

NOTICE

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2026 IL App (4th) 260185-U

NO. 4-26-0185

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

October 16, 2026

Carla Bender

4th District Appellate
Court, IL

Padraic R.,	)	Appeal from the
Petitioner-Appellee,	)	Circuit Court of
v.	)	Adams County
Elizabeth W.,	)	No. 25DC3
Respondent-Appellant.	)	
	)	Honorable
	)	Christopher William Brian
	)	Pratt,
	)	Judge Presiding

JUSTICE KNECHT delivered the judgment of the court.
Justices Harris and Zenoff concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court's order granting the father's motion for a directed ruling at the close of the mother's evidence under section 2-1110 of the Code of Civil Procedure (735 ILCS 5/2-1110 (West 2024)) is against the manifest weight of the evidence, as the record demonstrates the opposite result, a finding the mother's evidence established a *prima facie* case for relocating the parties' children to California, is plainly evident.

¶ 2 While in the process of dissolving the parties' marriage, respondent, Elizabeth W., petitioned to relocate the parties' children to the Bay Area, California. At the close of Elizabeth's evidence, petitioner, Padraic R. moved for a directed finding under section 2-1110 of the Code of Civil Procedure (735 ILCS 5/2-1110 (West 2024)), arguing Elizabeth failed to establish a *prima facie* case relocating the children was in their best interests. The trial court agreed with Padraic, granted his motion, and denied Elizabeth's petition. Elizabeth appeals, arguing (1) the court failed to properly apply the two-step analysis of section 2-1110 before

granting Padraic’s motion for judgment and (2) the court’s order denying her petition to relocate is against the manifest weight of the evidence. We reverse and remand.

¶ 3

I. BACKGROUND

¶ 4

On March 10, 2025, Elizabeth filed her petition to relocate the parties’ two minor children, S.S.W.R. (born in 2018) and S.S.E.R. (born in 2021) to California. According to the petition, the parties and children resided in the Bay Area near extended family before moving to Quincy, Illinois, “for work purposes.” The petition further alleges Padraic “put in job applications to transfer” from Quincy. Elizabeth alleged it is in the children’s best interests to relocate.

¶ 5

On May 1, 2025, the trial court entered an agreed order for temporary parenting time. In the first week, Elizabeth had parenting time four days per week; Padraic had parenting time on Thursdays through Saturdays. In the second week, Elizabeth had parenting time five days per week; Padraic had parenting time on Mondays and Thursdays.

¶ 6

On August 4, 2025, a hearing was held on Elizabeth’s petition for relocation. At the hearing, Elizabeth and her father, Richard W., testified. According to Elizabeth, the parties began dating in March 2017. Both grew up and resided in the Bay Area, California. Both sets of the children’s grandparents lived there, approximately 30 minutes from each other. At the time the parties met, Elizabeth, who had a bachelor’s degree in psychology from the University of California, Berkeley, and a master’s certificate in neurolinguistic programming, worked as a life coach, with her own private practice. When they married in June 2018, the parties agreed Padraic, who was working toward his Ph.D. at Stanford University, would be the provider and Elizabeth “would be primarily a stay-at-home mom.” Six days after getting married, the parties, who were expecting their first child, moved to Italy so that Padraic could continue working

toward his Ph.D. Elizabeth became a full-time stay-at-home mother. The parties separated in May 2024. Padraic filed for divorce in January 2025. Elizabeth's testimony shows she and Padraic were "40 and 50 years old."

¶ 7 After the year in Italy, according to Elizabeth, the parties returned to the Bay Area. There, they resided with Padraic's parents in Berkeley, California, for three years. There was a six-month period during which the parties were separated, and Elizabeth and their firstborn lived with Elizabeth's parents. During their time in the Bay Area, Padraic graduated and looked for work. In July 2022, the family moved to Quincy when Padraic was hired to be a history professor at Quincy University, earning \$52,000 per year.

¶ 8 Elizabeth testified regarding Padraic's work. Padraic "always left for work well before anyone [awoke]." Sometimes, he left for work as early as 3 a.m. Other times, he would leave at 5 a.m. He would return home around 5 or 5:30 p.m. She would get the children ready for their day. In addition, Padraic spent "lots of extra [time] reading, writing, speech-giving, [and attending] conferences that he [had] said [were] essential for his work." When Padraic returned home, Elizabeth entertained the children and got them ready for bed. Elizabeth took care of the children when they were sick, even on Padraic's custody days. Elizabeth coordinated the children's healthcare and extracurricular activities, their schooling, and their social lives. Elizabeth did most of the cooking; Padraic would do the dinner dishes. Elizabeth did most of the laundry, but Padraic helped. She testified, "He's very dutiful."

¶ 9 According to Elizabeth, Padraic said the administration at Quincy University was "a horrible wreck," and "the writing is on the wall." He knew there would be no sizeable increase in his salary. Padraic began looking for employment out of state. Padraic was very driven. Elizabeth stated, "[H]e's been very driven to be kind of a bigger name or to publish

something that is bigger.” Elizabeth asked Padraic about his job search. Padraic said “he would leave with or without [her] and the kids, that it was his duty, and that he—if he didn’t get one of these jobs this year, he said then [he’ll] apply next year. It’s [his] duty.” Elizabeth believed Padraic was applying for jobs in Tennessee, Utah, and Southern California. Elizabeth thus registered the children in her former school, which was near her parents, “Buena Vista, a very high-rated school.” She registered the children because if Padraic had gotten one of the jobs and moved, her younger child, who was registering for “transitional kindergarten,” would have somewhere to go.

¶ 10 Elizabeth testified, until the year before, she mostly had her younger child full-time. Elizabeth started having a friend watch her younger child for about three hours, three days each week because they were not meeting expenses for their housing. Elizabeth transported the older child to preschool. After Padraic returned home from work at 5 p.m. or 5:30 p.m., Elizabeth would have an exercise hour and would take care of dinner. On Thursday nights, Padraic took care of dinner while Elizabeth went to therapy.

¶ 11 Regarding the family home, Elizabeth testified, when they first moved to Quincy, there were only two houses that would have worked for their family. They purchased a home on the condition the radon would be mitigated. After moving into the home, however, they learned the radon could not be mitigated due to the age of the home. With the hope of not paying two mortgages, in January 2024, the family moved temporarily into a five-bedroom house with Jerry Wagner, whom they knew through the Unitarian Church. Wagner’s wife had died, and his grown children had moved out.

¶ 12 As a family, the parties and their children stayed at Wagner’s house until May 2024. An incident occurred when Padraic dragged the older child from her bed and took her to

another room, where he held her down. The child began acting like a wild animal. Elizabeth remained in the children's bedroom with the younger child. Elizabeth did not interrupt, as Padraic would "get[] more upset" when Elizabeth interrupted his parenting. A similar incident occurred about a week later. Around that time, the older child began having "kind of like panic attacks about messing up." When Elizabeth confronted Padraic about the situation, Padraic became furious. After putting the children to bed that night, Padraic said he was thinking about sleeping in his office. As he left, Padraic told Wagner "he was never coming back." Elizabeth and the children continued to live in Wagner's home. Padraic went to the marital home that was for sale. After Padraic stated he was going to get an apartment, Elizabeth suggested he talk to someone at the church because Elizabeth was concerned about the cost. Padraic asked at church, and a friend responded by having him housesit for her. Elizabeth testified the marital home had sold, but they were not buying another house, having "lost a lot of money on the house."

¶ 13 Initially, after the parties separated, the family kept the same routine. Padraic went to Wagner's house, and the family had dinner together. After Padraic kissed the children goodnight, he left. The children were upset and waved at him from the window. In August 2024, they stopped after another incident with the older child. Because Padraic could not take the children to school in the morning due to work, he could not take the children overnight. The older child resisted going to Padraic's home, "practically hav[ing] to be forced into the car sometimes and she would cry and scream." On Mondays and Thursdays, Padraic had the children from after school until bedtime and every other weekend. In the beginning, Elizabeth offered Friday and Saturday overnights to Padraic, but he refused. This was the routine until May 2025, when the temporary order was entered.

¶ 14 Elizabeth testified Padraic told her he was "leaving with or without the kids." She

stated she clarified his statement during a “call at the end of December.” Padraic interviewed in January and, she thought, early February 2026, but he did not get an offer. Padraic told Elizabeth he had been talking to some people, and it was Elizabeth’s duty to stay where the kids are. Padraic told her if he did not get an offer, he would try again the following year and keep looking if she would go with the children. Quincy was not their home. Their home is in the Bay Area of California.

¶ 15 Elizabeth testified their children’s extended family, including four grandparents, aunts, uncles, and cousins were in the Bay Area, where they would have stability and family support. The parties’ parents lived 30 minutes apart and visited each other. Padraic’s sisters were there, and his brother was there with his son. Elizabeth’s brother lived in Oregon with children closer to the parties’ children’s ages and in such proximity they could visit. Since the family moved to Quincy, they have only been able to visit that uncle and their cousins once in three years. The parties had no family in Quincy. When asked the reason she wanted to relocate with the children, Elizabeth testified to the following:

“The main reason is family. But I want the kids to have their opportunity. We’re 40 and 50 years old. I want them to have their opportunity to say, this is where I want to live and I have that financial mobility as well as the edge—we’ve got some educational and health stuff to talk about here versus there as well, but my work is out there and I left it in good faith of our marriage vows and that [Padraic] was going to be the provider. I understand that’s—you know, he can divorce me, but then I want to go back to my family and my source of income and stability for the kids.”

If they moved to California, Elizabeth and the children would live with her parents. There, she would not have to pay for utilities or repair things, as she did at Wagner's house in Quincy. Also, the children's maternal grandmother would provide backup childcare. Elizabeth planned to get her children settled and build her private practice while the children were in school. Padraic could stay or live with his parents, as they had lived with them before and the parties had talked before about being willing to live with them as long as his parents lived. There were apartments in Walnut Creek, California, that would fit within their budget. If Elizabeth were in California, her mother would serve as backup childcare. Padraic's parents could not help, as his mother had suffered a stroke and his father had Parkinson's disease. The family had friends who traveled to Italy and to Quincy to visit them and who had spent six months with them after the children were born. Those friends lived in California and would also be willing to help.

¶ 16 Elizabeth offered into evidence the children's school calendar at Buena Vista school in Walnut Creek. The exhibit showed the overlap between Padraic's schedule and the children's schedule. Padraic's schedule, which included summer and winter breaks, had over five and a half months of time off. Under Elizabeth's proposal, to see the children, only five round-trip tickets would have to be purchased. In February and September, there was not a good time for a visit due to Padraic's schedule. However, if Padraic came out in May, he could stay through the summer. He could go to California in October and November. In December, Padraic could stay until January. In March, he could visit a fifth time. Elizabeth testified she could bring the children to Padraic over their children's spring breaks. When they moved to Quincy, they agreed to go back to California at least twice a year. For a family of four, that totaled eight airline tickets. Elizabeth's schedule also involved the purchase of eight tickets. Elizabeth agreed she would help with daily video calls with the children like military families do and take the children

to their paternal grandparents once a week. Padraic was an avid traveler and backpacker. She believed the summer months would “provide really good opportunities for deep—you know, those deeper bonding.” Elizabeth wanted some time in the summer and during the holidays to continue the children’s attachment to her.

¶ 17 Regarding her career as a life coach, Elizabeth testified she charged \$180 in Quincy but could probably charge up to \$250 in the Bay Area. She further believed she could triple or quadruple her income. Elizabeth had a friend who worked with the school district in California, and there were high-school jobs available where Padraic could earn “a lot more money,” and the jobs were more stable.

¶ 18 Elizabeth testified medical care was better in California. There was access to a children’s hospital as needed and children’s specialists. When their youngest had a medical issue, there was no children’s urologist to work with him. There was no pediatric anesthesiologist in Quincy if his condition required emergency care.

¶ 19 On cross-examination, Elizabeth testified her plan was to revolve around the children. She believed Padraic should visit the children there rather than send the children to Quincy. The children’s friends and lives would be in California. Elizabeth testified she met with clients remotely but established her clients “primarily in California.” That source was dwindling, as she was not meeting new people interested in her type of work while living in Quincy: “the majority—the way that I meet them, that I get the clients who are willing to pay that kind of money, is by interacting with them in California.”

¶ 20 When asked if she planned to live with her parents because she would not be able to afford housing, Elizabeth testified she had savings between \$250,000 and \$300,000 and could use that, but because of their family’s history of “happily housing our children with their

grandparents and that being a really happy and supportive environment for the kids,” she would prefer to do that and save money. Humble housing in the area where Elizabeth wanted to live was between \$1,800 and \$3,000 per month. Elizabeth testified, if she needed to pay for Padraic’s airfare for visits, she would do so.

¶ 21 After Padraic’s counsel asked the question, “But you are aware and you know this from obviously being married to [Padraic], his goal is to publish books, things of that nature, that would increase his ability and his marketability as a professor, right?” Elizabeth responded his marketability would not increase without moving from Quincy. When counsel clarified he meant making Padraic more marketable for positions outside the Quincy area, Elizabeth stated that was her point—they would have to move again. Elizabeth wanted stability for the children to “root them at home.” Counsel then asked if Elizabeth was aware Padraic had applied for “roughly 60 different positions, one of which only he became a finalist,” Elizabeth responded by stating Padraic was in an unstable job and, although on tenure track, was not tenured.

¶ 22 Elizabeth acknowledged Padraic asked for more parenting time. Elizabeth maintained that was not feasible because Padraic’s schedule prevented him from being able to take the children to school in the mornings. Initially, Padraic turned down the offer of an additional weekend night. Beginning in January 2025, however, Padraic adjusted his work schedule so that he could take the children to school. Beginning in February 2025, the older child began smiling when Padraic arrived. Although Padraic wanted equal parenting time, Elizabeth did not want to increase the time, despite the children’s protests, because Padraic told her he was leaving Quincy with or without them. After the temporary parenting order was changed in May 2025, the older child regressed.

¶ 23 When asked if she could make it on her own in Quincy, Elizabeth testified she

could make it work somehow. Elizabeth testified, because she had been unable to find new clients while living in Quincy, she would have to find a full-time job for less money and more hours, further taking her away from the children. When the family was sick in January “last year,” the care fell to Elizabeth. When asked if she believed Padraic could care for the children for a month at a time, Elizabeth stated he could if he was not working. Because work stressed Padraic, she was uncertain if he could handle a 50/50 split of parenting time, as she had “never seen it. [They had] never come anywhere close to that. [She] ha[d] concerns.”

¶ 24 On redirect examination, Elizabeth testified she did not see Quincy University being where Padraic would land. Padraic had told her the position was unstable: “The admin, the lack of raises, and the—just the state of small liberal arts colleges in our country. So there’s multiple reasons why it’s not a sure bet. And then there aren’t fall-back options out here for him.”

¶ 25 The trial court questioned Elizabeth about what she meant by “chunks of time” in her proposed parenting schedule. Elizabeth explained:

“Basically all of these highlighted times except I would like three to four weeks in the summer, in between. I think it would be best for the kids to not have just a straight, suddenly they’re with Dad for three months. So in the parenting plan, I outlined, you know, can I have them for four weeks in between his two chunks of summer or we could separate out two weeks here, two weeks here. But they need some contact still with their mom and some recreational time with their mom now and then.

And then other than that, he has them except for we would

trade Christmas. He could have them as soon as he's out of school in December and then I would have them for like about I think six days before Christmas every other year and six days after Christmas every other year. But we'd trade so we each had some Christmastime with them every other year."

When asked if the children would go weeks without seeing her, Elizabeth testified, "Potentially." Elizabeth hoped they would do what was best for the children so that if the children needed to see one or the other, the parties would make arrangements to do so. The children were not rooted to Quincy. The school the older child was attending had closed, and she would be starting a new school.

¶ 26 Elizabeth's father, Richard W., testified he resided in Walnut Creek with his wife, Elizabeth's mother, Tania W. Elizabeth and his grandchildren were welcome to live in his and Tania's home. Both grandparents would be available to assist in emergency situations if Elizabeth were not available. Richard and Tania were very active, riding bicycles about 100 miles per week. Richard occasionally swam at the gym, and his wife walked. In addition to the six months when Elizabeth and the older child lived in their home, Richard and Tania had cared for the children and were "very familiar with what it means to care for them." Elizabeth and the grandchildren could stay with them "for a reasonable period." He clarified he "would put it in terms of years to stay there and so that" if Elizabeth chose to leave, she would be fully financially set. Richard stated they might be willing to support Elizabeth and the children financially in addition to her income. Richard testified Padraic would be welcome in his home to visit the children for a week or weekend. Padraic had stayed in their home many times.

¶ 27 Richard and Tania had a very cordial relationship with Padraic's parents. They

visited at the Padraic's parents' home monthly, talking over pastries. Often, after Richard went salmon fishing in Oregon, he brought salmon to the Padraic's parents' house, and Padraic's father would smoke the salmon in his barbecue. When the parties and their children lived with Padraic's parents, they often traveled to Richard and Tania's for visits. Padraic's brother, a landscape gardener, had done work on Richard and Tania's home. Richard and Tania were also parents to a son who was an orthopedic surgeon in southern Oregon. Their son had a small farm, and the parties' children had been there once. Richard hoped they could visit there many more times. Richard testified they had many friends, including friends from church and bicycling, and had lived in the community for 35 years.

¶ 28 Richard testified Elizabeth is the anchor in the children's lives. She is a "very empathic, open, psychologically astute person who when they are having difficulties, as most kids do with temper and so forth, she can get down on their level, talk with them, resolve the matter reasonably in a business-like kind of way, and they go off feeling heard by her."

¶ 29 On cross-examination, Richard testified he and Tania had not provided financial support for Elizabeth in the past, other than college and "from time to time." Both sets of parents helped the parties toward paying for their home. Richard recalled another \$15,000 gift.

¶ 30 When asked about his opinion of Padraic, Richard stated Padraic was "an accomplished academic" and "borderline obsessive academic." Richard took great pride in knowing Padraic completed his Ph.D. at Stanford. However, Richard averred Padraic could not "be found without a sheathe [sic] of papers in his hand that constitute the beginning of some article or something he's rewriting and he will often upon appearing at our house repair to the couch or upstairs to a room alone and read and work on his stuff." Richard opined he did not believe Padraic was "sufficiently mindful of the times when [the children] sort of encroach upon

him for attention and he, you know, says I'm busy now, I'm busy now." At times, Padraic's work "probably detracts from his caring as much as he should about his children."

Fundamentally, Richard believed Padraic was "probably a fine father and [did] a good job."

¶ 31 The guardian *ad litem* (GAL) report was entered into evidence. The GAL opined Elizabeth's reasons for relocating "are largely valid" but commented on the "insanely high costs of living in California" and questioned the California educational system as "so dominated by liberal ideology that they no longer realize, or care to realize, that boys are stronger than girls." The GAL noted Padraic believed the children needed both parents to be actively involved in the children's lives. The GAL concluded it was unlikely Padraic could afford monthly trips to see the children and opined, because the children were very young, they needed both parents as much as possible during their formative years.

¶ 32 At the close of Elizabeth's evidence, Padraic moved for a directed finding under section 2-1110 of the Code of Civil Procedure (735 ILCS 5/2-1110 (West 2024)), asserting Elizabeth failed to show, based on a preponderance of the evidence, she made a *prima facie* case for relocating the children.

¶ 33 The trial court granted Padraic's motion for a directed finding. The court addressed the statutory factors of section 609.2 and applied the facts of the case:

"When looking at those factors—these factors, I see that there is at least one that weighs very heavily in [Elizabeth's] favor, and that is the fifth factor, the presence or absence of extended family at each of the locations. And it is clear that there is extended family at or near the location in California, the proposed relocation destination.

There do not appear to be any extended family here. I will note that while [Richard] does appear to be in good health and his wife, that certainly given their age—no offense—that is something that could change rapidly, and it's been noted repeatedly that [Padraic's] parents are already in poor health. So at least a significant portion of that extended family in the California area long-term could change substantially. There are other family members there. There are none here. So that is a factor that weighs in [Elizabeth's] favor.

As I look at the others, the first factor, the circumstances and reasons for the intended relocation, it does seem as though [Elizabeth] has honest and faithful rationale behind the effort to relocate. This is not someone attempting to punish the other parent. She is not attempting to relocate solely to be inconvenient to the other parent. She is trying to go home to where both parents are from, that general area. So I believe that that is another factor [that] weighs in her favor.

I have some evidence at this point because of a request for directed verdict as to Count 2 or Factor 2 why the parent is objecting to the intended relocation. I can certainly infer quite a bit of what I believe [Padraic] would or will testify to as to his objections. And that relates to multiple of the other factors.

Specifically, the anticipated impact on the relocation of the

child, whether or not I will be able to fashion reasonable allocation of responsibilities, the possible arrangements for exercise of those responsibilities appropriate to the parents' resources and circumstances and the developmental level of the child.

And then the minimalization of the impairment of a parent/child relationship caused by the relocation.

I will note I've not heard any evidence and I don't believe given the ages of the children that I would give much credence to any evidence in No. 8. There was some testimony as to hesitance by the children to spend time with [Padraic]. That does appear to be a thing of the past, at least recently. The testimony I recall is that that was at its worst towards the beginning of this year. It has improved with the new arrangement as far as dividing of time.

I also don't feel as though I heard significant evidence on Factor No. 4 regarding the educational opportunities for the child at the existing location and the proposed new location. There was some discussion of education here and specifically of statements attributed to [Padraic] about the school system here. There was some allusion to the children being signed up for school in Berk[e]ley and that children tend to perform well there, but no true evidence as to that.

The Factor No. 3, the history and quality of the relationship with the children. I do have some pause and [Padraic] certainly has

not had an opportunity to defend himself on this point regarding the repeated discussions of his temper and his anger, especially as it comes to parenting. But I have not heard any testimony or verifiable testimony as to any abuse by [Padraic]. In fact, he has been described as a loving and caring father and I appreciate that, that the parties have not generally spoken ill of each other, even in the pleadings. That he is bonded with the children, that they do have relationships with him.

There was some minimal testimony by [Elizabeth] about [Padraic's] hesitance to take the children at different times, again, in the past and that seems to be a thing of the past and whether or not he was willing to take children when there were ill, but again, that appears to be a thing of past. So I don't believe that factor weighs for or against either parent.

When I look at the remaining factors regarding my ability to craft a specific and reasonable allocation of responsibilities and parenting time, whether or not the arrangements can be reasonable regarding the resources and circumstances of the parents, the minimalization of the impairment to those relationships and the impact of the relocation on the children, I feel that each of those factors does weigh against relocation here. I understand the situation. I certainly sympathize, and this has been one of the most difficult cases that I have had to preside over because generally I

am looking at at least one, if not two parents, who are not doing what they should be doing and that makes it at least somewhat easier to make a [de]termination here in those cases. Here, I have two parents who seem to be doing everything in their power to love and support these children and maintain a good, cordial relationship with each other. That makes this much more difficult.

And I understand, [Elizabeth], that California is home and that you have gone out of your way to support your husband and you've traveled not only around the country, but around the globe to support him and that the only reason that this is relocation rather than it being the home venue in California is because this is where we are right now. But that's also the only reason that I have jurisdiction. It's the only reason that venue is proper, is because this is where you and your husband and the children are. And because of that, the law says this is their home and the factors have to weigh in your favor in order for me to grant relocation.

And I find that it would be nearly impossible—I certainly appreciate the work that you did on coming up with a schedule, but I do not believe that I can craft a reasonable allocation of responsibilities and schedule for these children with one child [sic] living in the state of California and one living in the state of Illinois.

*** And as someone who has done [electronic

communication] with his children, young children, slightly older than your children are right now, I can tell you that that electronic communication is not a fair substitute for in-person parenting.

I believe that the absence of either of you from these children's lives for extended periods of time is not in these children's best interest. I believe that that distance between the parents and the children would interfere and impair the relationship between the parents and the children, therefore I believe that the minimalization of that impairment weighs against relocation.

Based on all of that, I believe I have no choice but to grant [Padraic's] directed verdict here today and deny the motion for relocation."

¶ 34 Elizabeth filed a motion to reconsider. After a hearing on that motion, the trial court held it did not believe Elizabeth established a *prima facie* case the factors weighed in her favor for relocation and, thus, there was no need to consider evidence by Padraic. The court noted Elizabeth did not call Padraic to testify during her presentation of the evidence.

¶ 35 This appeal followed.

¶ 36 II. ANALYSIS

¶ 37 A. The Standard of Review

¶ 38 This appeal arises from an order granting a section 2-1110 (735 ILCS 5/2-1110 (West 2024)) motion for judgment made at the close of the Elizabeth's evidence in a nonjury case. Section 2-1110 requires a trial court, in ruling on the motion, to "weigh the evidence, considering the credibility of the witnesses and the weight and quality of the evidence." *Id.* If the

court rules in favor of the movant, a judgment dismissing the action should be entered. *Id.* In contrast, if a ruling is against the movant, he or she “may proceed to adduce evidence in support of his or her defense.” *Id.*

¶ 39 Illinois courts have interpreted section 2-1110 as creating a two-step process. After a section 2-1110 motion is made, the trial court must first determine whether the plaintiff, as a matter of law, has presented a *prima facie* case. *People ex rel. Sherman v. Cryns*, 203 Ill. 2d 264, 275 (2003). A plaintiff satisfies this step by offering “ ‘some evidence on every element essential to [the plaintiff’s underlying] cause of action.’ ” *Id.* (quoting *Kokinis v. Kotrich*, 81 Ill. 2d 151, 154 (1980)). If this step is satisfied, the court engages in the second step of the analysis, weighing the evidence, determining witness credibility, and drawing reasonable inferences from the evidence to ascertain “whether sufficient evidence remains to establish the plaintiff’s *prima facie* case.” *Id.* at 275-76. A determination the evidence warrants a finding for the movant necessitates the grant of the motion for judgment and an order dismissing the action. *Id.* at 276. This court will not reverse a section 2-1110 ruling on appeal unless the ruling is against the manifest weight of the evidence. *Id.* A ruling is against the manifest weight of the evidence when “the opposite conclusion is clearly evident or [when] the court’s findings are unreasonable, arbitrary, and not based on any of the evidence.” *Banister v. Partridge*, 2013 IL App (4th) 120916, ¶ 47.

¶ 40 Here, the underlying cause of action to which Padraic’s section 2-1110 motion is directed is a petition to relocate the parties’ children under section 609.2 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/609.2 (West 2024)). Under section 609.2, a parent who has been allocated equal or a majority of parenting time may seek to relocate with his or her children. *Id.* § 609.2(b). Section 609.2(g) lists the statutory factors a trial court must consider

before modifying a parenting plan “in accordance with the child[ren]’s best interests.” *Id.*

§ 609.2(g). Section 609.2(g) provides the following:

“(g) the court shall modify the parenting plan or allocation judgment in accordance with the child’s best interests. The court shall consider the following factors:

(1) the circumstances and reasons for the intended relocation;

(2) the reasons, if any, why a parent is objecting to the intended relocation;

(3) the history and quality of each parent’s relationship with the child and specifically whether a parent has substantially failed or refused to exercise the parental responsibilities allocated to him or her under the parenting plan or allocation judgment;

(4) the educational opportunities for the child at the existing location and at the proposed new location;

(5) the presence or absence of extended family at the existing location and at the proposed new location;

(6) the anticipated impact of the relocation on the child;

(7) whether the court will be able to fashion a reasonable allocation of parental responsibilities between all parents if the relocation occurs;

(8) the wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to relocation;

(9) possible arrangements for the exercise of parental responsibilities appropriate to the parents' resources and circumstances and the developmental level of the child;

(10) minimization of the impairment to a parent-child relationship caused by a parent's relocation; and

(11) any other relevant factors bearing on the child's best interests." *Id.*

The paramount consideration in considering a relocation petition is the best interests of the children. *In re Marriage of Fatkin*, 2019 IL 123602, ¶ 32. There is no simple bright-line test in best-interests determinations; such rulings " 'must be made on a case-by-case basis, depending, to a great extent, upon the circumstances of each case.' " *Id.* (quoting *In re Marriage of Eckert*, 119 Ill. 2d 316, 326 (1988)).

¶ 41 B. The Trial Court's Section 2-1110 Decision

¶ 42 On appeal, Elizabeth asserts trial court error occurred in both steps of the required

section 2-1110 analysis. First, she argues the court failed to make the initial determination she presented evidence establishing a *prima case* on her claim. Elizabeth maintains this error, contrary to Padraic’s assertion on appeal, is not harmless, as the court effectively “focused on whether it could fashion a parenting plan, whether relocation was appropriate, and whether the statutory factors favored relocation” rather than on the question of whether she presented a *prima facie* case.

¶ 43 We disagree with Elizabeth’s contention the trial court committed reversible error by not, in the first step, expressly finding she presented evidence that would establish a *prima facie* case for relocating with the children. The court’s finding the first step was satisfied is implicit in its analysis of the second-step: its weighing of the evidence, determining her credibility, and making reasonable inferences from the evidence to ascertain “whether sufficient evidence remains to establish the plaintiff’s *prima facie* case.” *Cryns*, 203 Ill. 2d at 275-76. We find no prejudice in the trial court’s consideration of whether it “could fashion a parenting plan, whether relocation was appropriate, and whether the statutory factors favored relation,” as Elizabeth contends, as that is what the second step of a section 2-1110 motion requires for her petition to relocate. See *id.*

¶ 44 Turning to the second step of the section 2-1110 analysis, Elizabeth contends the trial court erred in not finding sufficient evidence to establish her *prima facie* case. Elizabeth argues the record demonstrates overwhelmingly the statutory factors of section 609.2(g) favor relocation of the children, as the unrebutted testimony shows “relocation would substantially improve the children’s stability, support system, educational opportunities, and overall quality of life while preserving their relationship with [their father].”

¶ 45 We agree with Elizabeth: the opposite conclusion is clearly evident, meaning the

court's conclusion she failed to establish a *prima facie* case for relocation is against the manifest weight of the evidence. See *Banister*, 2013 IL App (4th) 120916, ¶ 47.

¶ 46 Before addressing certain factors of section 609.2(g) to explain our decision, we note we are mindful of the reasons for the deferential manifest-weight standard of review in section 609.2 cases. The standard applies to best-interests findings because trial courts sit “in the best position to assess the credibility of live witnesses and weigh the evidence presented in conjunction with the relevant statutory factors.” *People v. Morgan*, 2025 IL 130626, ¶ 38. We give great deference to credibility determinations absent manifest error. *People v. Glover*, 2017 IL App (4th) 160586, ¶ 28. In this case, before the section 2-1110 motion was filed, only two witnesses testified: Elizabeth and Richard. We have found one express credibility determination in the trial court's order granting Padraic's motion—the court found Elizabeth to be honest about her intentions regarding the motion to relocate. At no point in the record did the court find either Elizabeth or Richard lacked credibility. We, therefore, accept Elizabeth's testimony as credible for purposes of this appeal only. We note Padraic's testimony and evidence on remand may alter the trial court's credibility determinations.

¶ 47 The first mandatory factor to consider on a petition to relocate a child is “the circumstances and reasons for the intended relocation.” See 750 ILCS 5/609.2(g)(1) (West 2024). The circumstances surrounding the petition, including the lack of stability in Padraic's employment and his employment search, were largely ignored by the trial court's order. Elizabeth's evidence unequivocally establishes neither parent plans to remain in Quincy. Both spent most of their lives in the Bay Area, while, as of the date of the hearing, the parties had lived in Quincy for approximately three years. Elizabeth desired to move to the Bay Area for social, family, and economic reasons, as well as for stability for her children. Padraic intended to

leave Quincy for professional reasons. Elizabeth's testimony Padraic's position as a professor is tenuous is supported by the record. When Padraic's counsel asked a leading question about how he had applied for approximately 60 jobs, Elizabeth responded that proved her point—he was intending to leave. Elizabeth testified the positions Padraic applied for were out of state, including in Tennessee, Utah, and southern California. Importantly, Elizabeth testified Padraic had said he would move regardless of whether the children would be with him.

¶ 48 Further adding to the lack of stability for the children in Quincy is the fact the family is, for all intents and purposes, without a stable home. The family home had been sold at a financial loss. Instead of a family home, both parties were relying on the kindness of fellow church members. Elizabeth and the children resided in a house with a widower who had three grown children. Padraic was housesitting.

¶ 49 While Padraic's search for a new position left the family in a state of instability, Elizabeth's proposal for relocation would have granted the children stability. They would reside with Elizabeth's parents for years and leave that home when financially set, after Elizabeth worked to develop her life-coach career in the area where she first gained a clientele that dwindled while in Quincy. As the trial court found, Elizabeth would have support from extended family, including both sides of the family (see *id.* § 609.2(g)(5)). These factors strongly weigh in favor of the decision Elizabeth made a *prima facie* case for relocation. Elizabeth further testified to the Bay Area's greater medical-care options for the children, as well as greater educational opportunities. See *id.* §§ 609.2(g)(4), (11).

¶ 50 We note the trial court placed great weight on the fact the relocation would prevent the children from seeing both parents regularly and doubted it could arrange parental responsibilities appropriate to their circumstances and resources, resulting in a minimization of

the parent-child relationship. See *id.* §§ 609.2(g)(9), (10). However, Elizabeth’s evidence provides an option whereby Padraic would have vacation and holiday time with his children. Case law shows relocation orders have been granted even in situations like here, where parenting time is dictated by vacations and holidays rather than a weekly schedule, even when hands-on parents are involved. See *Fatkin*, 2019 IL 123602, ¶¶ 9-11, 16-17, 32. Here, as the evidence at present established, Padraic had five and a half months available in his schedule to allow frequent visits with his children. The evidence further created *prima facie* evidence he could reside with his parents, with whom his family had resided for three years, and stay with his former in-laws. Moreover, Elizabeth, who had a large amount in savings, offered to financially support Padraic’s and the children’s travel. While some minimization may occur, the *prima facie* evidence establishes an order to stay in Quincy likely will not prevent that minimization the trial court feared, as Padraic continued to look for work outside of Quincy.

¶ 51 Elizabeth presented credible evidence the children’s stability cannot be achieved without relocating to the Bay Area and created a *prima facie* case the best interests of the children lie in relocating there.

¶ 52 Accordingly, we reverse the trial court’s orders granting Padraic’s section 2-1110 motion and dismissing Elizabeth’s petition to relocate the children. Elizabeth asks this court to order the trial court to grant her petition to relocate. This we cannot do. Having found manifestly erroneous the trial court’s ruling Elizabeth failed to establish a *prima facie* case for relocating the children, the proper remedy is to remand the case to allow Padraic to present evidence on the matter. See 735 ILCS 5/2-1110 (West 2024); see also *Cryns*, 203 Ill. 2d at 276 (“If the circuit court finds that sufficient evidence has been presented to establish the plaintiff’s *prima facie* case, the court should deny the defendant’s motion and proceed with the trial.”). On remand,

given the children aged over one year and their interests may have changed since Elizabeth presented evidence on the relocation factors, we grant the trial court discretion to allow Elizabeth the opportunity to present relevant evidence from that time period. We further advise our decision is based solely on the evidence available to the trial court at the relocation hearing—Elizabeth’s testimony and evidence. We make no finding as to Padraic’s credibility or to the evidence he may present.

¶ 53 We choose to comment on the GAL report. We briefly mentioned the GAL’s comments about the educational system in California. There are other inappropriate comments in the report. The GAL suggested there was “almost a Nazi or Communistic adherence to required ‘party line statements’ ” in California. He criticized a recent appointee to the United States Supreme Court, suggesting she “did not know what a woman is without the aid of an expert” and she “simply [lied] to get the job.” He made reference to the liberal ideology in California schools and “ ‘woke gender ideology.’ ” Such comments read like a Facebook post and reflect an ideological bias—they have no place in a GAL’s evaluation of the children’s best interests. The comments were offensive and not helpful, especially when written or uttered by an officer of the court.

¶ 54 We note the trial court specifically disregarded certain comments in the report. The GAL report remains part of the record, but we trust the trial court, on remand, will not rely on its content or conclusion. A new GAL should be appointed to participate in this case and provide a report. We believe the trial court should expedite these proceedings on remand.

¶ 55 Illinois Supreme Court Rule 311 (eff. July 1, 2018) requires accelerated dispositions in appeals involving relocation cases. Rule 311(a)(5) provides: “Except for good cause shown, the appellate court shall issue its decision within 150 days after the filing of the

notice of appeal or granting of leave to appeal pursuant to Rule 306(a)(5).” Ill. S. Ct. R. 311(a)(5) (eff. July 1, 2018). July 13, 2026, marked the end of the 150-day deadline after the filing of the notice of appeal. However, both parties filed an unopposed motion to extend the time to file their respective appellate briefs. The reply brief was filed on July 6, 2026, and the case was docketed the following day. Oral argument was set for September 16, 2026. Accordingly, we find good cause for issuing our disposition after the 150-day deadline.

¶ 56

III. CONCLUSION

¶ 57 We reverse the trial court’s orders granting Padraic’s section 2-1110 motion and denying Elizabeth’s petition to relocate and remand for further proceedings.

¶ 58 Reversed and remanded.