone with diabetes. Petitioner also agreed that she had taken L.P. to have her blood drawn without telling respondent, and that L.P. had passed out and had to be taken to the emergency room.

¶ 22 In the fall of 2016, T.P. cried most nights at bedtime, saying that it was very difficult to have divorced parents and that he was sad. In October 2016, he became hysterical one morning when being dropped off for school, crying and holding on to her while saying that he did not want to go to school. Twice, a teacher had to take him out of the car and walk him to the building. T.P. had also been acting out in class. In January 2017, T.P. said that he should kill himself. He began seeing a counselor the following month, and he became much happier. The counselor believed that one of T.P.'s issues was separation anxiety from petitioner.

¶ 23 Petitioner described her daily routine with the children and their chores. She made them do their homework after school, before they could play. L.P. often took about 45 minutes to an hour to do math homework, and there were several nights that it would take over two hours. Petitioner had adjusted her work schedule to be able to leave work at 1:30 p.m. on Mondays, Wednesdays, Thursdays, and Fridays. She believed that her proposed schedule was in the

children's best interest because it was more structured in that they would be coming to her house after school every day other than Tuesdays.

¶ 24 Petitioner agreed that she had allowed the children to ride bicycles without helmets. There was also one incident when T.P. was playing outside with a neighbor, and petitioner did not know where he was for 10 or 15 minutes. There was another time when T.P. became separated from her at Disney World for 15 or 20 minutes. She did not know of any instances when respondent had lost track of the children. Petitioner admitted to having slapped L.P. across the face after L.P. had a meltdown at a store, to reorient her so that petitioner could check her blood sugar level.

¶ 25 Dr. Roger Hatcher, the clinical psychologist appointed as an evaluator, provided the following testimony. He spent about 16 hours interviewing the parties and the children, and administering testing. He also looked at educational and medical records and spoke to L.P.'s diabetic provider, T.P.'s counselor, and the children's math teacher.

¶ 26 Neither party showed evidence of any psychiatric impairment or significant personality disorder. He gave the children a "parent report card" as a tool to rate their parents. T.P. gave both parents A's on the majority of the 20 questions. However, for ability to help with homework and for being treated according to his age, he gave petitioner an A and respondent a B. T.P. gave petitioner an A and respondent a C for the areas of not screaming when angry, and for spending time alone with him.

¶ 27 L.P. gave petitioner all A's and rated her higher than respondent on the majority of categories. She gave respondent a B for treating her fairly and being understanding about poor grades. She gave respondent a C for helping with homework, understanding her feelings, being treated according to her age, making good meals, listening, explaining things, spending time

alone with her, and letting her make her own decisions. She gave respondent a D in the area of not screaming when angry.

¶ 28 Both children had special needs. T.P. had asthma and mild "ADD." L.P. had juvenile diabetes and celiac disease, which both necessitated a restricted diet. Untreated juvenile diabetes could result in death, and frequent spikes in glucose levels could destroy cells and damage organ systems. L.P.'s diabetic providers believed that the stress of the current schedule, with its frequent changes, caused diabetic instability due to the release of stress hormones.

¶ 29 Respondent had a relationship with his mother but not with his siblings, showing he did not have the extended family support that many people have. In contrast, petitioner was very close to her extended family. At the time of the divorce, she moved to Geneva to be closer to them, though Geneva was further from the children's school and petitioner's work. Petitioner was "the over responsible type" and had a textbook understanding of juvenile diabetes. She was the parent in charge of managing L.P.'s illness. Respondent had a much more "casual" attitude about the illness and did not monitor glucose levels as closely. L.P. was doing well in terms of "her long term measures of diabetic control" due to petitioner's efforts. For the most part, respondent implemented the protocol that petitioner set.

¶ 30 The children were comfortable in both Glen Ellyn and Geneva, and they talked about having good friends in both places. They went to church in both towns but preferred the Geneva church. T.P. tried to be fair to both parents but told his therapist that he wanted to be with petitioner more. However, he did not voice a preference about wanting to live predominantly with one parent, and he said that he loved both of his parents. L.P. rated both parents highly but was more familiar and comfortable with petitioner. She brought up that she was not happy about respondent changing her insulin monitoring sites, and sometimes she was afraid that he would

"force it." L.P. wanted petitioner to change the sites. Petitioner also was better at assisting L.P. with homework, as L.P. and respondent would both get frustrated when he was helping her with math. Both children were doing "fairly well" in school.

¶ 31 Dr. Hatcher was "appalled" by the current parenting schedule. L.P. said that she sometimes did not know where she was or where she was going to be. T.P. said he sometimes had trouble remembering which house he was going to after school. T.P. needed organization and structure, with a schedule that a 9-year-old could figure out. Both kids also needed responsibility and training. Respondent reported that the children were required to make their beds and do some cooking, whereas petitioner had a chart of chores for them.

¶ 32 Dr. Hatcher opined that the parenting schedule needed to be structured, predictable, and fairly simple, with a predominant period of time with petitioner because she was more attentive, responsible, and competent to take care of the children's general and special needs. The change would result in respondent's parenting time being decreased from 50% to 35 to 40%.

¶ 33 The trial court issued a letter opinion on August 7, 2017, finding as follows. It had considered the factors under section 602.7 of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/602.7 (West 2016)). Hatcher found that both children, who were 9½, had an appropriate maturity level and the ability to express a reasoned and independent preference regarding parenting time. L.P wanted petitioner to have the majority of the parenting time largely because she was concerned about aspects of respondent's day-to-day management of her diabetes, particularly changing her injection sites. She also expressed a desire to go to school where petitioner lived, in Geneva. T.P. wanted things to be equal and fair, but gave a "tepid preference" to parenting time with petitioner. On the parent report card that Hatcher provided, both children rated petitioner higher in certain categories, 12 out of 20 for L.P. and 6 out of 20

for T.P. Neither child rated respondent higher in any category.

¶ 34 Both parents currently had about equal parenting time and therefore had been providing equally for the children's day-to-day needs. Respondent was "less successful" than petitioner in that regard. Before petitioner filed her motion, respondent showed a "cavalier attitude" towards the children's hygiene and did not require them to shower daily. He was also less consistent in helping them with homework. Petitioner was responsible for scheduling most of the children's routine medical appointments, and she was the primary manager of L.P.'s diabetes treatment. She had a better grasp on L.P.'s condition because she was a nurse, so her taking the lead was not unusual. L.P. was currently successfully dealing with her disease. There were frequent fluctuations in her glucose levels requiring close monitoring by the parties. Respondent could deal with L.P.'s condition, but petitioner was far better. She had ascertained where L.P.s insulin levels needed to be set and was in better command of the factors leading to spikes in her glucose level. Dr. Hatcher's opinion of parenting time was based in large measure on this factor. Dr. Hatcher believed that the children's overall health, and in particular L.P.'s, was endangered by the stress of trying to maintain a 50/50 parenting time. He testified that according to L.P.'s endocrinologist, it could have life-threatening consequences for her over time.

¶ 35 Both parties acknowledged that the other was a good and loving parent and had the children's best interests at heart. The children also had loving relationships with both parents. The parties entered into their 50/50 parenting arrangement unaware of certain factors. Petitioner believed that respondent was on disability and would likely remain so, and she did not know that he had returned to work. Respondent had not known that petitioner had bought a house in Geneva. They both indicated that if they had known these facts, it would have affected their acceptance of the current agreement.

¶ 36 The children were well-adjusted to both Glen Ellyn and Geneva and had friends and activities in both places. T.P. performed at an average to above average level at school but described it as " 'a place of terror,' " and he had difficulty going there on Mondays after being with petitioner. He had expressed one suicidal ideation, but the evidence did not reflect an underlying cause or continuing manifestations. The children preferred the church in Geneva, and they told Dr. Hatcher that they liked being with their dog, who was at petitioner's house.

¶ 37 The trial court placed the greatest weight on the factors of the children's wishes; the amount of time each parent had spent on caretaking functions in the 24 months preceding the filing of the petition; the children's adjustment to home, school, and community; the mental and physical health of the children; and the distance between the parties' residences. See 750 ILCS 5/602.7 (West 2016). These factors favored the changes sought by petitioner. The trial court agreed with Dr. Hatcher that the children's health would be positively affected if they experienced less stress as a result of the parenting schedule. Dr. Hatcher opined that the children would be better off if petitioner was awarded the majority of the parenting time due to her ability to better deal with L.P.'s diabetes. He also testified that she would be better in helping the children with homework, thereby relieving additional stress. The trial court agreed, commenting that the change may not be in the parents' best interests, but it was in the children's best interests.

¶ 38 The trial court also agreed with Dr. Hatcher that respondent should have parenting time every other weekend and every Tuesday overnight, and petitioner would have all other non-holiday days during the school year. When the children were not in school and did not have to cope with the stress of a school schedule, respondent would have the children Mondays and Tuesdays, and petitioner would have them Wednesdays and Thursdays. The parties would alternate Fridays through Sundays during this time. Each party would have two non-consecutive

weeks of summer vacation with the children, and the holiday schedule would remain as previously agreed-to by the parties.

¶ 39 Respondent filed a motion to reconsider on August 15, 2017. He argued that the trial court failed to find that a substantial change of circumstances had occurred, and that the evidence did not support such a finding. Respondent argued that L.P. was diagnosed with juvenile diabetes before the entry of the dissolution judgment, and that the disease was being treated successfully. He noted that the parties agreed in the JPA that the children would attend school in Glen Ellyn, and that the parties' residences had not changed. Respondent argued that the parties' professions also had not changed, and that he did not work outside the home on the days that he was taking care of the children.

¶ 40 The trial court denied the motion to reconsider on August 17, 2017. It stated that although it had not used the phrase "substantial change in circumstances," it described such a change in that it accepted Dr. Hatcher's testimony that additional stress had been placed on L.P. regarding her disease since the time of the JPA. It further clarified, pursuant to a motion by petitioner, that the children were to go to school in Geneva, where petitioner resided.

¶ 41 Respondent timely appealed.

¶ 42 II. ANALYSIS

¶ 43 Respondent first argues that the trial court erred in finding that a substantial change in circumstances had occurred. A trial court may modify a parenting plan:

> "when necessary to serve the child's best interests if the court finds, by a preponderance of the evidence, that on the basis of facts that have arisen since the entry of the existing parenting plan or allocation judgment or were not anticipated therein, a substantial change has occurred in the circumstances of the child or of either parent and that a

modification is necessary to serve the child's best interests." 750 ILCS 5/610.5(c) (West 2016).

The statute reflects a policy favoring the finality of child custody judgments, and it creates a presumption in favor of the status quo to promote stability and continuity in the child's custodial and environmental relationships. *In re Marriage of Fuesting*, 228 Ill. App. 3d 339, 344 (1992). To modify a parenting agreement, the trial court must find both that conditions have substantially changed and that the changed conditions affect the child's best interests. 750 ILCS 5/610.5 (West 2016); *Fuesting*, 228 Ill. App. 3d at 344. The trial court may determine the child's best interests based on a consideration of all relevant factors, including those enumerated in section 602.7 of the Act (750 ILCS 5/602.7 (West 2016)).

¶ 44 Custody determinations are within the trial court's "sound discretion," and we will not disturb its decision on this issue unless it is against the manifest weight of the evidence. *In re Custody of Sussenbach*, 108 Ill. 2d 489, 499 (1985). A trial court's custody determination is given great deference because the trial court is in a superior position to judge witness credibility and determine the child's best interests. *In re Marriage of Bates*, 212 Ill. 2d 489, 515-16 (2004). A decision is against the manifest weight of the evidence only where the opposite conclusion is clearly apparent. *In re Parentage of J.W.*, 2013 IL 114817, ¶ 55.

¶ 45 Respondent argues as follows. The trial court approved the JPA in 2014. Within that agreement, the parties stipulated that both parents were fit and proper to have joint custody of the children. In her motion to modify custody, petitioner did not allege or demonstrate that respondent was not a fit or proper parent. To the contrary, the evidence showed that he monitored L.P.'s diabetes, cared for the children when petitioner was at work, and was involved in activities with them. The evidence showed that neither parent had any significant

psychological concerns, and that they were both good parents who care for and love their children. The evidence also showed that the children were doing well in school. T.P. was having some "issues" and went to counseling to address them, with the support and participation of both parents. Both parents were also treating L.P.'s diabetes, with petitioner receiving the treatment directive from L.P.'s medical team, and then informing respondent. As a nurse, petitioner was more qualified to spearhead the treatment, but this circumstance should not require a change in custody. Respondent was following instructions regarding L.P.'s treatment, and therefore the disease was under control. If L.P. were not safe in his care, it would not make sense for him to be allowed to mange her disease on Tuesday nights, weekends, and for extended periods of time in the summer.

¶ 46 Respondent argues that the trial court reviewed and applied the 17 factors listed in section 602.7 of the Act, but instead of focusing on the totality of the circumstances, it improperly put the greatest weight on only five of the factors to find support for modification. Respondent maintains that even those factors only marginally favored petitioner. For example, L.P. expressed a "tepid" preference to reside with petitioner, and T.P. wanted the same amount of time with both parents. Respondent further argues that the trial court put too much weight on Dr. Hatcher's opinion and followed it verbatim as opposed to treating it simply as a recommendation. See *Prince v. Herrera*, 261 Ill. App. 3d 606 (1994) (custody recommendations of psychiatrist and social services worker were not controlling).

¶ 47 Respondent argues that it is clear that the current parenting plan is confusing and not working, but it was designed by petitioner, who presented it on a "take it or leave it" basis. He maintains that the solution should not be a drastic reduction in his parenting time to comply with petitioner's work schedule, but rather an alternative that leaves parenting time roughly equal.

Respondent argues that everyone agreed that he was a good father that was very involved with his children and that the children were currently doing well, so the evidence did not support the change imposed by the trial court.

¶ 48 According to respondent, petitioner's extreme desire for control was the drive behind her motion to modify. He maintains that she hired Dr. Hatcher to present a report that supports her position. Respondent argues that, however, Dr. Hatcher's report shows nothing more than a comparison between different parenting styles. Respondent contends that he has been the same parent as he was when petitioner agreed to, and the trial court approved, joint custody with equal parenting time.

¶ 49 Petitioner counters that there has been a substantial change in circumstances, both for the parties and the children. She argues as follows. The parties have different employment conditions and schedules than when they agreed to the JPA in 2014. The children have experienced a substantial change in that they are not able to function well under the current schedule, they experienced "multiple challenges" in respondent's care, and L.P. has struggled with her diabetic condition. More specifically, since the time of the dissolution, L.P. has developed a dislike or distrust of respondent's care of her needs as a diabetic. L.P. told Dr. Hatcher that she was not comfortable with respondent changing her port sites and wanted petitioner to do it, and respondent admitted in his testimony that L.P. had become highly emotional many times when he attempted to change the injection site. It is clear that petitioner is primarily in charge of establishing L.P.'s protocols pursuant to the endocrinologist's directives, and that she sets L.P.'s basal rates to determine the necessary amount of insulin. Respondent followed petitioner's instructions, but he still sometimes allowed L.P. to eat too many carbs, and he had over-administered insulin in response to night-time readings. L.P.'s celiac disease made

it all-the-more difficult to manage her carbohydrate intake because she had to avoid gluten. There were escalating problems with L.P.'s diabetes, in that her recent "A1C" level was the highest it had been since she was first diagnosed five years before, and a continuing increase could cause long-term damage to L.P.'s body, or even death.

¶ 50 Petitioner maintains that for T.P., his main changes have been persistent unhappiness and school-related problems. She points to her testimony that he had consistently been crying at night before falling asleep; that he had cried hysterically when she had dropped him off at school; that he had lied about homework; and that he once said that he should kill himself.

¶ 51 On the subject of the children's best interests, petitioner argues that the trial court exhaustively discussed the factors listed in section 601.2 of the Act, which favored her. Petitioner argues that although respondent asserts that the children are doing well in school, T.P. is borderline "ADD," has been disorganized and disruptive in school, and has failed to do homework and lied about it. She argues that L.P. struggles in math to the extent that it can take her over an hour to do homework. Petitioner maintains that the evidence showed that she is better able to assist the children with homework and provides necessary structure. Petitioner argues that although respondent cites the consensus that he is a good parent, the same can be said of her, and this "neutral" factor is simply not at issue here. Petitioner cites *In re Marriage of McGillicuddy*, 315 Ill. App. 3d 939, 944 (2000), where the court stated that it can be difficult to determine the bests interests of children "when they have two equally dedicated and loving parents," but the court still affirmed changing the children's primary residence based on their best interests.

¶ 52 Petitioner maintains that the trial court did not slavishly follow Dr. Hatcher's recommendations, as the parties' testimony was consistent with them in all crucial respects.

Petitioner argues that in addition to L.P.'s previously-discussed diabetic needs, L.P.'s doctor identified stress from the frequent changes in residences under the original parenting schedule as negatively affecting her diabetes. Petitioner contends that this problem can be alleviated only by a parenting schedule that minimized transfers between households. Petitioner argues that L.P. must also be trained to be able to manage her own condition, and petitioner planned for L.P. to be able to do so before she entered high school. Petitioner maintains that L.P.'s greater trust in her will assist in the necessary training. Petitioner argues that the trial court's focus was not on respondent's capabilities, but rather on L.P.'s concerns and sensitivities regarding his care-giving and her preference for petitioner. Petitioner argues that considerable weight should be given to a mature child's custodial preference when it is based on sound reasoning. See *In re Marriage of Anderson*, 236 Ill. App. 3d 679, 683 (1992).

¶ 53 Petitioner argues that although respondent maintains that he is open to an alternative plan that preserves the equal division of parenting time, such a suggestion fails to take into account that many of the children's problems are related to the 50/50 schedule and its frequent change of households. She argues that L.P.'s aversion to respondent's care of her diabetes also cannot be addressed by continuing to afford him equal parenting time, nor is there any indication that such a schedule could adequately address T.P.'s sadness, anxiety, and homework issues. Petitioner argued that the evidence showed that the children need a single primary residence, and she is able to provide a more structured environment better suited to the children's needs. Petitioner maintains that although respondent paints her as overly-controlling, Dr. Hatcher's personality tests revealed no disorder, and respondent himself testified that she is a good mother with a different parenting style; he believes that she is too strict, and she believes that he is too easy-going.

¶ 54 Looking first at respondent's argument that the trial court erred in finding that there was a substantial change in circumstances, we conclude that this finding was not against the manifest weight of the evidence. There was a great deal of evidence that the original parenting schedule, with its frequent residential changes, was causing the children significant stress. According to Dr. Hatcher, both children were often confused about where they were supposed to go on any given day. L.P.'s doctors believed that the stress caused L.P.'s body to release hormones that created diabetic instability. Petitioner testified that T.P. was crying most nights at bedtime in the fall of 2016, was having separation anxiety when she dropped him off at school on Mondays, and stated in January 2017 that he wanted to kill himself. Further, although L.P.'s diabetes was being adequately managed, her "A1C" level was trending upward, and if it continued, it could have devastating consequences on her health. L.P. was also expressing aversion to respondent's care of her condition, particularly changing the port sites. Even respondent admits that the original parenting schedule was confusing and not working out for the children. Regardless of whether one party originally insisted on the original schedule, both parties had agreed to it, and both parties now agree that it needs to be changed.

¶ 55 Dr. Hatcher opined that the parenting schedule needed to be structured, predictable, and fairly simple. The trial court agreed that the children needed to primarily reside with one parent during the school year, and this determination was not against the manifest weigh of the evidence. Although the trial court was not required to accept Dr. Hatcher's opinion, it likewise was free to do so. There was evidence that the children's confusion about where they were supposed to be during the school year, and the constant switching of households during this time, was causing stress that was detrimental to their health. Notably, the trial court ruled that when the children were not in school, parenting time should remain roughly equal.

¶ 56 Dr. Hatcher opined that the primary household during the school year should be petitioner's because she was more attentive, responsible, and competent to take care of the children's general and special needs. The trial court agreed with this recommendation, and we cannot say that this finding was against the manifest weight of the evidence. It was undisputed that both parents love their children and take good care of them. However, we agree with petitioner that the issue was therefore which household should be designated as primary according to the children's best interests. See *In re Marriage of McGillicuddy*, 315 Ill. App. 3d at 944. A significant consideration in this regard was L.P.'s juvenile diabetes. Petitioner was primarily responsible for implementing L.P.'s treatment, in that she communicated with L.P.'s doctors, set "carb" ratios, and gave instructions to respondent. Dr. Hatcher opined that L.P. was doing well overall due to petitioner's efforts, and that petitioner strictly managed the disease whereas respondent did not monitor L.P.'s glucose levels as carefully. As stated, although L.P. was doing well overall, her "A1C" level was increasing, which could eventually lead to adverse health consequences. She was also closer to entering puberty, with hormone changes likely to affect her glucose levels, and petitioner wanted to teach her how to manage the disease on her own. L.P. was further strongly objecting to respondent changing her port site, preferring that respondent did it.

¶ 57 Moreover, according to Dr. Hatcher, L.P. preferred petitioner's care overall. She rated petitioner higher in 12 of 20 categories. Although T.P. was less vocal about wanting to live primarily with petitioner, he also rated her higher in 6 categories. Further, his separation anxiety issues seemed focused on leaving petitioner, and he had expressed his feelings of sadness and suicidal thoughts to her, as opposed to respondent. There was also evidence that petitioner was more vigilant about homework and better able to help the children with it, which had the

potential to further decrease stress for them during the school year. Although respondent argues that the trial court over-emphasized certain factors of section 602.7 of the Act in determining the children's best interests, it is axiomatic that, depending on the circumstances of the case, some factors will be more relevant than others. For example, L.P.'s physical health is a significant concern in this case, whereas physical health may not be an issue for many other children. Respondent also does not detail how any particular factors would favor him.

¶ 58 In sum, we cannot say that the trial court's findings, that there was a substantial change in circumstances and that the children's best interests required that they reside primarily with petitioner during the school year, were against the manifest weight of the evidence. See *In re Marriage of Bates*, 212 Ill. 2d at 515-16; *In re Custody of Sussenbach*, 108 Ill. 2d at 499.

¶ 59 III. CONCLUSION

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