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2019 IL App (4th) 180745-U

NO. 4-18-0745

FILED
March 14, 2019
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

ALYSSA S.,	)	Appeal from the
Petitioner-Appellee,	)	Circuit Court of
v.	)	Livingston County
BRIAN L.,	)	No. 14F62
Respondent-Appellant.	)	
	)	Honorable
	)	Robert M. Travers,
	)	Judge Presiding.

JUSTICE DeARMOND delivered the judgment of the court.
Justices Knecht and Cavanagh concurred in the judgment.

ORDER

¶ 1 *Held*: The appellate court affirmed, finding the trial court did not err in the allocation of decision-making responsibilities and parenting time.

¶ 2 In May 2017, respondent, Brian L., filed a petition to modify the allocation of parenting time and parental responsibilities with regard to B.S., the minor child of Brian and petitioner, Alyssa S. The trial court granted temporary relief. In November 2017, Brian filed a motion to modify. In September 2018, the court issued its ruling on decision-making responsibilities and parenting time.

¶ 3 On appeal, Brian argues the trial court erred in the allocation of (1) decision-making responsibilities and (2) parenting time. We affirm.

¶ 4 I. BACKGROUND

¶ 5 In September 2014, the parties filed a petition to establish a parent-child relationship pursuant to section 6 of the Illinois Parentage Act of 1984 (750 ILCS 45/6 (West

2014)) in regard to their son, B.S., born in December 2013. The parties were not married at the time the minor was born and had not married thereafter. The parties agreed Alyssa would have sole care, custody, and control of B.S., subject to Brian's right of reasonable visitation in accordance with Livingston County visitation guidelines. In his appellant's brief, Brian states the guidelines provided him with visitation every other weekend, one evening per week, alternating holidays and spring break, one-half of winter break, and three single weeks in the summer. In October 2014, the trial court entered a judgment establishing a parent-child relationship by consent.

¶ 6 In May 2017, Brian filed a petition to modify the allocation of parenting time and parental responsibilities and a petition for temporary relief. Brian claimed there had been a substantial change in circumstances in that he had married and obtained a stable home that would be fit to be the primary residence for the minor. Brian alleged he had established "a much closer relationship" to the minor and had "enjoyed free and liberating parenting time" since the October 2014 order. However, Brian claimed Alyssa interfered with his parenting time and "has always given the three[-]year[-]old child an option to exercise parenting time." Further, Brian alleged Alyssa "repeatedly relocated and has not been able to maintain a stable home for the child." Thus, Brian argued these circumstances constituted "substantial changes that warrant a modification in the best interest of the minor child, specifically that [Brian] be allocated the majority of parenting time and be deemed the residential parent with an allocation of parental responsibilities to him made in accordance with such change."

¶ 7 In June 2017, the trial court conducted a hearing on Brian's petition. Alyssa appeared *pro se*. Brian testified he lives in Fairbury. Besides having B.S. on Wednesday nights, Brian would "always take him" when Alyssa had to work. After he filed his petition, his

parenting time changed from 4:30 p.m. to 7 a.m. to 3 p.m. to 8 p.m. Brian stated he would like the right of first refusal so he would have B.S. while Alyssa worked.

¶ 8 Alyssa testified she works four days a week and every other weekend. When she is working, B.S. stays with Sadie Maurer. While she did not "necessarily" have a reason for Brian not having B.S. when she was working, Alyssa believed it was "crucial" for B.S. not to be separated from his two-year-old sister. Alyssa testified she would not be content with giving Brian Wednesday overnights and the right of first refusal because she had every Wednesday off during June and July and felt "it's best for [B.S.] to come home and go to bed in his own bed."

¶ 9 Alyssa testified the parties "went by the schedule unless agreed upon" since April 2015 and she had been able to ask Brian "for extra help without a penalty" against her. She has relocated four times. She resided in low-income housing in Fairbury in October 2014 before moving to a house in Chenoa in February 2015. In August 2015, she moved to Fairbury to a home owned by her mother, who lived in Florida. Her mother had to sell the house, and Alyssa moved into her grandparents' home in March 2016. Sometime thereafter, she moved into a home in Chenoa that was owned by her father, who lived in California. She later decided to stay with her grandparents, although she "did not move any of our stuff because they were trying to find a suitable home." After moving into an apartment in October 2016, she moved back to her father's house sometime later. She stated she planned to raise her children in that house.

¶ 10 Alyssa stated she makes $1200 per month and receives $350 in child support from Brian. She stated she has a "very well maintained house" for B.S. and feels "he is very well taken care of in my care and that he does not struggle financially." On cross-examination, Alyssa denied asking B.S. if he wanted to go with Brian or stay with her.

¶ 11 In granting temporary relief, the trial court granted Brian a right of first refusal if Alyssa was not going to be with B.S. for more than four hours. All other terms of the October 2014 order remained in effect.

¶ 12 In November 2017, Brian filed a petition to modify the temporary order, alleging Alyssa had not abided by the trial court's order on the right of first refusal and had "not cooperated to make appropriate arrangements, but rather, avoids communicating her work schedule and availability with [Brian] in order to circumvent the right of first refusal."

¶ 13 Brian's petition also noted the parties attended mediation and reached an agreement on parenting time in July 2017. Since that time, the parties had alternating weekends with B.S. Brian stated the parenting time between him and B.S. had "gone well," although Alyssa "has claimed that the child has been acting out and has been different while at her home." Brian also stated Alyssa "unilaterally went back to the minimum court ordered visitation," which he believed was "an attempt to alienate [Brian] from the child and to gain a leverage in the litigation, not an attempt to protect the child's best interest." Brian stated these facts constituted substantial changes warranting a modification of the temporary order and suggested it was in the minor's best interest that Brian be allocated parenting time on "at least a weekly basis, as he has since July of 2017."

¶ 14 In May 2018, the trial court held a hearing on child-related issues, and both parties appeared with counsel. Sandra A., Alyssa's mother, testified Alyssa is an "outstanding" mother to B.S. and her two other children. B.S. participates in T-ball and karate. Sandra stated Alyssa was the "only caregiver for the first 10 months" of B.S.'s life. When B.S. was approximately four or five months old, Alyssa introduced B.S. to Brian's mother and sister, and the latter two helped with child care on weekends when Alyssa worked. When the parties split

parenting time in half, Sandra noticed B.S. was "a different child" when he returned from Brian's house. She also stated B.S. would "scream and cry" when they drove to Fairbury and B.S. would say he did not " 'want to go to Daddy's'." Sandra noted the distance between Brian's residence in Fairbury and Alyssa's residence in Chenoa was approximately 10 to 12 miles.

¶ 15 Joni Pollmann testified her stepson once dated Alyssa in high school. She stated Alyssa and B.S. have a "very good relationship." In the two years prior to the hearing, Pollmann believed Alyssa changed residences five times.

¶ 16 Alyssa testified she initially lived in a low-income apartment in Fairbury in 2015. She then moved to Chenoa "for a couple months" before she moved into her mother's house. After her mother sold the house, Alyssa moved into her grandparents' house in Chenoa. Believing she and B.S. "needed to get our own place," they and a roommate moved into her father's house. At the time of the hearing, Alyssa testified she had lived in her father's house in Chenoa since January 2018 and had no plans to move. She worked as a medical office assistant and "float[ed] around to every doctor's office around the Pontiac region."

¶ 17 Alyssa testified Brian had "zero contact" with B.S. until he was 4 months old and Brian did not keep B.S. overnight until he was 10 months old. In 2014, Alyssa had custody of B.S., with the exception of alternating weekends and one afternoon per week. When Alyssa's schedule fluctuated, Brian would watch B.S.

¶ 18 In 2017, Brian wanted more time with B.S. Alyssa agreed to split the parenting duties (alternating weeks) on a trial basis. Prior to that time, Brian had paid $350 per month to Alyssa until the split in parenting began, and payments had not resumed. The split in parenting lasted three months because, according to Alyssa, B.S. "had really bad anxiety." Alyssa had not

noticed any issues when B.S. returned from time with Brian. Alyssa asked that Brian's parenting time remain at every other weekend and one afternoon per week.

¶ 19 At the July 2018 hearing, Alyssa testified she had moved to Odell and lived with James M. Although she had no plans to move at the time of the May 2018 hearing, her father chose not to renew her lease. Prior to moving, Alyssa asked Brian if he would like 90 days' notice, but she was unable to give that notice. Still, Alyssa stated Brian knew she was going to move. Alyssa admitted Brian continued to give her money since the split in parenting ended. She also believed she gave Brian the right of first refusal when she was unavailable to care for B.S. for four hours or more.

¶ 20 Alyssa testified she asked Brian not to coach T-ball because she could not be a coach. She felt allowing Brian to coach "pushed [her] to the back burner to where [she] didn't get to share the experience with [B.S.]" Alyssa admitted Brian's coaching went well.

¶ 21 James M. testified he had been dating Alyssa since February 2018. He stated Alyssa is the primary caregiver in the house and B.S. appears to enjoy living in the home.

¶ 22 Ashley L., Brian's wife, testified they have been married for two years and have a daughter. She stated Brian and B.S. are "very close" and Brian is the primary caretaker of him. During the split parenting, Ashley noticed B.S. "having issues going back and forth from home to home." Ashley stated they live in a five-bedroom house in Fairbury. B.S. has his own room, although his bed is in the room shared by Ashley and Brian because B.S. "gets scared at night sometimes." Ashley stated B.S. participates in karate and T-ball, and Brian has been active in his life. When Brian went to work, B.S. stayed at Brian's mother's house. Brian's mother worked third shift, but Ashley stated there had been no issues with her being too tired to watch B.S.

¶ 23 At the September 2018 hearing, Brian testified he lives in Fairbury with his wife and daughter. He has worked for LSC Communications since January 2014 and his work schedule does not interfere with his care of B.S. Brian first became introduced to B.S. when he was three months old. Since then, Brian's family has been "a huge part" of B.S.'s life. B.S. takes part in karate, and Brian helped coach him in T-ball.

¶ 24 Brian provided text messages between him and Alyssa indicating he was active in B.S.'s life since at least April 2014 and she asked for his help watching B.S. while she worked. Brian stated he started watching B.S. in July 2015 when he worked third shift and Brian's mother watched B.S. when his shift changed in April 2016. After the July 2018 hearing, Alyssa changed the day care from Brian's mother to a provider in Odell. Brian stated it takes "[a]bout 22 minutes" to go from his house to James M.'s house in Odell.

¶ 25 When he has had to pick up B.S., Brian testified Alyssa gave him approximately 10 different addresses of where she was living. Brian told Alyssa he wanted a 90-day notice of any move to Odell but, only a week later, she moved. Brian did not believe Alyssa's move to Odell was in B.S.'s best interest because it impacted the amount of time Brian and his family could see B.S. In regard to the right of first refusal, Brian stated "[s]ometimes [Alyssa] works and doesn't notify [him] about it." Brian stated Alyssa schedules B.S.'s appointments during his parenting time and has changed his parenting time after they had disagreements. For example, according to Brian, Alyssa refused parenting time for a substantial period in early 2015, until he filed a petition with the trial court. Also, when Brian filed his motion to modify parenting time, Alyssa reduced his parenting time.

¶ 26 Brian's mother, who lives in Pontiac, had provided day care for B.S. for the majority of his life and, prior to January 2015, Brian saw B.S. every day before work, at lunch,

and after work. After the court proceedings began, Brian saw B.S. every Wednesday and every other weekend. Brian asked to have the primary residential parenting time in his home because B.S. "would have a more stable environment," "would know where he was going every day," and "would have his schedule planned out for the week."

¶ 27 Alyssa testified she had only moved 8 times since B.S. was born, not the 15 times claimed by Brian, and 2 of those moves were from her father's house to an apartment and then back to her father's house. Alyssa did not see any adverse impact on B.S. as a result of the moves. She stated B.S. is "very smart," has adjusted to living in Odell, and helps feed the cows before going to school. She testified she changed to a day-care provider in Odell because (1) she was concerned about Brian's mother watching B.S. after working third shift and (2) the provider "corresponded with school," and B.S. would be able to ride the bus to and from day care.

¶ 28 In regard to parental decision-making responsibility, the trial court found only 3 of the 15 statutory factors were critical. As to B.S.'s adjustment to his home, school, and community, the court found this factor favored Alyssa. B.S. is doing well, and Alyssa has been primarily responsible for his care. Regarding the level of each parent's participation in past significant decision-making with respect to B.S., the court found the factor favored Alyssa because B.S. has most often been in her care. As to the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and child, the court found Alyssa had not been credible and had not told "the truth in relation to many important aspects in this case, notably, the involvement of the father in the early years of the child's life." The court ruled as follows:

> "Having considered all of the statutory factors in light of the best interest of the child, the Court finds that it would be in the best

> interest of the child if mother and father had joint authority, joint responsibility in relation to education; that mother had complete responsibility in relation to healthcare; that father had complete responsibility in relation to extracurricular activities. And that suits each of the parties, and it also gives them a little bit of leverage in relation to keeping the other parent honest. As to religion, there was no real testimony as to religious preferences; so, the Court really doesn't have authority to make any ruling in relation to that pursuant to the statute."

¶ 29 In regard to parenting time, the trial court found only four statutory factors relevant and applicable. As to the amount of time each parent spent performing caretaking functions in the 24 months preceding the filing of the petition for allocation of parental responsibilities, the court found the factor favored Alyssa because she had B.S. the majority of the time. As to B.S.'s adjustment to his home, school, and community, the court found the factor favored Alyssa.

¶ 30 In regard to the willingness and ability of each parent to place the needs of the child ahead of his or her needs, the trial court found Alyssa "desperately wants possession of this particular child, arguably without much input from the father, if any, and has acted accordingly." Thus, the court found the factor favored Brian.

¶ 31 As to the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child, the trial judge found Alyssa has "benefitted from good lawyering, she's been pretty generous with time with the child being with father; and at other times she's been nitpicky, thrown up a picket fence in relation to

contact, not been reasonable." The judge stated he thought Alyssa "has lost sight of" B.S.'s needs at various times, "but as far as predicting the future, it makes it very difficult for the Court." The judge ruled as follows:

> "What I'm going to do here is I'm going to take a chance. I'm going to appoint mother as the primary custodial parent. And, mother, I will tell you, I don't know how long I'm going to be around, but there's a whole bunch of people who wear robes that look just like me, okay, some that have long hair and a different sex; but they think the same way and they've got the same factors to consider. And if you get goofy in relation to contact between the father and this kid, you will not have the kid living with you.
>
> * * *
>
> Okay. If you decide that you've got to live with a different guy every 12 months or you've got to move every six months or you can't provide stability for this child, you're going to be sitting in here and tears are going to be flowing because you're going to hear all of this argument again. Okay?
>
> If you are a good parent, and this goes for father too, if you are good parents, and I'm sure if I ask you you'd tell me you're great parents, but if you were good parents, you would be trying to create as stable an anxiety-free environment as possible for this child. The child should be unaware that the two of you fight with each other or that you have disagreements; and the two of you

should cooperate, okay, because, quite frankly, one of you may become disabled or dead and then what do we do with the child? If you scare off father or if you scare off mother, what do we do with the kid? And it happens; sit in here, and you'll see it."

¶ 32 The written parenting plan listed the significant decision-making responsibilities for the respective parties. The plan also stated Brian had parenting time every Thursday from 3 p.m. to 6 p.m., every other week from 4 p.m. on Thursday to 4 p.m. on Sunday, and various times during the summer, holidays, and school breaks. This appeal followed.

¶ 33 II. ANALYSIS

¶ 34 A. Decision-Making Responsibilities

¶ 35 Brian argues the trial court's allocation of decision-making responsibilities is against the manifest weight of the evidence and unjust. We disagree.

¶ 36 Since the parties were never married, the Illinois Parentage Act of 2015 (Parentage Act) (750 ILCS 46/101 *et seq.* (West 2016)) governed the proceedings in this case. In determining custodial matters, the trial court is required to apply the relevant standards found in the Illinois Marriage and Dissolution of Marriage Act (Dissolution Act). 750 ILCS 46/802(a) (West 2016). Section 602.5(a) of the Dissolution Act (750 ILCS 5/602.5(a) (West 2016)) requires the trial court to allocate decision-making responsibilities (formerly known as "custody") according to the child's best interests. Section 602.5(b) of the Dissolution Act permits the court to allocate to one or both of the parents the significant decision-making responsibility for significant issues affecting the child and lists those significant issues, without limitation, as ones involving education, health, religion, and extracurricular activities. 750 ILCS 5/602.5(b) (West 2016).

"In determining the child's best interests for purposes of allocating significant decision-making responsibilities, the court shall consider all relevant factors, including, without limitation, the following:

> (1) the wishes of the child, taking into account the child's maturity and ability to express reasoned independent preferences as to decision-making;
>
> (2) the child's adjustment to his or her home, school, and community;
>
> (3) the mental and physical health of all individuals involved;
>
> (4) the ability of the parents to cooperate to make decisions, or the level of conflict between the parties that may affect their ability to share decision-making;
>
> (5) the level of each parent's participation in past significant decision-making with respect to the child;
>
> (6) any prior agreement or course of conduct between the parents relating to decision-making with respect to the child;
>
> (7) the wishes of the parents;

(8) the child's needs;

(9) the distance between the parents' residences, the cost and difficulty of transporting the child, each parent's and the child's daily schedules, and the ability of the parents to cooperate in the arrangement;

(10) whether a restriction on decision-making is appropriate under Section 603.10;

(11) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child;

(12) the physical violence or threat of physical violence by the child's parent directed against the child;

(13) the occurrence of abuse against the child or other member of the child's household;

(14) whether one of the parents is a sex offender, and if so, the exact nature of the offense and what, if any, treatment in which the parent has successfully participated; and

(15) any other factor that the court expressly finds to be relevant." 750 ILCS 5/602.5(c) (West

2016).

¶ 37 "On appeal, we give great deference to the trial court's best-interests findings because that court had a better position than we do to observe the temperaments and personalities of the parties and assess the credibility of witnesses." (Internal quotation marks omitted.) *In re B.B.*, 2011 IL App (4th) 110521, ¶ 32, 960 N.E.2d 646; see also *In re Marriage of Agers*, 2013 IL App (5th) 120375, ¶ 25, 991 N.E.2d 944 (stating "[i]n child custody cases, there is a strong and compelling presumption in favor of the result reached by the trial court because it is in a superior position to evaluate the evidence and determine the best interests of the child"). "[A] reviewing court will not reverse a trial court's custody determination unless it (1) is against the manifest weight of the evidence, (2) is manifestly unjust, or (3) results from a clear abuse of discretion." *B.B.*, 2011 IL App (4th) 110521, ¶ 32, 960 N.E.2d 646.

¶ 38 In the case *sub judice*, the trial court awarded Brian and Alyssa joint responsibility with respect to B.S.'s education. The parenting plan stated this shared responsibility requires consultation between the parents and gives Alyssa the final say. The court awarded sole decision-making responsibility to Alyssa as to B.S.'s healthcare and sole responsibility to Brian as to B.S.'s extracurricular activities. The court found the decision on religion inapplicable.

¶ 39 In looking at the applicable statutory factors under section 602.5(c) (750 ILCS 5/602.5(c) (West 2016)), the trial court found only three factors were critical in this case. In regard to B.S.'s adjustment to his home, school, and community, the court found this factor favored Alyssa because B.S. is doing well and she has been primarily responsible for his care. As to each parent's participation in past significant decision-making with respect to B.S., the court again found the factor favored Alyssa because B.S. has most often been in her care.

¶ 40 In regard to the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and B.S., the trial court found Alyssa had not been credible and had not told "the truth in relation to many important aspects in this case, notably, the involvement of the father in the early years of the child's life." The court also noted "[t]he texts put the lie to her testimony that [Brian] was disinterested and not involved." Further, the court noted there had been "other small points that have been made in relation to what [Alyssa] has known or what she has done, but she gives every indication of being a mother who would forgive any sin in what she believes is the protection of her child."

¶ 41 Here, as Alyssa received the majority of parenting time, it was in B.S.'s best interests that she have the decision-making authority with respect to the issue of B.S.'s healthcare. Nothing in the record indicates Alyssa neglected B.S.'s physical health since his birth. While there was some testimony regarding B.S.'s anxiety and possible regression during the time of split parenting, nothing indicates it had a long-lasting detrimental impact on B.S. Instead, the evidence indicates B.S. is healthy, smart, and happy.

¶ 42 The trial court was in the best position to evaluate the evidence, assess the credibility of the witnesses, and determine the best interests of B.S. The court considered the appropriate statutory factors. Moreover, it was well aware of Alyssa's questionable credibility but found it in B.S.'s best interests to give her decision-making responsibility as to his healthcare. In making its decision, the court noted splitting the decision-making responsibilities between the parties would provide "them a little bit of leverage in relation to keeping the other parent honest." We find the court's decision granting decision-making responsibilities in this case was not against the manifest weight of the evidence, manifestly unjust, or an abuse of discretion.

¶ 43 B. Parenting Time

¶ 44 Brian argues the trial court's allocation of parenting time is against the manifest weight of the evidence. We disagree.

¶ 45 Section 802(a) of the Parentage Act (750 ILCS 46/802(a) (West 2016)) states the issue of parenting time is governed by the relevant provisions of the Dissolution Act. Section 602.7(a) of the Dissolution Act (750 ILCS 5/602.7(a) (West 2016)) states the trial "court shall allocate parenting time according to the child's best interests." Section 602.7(b) (750 ILCS 5/602.7(b) (West 2016)) sets forth several factors the court is to consider when determining the child's best interests for purposes of allocating parenting time, including, *inter alia*, the wishes of the parents and the child; the amount of time each parent spent performing caretaking functions in the 24 months preceding the filing of the petition for allocation of parental responsibilities; the interrelationship between the child and his or her parents and siblings; the child's adjustment to his or her home, school, and community; the child's needs; the distance between the parents' residences; the willingness and ability of each parent to place the needs of the child above his or her own needs; and the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child.

¶ 46 The best interests of the child are the primary consideration in all decisions affecting children, including the allocation of parenting time. *In re Parentage of J.W.*, 2013 IL 114817, ¶ 41, 990 N.E.2d 698. "A trial court's findings as to a child's best interest are entitled to great deference because the trial judge is in a better position than we are to observe the personalities and temperaments of the parties and assess the credibility of the witnesses." *In re Marriage of Whitehead*, 2018 IL App (5th) 170380, ¶ 21, 97 N.E.3d 566. A court's determination regarding a child's best interests will not be reversed on appeal unless the decision

is against the manifest weight of the evidence and it appears that a manifest injustice has occurred. *In re Parentage of P.D.*, 2017 IL App (2d) 170355, ¶ 18, 87 N.E.3d 1040. A decision is against the manifest weight of the evidence when the opposite result is clearly evident from the record. *In re Marriage of Betsy M.*, 2015 IL App (1st) 151358, ¶ 61, 46 N.E.3d 373.

¶ 47 In its ruling, the trial court found only four statutory factors relevant and applicable. As to the amount of time each parent spent performing caretaking functions in the 24 months preceding the filing of the petition for allocation of parental responsibilities, the court found the factor favored Alyssa because she had B.S. the majority of the time. As to B.S.'s adjustment to his home, school, and community, the court found the factor favored Alyssa.

¶ 48 In regard to the willingness and ability of each parent to place the needs of the child ahead of his or her needs, the trial court found Alyssa "desperately wants possession of this particular child, arguably without much input from the father, if any, and has acted accordingly." Thus, the court found the factor favored Brian.

¶ 49 As to the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child, the trial court found Alyssa has "benefitted from good lawyering, she's been pretty generous with time with the child being with father; and at other times she's been nitpicky, thrown up a picket fence in relation to contact, not been reasonable." The court also stated it thought Alyssa had "lost sight of" B.S.'s needs at various times.

¶ 50 Despite the trial court's concerns with Alyssa's credibility and actions in this case, it decided to "take a chance" on Alyssa and appoint her as the primary custodial parent. At the same time, the court reminded Alyssa that her parenting time could be easily changed if she attempted to frustrate the relationship between B.S. and his father.

¶ 51 As noted, the trial court's decision with regard to the best interests of the child is entitled to great deference because it observed the witnesses and could assess their credibility firsthand. The court considered the applicable factors and decided Alyssa should receive the majority of the parenting time. The evidence indicates Alyssa has been the primary caregiver for B.S. since his birth and B.S. is doing well. While Brian has raised valid concerns about Alyssa's ability to facilitate a relationship between him and his son, she has, at times, shown she is capable of fostering that relationship. The court's oral admonishments to Alyssa provide ample reason for her to continue doing so. Should Alyssa continue to live an itinerant lifestyle and act as an impediment to the vital bond between father and son during B.S.'s formative years, the issue of parenting time and the best interests of B.S. can be revisited. We find the court's decision to award Alyssa the majority of parenting time was not against the manifest weight of the evidence.

¶ 52 III. CONCLUSION

¶ 53 For the reasons stated, we affirm the trial court's judgment.

¶ 54 Affirmed.