

2026 IL 132627

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

(Docket No. 132627)

NANCY REYNOLDS, Appellant, v. CHRISTOPHER I. REYNOLDS SR., Appellee.

Opinion filed September 24, 2026.

JUSTICE HOLDER WHITE delivered the judgment of the court, with opinion.

Chief Justice Neville and Justices Overstreet, Cunningham, Rochford, O'Brien, and Tailor concurred in the judgment and opinion.

OPINION

¶ 1 In 2016, the circuit court of McHenry County entered an allocation judgment based on an agreement between petitioner and respondent, Nancy Reynolds and Christopher I. Reynolds Sr. respectively, regarding the allocation of parental responsibilities with respect to their two children, D.R. and E.R. Five years later, respondent filed a motion to modify the allocation of parental responsibilities, which he later amended to seek only an increase in his parenting time pursuant to

section 610.5 of the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/610.5 (West 2022)). The circuit court held a hearing on the motion, and after respondent presented his case, petitioner made a motion for a directed finding. The court granted the motion after finding, based on section 610.5(c) of the Act, that respondent failed to show a substantial change in the circumstances of the children or parents since 2016 that would justify a modification of the judgment. See *id.* § 610.5(c). Respondent appealed.

¶ 2 The appellate court vacated the judgment of the circuit court, holding that the court used the wrong legal standard when it applied the substantial change in circumstances standard pursuant to section 610.5(c) of the Act. 2025 IL App (2d) 240028, ¶ 58. The appellate court further held that, “pursuant to section 610.5(a) of the Act, a party seeking to solely modify parenting time needs to show only a simple change in circumstances, not a substantial change in circumstances.” *Id.* Petitioner asks this court to reverse the appellate court because the provisions governing the parties’ parenting time were part of the allocation judgment and the modification of the allocation judgment required a substantial change in circumstances pursuant to section 610.5(c) of the Act (750 ILCS 5/610.5(c) (West 2022)). Petitioner also argues that the appellate court’s decision was inconsistent with the definitions of *parenting plan* and *parental responsibilities* under section 600 of the Act. See *id.* § 600(d), (f). We agree with the appellate court that section 610.5(a), and not section 610.5(c), provides the applicable legal standard for a motion seeking to modify parenting time only. We therefore affirm the appellate court’s decision.

¶ 3 I. BACKGROUND

¶ 4 Petitioner and respondent have two daughters: D.R., born in 2012, and E.R., born in 2014. Despite sharing a last name, the couple never married. Respondent signed voluntary acknowledgments of paternity for both children. Petitioner and respondent had an acrimonious relationship, the details of which are not germane to this appeal. Following the termination of their romantic relationship, petitioner filed a petition to establish the allocation of parental responsibilities on July 1, 2016. She sought sole parental responsibilities for significant decision-making, the majority of the parenting time, equal division of the financial cost of any

extracurricular and uncovered medical expenses of the minor children, and child support.

¶ 5 On July 7, 2016, the circuit court entered an allocation judgment based on the parties' agreement regarding the allocation of parental responsibilities, including parenting time. Under the agreement, petitioner was granted primary parenting time and significant decision-making responsibilities regarding the children's education, health care, and religious upbringing. Respondent was granted weekly parenting time with overnight visitation from Monday at 6 p.m. until Tuesday at 8 a.m. and every other weekend from Friday at 6 p.m. until Sunday at 6 p.m. The parties agreed to exchange the children at a restaurant in Algonquin unless either party moved from their home, in which case the parties could agree to a different location. Because the exchange of the children was to be at the restaurant, respondent did not drop the children off at school on Tuesday mornings following his parenting time. Respondent was also ordered to pay biweekly child support.

¶ 6 In August 2021, petitioner filed a motion to modify child support based on an increase in respondent's income. Petitioner also sought an order directing respondent to contribute to child-related expenses. The court ordered the parties to attend mediation to address modification of parental responsibility allocation, parenting time, and economic issues. Mediation was ultimately unsuccessful, and the final mediator's report indicated the parties did not reach an agreement.

¶ 7 In November 2021, respondent filed a motion to modify the allocation of parental responsibilities and parenting plan pursuant to sections 600 and 610.5 of the Act (*id.* §§ 600, 610.5). Respondent sought primary parenting time with the children, sole significant decision-making authority, and adjustments to child support and other financial issues based on any modifications made. Respondent argued that substantial changes in circumstances had occurred since the allocation judgment as follows: (1) the children were older and more able to express their wants and needs as to their parenting time with each parent; (2) respondent purchased a new home with a public school superior to the public school available at petitioner's address; (3) respondent's new home had a large yard in which the children could play; (4) petitioner lived in a small, cluttered one-bedroom condo with plumbing issues, which needed additional repairs; (5) petitioner interfered with respondent's ability to communicate with the children; (6) two of respondent's

sons lived with him, and D.R. and E.R. had a good relationship with them that would benefit from the children spending more time at respondent's home; (7) respondent primarily worked from home, giving him flexibility to be available for school, homework, and activities; and (8) respondent denied petitioner's claim that he failed to feed or care for the children during his parenting time. Respondent alleged that, based on some of these changed circumstances, petitioner was no longer a fit and proper parent to provide primary care for the children or make significant decisions on their behalf.

¶ 8 On December 20, 2021, based on the parties' agreement, the court appointed Jennifer Chiappetta as guardian *ad litem* pursuant to section 506(a)(2) of the Act (*id.* § 506(a)(2)). On October 19, 2022, respondent filed a motion to appoint a "professional" pursuant to section 604.10(b) of the Act (*id.* § 604.10(b)). The court denied the motion after finding a section 604.10(b) professional was unnecessary because the court had already appointed a guardian *ad litem*. The court gave respondent time to file a motion requesting his own evaluator under section 604.10(c) of the Act (*id.* § 604.10(c)), which respondent did. Petitioner opposed the motion. The court granted respondent's motion in part, allowing a custody evaluation of the children by Dr. Mark L. Goldstein to assist the court in determining the best interests of the children. The court barred the evaluation of petitioner's mental health.

¶ 9 Dr. Goldstein filed a report on May 2, 2023. Dr. Goldstein recommended that respondent's time with the children "be immediately increased" because the existing parenting plan was not in the best interests of the children. The report did not support respondent's request for sole decision-making for the children or his request for the majority of parenting time.

¶ 10 On May 11, 2023, respondent filed an emergency motion seeking leave of court to file an amended motion to modify the judgment allocating parental responsibilities and parenting plan. On May 15, 2023, the court granted respondent leave to file the amended motion. In his amended motion, respondent only sought to modify the allocation judgment to provide him additional parenting time. Also, respondent alleged the following changed circumstances since the entry of the 2016 allocation judgment: (1) the children were older and their relationship with respondent had grown; (2) respondent lived in a larger home with a large yard in

which the children could play; (3) he lived with his paramour and their four-month-old child, and his paramour helped care for the children; (4) respondent worked remotely and had a flexible schedule allowing him to care for the children during his parenting time; and (5) petitioner lived in a one-bedroom apartment, and as the children grew, they needed more space. Respondent alleged it was in the children's best interests to grant him additional parenting time. Respondent's suggested increase in parenting time was consistent with the recommendation included in Dr. Goldstein's report. Petitioner filed a response opposing the amended motion.

¶ 11 On May 17, 2023, the court held a hearing on respondent's amended motion. Dr. Goldstein testified that he did not agree with respondent's initial request for a modification in parental responsibility. He thought the children should remain with petitioner but believed it was in the children's best interests to increase respondent's parenting time. Dr. Goldstein also opined that it would be in the children's best interests to be picked up directly from school when respondent had parenting time and for him to drop them off at school when his time ended. This recommendation was based on research showing that children, particularly those like D.R. who had been diagnosed with autism, did better with fewer transitions. D.R. requested the earlier pickup time that would come from respondent picking the children up directly from school, so Dr. Goldstein did not believe the recommended change would be disruptive. On cross-examination, Dr. Goldstein acknowledged that, while the research showed autistic children had problems with transitions, he had no direct evidence that D.R. had difficulty with transitions. He further acknowledged that he had not considered that the children would have different school start times in the coming school year and that, if respondent dropped them off at school, E.R. would spend about an hour in travel time before school. Dr. Goldstein was not sure how this information would have changed his recommendations.

¶ 12 The guardian *ad litem* testified that, while she initially recommended no changes in the parenting plan, her final report recommended respondent receive one additional day. However, once she learned that E.R. would likely have a longer morning commute if she were travelling to school from respondent's home, the guardian *ad litem* testified she believed that would be a long time for E.R. to commute just to give respondent an additional overnight. The guardian *ad litem* testified that it would be better for respondent to take the children directly to school

the mornings after his parenting time instead of the exchange at the restaurant. This would reduce the interaction between petitioner and respondent, which would be beneficial. However, she continued to have concerns about the amount of time the children would spend in the car in the mornings.

¶ 13 Respondent testified that, since the original allocation judgment in 2016, he had moved into a new home that was more spacious and had an extensive backyard that bordered a large conservancy. D.R. and E.R. were able to play with other children in the new neighborhood. Respondent also changed jobs since 2016 and now worked remotely for two companies as a data architect. He worked approximately 34 to 36 hours for one company and 35 to 40 hours for the other from Monday to Friday. He occasionally worked “minimally” on weekends. The change to remote work also eliminated his daily commute to work during the week, which was an hour each way from his home to his office. Respondent testified he was applying for different remote positions in his field, not to increase his employment, but rather to replace his current positions.

¶ 14 Respondent testified that the ability to work remotely was a condition of future employment because he wanted the flexibility of being able to pick the children up from school and create his own work schedule. Respondent lived approximately 35 minutes from the children’s schools, which were 8 minutes apart. If his parenting time was increased, respondent could take the children to school and pick them up as well as sign them up for more extracurricular activities. Respondent believed that being allowed to drop off and pick up the children at school would allow him to interact with their teachers. Respondent testified that he sometimes dropped D.R. off at school after his visitation time because she had to be at school at 7:10 a.m. If he were allowed to take E.R. to school, he testified that he would take her to breakfast and bond with her during the time between D.R.’s drop off and E.R.’s drop off.

¶ 15 Respondent testified that, under the existing provisions in the allocation judgment, E.R. still spent a minimum of 45 minutes in vehicles after D.R. was dropped off at school. Respondent had to drop E.R. off at the restaurant exchange so that petitioner could drive her to catch a school bus, which then transported E.R. to school. Petitioner and respondent did attempt to reach an agreement on a new exchange location but were unable to do so.

¶ 16 Respondent testified that, after the allocation judgment was entered in 2016, D.R. was diagnosed with autism. Respondent explained he wanted more time with D.R. because his son A.R. was also diagnosed with autism and respondent had experience navigating the diagnosis. A.R. lived with respondent during the school year pursuant to an informal agreement between his mother and respondent. Respondent's son, T.R., visited respondent's home several times a week pursuant to a casual arrangement between his mother and respondent. Both A.R. and T.R. had developed strong relationships with D.R. and E.R. Respondent also had an 8-month-old daughter, and he believed D.R. and E.R. would benefit from additional time bonding with her.

¶ 17 Krystal Reynolds, respondent's fiancée, testified that she lived with respondent and had observed him with D.R. and E.R. during his parenting time. Reynolds stated respondent helped his daughters with their homework, cooked and cared for them, and engaged in the children's hobbies. She testified that respondent did not work during his parenting time with the children. Reynolds testified D.R. and E.R. loved being big sisters and spending time with their youngest sister.

¶ 18 Following Krystal Reynolds's testimony, respondent rested his case. Petitioner made an oral motion for a directed finding. Petitioner argued that the alleged changes in circumstances, *i.e.*, respondent's move to a larger home, his remote work, the birth of his youngest child, and D.R.'s and E.R.'s ages, were not substantial changes. Petitioner argued some of the changes were also not new because they occurred years before respondent filed his motion and that respondent presented little evidence demonstrating that modification was in the best interests of the children.

¶ 19 Respondent argued that he met his burden to show there were substantial changes. Due to time constraints, the court continued the hearing before respondent finished his argument. Subsequently, respondent filed a memorandum of law in opposition to petitioner's oral motion for a directed finding. Respondent argued that petitioner failed to meet the burden for a directed finding because he had made a *prima facie* showing there was a substantial change in circumstances. Respondent argued he presented evidence that, at the time the allocation judgment was entered, he worked in an office, which impeded his ability to take D.R. to school, but he then secured remote work, which allowed him more flexibility. There was evidence

that both children were older and in school. Because the children were older, respondent was better able to care for their daily needs. Respondent had moved to a larger house closer to the children's school, which allowed him to transport the children to school and to nearby extracurricular activities. The children could also enjoy outdoor activities in the multiacre backyard of his new home. The children had developed relationships with their half-siblings, who lived with respondent. Since the entry of the allocation judgment, D.R. had been diagnosed with autism. D.R. had bonded with and had the support of her half-brother who was also autistic. With more parenting time, respondent could assist D.R. with homework and treatment. Respondent also argued additional parenting time would allow him to enroll the children in more extracurricular activities. Finally, fewer transitions between parents for parenting time would greatly benefit the children, which was consistent with Dr. Goldstein's expert testimony and opinion.

¶ 20 Respondent further argued that he had also presented evidence that a change in parenting time would be in the children's best interests based on Dr. Goldstein's testimony. Dr. Goldstein opined it would be in the children's best interests to have more time with respondent and for respondent to pick the children up from school and drop them off at school during his parenting time. Dr. Goldstein also testified it would be in the children's best interests to spend more time with their half-siblings. Respondent argued the motion for a directed finding should be denied because he had made a *prima facie* case that his parenting time should be increased. When the court resumed the hearing, respondent rested his argument on his written memoranda.¹

¶ 21 Petitioner argued in rebuttal that respondent failed to show modification was in the children's best interests because Dr. Goldstein's best-interests opinion was not based on any of the factors provided in section 602.7 of the Act (750 ILCS 5/602.7 (West 2022)). Petitioner argued that the evidence presented was that D.R.'s autism diagnosis made changes to her schedule contrary to her best interests. Further, respondent may have moved closer to the children's schools, but it was still a 35- to 40-minute commute between his home and their schools, which was not a convenient drive for the children. To the extent that modifications needed to be

¹Respondent had previously filed a memorandum of law in support of his amended motion to modify allocation judgment of parental responsibilities and parenting plan.

made, petitioner argued the court could change the exchange location from Wauconda to McHenry for the convenience of the parties.

¶ 22 The circuit court found that its consideration of the motion for a directed finding was a two-step process. First, the court considered whether respondent presented a *prima facie* case showing that there were substantial changes since the entry of the allocation judgment in 2016 and that a modification of the allocation judgment was in the children's best interests. Second, if respondent established a *prima facie* case, the court would determine whether, considering all the evidence presented and the credibility of witnesses, defendant met his burden. On the first step, the court found respondent had presented testimony that established a *prima facie* case that there had been changes since 2016 and that modification was in the children's best interests.

¶ 23 However, moving to the second step, the court found that, under section 610.5(c) of the Act (*id.* § 610.5(c)), it had to consider whether there had been substantial changes since the 2016 allocation judgment that were not anticipated at the time and that a modification was necessary to serve the children's best interests. The court found that respondent's testimony that his work allowed him more flexibility was not credible because he worked a minimum of 36 hours at each job. The court also found that, although respondent's change to remote work was a change in circumstance, it was not a substantial change. Similarly, while respondent's move to a larger home closer to the children's school was a change, the court found respondent had not proven it to be a substantial change. The court did not find D.R.'s autism diagnosis and her ability to bond with A.R., who had a similar diagnosis, was a substantial change. The court found that the evidence of their ability to communicate and bond over this common diagnosis was speculative and had not been substantiated. The court further found the change in the children's ages was anticipated at the time of the 2016 judgment.

¶ 24 In considering the children's best interests, the court found D.R. and E.R. were both doing very well. Even though petitioner and respondent had an acrimonious relationship, the court found that both parties acted in the children's best interests and did not allow the acrimony to affect the children. The court made no further findings as to the children's best interests. The court granted petitioner's motion for a directed finding.

- ¶ 25 In December 2023, respondent filed a notice of appeal from the court’s order granting the motion for a directed finding. In January 2024, respondent filed a motion seeking a finding pursuant to Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016). The court granted respondent’s motion. On January 18, 2024, respondent filed a timely notice of appeal pursuant to Rule 304(a).
- ¶ 26 On appeal, respondent argued that the circuit court used the wrong legal standard when it considered whether he had shown an unanticipated substantial change in circumstances under section 610.5(c) of the Act. 2025 IL App (2d) 240028, ¶ 30. Instead, the court should have used the standard under section 610.5(a), which required a showing of changed circumstances before a modification of parenting time if it was in a child’s best interests. *Id.* Petitioner responded that section 610.5(c) was the appropriate section, as respondent had argued in the circuit court. *Id.* ¶ 56. However, even if section 610.5(a) applied, petitioner argued that respondent failed to show modification of the parenting-time order was in the children’s best interests. *Id.* ¶ 57.
- ¶ 27 After reviewing the statutory language of sections 610.5(a) and (c), the Appellate Court, Second District, held that the “language of each subsection is clear and unambiguous.” *Id.* ¶ 32. Under subsection (a), parenting time can be modified at any time upon a showing of changed circumstances that necessitate modification to serve the best interests of the child. *Id.* ¶ 33. Under subsection (c), the court found that parenting plans or allocation judgments can be modified if the moving party proves, by a preponderance of the evidence, that a substantial change has occurred in the circumstances of the child or of either parent and modification is necessary to serve the child’s best interests. *Id.* ¶ 32. The court noted that subsection (c) does not mention parenting time. *Id.* The appellate court thus agreed with respondent that a modification of parenting time requires only changed circumstances, while a modification of the parenting plan or allocation judgment requires a substantial change in circumstances. *Id.* ¶ 33.
- ¶ 28 The appellate court noted that its conclusion was supported by its unreported case in *In re Marriage of Salbi*, 2024 IL App (2d) 240322-U, and an unreported case from the Fourth District, *Erik S. v. Hollie S.*, 2025 IL App (4th) 241337-U. 2025 IL App (2d) 240028, ¶¶ 34, 54. The court rejected the reasoning and analysis employed by the Third District in the only published case that had previously

addressed the issue, *In re Marriage of Trapkus*, 2022 IL App (3d) 190631. 2025 IL App (2d) 240028, ¶¶ 39-45. The appellate court rejected *Trapkus* because the *Trapkus* court looked to the legislative history of section 610.5 to ascertain its meaning even though the statute was not ambiguous. *Id.* ¶ 42. *Trapkus* also relied on a decision from this court, *Department of Public Aid ex rel. Davis v. Brewer*, 183 Ill. 2d 540 (1998), that interpreted a prior version of the statute. 2025 IL App (2d) 240028, ¶ 43. Having found the circuit court applied the incorrect legal standard to respondent’s amended motion to modify, the appellate court vacated the circuit court’s order granting petitioner’s motion for a directed finding and remanded the case for further proceedings. *Id.* ¶ 58.

¶ 29 Justice Birkett dissented because he believed that the plain language of “subsection (a) is clearly and unambiguously concerned with the motion to modify—either the allocation judgment *in toto* or parenting time standing alone.” *Id.* ¶ 74 (Birkett, J., dissenting). Subsection (c) on the other hand, governed the procedure of the hearings on the motions filed under subsection (a). *Id.* ¶ 75. Justice Birkett also found that the majority decision was “not cohesive” because it failed to “explain how parenting time is somehow pulled out of subsection (c) when it is necessarily folded into ‘allocation judgment’ and ‘parenting plan’ ” under the statutory definition of those terms. *Id.* ¶ 78.

¶ 30 This court granted petitioner leave to appeal pursuant to Illinois Supreme Court Rule 315(a) (eff. Dec. 7, 2023).

¶ 31 II. ANALYSIS

¶ 32 A. Standard of Review

¶ 33 This appeal stems from the circuit court’s order granting petitioner’s motion for a directed finding. When a litigant makes a motion for a directed finding, the circuit court engages in a two-step process. First, the court must determine, as a matter of law, whether the plaintiff has presented a *prima facie* case. *People ex rel. Sherman v. Cryns*, 203 Ill. 2d 264, 275 (2003). If a court grants the motion for directed finding based on a finding that the nonmoving party, as a matter of law, has not presented a *prima facie* case, we review that decision *de novo*. *Id.* If the court finds a *prima facie* case has been presented, it moves on to the second step of the analysis

and considers the totality of the evidence presented, including any evidence that is favorable to the nonmoving party, determines the credibility of the witnesses, and draws reasonable inferences therefrom. *Id.* at 275-76. If the court conducts the entire two-step analysis, a reviewing court will not reverse a ruling following this weighing process unless it is contrary to the manifest weight of the evidence. *Id.* at 276; *In re Estate of Coffman*, 2023 IL 128867, ¶ 54.

¶ 34 Here, the circuit court granted the motion for a directed finding after the second step of the analysis. However, the appellate court held that the circuit court applied the wrong legal standard to its analysis. 2025 IL App (2d) 240028, ¶ 58 (majority opinion). To determine the correct legal standard, we must interpret section 610.5 of the Act, which presents a question of law. *In re Marriage of Dynako*, 2021 IL 126835, ¶ 14. Similarly, whether the circuit court applied the correct legal standard is a question of law. We review questions of law *de novo*. *Id.*

¶ 35 B. Modification of Orders Under Section 610.5 of the Act

¶ 36 The question raised in this appeal is whether section 610.5 of the Act requires a parent seeking a modification in parenting time to show changed circumstances or a *substantial* change in circumstances that necessitates a modification in parenting time to serve the best interests of the child. 750 ILCS 5/610.5 (West 2022). To interpret any statute, we begin with its plain language and seek to ascertain and give effect to the legislature’s intent in enacting the statute. *Dynako*, 2021 IL 126835, ¶ 14. The plain language of the statute is the best indication of the legislature’s intent. *Id.* When the plain language is clear and unambiguous, we apply the plain language and meaning of the statute and do not depart from it by reading into it exceptions, limitations, or conditions that the legislature did not express. *Id.* Additionally, words and phrases used in the statute to be construed should not be considered in isolation; rather, they must be interpreted in light of other relevant provisions and the statute as a whole. *County of Du Page v. Illinois Labor Relations Board*, 231 Ill. 2d 593, 604 (2008).

¶ 37 “A statute is ambiguous when it is capable of being understood by reasonably well-informed persons in two or more different senses.” *Ready v. United/Goedecke Services, Inc.*, 232 Ill. 2d 369, 377 (2008). In this case, the majority and the dissenting justice of the appellate court disagreed on the interpretation of section

610.5. The dissenting justice found section 610.5 was arguably ambiguous because he arrived at a reasonable interpretation of the statutory language, which was different than the majority, based solely on the language employed in the provision. 2025 IL App (2d) 240028, ¶ 65 (Birkett, J., dissenting). There was also a split between districts of the appellate court as to the interpretation of section 610.5. Compare *Trapkus*, 2022 IL App (3d) 190631, ¶¶ 27-29 (holding that section 610.5(a) did not provide the legal standard applicable to a request for modification of a parenting-time order but was instead a gateway provision to an evidentiary hearing under section 610.5(c)), with *Salbi*, 2024 IL App (2d) 240322-U, ¶ 70 (holding the plain language of section 610.5(a) requires a party seeking the modification of parenting time to show changed circumstances), and *Erik S.*, 2025 IL App (4th) 241337-U, ¶ 71 (same). While differing opinions in the appellate court may be considered as an indication of ambiguity, they are not dispositive of the issue. *Ready*, 232 Ill. 2d at 379. Our analysis of a statute begins with an examination of statutory language, and if we determine a statute is ambiguous, differing interpretations in the lower courts may be considered in support of the finding of ambiguity. *Id.* Thus, we first turn to the plain language of section 610.5 of the Act.

¶ 38 Section 610.5 of the Act governs the judicial modification of orders allocating parental decision-making responsibilities, parenting time, parenting plans, and allocation judgments. The relevant provisions of section 610.5 are as follows.

“(a) Unless by stipulation of the parties or except as provided in Section 603.10 of this Act, no motion to modify an order allocating parental decision-making responsibilities, not including parenting time, may be made earlier than 2 years after its date, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child’s present environment may endanger seriously his or her mental, moral, or physical health or significantly impair the child’s emotional development. Parenting time may be modified at any time, without a showing of serious endangerment, upon a showing of changed circumstances that necessitates modification to serve the best interests of the child.

(b) (Blank).

(c) Except in a case concerning the modification of any restriction of parental responsibilities under Section 603.10, the court shall modify a

parenting plan or allocation judgment 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(a)-(c) (West 2022).

¶ 39 By its plain language, section 610.5(a) governs the timing and modification of orders allocating parenting responsibilities and parenting time. However, it deals with these matters differently. Subsection (a) places restrictions on when orders allocating parental decision-making responsibilities may be modified, prohibiting modifications sought less than two years after the entry of the order except in one situation. *Id.* § 610.5(a). A party seeking to file a motion to modify early, less than two years after the entry of the order allocating parental responsibilities, may only do so with permission from the court. *Id.* In order to grant permission, the court must find there is reason to believe a child's present environment may seriously endanger his or her mental, moral, or physical health or significantly impair the child's emotional development. *Id.* The court does this by considering affidavits filed by the moving party. *Id.* If the court grants leave to file the motion to modify or when a motion to modify parental decision-making responsibilities is filed two or more years after the entry of the order allocating parental responsibilities, the applicable subsection governing the review of these motions is subsection (c). *Id.* § 610.5(c).

¶ 40 For modifications of parenting time orders, subsection (a) has no temporal restrictions, and the party seeking modification does not need to first seek leave to file the motion. *Id.* § 610.5(a). The statute states that "[p]arenting time may be modified at any time, without a showing of serious endangerment, upon a showing of changed circumstances that necessitates modification to serve the best interests of the child." *Id.* By explicitly excluding parenting time from the restrictions to modification included in subsection (a), the legislative intent was to treat motions to modify parenting time differently than motions to modify other aspects of allocation judgments and parenting plans. The legislature also provided a different legal standard for reviewing a motion to modify parenting time in subsection (a)

than the one used in subsection (c), again evincing an intent to treat motions to modify parenting time differently.

¶ 41 Subsection (c) does not directly mention parenting time in the same way subsection (a) does. By its plain language, subsection (c) applies to modifications of parenting plans and allocation judgments. *Id.* § 610.5(c). The statute defines an “ ‘Allocation judgment’ ” as “a judgment allocating parental responsibilities” (*id.* § 600(b)) and a “ ‘Parenting plan’ ” as “a written agreement that allocates significant decision-making responsibilities, parenting time, or both” (*id.* § 600(f)). “ ‘Parental responsibilities’ ” are defined as “both parenting time and significant decision-making responsibilities with respect to a child.” *Id.* § 600(d). These definitions would sweep motions to modify parenting time under section 610.5(c), except the legislature expressly removed parenting time from the purview of section 610.5(c). The legislature was aware of the interrelated nature of these definitions when it enacted section 610.5(a) and (c). We must give effect to the legislature’s decision to expressly exclude parenting time from subsection (c) by definitively setting out what must be shown for a modification of parenting time in subsection (a). See *In re C.C.*, 2011 IL 111795, ¶ 35 (“It is well settled that where the legislature includes particular language in one section of a statute, but omits it in another section of the same act, courts presume that the legislature acted intentionally in the exclusion or inclusion.”).

¶ 42 Additionally, applying the legal standard provided in subsection (c) to judicial modifications of orders allocating parenting time would render the provisions under subsection (a) for such modifications meaningless and superfluous. Such a result is contrary to our principles of statutory interpretation. *Mercado v. S&C Electric Co.*, 2025 IL 129526, ¶ 20 (“When interpreting a statute, a court may not depart from the plain statutory language by reading into it exceptions, limitations, or conditions that conflict with the clear legislative intent. *Palm v. Holocker*, 2018 IL 123152, ¶ 21. Nor may a court read a statute in a way that renders any part superfluous or meaningless.”). Without a temporal restriction, the only purpose of the language in subsection (a) stating that parenting time may be modified by a “showing of changed circumstances that necessitates modification to serve the best interests of the child” is to provide a legal standard for evaluating such a motion. 750 ILCS 5/610.5(a) (West 2022). The consequence of a court granting a motion to modify parenting time under subsection (a) is the actual modification of parenting-time

orders. *Id.* However, the consequence of the court granting a party permission to file a motion to modify an order allocating parental decision-making responsibilities under subsection (a) is that the party may file the motion earlier than would otherwise be permissible. *Id.* Once the party files this motion to modify an order allocating parental decision-making responsibilities, the court considers it under the provisions of subsection (c). *Id.* § 610.5(c).

¶ 43 Our resolution of this issue necessarily resolves the disagreement within the appellate court on how to interpret section 610.5. See *Trapkus*, 2022 IL App (3d) 190631; *Salbi*, 2024 IL App (2d) 240322-U; *Erik S.*, 2025 IL App (4th) 241337-U. However, we take a moment to note that, in *Trapkus*, the appellate court applied the wrong analysis to arrive at its conclusion that subsection (c) controlled the modification of parenting time over subsection (a). In *Trapkus*, the respondent argued on appeal that the circuit court erred when it denied his petition to modify the parenting-time allocation after applying section 610.5(c). *Trapkus*, 2022 IL App (3d) 190631, ¶ 21. Respondent argued the appropriate section to apply to his motion to modify parenting time was section 610.5(a). *Id.* The *Trapkus* court began its analysis by acknowledging that it appeared that “section 610.5(a) contains a legal standard applicable to motions seeking the modification of a parenting-time allocation.” *Id.* ¶ 24. However, instead of applying the plain language of the statute, the court looked to the legislative history to review “the evolution of the modification statutes.” *Id.* After this review, the court concluded that subsection (a) was a gateway to an evidentiary hearing under subsection (c). *Id.* ¶ 27. By taking this approach, the appellate court, which did not conclude subsection (a) was ambiguous, failed to apply the well-established principles of statutory interpretation, *i.e.*, where the unambiguous plain language of the statute is applied without looking to the legislative history. See *Dynako*, 2021 IL 126835, ¶ 14; *Petersen v. Wallach*, 198 Ill. 2d 439, 446 (2002).

¶ 44 The *Trapkus* court also relied on our decision in *Brewer*, 183 Ill. 2d 540, in concluding that subsection (a) “served as a gateway to an evidentiary hearing on a modification request if less than two years had passed since the entry of the custody judgment.” *Trapkus*, 2022 IL App (3d) 190631, ¶ 24. However, as the appellate court pointed out in this case, *Brewer* was distinguishable on several points but most importantly because it construed a prior version of the statute at issue in *Trapkus*. 2025 IL App (2d) 240028, ¶ 40; see *Brewer*, 183 Ill. 2d at 554 (stating

that the “central question presented in this appeal is the proper interpretation of sections 610(a) and (b) of the Act as those sections apply to petitions for modification of custody filed and heard within two years of the entry of the last custody judgment”). *Brewer* does not control the interpretation of the current version of the statute and does not override the plain language of the amended section 610.5. We hereby overrule *Trapkus* to the extent it is inconsistent with our decision in this case.

¶ 45 When we apply the correct legal standard to our review of the circuit court’s order granting the motion for a directed finding, we find the court’s decision was against the manifest weight of the evidence. See *Coffman*, 2023 IL 128867, ¶ 56. A judgment is against the manifest weight of the evidence only when the opposite conclusion is apparent or when the judgment is arbitrary, unreasonable, or not based on the evidence. *Id.* Here, respondent presented evidence of several changes in circumstances since the entry of the allocation judgment in 2016. Specifically, respondent presented evidence that, at the time the allocation judgment was entered, he worked in an office, which impeded his ability to take the children to school, but he had since switched to remote work, which allowed him more flexibility. There was evidence that both children were older and in school, and respondent argued he was better able to care for their daily needs. Respondent had moved to a larger house closer to the children’s school, which allowed him to transport the children to school and to nearby extracurricular activities. The children could also enjoy outdoor activities in the multiacre backyard of his new home. The children had developed relationships with their half-siblings who lived with respondent. D.R. had been diagnosed with autism and had bonded with and had the support of her half-brother who was also autistic. With more parenting time, respondent could assist D.R. with homework and treatment.

¶ 46 Our conclusion that the record supports a finding that there were changes as required under section 610.5(a) is supported by the circuit court’s own conclusion that “[i]t has been proven there have been changes.” The court arrived at this conclusion even after discounting some of the evidence because it found respondent was not credible when he testified that his work schedule was more flexible given the number of hours he worked. However, the circuit court’s error was based on its belief that it had to consider whether the changes were substantial. The court also considered whether the changes in circumstances were anticipated at the time the

agreement was made in 2016 and found that some of the changes were anticipated. However, whether the changes were anticipated by the parties is a consideration for modifications under subsection (c), not a requirement under subsection (a). 750 ILCS 5/610.5(a), (c) (West 2022).

¶ 47 We reverse the circuit court's order granting the motion for directed finding. We remand the matter for the court to consider whether respondent has demonstrated that the changes he presented necessitate a modification in parenting time to serve the best interests of the children as required under section 610.5(a). Should the court find respondent presented sufficient evidence on this issue for his case to survive petitioner's motion for a directed finding, the hearing shall resume with petitioner's case-in-chief.

¶ 48 III. CONCLUSION

¶ 49 We hold that section 610.5(a) of the Act governs motions for modification of parenting time and that the plain language of the statute requires the moving party to make a showing of changed circumstances that necessitate modification to serve the best interests of the child. *Id.* § 610.5(a). We therefore affirm the appellate court's decision and remand the matter to the circuit court for further proceedings.

¶ 50 Appellate court judgment affirmed.

¶ 51 Circuit court judgment reversed.

¶ 52 Cause remanded with directions.