

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) 260657-U

NO. 4-26-0657

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

October 29, 2026
Carla Bender
4th District Appellate
Court, IL

<i>In re</i> MARRIAGE OF	)	Appeal from the
	)	Circuit Court of
SETH B.,	)	Mason County
	)	No. 15D38
Petitioner-Appellant,	)	
and	)	
STEPHANIE B.,	)	Honorable
	)	Kevin D. Tippey,
Respondent-Appellee.	)	Judge Presiding.

JUSTICE CAVANAGH delivered the judgment of the court.
Justices Zenoff and DeArmond concurred in the judgment.

ORDER

¶ 1 *Held:* The appellate court affirmed, finding the circuit court's order continuing petitioner's supervised parenting time was not against the manifest weight of the evidence.

¶ 2 Petitioner, Seth B., appeals the circuit court's February 2026 order continuing his supervised parenting time. On appeal, Seth argues the court erred when it failed to consider all the statutory factors from the Illinois Marriage and Dissolution of Marriage Act (Marriage Act) (750 ILCS 5/602.7(b) and 603.10(a) (West 2024)) when restricting his (1) parenting time and (2) parenting responsibilities. We disagree and affirm.

¶ 3 I. BACKGROUND

¶ 4 The parties were married in December 2014. They had one child: O.B. (born November 2014). Seth filed a petition for dissolution of marriage in November 2015. In September 2018, the circuit court entered a judgment for dissolution of marriage. In September

2019, the court entered a parenting plan order. The order granted respondent, Stephanie B., significant decision-making responsibilities. The order gave Seth parenting time from Tuesdays at 3 p.m. until Thursdays at 8 a.m., alternating weekends, and two weeks during the summer.

¶ 5 In July 2021, Stephanie filed a petition for rule to show cause, alleging Seth failed to abide by the parenting plan. She alleged, *inter alia*, Seth had arrived late at the designated child exchange location numerous times and caused O.B. to be late for school on several occasions. That same month, she also filed a petition to modify the parenting plan, seeking to eliminate Seth’s weekday overnight parenting time.

¶ 6 In August 2021, Stephanie filed another petition for rule to show cause, alleging more instances of Seth failing to drop off O.B. on time at the exchange location. In October 2021, she filed a petition for rule to show cause, alleging Seth took O.B. out of state on two separate occasions without notification.

¶ 7 In August 2022, Stephanie filed an emergency petition, seeking to have Seth’s parenting time supervised. In September 2022, the circuit court, following the guardian *ad litem*’s (GAL) recommendation, entered an order suspending Seth’s parenting time and restricting his communication with O.B.

¶ 8 The matter was continued on numerous occasions for various reasons over the next few years, including Seth obtaining multiple new attorneys and his own chronic health issues. The matter proceeded to a hearing on Stephanie’s petitions in March 2025.

¶ 9 At the hearing, Scott L. testified he was formerly married to Seth’s mother, Nina W., and the two divorced in April 2023. Following his divorce from Nina, Scott described discovering “thousands” of images of text messages and letters on his computer that Nina had saved. He overheard Nina and Seth make “derogatory” comments about Stephanie in O.B.’s

presence. During Scott's testimony, the circuit court interrupted to note the matter had been pending for several years and a desire to make O.B.'s life as normal as possible. A recess was taken, and the parties came to an agreement to grant Seth supervised parenting time for two hours every other weekend, for a total of four hours per month. In April 2025, the court entered a written order as to the agreed supervised parenting time.

¶ 10 In July 2025, Stephanie filed an amended petition for rule to show cause, alleging Seth had failed to pay court-ordered child support and his portion of O.B.'s medical expenses. In August 2025, she filed another petition for rule to show cause, alleging Seth had violated the circuit court's April 2025 order during a supervised visit with O.B.

¶ 11 In December 2025, the hearing resumed with Scott's direct examination. The images Scott had found on his computer were admitted into evidence without objection. The images contained various text messages between Nina and Seth regarding either Stephanie or O.B. The images also contained letters and communications to state officials and law enforcement agencies regarding Stephanie. In short, the evidence purported to show a targeted campaign by Seth and his mother to besmirch Stephanie's reputation and endanger her livelihood.

¶ 12 Stephanie testified Seth had failed to make years' worth of court-ordered child support payments and pay his share of expenses related to O.B. Corroborating documents were admitted into evidence without objection. She described having been investigated by the Illinois Department of Children and Family Services (DCFS) shortly after she filed her petition to modify the parenting plan. She also described numerous incidents of Seth arriving late at their designated child exchange location. She stated O.B. loves Seth and enjoys her supervised visits with him. She described an incident from October 2022, wherein Seth had coached O.B. to

“hate” her and how O.B. felt like “a puppet.” She said O.B. did not want to have unsupervised visits with Seth.

¶ 13 Seth testified to having numerous health issues after contracting COVID-19. He described Scott as having “mental health issues” and having been “mentally abusive” to his mother, Nina. He said Scott did not have a relationship with O.B. until after Seth and Stephanie were divorced. He stated the images of text messages between himself and his mother found on Scott’s computer were taken out of context, mischaracterized, or “intentionally altered.” He provided an e-mail showing his former attorney had advised him to take O.B. directly to school rather than the exchange location. He also provided numerous text messages between himself and Stephanie attempting to communicate with O.B. He denied ever contacting any state’s attorney’s office seeking a criminal investigation into Stephanie. He also denied reporting Stephanie to DCFS. Lastly, he denied describing Stephanie as a “bad” mother. On cross-examination, he noted his health issues caused him to be unable to work, which caused his arrearage in child support and related expenses.

¶ 14 Nina testified Seth and Scott never had a close relationship and rarely saw each other. She denied ever seeking information about or attempting to report Stephanie to any state agency or elected officials. She denied Seth had ever disparaged Stephanie in O.B.’s presence. On cross-examination, she said Seth had contacted DCFS about Stephanie “years ago.” She agreed Seth had indicated to her that Stephanie was a bad mother.

¶ 15 JoAnn W. testified she had been Seth’s girlfriend for the past seven years. She denied observing Seth ever disparage Stephanie in O.B.’s presence.

¶ 16 The GAL described the situation as “really bad blood here.” He recounted O.B. wanting to spend more time with Seth. He also said O.B. explained how Seth would wait until

the parenting supervisor would go to the “bathroom or [was] away,” and he “might say something he’s not supposed to say.” The GAL recommended expanding Seth’s supervised parenting time, with a goal of transitioning his parenting time as quickly as possible to unsupervised.

¶ 17 The circuit court entered a written decision in February 2026. The court’s order granted Stephanie’s petitions for rule to show cause from July 2021, August 2021, October 2021, July 2025, and August 2025, finding Seth in contempt for failure to abide by the court’s orders. Attorney fees associated with these petitions were awarded in the amount of \$14,000. Regarding the petition to modify the parenting plan, the court stated it “recognize[d] the need and necessity of continued supervised visits.” The court increased the parenting time for Seth by “twenty minutes to account for travel time for a total of two hours and twenty minutes” twice a month. Supporting its decision, the court cited the GAL’s recommendation, the evidence from the hearing, “including the inability of [Seth] to comply with Orders of the Court,” and the credibility of the witnesses. The court found “by a preponderance of the evidence that based upon the conduct of [Seth] that his exercise of parenting time would seriously endanger O.B.’s mental, moral, or emotional health.” The court further ordered the minor and both Seth and Stephanie should explore counseling to address “on-going conflict, conflict resolution, co-parenting, and parenting.”

¶ 18 In March 2026, Seth filed a motion to reconsider the circuit court’s written order. A hearing on the motion occurred in May 2026. At the hearing, Seth contended the evidence was insufficient to support the court’s order for continued restrictions and supervision of his parenting time. He noted reports from the neutral parenting-time supervisor showed no indications of danger to O.B. and that the GAL took no position on the motion to reconsider.

Seth, through counsel, proffered to the court the GAL continued to recommend supervised visits, “that the visits are going well, and he hope[d] those are expanded.” The court denied the motion.

¶ 19 This appeal followed.

¶ 20 II. ANALYSIS

¶ 21 On appeal, Seth argues the circuit court failed to consider all the statutory factors when restricting his (1) parenting time and (2) parenting responsibilities. However, prior to addressing the merits of his arguments, Stephanie challenges whether this court has jurisdiction to entertain this appeal.

¶ 22 Seth contends this court has jurisdiction via Illinois Supreme Court Rule 301 (eff. Feb. 1, 1994) and Illinois Supreme Court Rule 311(a) (eff. July 1, 2018). Stephanie points to this court’s Local Rule 113, which provides:

“In any appeal from the final order disposing of any petition or motion filed in a postdissolution proceeding, the appellant’s jurisdictional statement pursuant to Supreme Court Rule 341(h)(4)(ii) shall specify that the Court has jurisdiction because:

(1) the trial court has jurisdiction of no other postdissolution matters, or
(2) although the trial court has jurisdiction of other postdissolution matters, the trial court entered a finding under Supreme Court Rule 304(a) as to the order appealed.

(3) If neither of the above conditions applies, the appellant shall acknowledge same and specify how the Court nevertheless has jurisdiction. The appellant’s compliance with this Local Rule does not necessarily establish that the Court has jurisdiction.” Ill. App. Ct., Fourth Dist., R. 113 (Jan. 1, 2026).

¶ 23 Stephanie notes Seth has a pending petition to modify child support before the circuit court, making Local Rule 113(1) inapplicable. Additionally, she contends Seth did not seek, nor was he granted, a finding pursuant to Illinois Supreme Court Rule 304(a) (eff. Mar. 8, 2016), thereby making Local Rule 113(2) inapplicable. She argues Seth failed to acknowledge or offer a basis for jurisdiction pursuant to Local Rule 113(3). She notes, however, Illinois Supreme Court Rule 304(b)(6) (eff. Mar. 8, 2016) does provide for appeals in judgments without a special finding in “custody or allocation of parental responsibilities judgments or modification of such judgment entered pursuant to the [Marriage Act].”

¶ 24 While Seth did not address jurisdiction as outlined in Local Rule 113, Rule 304(b)(6) provides orders affecting child custody and parenting responsibility judgments are appealable. Ill. S. Ct. R. 304(b)(6) (eff. Mar. 8, 2016). Moreover, Local Rule 113 does not itself confer or remove jurisdiction with this court. See *In re Marriage of Grossman*, 2026 IL App (2d) 250436-U, ¶ 44 (stating the Second District’s similar Local Rule does not “confer jurisdiction, nor restrict the court’s jurisdiction”). As such, we find this court does have jurisdiction to consider Seth’s appeal.

¶ 25 Seth first argues the circuit court failed to consider all the statutory factors when restricting his parenting time. He notes the court failed to comment on the statutory factors in its written order, and Stephanie provided no evidence showing a change in circumstances necessitating a restriction in parenting time based upon any harm to O.B. He contends the hearing began in 2025, and the evidence was largely based on events from several years earlier. He cites section 602.7(b) of the Marriage Act, which requires the court to consider all relevant statutory factors in accordance with the best interest of the child. 750 ILCS 5/602.7(b) (West 2024). He argues the court’s order did not discuss any of the relevant factors. He concedes that,

although section 602.8(a) provides he is entitled to reasonable parenting time, it can be restricted if “the court finds, after a hearing, that the parenting time would seriously endanger the child’s mental, moral, or physical health or significantly impair the child’s emotional development.” *Id.* § 602.8(a). He cites this court in *In re Marriage of Mayes*, 2018 IL App (4th) 180149, ¶ 56, to note liberal parenting time is the norm, whereas restricted parenting time is the exception. He argues there was no nexus between the content found on Scott’s computer and the various contempt findings from several years earlier to the court’s continued restrictions of his parenting time in 2025. At most, he concedes the evidence showed he made disparaging remarks regarding Stephanie, but no direct harm to O.B. He cites numerous cases in support: *In re Marriage of Staszak*, 2022 IL App (2d) 210427-U, *O’Halleran v. Harder*, 2016 IL App (1st) 151990-U, and *Grossman*. Lastly, he explores the factors from section 602.7 to argue they either support expanding his parenting time or were not addressed by the court.

¶ 26 Section 602.7(a) of the Marriage Act requires the circuit court to allocate parenting time in accordance with the child’s best interest. 750 ILCS 5/602.7(a) (West 2024). Both parents are presumed fit, and the court may not place any restrictions on parenting time unless it finds by a preponderance of the evidence that a parent’s exercise of parenting would seriously endanger the child’s physical, mental, moral, or emotional health. *Id.* § 602.7(b).

¶ 27 Section 602.7(b) provides factors the circuit court must consider when determining the child’s best interest for allocating parenting time, including (1) the wishes of the parents and the child; (2) the amount of time each parent spent performing caretaking functions in the 24 months preceding the filing of the petition for allocation of parental responsibilities; (3) any prior agreement or course of conduct between the parents relating to caretaking functions with respect to the child; (4) the interrelationship between the child and his or her parents and

siblings or other relevant people; (5) the child’s adjustment to his or her home, school, and community; (6) the mental and physical health of all individuals involved; (7) the child’s needs; (8) the distance between the parents’ residence, the cost and difficulty of transporting the child, the parents’ and child’s daily schedules, and the ability of the parents to cooperate in the arrangement; (9) whether a restriction on parenting time is appropriate; (10) the physical violence or threat of physical violence by the child’s parent directed against the child or other member of the child’s household; (11) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child; and (12) the occurrence of abuse against the child or other member of the child’s household. *Id.* § 602.7(b)(1)-(14).

¶ 28 The best interest of the child is the primary consideration in all decisions affecting children, including the allocation of parenting time. *In re Parentage of J.W.*, 2013 IL 114817, ¶ 41. “A [circuit] court’s findings as to a child’s best interest are entitled to great deference because the trial judge is in a better position than we are to observe the personalities and temperaments of the parties and assess the credibility of the witnesses.” *In re Marriage of Whitehead*, 2018 IL App (5th) 170380, ¶ 21. We will not reverse a court’s best interest determination unless the decision is against the manifest weight of the evidence and it appears a manifest injustice has occurred. *In re Parentage of P.D.*, 2017 IL App (2d) 170355, ¶ 18. A decision is against the manifest weight of the evidence when the opposite result is clearly evident from the record. *In re Marriage of Betsy M.*, 2015 IL App (1st) 151358, ¶ 61.

¶ 29 In *Staszak*, the petitioner filed an emergency petition seeking to suspend the respondent’s parenting time and order him to undergo a substance abuse evaluation. *Staszak*, 2022 IL App (2d) 210427-U, ¶ 8. The circuit court ultimately denied the petitioner’s petition. *Id.*

¶ 33. Upon review, the appellate court did not find the children were traumatized by the respondent's conduct and that he had substantially complied with alcohol monitoring. *Id.* ¶ 66. The court explained the children were doing well in school at the time of hearing and there was no guarantee the respondent's mental health would regress. *Id.* As such, the court could not say the circuit court's decision was against the manifest weight of the evidence and affirmed. *Id.*

¶ 30 In *O'Halleran*, the circuit court entered a temporary order requiring supervised parenting time for the respondent. *O'Halleran*, 2016 IL App (1st) 151990-U, ¶ 17. The court described the order as transitional, with a goal of unsupervised parenting time. *Id.* The court explicitly stated it had not found the child was seriously endangered by the respondent, but it was in the child's best interest. *Id.* The appellate court reversed, finding the court had erred when it imposed restrictions on the respondent's parenting "in the absence of a finding of serious endangerment." *Id.* ¶ 31.

¶ 31 In *Grossman*, the petitioner filed a petition to suspend and restrict the respondent's parenting time. *Grossman*, 2026 IL App (2d) 250436-U, ¶ 7. The circuit court found the respondent's conduct had seriously endangered the children's mental health and impaired their emotional development. *Id.* ¶ 36. However, the court denied the petition to restrict parenting time, finding respondent's behavior had " 'not impacted the children enough to rise to the level of a restriction in parenting time.' " *Id.* On review, the appellate court voiced "significant concerns" regarding the respondent's conduct but concluded it would not substitute its judgment for that of the circuit court. *Id.* ¶ 84. The court noted the circuit court was in a superior position to assess any harm caused to the children and noted with approval the various measures the court had imposed to address the respondent's conduct. *Id.* The court affirmed, finding there was no abuse of discretion. *Id.*

¶ 32 We find the above cases are not analogous to the case at bar. We note Seth’s initial restriction of parenting time occurred in September 2022, when the circuit court entirely suspended his parenting time following the recommendation of the GAL. The matter then languished for two and a half years, with Seth having no parenting time with O.B. The record indicates numerous reasons for the continuances, including many attributable to Seth, such as his attorneys withdrawing or his chronic health issues. Nonetheless, it was not until after Scott had begun his testimony that Seth and Stephanie—at the urging of the circuit court—entered into an agreed order to permit Seth supervised parenting time in April 2025. After further delay, the hearing did not conclude until December 2025. In February 2026, the court modified the supervised parenting time by expanding it from 2 hours twice a month to 2 hours and 20 minutes twice a month.

¶ 33 The circuit court continued the restrictions on Seth’s parenting time in its February 2026 order when it marginally expanded his supervised parenting time. The court’s order also found Stephanie had shown by a preponderance of the evidence that Seth’s parenting time would seriously endanger O.B.’s mental, moral, or emotional health. Therefore, the court’s order fits squarely within the requirements of section 602.7(b). Regarding the court’s considerations of the statutory factors that Seth highlights, we agree the court was required to consider all of the relevant factors. However, the court was not required to make an explicit finding or reference of each factor. *In re Custody of G.L.*, 2017 IL App (1st) 163171, ¶ 43. The fact that the court did not explicitly reference the statutory factors from section 602.7(b) does not mean the court did not consider them. See *People v. Howery*, 178 Ill. 2d 1, 32 (1997) (stating “the trial court is presumed to know the law and apply it properly,” and that presumption is only rebutted when the record affirmatively shows the contrary).

¶ 34 Moreover, the circuit court’s consideration is not limited to solely the factors listed in section 602.7(b). See 750 ILCS 5/602.7(b) (stating the court shall consider the enumerated factors “without limitation”). As we stated earlier, the court sits in a superior position to assess the circumstances and credibility of the parties. Seth, as the appellant, carries a significant burden to show the court’s decision was against the manifest weight of the evidence. *In re Marriage of Jessica F.*, 2024 IL App (4th) 231264, ¶ 48. Our review of the record supports the court’s determination. It is clear from our vantage point that the court, the GAL, and O.B. were inclined toward expanding Seth’s parenting time to eventually become unsupervised. However, Seth’s conduct appears to be the impediment toward that goal. While he frames his conduct forming the basis for his suspended parenting time as years removed from where the parties were at the time of the hearing, the delay in addressing that conduct was also attributable to him. Importantly, some of his conduct persisted at the time of the hearing. The GAL noted Seth continued to make inappropriate comments to O.B. that affected her emotional health and development. The GAL’s recommendation sought to fast-track unsupervised parenting time for Seth but stopped short by maintaining continued supervised visits. We simply cannot say the evidence in the record supports the opposite conclusion. Therefore, we find the court’s parenting time order was not against the manifest weight of the evidence or, otherwise, manifestly unjust.

¶ 35 Seth next argues the circuit court erred when it failed to consider all of the statutory factors when restricting his parenting responsibilities. He notes Stephanie’s August 2022 emergency petition saw his parenting time completely suspended, which continued until April 2025. By the time of the hearing, he argues, the evidentiary basis for his restricted parenting time was stale because it was largely based on allegations from Seth’s conduct from 2022 or before. He claims section 603.10 of the Marriage Act required the court to find by a

preponderance of the evidence he had engaged in conduct that seriously endangered O.B.’s mental, moral, or psychological health or significantly impaired her emotional development. 750 ILCS 5/603.10(a) (West 2024). He repeats many of his arguments from above to contend there was insufficient evidence to show any harm to O.B.

¶ 36 Seth frames this issue of the circuit court’s continued restriction of his parenting time as against the manifest weight of the evidence. He spends ample time discussing the court’s outright suspension of his parenting time in September 2022, following the recommendation of the GAL. However, the order appealed in this matter is the February 2026 order and the subsequently denied motion to reconsider from May 2026. The February 2026 order did not instantiate the restriction of Seth’s parenting time; rather, it continued the supervised parenting time but expanded, albeit marginally, his parenting time. The restrictions on Seth’s parenting time occurred initially in September 2022, when they were suspended entirely. His supervised parenting time was initiated in April 2025 by agreement. Neither of these orders are before this court. Of course, we recognize the time for Seth to appeal the September 2022 order has long since lapsed. Ill. S. Ct. R. 303(a)(1) (eff. July 1, 2017). Additionally, his agreement to the April 2025 order would have made any cognizable claim of error seem invited. See *In re Detention of Swope*, 213 Ill. 2d 210, 217 (2004) (stating invited error prohibits a party from complaining of an error “which that party induced the court to make or which that party consented”).

¶ 37 Ultimately, Seth’s arguments on this issue repeat many of his contentions from above but move the object of his disagreement with the circuit court to orders that are not before this court: namely, the September 2022 order and the April 2025 order. He shifts the statutory basis for his complaint to section 603.10. However, the requirements of section 603.10 are already partly incorporated into section 602.7(b), which we have addressed. See 750 ILCS

602.7(b) (West 2024) (“[T]he court shall not place any restrictions on parenting time as defined in Section 600 and described in Section 603.10, unless it finds by a preponderance of the evidence that a parent’s exercise of parenting time would seriously endanger the child’s physical, mental, moral, or emotional health.”); *id.* § 603.10(a) (“After a hearing, if the court finds by a preponderance of the evidence that a parent engaged in any conduct that seriously endangered the child’s mental, moral, or physical health or that significantly impaired the child’s emotional development, the court shall enter orders as necessary to protect the child.”). The court made a serious endangerment finding in its February 2026 order that we have already found was not against the manifest weight of the evidence. Accordingly, we find no basis to conclude Seth’s alternative arguments premised on section 603.10 changes this court’s conclusion.

¶ 38

III. CONCLUSION

¶ 39

For the reasons stated, we affirm the circuit court’s judgment.

¶ 40

Affirmed.