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2012 IL App (3d) 120675-U

Order filed December 20, 2012

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IN THE APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

A.D., 2012

<i>In re</i>	)	Appeal from the Circuit Court
	)	of the 14th Judicial Circuit,
CELESTE BRODER,	)	Rock Island County, Illinois
	)	
Petitioner-Appellant,	)	Appeal No. 3-12-0675 (3-12-0826 cons.)
	)	Circuit No. 10-F-779
v.	)	
	)	
MICHAEL GIBA,	)	Honorable
	)	Greg G. Chickris,
Respondent-Appellee.	)	Judge, Presiding.

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JUSTICE CARTER delivered the judgment of the court.  
Justices O'Brien and Holdridge concurred in the judgment.

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**ORDER**

¶ 1 *Held:* After a trial in a child custody case, the circuit court ruled that the parties would have joint custody of their child and that the father would have primary physical custody. The mother appealed, and the appellate court held that the circuit court's custody decision was not against the manifest weight of the evidence.

¶ 2 The petitioner, Celeste Broder, filed a petition to establish joint custody and visitation with respect to Donovan Giba, the child she had with the respondent, Michael Giba. Michael counter-petitioned for sole custody of Donovan, or, alternatively, joint custody. After a trial, the circuit court ruled that the parties would have joint custody of Donovan and Michael would have

primary physical custody. The court also ordered the parties to submit a joint parenting agreement (JPA) for the court's approval. Celeste filed a notice of appeal. Shortly thereafter, the parties submitted a JPA to the circuit court that adopted the court's ruling on primary physical custody. The court approved the JPA, and Celeste filed an appeal from the court's order approving the JPA. We consolidated Celeste's appeals.

¶ 3 On appeal, Celeste argues that the circuit court erred when it awarded primary physical custody to Michael. Michael challenges this court's jurisdiction to hear the appeal, claiming that the JPA foreclosed Celeste's ability to appeal the court's custody decision. We affirm.

¶ 4 FACTS

¶ 5 Donovan was born to Celeste and Michael on July 14, 2008. The parties separated in 2010 and agreed to split time evenly with Donovan, with each parent having Donovan for one week at a time.

¶ 6 On December 9, 2010, Celeste filed a petition to establish joint custody and visitation. On February 27, 2012, Michael counter-petitioned for sole custody, or, in the alternative, joint custody.

¶ 7 On March 8, 2012, the parties filed a document with the court that contained their stipulations for trial. Among other things, the parties stipulated to the visitation the non-residential parent would receive and the manner in which Donovan's expenses would be divided. The parties also stipulated that Celeste worked as a server at a restaurant in Davenport, Iowa, and her income was \$2,000 per month; and Michael was self-employed as a graphic designer and cartoonist in Alsip, Illinois, and his income was \$1,700 per month.

¶ 8 The circuit court held a trial on the custody issue over several days in March 2012.

Celeste, who was born in June 1977, testified that she had been in the Quad Cities area since she was eight years old. She currently lived in a house in Davenport, Iowa, with a roommate and her roommate's eight-year-old son. Celeste had finished two years of study at Black Hawk College and had intentions of finishing her degree. She withdrew from classes in 2006 to care for her ailing grandmother.

¶ 9 Celeste admitted that she had a drug problem in her late teens and early 20s. At 17 years old, she used lysergic acid diethylamide (LSD) and psilocybin mushrooms. She also "dabbled with cocaine" during her senior year of high school. At 18 years old, after she moved out of her mother's residence, she continued to use LSD and developed a cocaine habit that lasted until she was 20 years old. She had several stints in rehabilitation centers and stopped relapsing at 21 years old. She testified that she had not used any "hard" drugs for almost 13 years. She stated that she did use cannabis during that period, with the exception of the time when she was pregnant with Donovan.

¶ 10 Celeste also testified that she had three felony convictions in her past, all during the time when she had her drug problem. At 18 years old, she was convicted of stealing a monkey from a zoo. At either 19 or 20 years old, she had convictions for possession of psilocybin mushrooms and possession of both cannabis and prescription pills that had not been prescribed to her.

¶ 11 Celeste testified that after her grandmother died, she suffered from depression and from self-injury, in which she cut herself on approximately five occasions over a one-year span. She stated that she stopped cutting before she began dating Michael in 2007. She sought treatment for her problems and was diagnosed with bipolar disorder, although it was not severe enough to warrant medication. She had been prescribed several other types of medications, however, to

address issues with depression, anxiety, and insomnia.

¶ 12 With regard to her relationship with Michael, Celeste testified that they met while both of them were working for an art museum. They began dating in 2007 and moved in together shortly after she turned 30 in June 2007. She became pregnant soon afterward. She testified that she was excited about the pregnancy but Michael was not. She stated that Michael did not tell his parents about the pregnancy until nearly the end of the first trimester. Celeste also testified that Michael's mother, Barbara, wanted her to get an abortion, and Michael would not tell his mother that they wanted to have the child. She also testified that he did not attend most of her prenatal doctor appointments. She testified that she did not use cannabis during her pregnancy and used it only once after Donovan was born.

¶ 13 Celeste stated that Michael's family never seemed to like her, especially Michael's mother, Barbara Giba. When Barbara would come to visit, if she had something to say to Celeste, she would whisper it in Michael's ear rather than say it to Celeste. Celeste also stated that Michael "would just pretty much take orders from his parents."

¶ 14 During the first 18 months of Donovan's life, Celeste and Michael lived in the Quad Cities area. Celeste testified that she struggled to get Michael to participate in caring for Donovan. When he came home from work, he would go to his computer for hours, rather than spending time with her and Donovan. He allegedly spent only one hour per day with Donovan during this time period. She also testified that on one occasion when Donovan was one year old, Michael drank to the point of passing out when he was caring for Donovan by himself. She also testified that she saw Michael use cannabis approximately 12 times while she was pregnant, and approximately six times after Donovan was born. She claimed that Michael had smoked

cannabis in the house and had also smoked cigarettes in front of Donovan.

¶ 15 In March 2010, Celeste and Michael moved with Donovan to Alsip, Illinois. Celeste testified that she did not want to move to Alsip, but she was "forced" to move. She stated that Michael and his father moved only his possessions to Alsip, and that she had to move all of her possessions on her own. She also claimed that she was left to clean the house they were leaving, including large amounts of paper that Michael had folded and left in the basement. She said that she believed the fact that Michael would sit for hours in the basement and fold paper was indicative of a mental health problem.

¶ 16 In April 2010, she ended the relationship with Michael and moved back to the Quad Cities area. She worked various jobs until July 2011 when she got her current job as a waitress at a Davenport, Iowa, restaurant, where she worked approximately 17 to 19 hours per week. Her mother, Sherry Broder, cared for Donovan while she was at work. Celeste also testified that she had a boyfriend, Jeff Tady, and that they had been together for nearly two years.

¶ 17 Celeste also testified regarding several medical issues Donovan had. She stated that in March 2010, Donovan suffered from testicular hydrocele, which resulted in a severely enlarged testicle that required surgery to correct in October 2010. Celeste believed that the condition likely arose from an injury Donovan allegedly suffered while in Michael's care.

¶ 18 Celeste also testified about an incident in which Donovan bit his tongue while in Michael's care in December 2010. Donovan apparently bit his tongue on a Thursday, and Michael returned him to Celeste on a Sunday. At the exchange, Celeste noticed a bad smell coming from Donovan's mouth and discovered an infected wound on his tongue. She treated the wound with warm salt water, which she said cleared the infection. She stated that she felt

Michael was neglectful of Donovan with regard to the tongue-biting incident, although she admitted that she did not take Donovan to the doctor until five days after the exchange, where Donovan was diagnosed with thrush.

¶ 19 Celeste testified that the split-time custody arrangement between her and Michael lasted until December 2010, when she refused to give Donovan back to Michael. She was concerned with Michael's alleged neglect of Donovan's health, and she wanted to obtain child care services for Donovan near her residence. She kept Donovan for a total of 16 days; she returned Donovan to Michael after the circuit court ordered the split-time visitation agreement to continue.

¶ 20 Celeste stated that Donovan was diagnosed with diabetes in November 2011. She questioned Michael's ability to handle Donovan's condition, alleging that the food log Michael kept showed that he rounded carbohydrate numbers, which was dangerous because it could lead to Donovan being given an incorrect amount of insulin. Celeste also testified that there were times in which Michael gave Donovan only a slow-acting insulin, despite the fact that his condition required the use of both the slow-acting insulin and a fast-acting insulin.

¶ 21 Celeste's attorney also presented several witnesses who testified that she was an excellent parent. These witnesses included Elvina Hansen, who had an extensive background in early childhood education; Jeff Tady, who was Celeste's paramour; Jennifer McGildrey, who was a single mother and was Celeste's roommate for a year; and Sherry Broder, who was Celeste's mother and who cared for Donovan while Celeste was at work. Celeste's attorney also presented the testimony of Dr. Benjamin Shnurman, who was Celeste's primary care physician. Among other things, Dr. Shnurman testified that it would be dangerous to round carbohydrates up or down with regard to logging diabetes information. Dr. Shnurman also stated that he had

prescribed medications for Celeste's mental health issues in the past, the most recent of which was a temporary prescription in January 2012 for an anti-anxiety medication, which was aimed at addressing stress associated with marital discord. Dr. Shnurman also testified that Celeste was a competent mother.

¶ 22 Michael's attorney presented the testimony of licensed clinical psychologist Dr. Alan Childs. Dr. Childs testified that he began treating Michael in February 2011 after he and Celeste broke up. Dr. Childs diagnosed Michael with moderate anxiety and very mild situational depression. He did not believe Michael's condition required medication. He did not observe any symptoms of obsessive-compulsive disorder in Michael and he believed that Michael was capable of fostering a relationship between Donovan and Celeste.

¶ 23 Michael, who was born in October 1975, testified that he still lived in the same house in Alsip. His 98-year-old grandfather owned the house but did not live there; he lived with Michael's parents. Michael maintained the house and was paid \$1,400 per month to do so. He worked as a self-employed graphic designer, illustrator, and cartoonist, and made approximately \$200 per month from that work. He worked approximately 15 to 20 hours during the weeks in which he had Donovan and 40 to 70 hours per week when Celeste had Donovan. He had schools chosen for Donovan that were close to his residence, and he could adjust his work schedule around Donovan's school schedule. Michael's mother, father, and sister, as well as some extended-family members and friends with children, all lived within approximately 15 miles of him.

¶ 24 Michael testified that Celeste used cannabis frequently during her pregnancy. He claimed that she was fired from her job at the art museum due to cannabis use. He stated that she had

gone on a business trip to Chicago with the curatorial staff and a staff member walked in on her smoking cannabis in a hotel room, who then "turned her in for it." She was pregnant at the time. Michael also testified that Celeste told him she needed to use cannabis while she was pregnant because it helped her control her morning sickness. He claimed he had not used cannabis since September 2009.

¶ 25 Michael also testified regarding many of the events to which Celeste testified. With regard to Celeste's self-injury issue, Michael testified that he witnessed Celeste cut herself in February 2007 shortly after they started dating.

¶ 26 With regard to the folded paper in the basement of their Quad Cities residence, Michael testified that he obtained the paper from his full-time job, which he said was the perfect size for comic books and comic strips. He folded the paper to be used later at his part-time job at the Young Men's Christian Association, where he gave children drawing lessons.

¶ 27 With regard to the incident in December 2010 in which Celeste refused to return Donovan to him, Michael testified that Celeste accused him of being negligent and had a list of complaints regarding his care of Donovan. Michael testified that Celeste also told him that if he wanted to see Donovan, he could come out to the Quad Cities and visit under Celeste's supervision. She also allegedly said that she had already filed paperwork regarding custody and visitation, so Michael should "get used to it."

¶ 28 Michael claimed that Celeste seemed generally angry, as well as distrustful of him. When they communicated with each other, he said that she referred to Donovan as "her son," while he referred to Donovan as "our son." He also claimed that Celeste had withheld information from him regarding Donovan's day care. He claimed he asked her approximately five times for



daycare contact information between January and mid-February 2011. He alleged that she also gave him a fake telephone number for the day care provider. Further, Michael testified that Celeste did not tell him when she stopped using that day care provider; he learned about it after calling that provider in late March or early April. Thereafter, Celeste provided several telephone numbers of day care providers from which she was going to choose, but she did not tell Michael which one she ended up choosing. He learned about her choice from Dr. Hutchison in June during their evaluation meeting.

¶ 29 Michael expressed concern over Celeste's mother, Sherry Broder, serving as a caretaker for Donovan. Michael alleged that Celeste told him Sherry had abused her. Michael also alleged that Sherry smoked cannabis and had asked Celeste for cannabis, that Sherry smoked cigarettes around Donovan, and that Celeste told him she found cocaine in Sherry's house when she was a child.

¶ 30 With regard to caring for Donovan's diabetes, Michael testified that he calculated the numbers to the thousandths place past the decimal point for the food log. He will round at the last step, however, because Donovan is supposed to get his insulin in either half or full units. Michael also testified that he had in fact given Donovan only the slow-acting insulin on approximately three or four occasions, but he did so only when Donovan's blood sugar was low upon waking. Michael stated that he discussed this course of action with doctors and nurses. Michael also admitted that he had in fact missed one of Donovan's doctor appointments, but alleged that Celeste made the appointment at the desk while he was not standing nearby, and that she did not tell him about the appointment. He admitted that she sent him a text message five days in advance to remind him of the appointment, but he did not see the message until the day of

the appointment when it was too late to make it to the doctor on time.

¶ 31 With regard to the tongue-biting incident, Michael testified that the injury occurred when Donovan slipped and fell on a Thursday. Michael had Donovan suck on ice chips, which stopped the bleeding. When he checked the injury later that day, he cleaned the area with saltwater on a toothbrush. He told Celeste about the injury several hours later. When he and Celeste met on the following Sunday to exchange Donovan, Michael did not believe that Donovan needed to see a doctor. He stated that Donovan's tongue was white, but he wanted to let the area heal so he was not aggressive with continuing to brush Donovan's tongue that weekend.

¶ 32 With regard to other medical issues, Michael testified that the urologist told him Donovan's hydrocele problem was likely caused by a birth defect. Michael also denied telling Celeste that his mother gave Donovan a full dose of crushed adult-strength Tylenol.

¶ 33 Michael also testified regarding a flu shot he obtained for Donovan in November 2011. Michael testified that Celeste did not want Donovan to get the shot, but told Michael that if he was intent on getting the shot for Donovan, he should get a specific, mercury-free one. After Michael took Donovan for the shot, he called Celeste immediately to let her know that he followed her wishes.

¶ 34 Lastly, with regard to an allegation Celeste made about Michael walking around the house in "little red panties," Michael testified that he had a pair of red support underwear that he would wear on his paper route, and that after he returned to the residence, he would have them on as he walked to the bathroom to take a shower. Michael also denied Celeste's claims that she caught him masturbating to homosexual pornography on four or five occasions and that she came

home one night to find him drunk, naked, and passed out on the floor next to Donovan, who was also naked and who had relieved himself on the floor.

¶ 35 Clinical psychologist Richard A. Hutchison testified that he was appointed to conduct a child custody evaluation. Dr. Hutchison's evaluation was filed with the circuit court on October 13, 2011. Among other things, Dr. Hutchison noted that Celeste responded in a defensive manner to tests that he administered, which invalidated some of the test results. Dr. Hutchison also noted that both parties exhibited appropriate parenting techniques and were strongly bonded to Donovan. In addition, Dr. Hutchison was concerned with an incident in which Celeste did not allow Michael to see Donovan, which prompted Michael to seek and obtain court intervention and which resulted in a gap of 16 days in visits between Michael and Donovan. Dr. Hutchison stated that this incident had caused continuing difficulties for the parties to communicate. Dr. Hutchison also testified that Celeste told him she had stopped using cannabis once she learned that she was pregnant.

¶ 36 Dr. Hutchison's evaluation contained two recommendations: (1) if Celeste and Michael could improve communication with each other and work together, then Dr. Hutchinson recommended that the current custody situation of split time should continue; and (2) if they could not improve communication and work together, then Michael should be given primary custody, as he "appear[ed] to have the most stable personality, stable life, stable work and has never attempted to keep Donovan from [Celeste]."

¶ 37 Michael's attorney also presented several witnesses who testified that Michael was a good father. These witnesses included Sasha Twill, a friend and former paramour of Michael who had a daughter that was friends with Donovan; Barbara Giba, who was Michael's mother; and

Richard Giba, who was Michael's father.

¶ 38 Of particular relevance was Barbara's testimony regarding the time in which she gave Donovan adult Tylenol. Barbara testified that she had been a registered nurse at a hospital for approximately 31 years. She was responsible for the bedside management of babies between 24-weeks' gestation and post-term. During the incident in which Donovan was suffering from a fever, Barbara tried several methods to lower Donovan's temperature. These methods included giving him some crushed adult Tylenol mixed with tap water. She testified that she gave Donovan an appropriate amount for his weight, which was 15-25 milligrams of acetaminophen per kilogram of body weight, using the method she had used daily at work. After Barbara finished testifying, the circuit court terminated the order that prohibited Barbara from caring for Donovan by herself.<sup>1</sup>

¶ 39 At the close of the trial, the circuit court took the matter under advisement.

¶ 40 On March 27, 2012, the circuit court issued its written decision. The court found that the current custody situation of split-time was going to become unworkable when Donovan began school, given the great distance between the residences of Celeste and Michael. With regard to Celeste's mental health, the court found, *inter alia*:

"[Celeste] has several long standing mental problems (anxiety, depression, bi-

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<sup>1</sup> According to Michael's testimony, he had agreed to prohibit Barbara from caring for Donovan by herself as a means to expedite the resolution of the December 2010 dispute in which Celeste refused to return Donovan to Michael. Michael also alleged that Celeste's allegation was that Barbara "tried to poison Donovan with what she stated was adult Tylenol and that she was worried that [Barbara] was trying to injure [Donovan]."

polar disorder) most disturbing of which is cutting herself. She also has a long standing history of drug abuse and addiction. Even though most of these problems are currently in remission, a relapse is not only possible but arguably probable due to the seriousness and longevity of the problems."

The court also found:

"[Celeste's] accusations against [Michael], his parents and sister which the Court finds to have been over-exaggerated, not credible and unfounded leads this Court to the conclusion that if [Celeste] is given physical custody of the parties' child, [she] would not facilitate and encourage a close and continuing relationship between [Michael] and the child; whereas, [Michael] has demonstrated his intent and desire to keep [Celeste] actively involved with said child."

Accordingly, the court ruled that the parties would have joint custody but primary physical custody would be with Michael. The court also ordered the parties to submit a JPA for approval. Finally, the court also ordered Michael's attorney to prepare an order for the court to sign. That order was prepared and the court signed the order on July 20, 2012.

¶ 41 Celeste filed a notice of appeal on August 8, 2012, and we assigned case number 3-12-0675 to that appeal.

¶ 42 On September 4, 2012, the parties and the court signed a JPA, which was premised on the court's ruling that Michael would be the primary physical custodian. The court's minute entry from the September 4 hearing stated:

"Court is concerned that it does not have jurisdiction to sign an approve joint parenting order but neither party has cited any case law on the issue. Court

believes appeal is premature and court has jurisdiction of this matter because issue was reserved in last court order. Joint parenting agreement approved and entered."

¶ 43 On October 1, 2012, Celeste filed a notice of appeal from the court's order approving the JPA. That notice of appeal was given a separate case number by this court (3-12-0826), and we granted Celeste's motion to consolidate the appeals.

¶ 44 ANALYSIS

¶ 45 Initially, we note that Michael contests this court's jurisdiction to hear this appeal. Specifically, Michael contends that because the parties entered into the JPA, Celeste is foreclosed from appealing the circuit court's decision that Michael would have primary physical custody of Donovan.

¶ 46 Whether we have jurisdiction to hear an appeal is a purely legal question that we review *de novo*. *In re John Doe Investigation*, 2011 IL App (2d) 091355, ¶ 6. Our review of the record reveals that Michael's argument is without merit.

¶ 47 In this case, the circuit court's decision of July 20, 2012, was not a final order. While the court ruled that Michael would have primary physical custody of Donovan, the court also ruled that "[t]he parties shall submit a joint parenting agreement for approval of the Court." As such, the July 20 order did not resolve all issues in the case. Thus, the circuit court retained jurisdiction over the case and Celeste's first notice of appeal, which was filed on August 8, 2012, was premature.

¶ 48 Contrary to Michael's contention, Celeste's action of entering into the JPA did not constitute a forfeiture of her right to challenge the circuit court's ruling that Michael was entitled

to primary physical custody. The JPA served as a means to resolve all matters in the case and made the court's ruling final and appealable under Supreme Court Rule 301 (eff. Feb. 1, 1994). Accordingly, we hold that we have jurisdiction to hear the appeal pursuant to Celeste's timely notice of appeal of October 1, 2012.<sup>2</sup>

¶ 49 Turning to the merits of the appeal, Celeste argues that the circuit court erred when it awarded primary physical custody of Donovan to Michael. Specifically, Celeste contends that the court failed to consider the stable environment Celeste provided for Donovan, particularly over the first 18 months of his life. Celeste also argues that the court erred in considering her past drug use and in finding that Celeste would not foster a close relationship between Donovan and Michael.

¶ 50 Pursuant to section 602(a) of the Illinois Marriage and Dissolution of Marriage Act, courts must employ the best-interest-of-the-child standard when resolving custody disputes. 750 ILCS 5/602(a) (West 2010). The court must consider all relevant factors, including the 10 factors listed in the statute, including: (1) the parents' custodial wishes; (2) "the interaction and interrelationship of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest"; (3) "the child's adjustment to his home, school and community"; (4) "the mental and physical health of all individuals involved"; and (5) "the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child." 750 ILCS 5/602(a) (West 2010). "The trial court is not required to make specific findings regarding each section 602 factor, as long as

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<sup>2</sup> To rule otherwise would also run afoul of the general policy to promote amicable settlements of custody disputes. See 750 ILCS 5/502(a) (West 2010).

evidence was presented from which the court could consider the factors prior to making its decision." *In re A.S.*, 394 Ill. App. 3d 204, 213 (2009).

¶ 51 "A trial court has broad discretion in making custody determinations, and a reviewing court should only reverse if the determination is against the manifest weight of the evidence or it appears a manifest injustice has occurred." *A.S.*, 394 Ill. App. 3d at 212. A decision is against the manifest weight of the evidence if the opposite conclusion is clearly apparent or if the findings of fact are unreasonable, arbitrary, or not based on the evidence. *In re Custody of K.P.L.*, 304 Ill. App. 3d 481, 488 (1999).

¶ 52 Our review of the record in this case reveals that the evidence presented supports the circuit court's custody decision. While the evidence showed that both Celeste and Michael had a strong bond with Donovan and that Donovan appeared to be sufficiently adjusted to both living environments, there was credible testimony presented to question Celeste's desire to foster a relationship between Donovan and Michael and to interact amicably with his family, as evidenced by what the circuit court noted as Celeste's exaggeration and misperception of events including the Tylenol incident, Michael's folding of paper in the basement, the withholding of information from Michael regarding day care, and the refusal of Celeste to return Donovan to Michael in December 2010. We find no error in the court's findings on these matters. Especially in light of Dr. Hutchison's evaluation that Celeste was defensive, we agree with the court that Celeste had a tendency to skew events in order to present them in a light more favorable to herself. Additionally, the court's decision reflects a finding that Michael was more credible than Celeste, and we have found nothing in the record to disturb that finding. See *In re Guardianship of Alexander O.*, 336 Ill. App. 3d 325, 333 (2003) (noting that the circuit court "is in the best



position to judge the witnesses' credibility and demeanor and to assess the child's needs").

¶ 53 Contrary to Celeste's specific contentions, the circuit court's decision was not rife with erroneous factual findings. While Celeste contends that the court did not consider the stable environment Celeste provided for Donovan, the court in fact heard significant amounts of testimony on the adequacy of Celeste's parenting abilities, and given that it did recount some of this testimony in its written order and that the court is not required to make specific findings regarding every relevant factor (*A.S.*, 394 Ill. App. 3d at 213), we find no support for Celeste's contention in the record.

¶ 54 With regard to Celeste's past drug use and mental health issues, we find that the circuit court accurately recounted the testimony and made findings pursuant to considerations that were relevant under section 602. We find no error in the court's finding that Celeste has had serious mental health and drug issues, which included self-injury and long-term cannabis use. While the court did engage in speculation regarding whether her past drug problems and mental health issues would recur, that error by itself would not be sufficient to indicate that the court's custody decision was against the manifest weight of the evidence.

¶ 55 There is no question that both Celeste and Michael are competent parents who are more than capable of caring for Donovan. Nevertheless, the circuit court's written order reflected a thorough consideration of all of the evidence presented, including Dr. Hutchison's evaluation that favored Michael as the primary residential parent, in light of the appropriate legal standard. Under the circumstances of this case, we hold that the circuit court's ruling that awarded primary physical custody of Donovan to Michael was not against the manifest weight of the evidence.

¶ 56 CONCLUSION

¶ 57 For the foregoing reasons, we affirm the judgment of the circuit court of Rock Island County.

¶ 58 Affirmed.