

NOTICE

Decision filed 06/09/16. The text of this decision may be changed or corrected prior to the filing of a Petition for Rehearing or the disposition of the same.

2016 IL App (5th) 160032-UB

NO. 5-16-0032

IN THE

APPELLATE COURT OF ILLINOIS

FIFTH DISTRICT

NOTICE

This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

JACOB O'RILEY,)	Appeal from the
)	Circuit Court of
Petitioner-Appellant,)	St. Clair County.
)	
v.)	No. 09-F-320
)	
STACEY BAST, n/k/a STACEY COFFEY,)	Honorable
)	Julia R. Gomric,
Respondent-Appellee.)	Judge, presiding.

JUSTICE WELCH delivered the judgment of the court.
Presiding Justice Schwarm and Justice Goldenhersh concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court's order requiring the paternal grandparents to provide transportation to the minor child on Jacob's behalf was in the best interest of the minor child and not a restriction on the father's visitation.

¶ 2 This appeal comes from the order of the circuit court of St. Clair County requiring the appellant's, Jacob O'Riley's (Jacob), parents to provide all transportation to the minor child during Jacob's visitation.

¶ 3 On November 19, 2015, this court remanded the case to the circuit court to conduct further proceedings to apply the proper standard in determining Jacob's visitation rights, as they pertained to supervised weekend and summer visitation, and to clarify the

court's calculations on child support arrearages. See *O'Riley, Jacob v. Coffey, Stacey Bast*, 2015 IL App (5th) 150254-U.

¶ 4 On January 20, 2016, the circuit court held proceedings regarding this court's remand for the aforementioned issues. The court found that it was in the minor's best interest to have his paternal grandparents solely provide transportation to the minor child before and after visitation with Jacob. The court reasoned that it was not in the minor's best interest to "get in the car with any random friend" of Jacob's moving forward. In addition, the court ordered Jacob to comply with all child support arrearages, totaling \$11,601.11, due on or before April 1, 2016. Jacob filed a timely notice of appeal on January 25, 2016.

¶ 5 On appeal, Jacob argues that the circuit court erred in finding that only Jacob's parents could provide transportation for visitation exchanges on his behalf. He contends that the court's order is a restriction on his visitation, thus subject to the "serious-endangerment" standard, contending that since both of his parents work, the court's order substantially limits his time with his son, and that the appellee, Stacey Bast-Coffey (Stacey), failed to demonstrate that the minor child's physical, mental, moral, or emotional health was seriously endangered by individuals, other than the paternal grandparents, driving the minor. We disagree.

¶ 6 Visitation orders will not be disturbed on appeal absent an abuse of discretion. *In re Marriage of Ross*, 355 Ill. App. 3d 1162, 1167 (2005). The court may modify an order granting or denying visitation rights of a parent whenever modification would serve the best interest of the child, but the court shall not restrict a parent's visitation rights unless it

finds that the visitation would endanger seriously the child's physical, mental, moral, or emotional health. 750 ILCS 5/607(c) (West 2012).

¶ 7 After a careful review of the record, we find that the court did not abuse its discretion in ordering specific requirements for transportation of the minor child. We cannot find that the court's order pertaining to transportation of the minor child is subject to the "serious-endangerment" standard. A restriction on visitation, which must meet this standard, is "an action that limits, restrains, or confines visitation," which includes, for example, a termination of visitation, a prohibition on overnight visitation, or a requirement of supervised visitation. *Ross*, 355 Ill. App. 3d at 1167. Instead, we find that the court's order was in the best interest of the minor child.

¶ 8 First, Jacob does not deny that he pled guilty and was convicted on February 14, 2015, of the following: (1) the unlawful possession of a controlled substance (14-CF-133303); (2) aggravated fleeing and attempting to elude a police officer (14-CF-133302); (3) aggravated driving under the influence (14-TR-39712); and (4) driving with a revoked license (14-CF-133301). As a result, Jacob's driver's license has been revoked throughout the pendency of this case. Thus, Jacob was ordered to refrain from driving, and the paternal grandparents were required to provide transportation to Jacob and the minor child. The record provides that the paternal grandparents have consistently transported the minor on time and that no issues have been reported.

¶ 9 Moreover, on January 20, 2016, the record reflects that the circuit court was willing to compose a list of approved individuals, in addition to the paternal

grandparents, who were court approved to transport the minor child. However, Jacob was unwilling to provide the court with names of specific individuals, stating:

"MR. O'RILEY: I think I should really be at liberty to decide who is safe enough to go pick up my son."

Following Jacob's comment, the court determined that without his cooperation, the paternal grandparents were the only individuals approved to drive the minor child on Jacob's behalf.

¶ 10 Thus, the court found, and we agree, that requiring the paternal grandparents to drive the minor child on Jacob's behalf was certainly reasonable in light of Jacob's current inability to legally drive the minor child and Stacey's desire to know who is transporting her child during Jacob's visitation.

¶ 11 For the foregoing reasons, the judgment of the circuit court of St. Clair County is hereby affirmed.

¶ 12 Affirmed.