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2026 IL App (3d) 250661-U

Order filed May 1, 2026

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2026

In re MARRIAGE OF NATALIE WONG)	Appeal from the Circuit Court
n/k/a NATALIE WEBSTER,)	of the 18th Judicial Circuit,
)	Du Page, Illinois,
Petitioner-Appellee,)	
)	Appeal No. 3-25-0661
v.)	Circuit No. 17-D-2151
)	
DEREK WONG,)	Honorable
)	Leah D. Setzen,
Respondent-Appellant.)	Judge, Presiding.
)	

JUSTICE ANDERSON delivered the judgment of the court.
Justices Holdridge and Brennan concurred in the judgment.

ORDER

- ¶ 1 *Held:* The trial court’s order granting relocation of the minor children, and a modified parenting schedule, was not against the manifest weight of the evidence.
- ¶ 2 This case involves the care of two children, ages 10 and 14. In November 2025, the trial court entered an order allowing relocation of the children to Colorado with the mother, Natalie Webster, and modifying the parenting time schedule in light of the relocation. The father, Derek Wong, appeals. We affirm.

¶ 3

I. BACKGROUND

¶ 4

The parties were married in 2009 and had two children, G.W. and N.W. In October 2018, the parties divorced and the court incorporated an allocation of parental responsibilities and parenting plan (Allocation Judgment) into the dissolution of marriage. The Allocation Judgment provided that the parties would share parenting time on a one-week-on, one-week-off schedule, with each parent having approximately 50 percent of the parenting time. In addition, the parties were awarded joint decision-making for education, health, religion, and extracurricular activities. At this time both parties and the children resided in Naperville, Illinois.

¶ 5

In 2022, the court entered an Agreed Order (2022 Agreed Order) due to Natalie's relocation to Colorado. The 2022 Agreed Order modified the parenting time schedule but still provided for 50/50 parenting time, with both children attending school in Illinois.

¶ 6

The 2022 Agreed Order further provided that Natalie would forego requesting relocation of the children at that time and that the children would complete two full school years before any relocation request or final hearing. In addition, Natalie was not required to file a notice of intent to relocate in advance but could file a petition for relocation after March 2024. Derek was still required to file a notice of intent to relocate prior to filing any petition for relocation. The 2022 Agreed Order provided that if the children could not reside with Derek in Naperville, Illinois, it would be in the best interests of the children to reside with Natalie in her home unless the court determined otherwise. By *agreement*, Derek would bear the burden of demonstrating why it would not be in the children's best interests to relocate to Colorado, instead of another location.

¶ 7

In 2022, Natalie relocated to Colorado. Both parties remained involved in the children's lives with Natalie having parenting time with the children in both Colorado and Illinois.

¶ 8 In April 2024, Natalie filed a verified petition for relocation and to modify the 2022 Agreed Order. Natalie sought to relocate the children to Colorado. In June 2024, the court appointed a guardian *ad litem* (GAL). In August 2024, Derek married Ashley Wong. In April 2025, Derek filed a petition to modify the 2022 Agreed Order. In his petition, Derek requested that he be allowed to relocate to Glen Ellyn, Illinois. Natalie subsequently filed a petition for rule to show cause based on Derek relocating with the children to Tower Lakes, Illinois, and then Hawthorn Woods, Illinois, resulting in G.W. not being enrolled in Naperville Unit Community School District 203.

¶ 9 The court held a multi-day trial between September and October 2025. Natalie testified that she moved to Colorado in 2022 because she had no other family or support in Illinois and had not enjoyed living in Illinois since the parties' relocation to Illinois in 2016. Natalie believed her unhappiness living in Illinois was adversely affecting her mental health. Natalie presently works for Wells Fargo. Previously she was able to work remotely. However, Wells Fargo changed their location strategy and Natalie's position changed in November 2024. The new position requires that she be in person three days a week in Colorado or any other state that is within her region, including New Mexico, Arizona, Utah, Colorado, Idaho, Montana, Wyoming, Oregon, Washington, and Alaska. Natalie sets her own travel schedule. As a result of the new position, Natalie is unable to exercise all of her parenting time in Illinois as contemplated under the 2022 Agreed Order.

¶ 10 Natalie testified that Derek does not attempt to facilitate communication between her and the children when the children are with him. Derek also tried to decrease the number of trips the children took to Colorado to spend time with Natalie. This included in December 2024, when N.W.

did not go to Colorado for scheduled parenting time with Natalie due to a soccer tournament in Florida.

¶ 11 Natalie testified that she has been involved in the children's lives since moving to Colorado. When in Illinois, she coordinates time with their friends to help maintain their friendships and their activities at school. When in Colorado, Natalie does check-ins with the children's teachers, coaches, and therapists located in Illinois.

¶ 12 She testified that if N.W. relocated to Colorado, he would attend a public school that is two blocks from her home. The school has support in place for N.W.'s special education needs and a counseling center. Similarly, G.W. would attend public school in Colorado that is close enough to walk or bike to. Both children would also be involved in local sporting activities.

¶ 13 Natalie testified that Derek did not inform her that he was not residing with the children in Naperville before he and the children moved to Hawthorn Woods. On September 8, 2025, Derek informed Natalie that he and the children would be moving to Hawthorn Woods. Following Derek's move to Hawthorn Woods, the distance between the new home, schools, and sporting activities makes it impossible for Natalie to take or pick up each child. N.W.'s school is over an hour's drive from Derek's home.

¶ 14 Derek testified that he has an in-person work requirement two days per week but sometimes he is there three days a week. It would be difficult for him to travel to Colorado with his work schedule, but he could for a weekend.

¶ 15 Derek testified that in July 2025, he had begun searching for a new home that would accommodate him, his children, his wife, and her two children and be close to the children's schools and athletic activities. Derek was unable to find a home that met his needs within the area he first started looking in so he expanded his search. Derek testified that in late August 2025, he

and the children moved in with Ashley in her home in Tower Lakes. Derek's scheduled parenting time with the children beginning August 17, 2025, took place in Tower Lakes. Derek did not inform Natalie prior to the move. On August 21, 2025, Derek informed the GAL of the move to Tower Lakes. On August 29, 2025, Derek informed Natalie of the move to Tower Lakes. Derek moved to Hawthorn Woods with Ashley and her two children on the weekend of September 12, 2025.

¶ 16 The home in Hawthorn Woods is 25 to 30 minutes away from G.W.'s school and G.W.'s soccer facilities. The home is approximately an hour away from N.W.'s school and Derek uses a driver's service for N.W.'s transport at times.

¶ 17 Ashley Wong testified that her two sons are close in age with G.W. and N.W. and have a close relationship.

¶ 18 The GAL submitted an initial report (Initial Report) on March 24, 2025; an updated report (Updated Report) on September 17, 2025; and a second updated report (Second Updated Report) on September 30, 2025. In his Initial Report and Updated Report, the GAL recommended that both children stay in Illinois. In his Second Updated Report, he recommended that G.W. relocate to Colorado and N.W. remain in Illinois. All reports recommended 50/50 parenting time.

¶ 19 When initially testifying, the GAL testified that "with consternation" he recommended against G.W. relocating to Colorado. This conclusion was based primarily on discussions with G.W.'s therapist the previous week. The therapist was concerned about "shakiness to the foundation" for G.W. if he was relocated. However, since Derek moved G.W. already, Derek "already caused a shakiness to that foundation" and it appeared that G.W. was acclimating well.

¶ 20 The GAL testified that when he first spoke with Derek, Derek stressed keeping the children in Naperville. Derek's move forty miles away caused the GAL "great concern about whose

interests [Derek] is looking out for.” The GAL testified that he believes Derek puts himself and his new family first, wanting what is most convenient to them. He testified that he believes “Derek ignores the impact on the children’s relationship with their mother and focuses more on his convenience.” The GAL found that several of Derek’s messages to Natalie are derogatory and critical of Natalie, indicating she is not acting in the children’s best interests.

¶ 21 The GAL further testified that Derek was able to convince him to make a recommendation against relocation based on how important he stressed living in Naperville was and how grounded the children were in Naperville. Derek indicated that he would stay in Naperville as long as necessary and that being married to someone that lives in Barrington did not matter. In addition, Derek persuaded the GAL to believe that if there was a move it would be to Glen Ellyn or Elmhurst. He also testified he believed Derek had misled the court about his home search in Schaumburg because there were homes listed in Derek’s price point during the timeframe Derek was looking to move. The GAL believed that if the children were relocated to Colorado Natalie would appropriately communicate with Derek and put the children’s interests before her own. He did not believe that if the children stayed in Illinois that Derek would appropriately communicate with Natalie nor work on a co-parenting relationship with her.

¶ 22 When asked if he had changed any of his recommendations contained in his first two reports, the GAL testified that he would like to talk to the children again (as asked by Derek’s counsel during the break) if the case was not going to be concluded that day. The GAL testified that as he sat there that day, he would recommend that G.W. go to Colorado. He testified that his change in recommendation was based on Derek’s, Natalie’s, and Ashley’s testimony. The trial court allowed the GAL to meet with the children again and provide any updated recommendation before the next hearing date, without objection by Derek’s counsel.

¶ 23 Following the additional meeting with the children and the submission of the Second Updated Report, the GAL testified that the Second Updated Report supersedes anything inconsistent in the prior reports. The GAL testified that his present recommendation as to the relocation of G.W. to Colorado was based on the current filings and facts. While Natalie's move in 2022 to Colorado did not put the children's interest first, she has since put the children's interests first. On the other hand, Derek was not putting the interests of the children first when he moved the children to Hawthorn Woods causing G.W. to change schools and, while making it more convenient for his new family, making it less convenient for Natalie to be able to spend time with the children in Illinois. The GAL testified that G.W. has now repeatedly indicated that he wants to live in Colorado with his mother and N.W. has always indicated he wants to stay in Illinois. The GAL took both children's wishes into consideration, but they were not a deciding factor in light of their age and maturity. The GAL testified that he believes Derek's move to Hawthorn Woods makes parenting time scheduling more difficult because of its greater distance from N.W.'s present school, the distance from airports, and a lack of options for Natalie to stay when in Illinois for her parenting time.

¶ 24 The GAL testified that he believes Natalie is capable of fostering a relationship between Derek and N.W. if N.W. relocated to Colorado. The GAL does not believe that Derek is equally capable of fostering a relationship between the children and Natalie if the children stay in Illinois. The GAL does not believe that Natalie's relationship with N.W. would be negatively affected if N.W. stayed in Illinois but does believe that her relationship with both children would be negatively impacted if they both stayed in Illinois.

¶ 25 On November 4, 2025, the circuit court entered a final order granting Natalie’s petition for relocation of both children and denying Derek’s petition to modify the agreed order. The court also modified the parenting time schedule. Lastly, the court denied Natalie’s contempt petition.

¶ 26 In its order, the trial court found that Natalie has exercised her 50/50 parenting time notwithstanding living in Colorado and the children living in Illinois. This included extensive travel to Illinois for parenting time, including times when Derek would not allow the children to travel to Colorado. The trial court also found that despite living in Colorado, Natalie has remained heavily involved in all aspects of decision-making for the children. This includes spearheading a neuropsychological evaluation for N.W., researching and selecting a private school to better meet N.W.’s educational needs, researching and participating in the children’s athletic activities, arranging the children’s doctor’s appointments, and transporting the children to and from their schools and athletic activities.

¶ 27 The trial court found that in late August or early September 2025, Derek “surreptitiously” moved the children over 25 miles from Naperville to Tower Lakes and then Hawthorn Woods without giving Natalie notice and without having filed a petition for relocation in violation of 750 ILCS § 609.2 (West 2024) (Section 609.2) and the 2022 Agreed Order.

¶ 28 In addressing the Section 609.2 factors, the trial court noted that it considered the GAL’s testimony and three reports in arriving at its decision, along with the witnesses’ testimony and trial exhibits. The trial court found, as did the GAL in his three reports, that the circumstances and reasons for the intended relocation favored Natalie. The trial court noted that Natalie sought relocation to maintain substantially equal parenting time between the children and each parent, to provide the children with less transitions in household and geographic locations, and to improve the children’s quality of life. The trial court noted Natalie’s testimony that Derek did not seem to

prioritize her role in the children's lives over other relationships or commitments of the children and that this conduct would worsen if the children stayed in Illinois, her concern that G.W. is overshadowed by N.W. at Derek's home, that Derek focuses more attention on N.W. to G.W.'s detriment, and that she would be better able to support G.W. if he resided with her.

¶ 29 Addressing Derek's objection to the intended location, the trial court noted that Derek objected to the children's relocation to Colorado because he thought the children should remain in their same community, schools, and athletic activities. In addition, the children should stay with him because he was the primary caregiver. However, the court stressed that during the proceedings Derek disregarded his professed reason for opposing relocation to Colorado by relocating the children, without complying with the 2022 Agreed Order and Section 609.2, to a new home, community, and new school for G.W. that is over 25 miles from their previous home. The trial court further noted that if relocated to Colorado, the children could walk to their schools. In addition, Derek's move did not appear to provide any substantial benefit to the children. Instead, he was moving to an area that is more conveniently located to Ashley's family. Thus, the court found this factor weighed in Natalie's favor.

¶ 30 In comparing the educational opportunities in the existing location and at the proposed location, the trial court found this factor favored Natalie. The trial court noted that the schools the children were attending or would be attending were comparable. However, following Derek's move to Hawthorn Woods, G.W.'s commute to and from school is now 40 minutes to an hour each day, and N.W.'s commute is between 2 and 3 hours each day.

¶ 31 The trial court further found that no matter its ruling, the children had already been impacted by relocation in light of Derek's recent move to Hawthorn Woods. The court noted that if the children stayed in Illinois, they would see their mother less than they did in the last seven

years and would see their father less than they have in the last seven years if relocation was granted. If relocation was granted only as to G.W., the children would be living separately for the first time ever and they would see each parent less frequently than previously. Because nothing the court did would eliminate the impact of each parent's changes in life circumstances and voluntary moves on the children, the court considered whether the impact of change could be mitigated by either staying in Illinois or relocating to Colorado.

¶ 32 The court noted that both locations offer activities the children participate in and both make friends easily. Both children have experienced changes in schools and have an expectation of future changes in schools as they get older. In either location, the children will enjoy the time with one parent and will have to balance seeing the other parent based on the parent's ability to travel.

¶ 33 However, the court found that Natalie is better suited to minimize the impact of a move on the children, particularly since Derek already imposed an unnecessary and unsanctioned move on the children without prior approval and authorization, less than two months before the hearing. Accordingly, the court found this factor favored Natalie.

¶ 34 The trial court further found that it would be able to fashion a reasonable allocation of parental responsibilities between both parents if relocation occurred. Noting that neither parent is presently able to maintain the 50/50 schedule that was entered in 2018, the court believed that this factor favored Natalie. In making this determination, the court considered the convenient location of schools and athletic facilities near Natalie's home, each parent's work requirements and schedules, and each parent's past and present ability to facilitate parenting time between the children and the other parent in addition to the parties' communications issues.

¶ 35 The trial court also considered the children's maturity and each child's preference as to relocation. The trial found that this factor favored Natalie as to G.W. and Derek as to N.W.

¶ 36 The trial court found that both parents had some constraints and some flexibility in their schedules to allow for parenting time. In addition, there was no evidence that exercising parenting time in another state posed a financial burden on either parent.

¶ 37 In addressing other relevant factors bearing the children's best interests, the trial court again noted Derek's relocation of the children without seeking approval and authorization and in contravention to Section 609.2 and the 2022 Agreed Order. The court expressed concern that if the children stayed in Illinois, Derek would continue to prioritize the children's athletics over parenting time with Natalie and continue to minimize Natalie's role and involvement in the children's lives. The court was also concerned that Derek's reluctance to communicate with Natalie as to issues involving the children would further deteriorate if the children stayed in Illinois. Further, now that Derek moved to Hawthorn Woods, Natalie is unable to transport the children to their respective schools and athletic activities without assistance when she has parenting time in Illinois.

¶ 38 Based on the Section 609.2 factors, the court found that relocating both children to Colorado would allow both children to stay together and maximize the time spent together with both parents.

¶ 39 The trial court modified the parenting time schedule providing Derek parenting time on the first and third weekends of every month in Colorado unless the children do not have school the Friday preceding or the Monday following said weekends, in which the children can travel outside Colorado. Derek also has parenting time on the holiday weekends of Martin Luther King, Jr. Day, President's Day, Memorial Day, and Labor Day. In addition, Derek has parenting time during the children's spring break, fall break, Thanksgiving break, and winter break. During summer break, Derek has parenting time beginning the eleventh day after school recesses for the holiday until the

seventh full day before school resumes. Derek is responsible for transportation of the children during his parenting time in Colorado.

¶ 40

II. ANALYSIS

¶ 41

Before addressing Derek’s arguments, we must address Natalie’s argument that Derek’s appellate brief violates Illinois Supreme Court Rules 341(h)(6), (7), and (9), resulting in forfeiture of his claims.

¶ 42

Illinois Supreme Court Rule 341(h)(6) provides, in relevant part, that the appellant’s brief includes a statement of facts containing “the facts necessary to an understanding of the case, stated accurately and fairly without argument or comment, and with appropriate reference to the pages of the record on appeal.” Ill. S. Ct. R. 341(h)(6) (eff. Oct. 1, 2020).

¶ 43

Natalie argues that Derek’s brief ‘cherry-picked’ favorable facts but omitted unfavorable facts. Specifically, Natalie argues that Derek left out some of the GAL’s testimony adverse to Derek’s arguments and failed to include many of the trial court’s findings that supported the trial court’s decision. We have reviewed Derek’s statement of facts and find that it sufficiently complies with Rule 341(h)(6). Derek’s summary of the GAL’s testimony, while short on some specifics, adequately summarized the GAL’s testimony, including the testimony contrary to Derek’s positions. Derek’s summary of the trial court’s ruling includes a brief summary of the court’s specific findings of the factors to be considered when determining relocation of minor children, the specific rulings on the pending petitions, and subsequent motion practice of the trial court’s order. We agree that Derek’s factual statement fails to include the basis of the court’s findings for each of the relevant factors but do not find that omission, in the interests of justice, egregious enough to strike the brief or find the arguments are forfeited.

Illinois Supreme Court Rule 341(h)(7) provides, in relevant part, that the argument section “shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on. * * * Points not argued are forfeited and shall not be raised in the reply brief, oral argument, or in a petition for rehearing.” Ill. S. Ct. R. 341(h)(7). “Supreme Court Rules are not mere suggestions; they are rules to be followed.” *In re Application of the County Treasurer & ex officio County Collector*, 2015 IL App (1st) 133693, ¶ 19. Contentions supported merely by some argument without authority do not meet the requirements of Supreme Court Rule 341(h)(7). *Vilardo v. Barrington Community School District 220*, 406 Ill. App. 3d 713, 720 (2010). “A reviewing court is entitled to have the issues clearly defined with pertinent authority cited and is not simply a depository into which the appealing party may dump the burden of argument and research.” (Internal quotation marks omitted.) *Id.* “Accordingly, we may treat [the respondent's] position as having been procedurally defaulted for failure to cite authority.” *Id.*

¶ 44 Here, Derek’s brief includes legal citation for the standard of review, citation to the applicable statute, and some arguments include citation to supporting case law. However, three arguments do not include any citation to supporting case law. In his reply brief, Derek argues that the arguments without citation to case law contend that the trial court erred in its Section 609.2 findings based on the unique facts of this case so “comparing these facts to other relocation cases is of little value.” We find that the three arguments without citation to supporting case law are deficient but, because the violation does not hinder our review, we decline to find these arguments forfeited.

¶ 45 Illinois Supreme Court Rule 341(h)(9) requires that an appellant’s brief include an appendix “as required by Rule 342.” Ill. S. Ct. R. 341(h)(9). Illinois Supreme Court Rule 342

requires the appendix include “a complete table of contents, with page references, of the record on appeal” stating “the nature of each document, order, or exhibit” and “the names of all witnesses and the pages on which their direct examination, cross examination, and redirect examination begin.” *Id.*

¶ 46 Here, Derek’s appendix includes a copy of the table of contents from the trial court’s common law record and a copy of the trial court’s table of contents of the report of proceedings. Derek does not contest his appendix fails to comply with Rule 342 and it clearly does not as it does not include the nature of each document or exhibit nor the names of the witnesses with reference to the pages of their examinations. It is within this court’s discretion to dismiss an appeal for failure to comply with Rule 342. *In re Marriage of Hluska*, 2011 IL App (1st) 092636, ¶ 57. However, since the brief includes citation to the record and report of proceedings in compliance with Rule 341(h)(7), allowing us to assess the facts Derek presents, we choose to exercise our discretion and not dismiss the appeal. We admonish counsel to follow carefully the requirements of the Supreme Court Rules in the future.

¶ 47 On appeal, Derek raises two basic arguments. First, he argues that the trial court’s decision to relocate the children to Colorado was contrary to the manifest weight of the evidence and contrary to the children’s best interests. Second, he argues that the trial court’s parenting time schedule was unreasonable and did not consider the parent’s resources and circumstances.

¶ 48 A. Relocation of the Children

¶ 49 The standard of review of an order on a request to relocate requires us to consider whether the order was contrary to the manifest weight of the evidence. *In re Marriage of Fatkin*, 2019 IL 123602, ¶ 32. A finding is contrary to the manifest weight of the evidence only if the opposite conclusion is clearly evident. *In re V.S.*, 2025 IL 129755, ¶ 52. The paramount consideration in

deciding a relocation request is the best interests of the children. *Fatkin*, 2019 IL 123602, ¶ 32. That determination cannot be reduced to a simple bright-line test and, instead, must be made on a case-by-case basis. *Id.* “ ‘[A] trial court’s determination of what is in the best interests of the child should not be reversed unless it is clearly against the manifest weight of the evidence and it appears that a manifest injustice has occurred.’ ” *Id.* (quoting *In re Marriage of Eckert*, 119 Ill. 2d 316, 328 (1988)). Deference to the trial court’s determination is appropriate because, as the trier of fact, it had “a significant opportunity to observe the parents.” Under those circumstances, a presumption favoring the trial court’s determination “is always strong and compelling.” *Id.*

¶ 50 On review, we cannot reweigh the competing factors. *In re P.D.*, 2017 IL App (2d) 170355, ¶ 19. Because of the unique analysis required, a trial court’s relocation decision cannot simply be based on a “tally” of which of the Section 609.2 factors favored each party. *In re Marriage of Levites*, 2021 IL App (2d) 200552, ¶ 71. The decision in each relocation case must be based on its unique facts, making comparisons with decisions arising under different sets of facts of limited value. *Kimberly R. v. George S.*, 2021 IL App (1st) 201405, ¶ 74.

¶ 51 The party seeking to relocate bears the burden of proof (*In re Marriage of Prusak*, 2020 IL App (3d) 190688, ¶ 38), although the parties shifted that by agreement. Regardless, pursuant to our supreme court’s ruling in *In re Marriage of Fatkin*, 2019 IL 123602, trial court's determination of the child's best interests in the context of a relocation question should not be disturbed unless it is “ ‘clearly against the manifest weight of the evidence and it appears that a manifest injustice has occurred.’ ” *Id.* ¶ 32. Here, the same judge presided over this matter for the six days of trial. She had multiple opportunities to observe both parties before finding them to be credible and good parents. The relocation order in this case fits squarely within the rationale underlying a reviewing court’s deference to a trial court’s determination.

¶ 52 The legislature has established a statutory framework for ruling on a request for parental relocation. 750 ILCS 5/609.2. In a contested relocation, subsection (g) mandates that the court modify the parenting plan in accord with the child’s best interests after considering eleven factors:

¶ 53 “(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.” 750 ILCS 5/609.2(g) (West 2024).

¶ 54 On appeal, Derek specifically contests the court’s determination on two of those factors. Regarding the first factor, addressing the circumstances and reasons for the intended relocation, the court found that this factor weighed in Natalie’s favor. Derek claims that finding was in error because it failed to recognize that Natalie chose to relocate to Colorado in 2022, which was not in

the children's best interests and was only for her personal reasons. In addition, she chose a new position at work that now limits her parenting time with the children.

¶ 55 In addressing this factor, the trial court properly took into consideration the reasons set forth by Natalie for seeking relocation at that time. Natalie's reasons included maintaining substantially equal parenting time between the children and each parent, to provide the children with less transitions in household and geographic locations, and to improve the children's quality of life. The trial court noted Natalie's testimony that Derek did not seem to prioritize her role in the children's lives over other relationships or commitments of the children and that this conduct would worsen if the children stayed in Illinois, her concern that G.W. is overshadowed by N.W. at Derek's home, that Derek focuses more attention on N.W. to G.W.'s detriment, and that she would be able to better support G.W. if he resided with her.

¶ 56 Essentially, Derek argues that Natalie should not be able to benefit from a preemptive decision to relocate years prior that was not in the best interests of the children. However, Natalie's move to Colorado took place three years earlier and there was no determination at that time that the move was not in the best interests of the children (nor has there ever been such a determination). More importantly, the trial court found that it was in the children's best interests to have the children relocate to Colorado. Compare *Prusak*, 2020 IL App (3d) 190688, ¶ 39 (a parent should not be allowed to benefit from a preemptive relocation when they fail to show that relocation is in the best interests of both the parents and the children).

¶ 57 Derek cites to *In re Marriage of Eckburg*, 2025 IL App (2d) 240471-U in support of his argument. This case is readily distinguishable. In *Eckburg*, the appellate court affirmed the trial court's finding that the circumstances and reasons for relocation set forth by the petitioner weighed against relocation. *Id.* ¶¶ 120-126. Unlike the present case, the *Eckburg* court found that the

petitioner failed to demonstrate the reasons she sought relocation of the children, including failing to demonstrate better employment and childcare, a better financial situation, and that relocation was needed because of the respondent's mental health issues and emotional abuse. *Id.* Instead, the *Eckburg* court found that the petitioner's reason for seeking relocation was to be with her significant other. *Id.* ¶ 125. The trial court further noted that petitioner's failure to provide the respondent notice that she was moving to a new state was a factor in assessing her good faith reasons in making the move. *Id.* ¶ 126. Here, the trial court found that Natalie demonstrated the reasons and circumstances for seeking relocation and that relocation would be in the children's best interests. Further, unlike Derek, she provided notice and complied with 2022 Agreed Order in doing so.

¶ 58 Relatedly, Derek argues that the trial court erred in finding that relocation to Colorado would result in less transitions in household and geographic locations in support of the first factor because the new parenting schedule results in the same amount of travel by the children, it just changes it from Illinois to Colorado to Colorado to Illinois. While the trial court set forth Natalie's stated reasons for seeking relocation, the trial court's order does not make a finding (nor does Derek attempt to cite such) that relocation to Colorado would result in less transitions in households and geographic locations. We note however, that related to the children's need for transportation for school and athletic activities, the trial court did take into consideration that the travel times of the children would be greatly lessened in Colorado in comparison to the travel times resulting from Derek's move to Hawthorn Woods.

¶ 59 Derek also argues that the trial court improperly weighed the anticipated impact of the relocation on the children because it "equated" his move to Hawthorn Woods with Natalie's move

to Colorado, “diminish[ing]” his role in the children’s lives. We are not persuaded by this argument.

¶ 60 In addressing the anticipated impact of relocation to Colorado, the trial court found that the children had already been impacted by a relocation due to Derek’s move to Hawthorn Woods. Derek downplays this move, contending it was only 40 miles away and, unlike Natalie, he remained in Illinois. Derek fails to address any impact the move had on the children and ignores the trial court’s finding that Natalie is better suited to minimize the impact of a move on the children. We have no valid basis to reweigh the circuit court’s analysis of this factor.

¶ 61 Lastly, as to the relocation of the children, Derek argues that the GAL’s change in recommendation in the middle of trial was prejudicial. Illinois Supreme Court Rule 907 states in part that a GAL shall “take whatever reasonable steps are necessary to obtain all information pertaining to issues affecting the child, including interviewing family members and others possessing special knowledge of the child's circumstances.” Ill. S. Ct. R. 907(c) (eff. Mar. 8, 2016). Here, the GAL performed his duties in compliance with this rule, and his reports reflected his thorough investigation. Prior to trial, the GAL issued two reports. During the trial, after listening to Natalie’s, Derek’s, and Ashley’s testimony, the GAL testified that he would like to speak with each of the children because the trial testimony was causing him to question his recommendation. He also testified that during the recent break, Derek’s counsel had asked him if he wanted to speak with the children again. The trial court then allowed the GAL to speak with the children again and issue a revised report.

¶ 62 Under the doctrine of invited error, a party “ ‘may not request to proceed in one manner and then later contend on appeal that the course of action was in error.’ ” *People v. Harvey*, 211 Ill. 2d 368, 385 (2004). If a party acquiesces to a trial court's ruling, even if it is improper, the party

cannot contest the ruling on appeal. *Crittenden v. Cook County Comm'n on Human Rights*, 2012 IL App (1st) 112437, ¶ 61. In the case at bar, Derek's counsel opened the door to the GAL speaking with the children again and the possibility of a revised report and did not object when the trial court allowed it. Thus, Derek has procedurally forfeited his argument regarding the trial court's allowance of a third report.

¶ 63 Even if the issue was not waived, Derek has not demonstrated any prejudice from the trial court's consideration of the Second Revised Report. Derek contends that he was prejudiced by allowing the revised report because in the Second Revised Report, the GAL changed his recommendation to allow N.W. to relocate to Colorado. Derek relies on *In re Marriage of Gualandi and Mau-Gualandi*, 2024 IL App (5th) 240238, in support of his argument that a GAL's change in recommendation based on new issues arising during trial is reversible error. However, Derek reads *Mau-Gualandi* too broadly. While the GAL in *Mau-Gualandi* testified that issues arose during the trial that were not brought to his attention prior to drafting the written report causing him to change his recommendation, the reversible error was the GAL's failure to take the steps to obtain the necessary information to adequately address the Section 609.2 factors when preparing his report, not the mere fact that there was a change in the GAL's mind during trial. *Id.* ¶¶ 88-90.

¶ 64 Here, Derek does not argue, nor does the record support, that the GAL failed to properly obtain the necessary information to adequately address the Section 609.2 factors when preparing any of his reports. Instead, Derek simply disagrees with the GAL's Second Revised Report.

¶ 65 Our supreme court instructs that each relocation request must be viewed on a case-by-case basis. *Fatkin*, 2019 IL 123602, ¶ 32. Here, the trial court discussed the evidence in relation to each of the factors in Section 609.2. The court stated that its decision was rooted in the best interests of

the children. After carefully reviewing the evidence and the trial court's ruling, we find that the grant of Natalie's relocation request was not against the manifest weight of the evidence.

¶ 66

B. Parenting Time Schedule

¶ 67

Derek argues that the trial court's parenting time schedule is unreasonably onerous and would be difficult with his occupation because it requires him to travel to Colorado up to 24 times a year. In addition, Derek argues that the trial court failed to take into consideration each parent's resources and circumstances in determining the parenting time schedule.

¶ 68

The standard of review for an allocation of parenting time is whether the decision was against the manifest weight of the evidence. *Levites*, 2021 IL App (2d) 200552, ¶ 69. Section 602.7 of the Act sets out 17 factors to be used in determining the best interests of the child when setting a parenting time order. 750 ILCS 5/602.7 (West 2024). Derek does not identify which specific factor(s) he believes that trial court failed to properly consider. The factors include:

“(1) the wishes of each parent seeking parenting time; (2) the wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to parenting time; (3) the amount of time each parent spent performing caretaking functions with respect to the child in the 24 months preceding the filing of any petition for allocation of parental responsibilities or, if the child is under 2 years of age, since the child's birth; (4) any prior agreement or course of conduct between the parents relating to caretaking functions with respect to the child; (5) the interaction and interrelationship of the child with his or her parents and siblings and with any other person who may significantly affect the child's best interests; (6) the child's adjustment to his or her home, school, and community; (7) the mental and physical health of all individuals involved; (8) the child's needs; (9) the distance between the parents' residences, the cost

and difficulty of transporting the child, each parent's and the child's daily schedules, and the ability of the parents to cooperate in the arrangement; (10) whether a restriction on parenting time is appropriate; (11) 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; (12) the willingness and ability of each parent to place the needs of the child ahead of his or her own needs; (13) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child; (14) the occurrence of abuse against the child or other member of the child's household; (15) whether one of the parents is a convicted sex offender or lives with a convicted sex offender and, if so, the exact nature of the offense and what if any treatment the offender has successfully participated in; the parties are entitled to a hearing on the issues raised in this paragraph (15); (16) the terms of a parent's military family-care plan that a parent must complete before deployment if a parent is a member of the United States Armed Forces who is being deployed; and (17) any other factor that the court expressly finds to be relevant.” *Id.*

¶ 69 A court is not required to make explicit findings on each of the 17 factors. *In re Custody of G.L.*, 2017 IL App (1st) 163171, ¶ 43. It is sufficient if the court has reviewed and considered those factors. *Id.* While not explicitly reviewing the 17 factors, the relevant factors were discussed without any specific statutory references when addressing the relocation/modification petitions. These factors would include: the wishes of each parent seeking parenting time; the wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to parenting time; the amount of time each parent spent performing caretaking functions with respect to the child in the 24 months preceding the filing of any petition for

allocation of parental responsibilities; any prior agreement or course of conduct between the parents relating to caretaking functions with respect to the child; the interaction and interrelationship of the child with his or her parents and siblings and with any other person who may significantly affect the child's best interests; the child's adjustment to his or her home, school, and community; the child's needs; the distance between the parents' residences, the cost and difficulty of transporting the child, each parent's and the child's daily schedules, and the ability of the parents to cooperate in the arrangement; the willingness and ability of each parent to place the needs of the child ahead of his or her own needs; and the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child.

¶ 70 Specifically, as to the parenting time schedule the trial court's reasoning centered on trying to give Derek the same equal parenting time that he had with the children while they resided in Illinois. Derek concedes that the parenting time schedule mirrors the parenting schedule previously agreed to by the parties. In addition, while Derek testified it would be difficult to be able to travel to Colorado due to his work requirements, he also testified that he could travel to Colorado for weekends and he testified that he has flexibility in his scheduled days in the office. In addition, the parenting schedule does not require Derek to travel to Colorado 24 times per year but allows for him to do so and also allows for the children to travel to Illinois. Lastly, the trial court did take into consideration the parties' financial resources, finding that there was no testimony that exercising parenting time in another state posed a financial burden on either parent.

¶ 71 Accordingly, the trial court's parenting time schedule was supported by the record. To the extent the trial court's actions rest on factual findings, those findings are not against the manifest weight of the evidence.

¶ 72

III. CONCLUSION

¶ 73 We find that the trial court's determinations regarding the relocation of the children to Colorado and the parenting time schedule entered by the trial court were not contrary to the manifest weight of the evidence, and we therefore affirm the trial court's decision.

¶ 74 Affirmed.