2013 IL App (4th) 130225-U

NO. 4-13-0225

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED
July 23, 2013
Carla Bender
4th District Appellate
Court, IL

CODY COLE,	)	Appeal from
Petitioner-Appellee,	)	Circuit Court of
v.	)	Edgar County
KATHRYN ANNE JOHNSON,	)	No. 12F16
Respondent-Appellant.	)	
	)	Honorable
	)	Matthew L. Sullivan,
	)	Judge Presiding.

JUSTICE APPLETON delivered the judgment of the court.
Presiding Justice Steigmann and Justice Holder White concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's decision denying respondent's petition to remove the child from Illinois to Texas is against the manifest weight of the evidence, because, given the extent to which the move would increase the quality of life for respondent and the child, it is plainly evident that the move would be in the child's best interest, despite the traveling necessary for visitation.

¶ 2 The petitioner is Cody Cole, and the respondent is Kathryn Anne Johnson. They live in Paris, Illinois, and have a two-year-old son, L.C. They were engaged to be married, but they broke off the engagement and ended their relationship, and now they live apart. Neither earns enough to support a household.

¶ 3 Respondent, who has custody of L.C., met an oilfield engineer from Albany, Texas, Steven Sutton, who is about her age and earns $130,000 a year. He can earn this kind of money only in the oilfields of Texas. As of the date of trial, he and respondent were engaged to be married, and

they had even set a date for the wedding (in May 2013) and had made definite and substantial arrangements for the ceremony and festivities.

¶ 4 Pursuant to section 609 of the Illinois Marriage and Dissolution of Marriage Act (Marriage Act) (750 ILCS 5/609 (West 2010)), respondent filed a petition to remove L.C. from Illinois to Texas, so that she and L.C. could live with her soon-to-be husband, in Albany. After hearing evidence, the trial court denied the petition, finding that the proposed removal would not be in L.C.'s best interest. Respondent appeals.

¶ 5 The best-interest finding is against the manifest weight of the evidence, considering the extent to which the proposed removal would improve the quality of life for both respondent and L.C. Therefore, we reverse the trial court's judgment and remand this case with directions to (1) grant the petition for removal and (2) craft a reasonable and realistic visitation schedule based on L.C.'s residence in Texas.

¶ 6 I. BACKGROUND

¶ 7 A. Petitioner, Cody Cole

¶ 8 1. *His Residence*

¶ 9 Petitioner, who is 23 years old, lives with his mother, stepfather, brother, and sister in a house in Paris, Illinois.

¶ 10 His brother is 17, and his sister is 13.

¶ 11 2. *His Education and His Plans To Obtain Further Education*

¶ 12 Petitioner has a high-school diploma and one year of community college. He would like to attend a culinary school in Missouri at some point in time. His aspires to open a restaurant of his own.

¶ 13 3. *His Employment*

¶ 14 He works approximately 22 hours a week at Applebee's in Terre Haute, Indiana, where he earns $8.50 an hour. He made $15,000 to $20,000 in 2012. His earnings are insufficient to support an independent household.

¶ 15 His previous jobs were at WalMart, Domino's Pizza, and McDonalds.

¶ 16 4. *His Views on the Requested Removal*

¶ 17 Petitioner does not think the proposed removal of L.C. to Texas would be in L.C.'s best interest, considering that (1) respondent has no relatives in Texas, (2) petitioner has no relatives in Texas, (3) petitioner knows almost nothing about Sutton or his family, and (4) petitioner could not "stay involved in [his] son's life" with his son so far away.

¶ 18 Petitioner's attorney asked him:

> "Q. Are you concerned with how you're going to stay involved in your son's life?
>
> A. Yes.
>
> Q. Why is that?
>
> A. Because he's going to be a thousand miles away, and I'm not going to be able to be there if he gets hurt and goes to the hospital. I'm not going to be there for when he starts to have cognitive sentences. I'm not going to be there for holidays or birthdays or when he finally starts to potty-train. I'm not going to be there for his first day of school. Things like that.
>
> Q. So you're going to miss out on those milestones?

A. Yes.

Q. You think that's in the best interests of your child?

A. For me to miss out on those? No."

¶ 19 5. *DCFS Investigation*

¶ 20 Originally, the parties were engaged to be married, and respondent and L.C. lived with petitioner in the house in Paris. They fought a lot. After the parties broke off the engagement and respondent and L.C. moved out, the parties reached an agreement whereby respondent had custody of L.C. and petitioner had visitation.

¶ 21 Respondent testified that, in July 2012, L.C. came home from visitation with a cut and some bruises on him. She took photographs of these marks (presented as exhibits in the trial). At the time, she questioned petitioner about these marks, and he could not explain them. He denied that L.C. had these marks on him when L.C. left his care. Respondent called the Illinois Department of Children and Family Services (DCFS), which performed an investigation and found her claim of abuse to be unfounded.

¶ 22 6. *Respondent's Concerns About Petitioner's Mental Health*

¶ 23 Respondent testified:

"A. I have known Cody since high school. He was aggressive in high school. He was mean. He tried to get disability from the V.A. because I typed up something, along with the rest of his family, saying that he had mental outbreaks where he would go in a blackout rage and he would get mean and angry and he couldn't remember what he did.

Q. Okay. Do you know the status of that application with the V.A.?

A. I want to say they denied it."

¶ 24 Also, respondent testified that, in March 2012, after she and petitioner got into an argument and he blocked her way and said some ugly things to her in L.C.'s presence, such as that she was a "bitch" and a "bad mom," she noticed, the next day, when she picked up L.C., that petitioner had some cuts on his arm. She testified:

> "A. After Cody and I got into a fight, that fight where he kept me in the garage and was yelling at me, the next day, he had already arranged with me to have [L.C.], and I had picked [L.C.] up, and I saw cuts on his [(petitioner's)] forearm, and he wouldn't tell me what they were until I just kept badgering him. He told me it was scratches from the dogs, but the more I badgered him the more he said, I hurt you, so I wanted to make sure I hurt myself."

Later that night, petitioner typed on Facebook, "Make sure you tell [L.C.] his daddy loved him, past tense, loved."

¶ 25 Evidently because of these incidents, respondent requested that petitioner's visitation of L.C. be supervised. The trial court granted that request, ordering that visitation be supervised by petitioner's mother. Respondent wanted the supervision provision to remain in place.

¶ 26 B. Respondent, Kathryn Johnson

¶ 27 1. *Her Residence*

¶ *28* Respondent, who is 21 years old, rents an apartment in Paris, Illinois, and L.C. lives

with her. The apartment has two bedrooms, a small living room, and no yard, although a playground is nearby.

¶ 29 2. *Her Education and Her Plans To Obtain Further Education*

¶ 30 Respondent has a degree from Paris High School. After graduating from high school, she moved to Charleston, Illinois, and attended a community college, Lake Land College, for 1 1/2 or 2 years, studying business. She left Lake Land College without earning a degree and moved back to Paris. She plans to return to school, though, and to change her major to prenursing.

¶ 31 She already has taken some classes in nursing, at Ivy Tech Community College in Terre Haute, Indiana. She decided to take a few semesters off from Ivy Tech in order to spend more time with L.C. When she goes back to school to pursue a nursing degree, she will take a light enough load of classes so as not to be away from L.C. too much.

¶ 32 Hardin Simmons University in Abilene, Texas, has granted her a scholarship for its nursing program. (Abilene is 35 miles from Albany.) According to her, this university is one of the highest-ranking nursing schools in west Texas. She would like to attend this university part-time while being a stay-at-home mother in Texas.

¶ 33 Alternatively, if she must remain in Illinois, she believes she can earn a nursing degree from the University of Indiana in Terre Haute.

¶ 34 3. *Her Employment*

¶ 35 Respondent is employed as a waitress, and she also earns small amounts of money painting pictures. She has worked in a restaurant in Charleston. As of the date of trial, she was employed at Cracker Barrel in Mattoon, more than an hour's drive from her apartment in Paris. At Cracker Barrel, she works 7 to 10 hours a week and earns $8.59 an hour. Her total wages were

$12,000 in 2011 and $7,000 in 2012.

¶ 36 She does not earn enough to support herself. Her monthly living expenses are $625. Her fiancé, Steven Sutton, helps support her because he wants her to be able to stay home with L.C. as much as possible.

¶ 37 She and Sutton are concerned that, if she is unable to move out of Illinois, they both will have to work more hours to support two households: the household in Illinois and the household in Texas.

¶ 38 C. The Parties' Son, L.C.

¶ 39 1. *His Home*

¶ 40 L.C. resides with his mother in her apartment in Paris.

¶ 41 If L.C. and his mother were permitted to move to Texas, they would live with Sutton, in Albany. He lives in a 3-bedroom ranch house with 1 1/2 baths and a large fenced-in backyard. The house, which Sutton rents for $800 a month, has about three times the living space of respondent's apartment.

¶ 42 Also, removal would reduce the couple's living expenses by about a half while allowing respondent to spend more time with L.C.

¶ 43 2. *His Primary Caregiver*

¶ 44 Respondent has taken care of L.C. almost completely by herself ever since the day he was born.

¶ 45 3. *Daycare*

¶ 46 Because respondent's shift at Cracker Barrel begins at 6 a.m., she leaves L.C. at daycare at 5 a.m.

¶ 47 Her father, aunt, and grandmother live in Paris. Of those three, her father and her aunt are willing to provide backup care for L.C. whenever petitioner is unable to do so.

¶ 48 If the trial court permitted respondent to move L.C. to Texas, he would attend the same daycare as the children in Sutton's extended family. Also, Sutton's parents and siblings, who live only 15 minutes away from Sutton, would provide support and backup care, as they have promised to do.

¶ 49 4. *Respondent's Educational Plans for L.C.*

¶ 50 If L.C. must remain in Illinois, respondent intends to enroll him in the Willis Center or in Stepping Stones, a "religious-based preschool." Stepping Stones, a private preschool, is expensive, but respondent "would be willing to find a way to pay for it." After preschool, L.C. would attend public school in Paris, because public education is all that is available there.

¶ 51 If, on the other hand, L.C. is permitted to move to Texas, he will attend a private school, St. John's Episcopal School, all the way through high-school graduation. Respondent believes that L.C. will have more opportunities if he attends a private school than if he attended public schools.

¶ 52 Alternatives to St. John's Episcopal School include four different public school districts in Abilene.

¶ 53 D. Respondent's Fiancé, Steven Sutton

¶ 54 1. *His Engagement to Marry Respondent*

¶ 55 Steven Sutton is 24 years old, and he and respondent became engaged on June 15, 2012. The marriage was scheduled for May 25, 2013. As of the date of trial (January 2013), they had put down deposits, ordered invitations, paid for a dress and suit, and made arrangements for

relatives to fly to Indiana to attend the upcoming wedding ceremony.

¶ 56 2. *His Education*

¶ 57 He has a high-school diploma and two years of college courses in criminal justice. He left college to work for his current employer, Anderson Perforating. He would like to return to school and study criminal justice further, with the goal of becoming a police officer. He has not done so, however, because the income he earns in his present occupation far exceeds that which he could earn as a police officer.

¶ 58 3. *His Employment in Texas*

¶ 59 Anderson Perforating does "wire line work in the oilfields," and Sutton is a field engineer for that company. He earns $14.50 an hour and works approximately 100 to 120 hours during each 2-week pay period. In addition, he makes commissions in the amount of $3,000 to $8,000 per month. In 2011, his earnings were nearly $80,000. In 2012, they were nearly $130,000. He participates in a 401k plan and also has life and health insurance through his employer. Once he and respondent marry, she and L.C. can be added to his health, dental, and vision insurance (L.C. now has Illinois Medicaid).

¶ 60 Sutton also has a family business with his father and brother, Sutton and Sons Septic and Construction. They install and clean septic systems, build houses, and remodel houses and commercial buildings. Sutton purchases equipment, services the debt, and oversees the financial and business aspect of the operation. Each month, the company brings in about $10,000 in profits, which Sutton puts back into the business.

¶ 61 4. *His Employment Prospects Closer to Illinois*

¶ 62 Sutton has looked for comparable employment in Illinois. He has found that the oil

fields of Illinois do not offer opportunities comparable to those in Texas. He testified: "I have contacted several places around here, and all of them tell me that they aren't—are not drilling like they are in Texas because it's more of a gas area here, and natural gas prices are too low for them to really have a boom for drilling and doing the work that I do."

¶ 63 Pennsylvania and Oklahoma were the closest states that offered comparable work.

¶ 64 If L.C. had to remain in Illinois, Sutton would have to work two weeks in Texas, reside in Illinois for one week (which would include travel time), and return to Texas for two weeks, as a result incurring a large pay cut. He would lose approximately $2,000 in income for each week he was in Illinois, and on top of that he would incur travel expenses.

¶ 65 As for Sutton and Sons Septic and Construction, it could not be moved unless his father and brother moved their families. Sutton would be unable to operate a similar business alone in Illinois.

¶ 66 E. Respondent's Father, Peter Johnson

¶ 67 Respondent's father, Peter Johnson, testified he was in favor of moving L.C. to Texas. In his estimation, Sutton was a "wonderful guy" and "perfect" for respondent. He perceived that L.C. and Sutton had a warm relationship: "He's very loving. He's very nurturing. The two of them, the cohesion between the two is very good."

¶ 68 Johnson was asked:

> "Q. What about the fact that [L.C.] will be so far from you?
>
> A. I think, yeah, I'm going to miss seeing him, but I think the opportunities to experience things that he's not going to be able to experience, necessarily, in Paris, are positive.

Q. How will you work to maintain [L.C.'s] connection with you and the extended family?

A. Well, hopefully every time they come back to Paris, I will be able to see him then, and every chance I get, I will go down to see her and, you know, to see them as a family."

¶ 69 F. The Visitation Schedule That Respondent Proposed in the Event That the Trial Court Granted Her Petition for Removal

¶ 70 In her closing argument, respondent insisted that removing L.C. to Texas would not lessen the amount of time that petitioner spent with L.C. She proposed a visitation schedule that would guarantee petitioner 66 days of visitation each year, the same number of days he currently had. The particulars of this proposed visitation schedule were as follows:

¶ 71 1. *Before L.C. Reached School Age*

¶ 72 Before L.C. reached school age, petitioner would have visitation for seven consecutive days in December, February, April, June, and October. Travel time would not count as visiting time. Also, in the summer, L.C. would spend the entire month of August with petitioner. Christmases would alternate: on one Christmas, L.C. would be with petitioner, and on the next Christmas, he would be with respondent

¶ 73 2. *After L.C. Reached School Age*

¶ 74 After L.C. reached school age, petitioner would have L.C. on all 3- and 4-day weekends during the school year, except for time off for Thanksgiving, Christmas, and spring break and also subject to the qualification that L.C. would not take more than 2 trips to Illinois within a 60-day period. The parties would rotate between Thanksgiving and Christmas: in one year,

petitioner would have L.C. on Thanksgiving, and respondent would have him on Christmas; and the next year, respondent would have L.C. on Thanksgiving, and petitioner would have him on Christmas. In the years when it is not petitioner's Christmas, he will have L.C. from December 26 to the end of the Christmas break, and in the years when it is petitioner's Thanksgiving, he will have L.C. during the entire Thanksgiving break. Travel time would not count. Petitioner will receive all of any spring break, provided that his visitation ends soon enough for L.C. to be back in Texas in time to prepare for school the next day. Petitioner's visitation time during the entire school year will be added up, and, if necessary to bring the total to 66 days, he will receive the entire month of July and additional days in the summer.

¶ 75 G. The Guardian *Ad Litem*'s Recommendation

¶ 76 The guardian *ad litem*, Terese A. Matthews, recommended granting the petition for removal, because respondent's marriage to Sutton would enhance her and L.C.'s quality of life. "Crucial to the plan, however, [was] a visitation schedule that [would] promote and protect [L.C.'s] relationship with [petitioner]."

¶ 77 The visitation schedule that respondent proposed seemed fair and reasonable to Matthews, but she thought that respondent and Sutton should bear the travel expenses. She wrote:

> "[Respondent] should provide for all transportation and expenses, since she and [Sutton] will be in a financial position to do so. [Respondent] has family in Paris, which strengthens her ties to that community and possibly provides her a place to stay during some of the visitation weeks, if that is her choice.
>
> I recommend that [respondent] make [L.C.] available for

> Skype conversation with his father at least once a week, realizing that the quality of those sessions is likely to improve as [L.C.] gets a little older.
>
> [Petitioner] should be allowed to visit with [L.C.] in Texas at any additional times that are reasonable. As [L.C.] gets older and [petitioner] completes his degree, I encourage [petitioner] to substitute an occasional trip for himself to Texas in place of [L.C.'s] long-weekend visits to Paris during the school year."

¶ 78 H. The Trial Court's Decision

¶ 79 1. *Custody*

¶ 80 After considering the factors in section 602 of the Marriage Act (750 ILCS 5/602 (West 2010)), the trial court found it was in L.C.'s best interest to award custody to respondent, subject to petitioner's visitation rights. The court observed: "[Respondent] has been primarily responsible for providing for [L.C.'s] personal needs and medical needs. [L.C.] has spent the majority of his time in her care." The custody decision is not at issue.

¶ 81 2. *Removal*

¶ 82 After considering the factors in *In re Marriage of Eckert*, 119 Ill. 2d 316, 326-27 (1988), however, the trial court found that respondent had failed to carry her burden of proving that the removal of L.C. to Texas would be in his best interest.

¶ 83 The trial court wrote: "Applying these factors in the present case, the court finds that the general quality of life for the custodial parent would be enhanced and there would be an indirect benefit to [L.C.] *if* [respondent] marries her fiancé, Steven Sutton." (Emphasis in original.)

Nevertheless, "for [L.C.] to have a healthy and close relationship with both parents as well as other immediate family members, removal is not in [L.C.'s] best interests," given that his "close maternal and paternal family members reside in Paris, Illinois."

¶ 84 Also, the trial court did not think it would be reasonable and realistic to have L.C. undergo the visitation schedule that respondent proposed. Albany was 938 miles from Paris. A round trip by automobile was 26 hours, and a round trip by airplane was 16 hours, including drive time to and from airports. The court wrote:

> "While [respondent's] proposal for visitation time prior to [L.C.'s] matriculation is not entirely unreasonable, the suggestion that [L.C.] could visit on 3 day weekends during his school year is unrealistic. [L.C.] is a nearly two year old child. He cannot be simply put on a plane alone. The GAL report indicates that [L.C.] has made the trip to Texas on four occasions. [Respondent's] testimony indicated that on one of the four occasions, [L.C.] required emergency medical care. [L.C.] was unable to fly for a period of time due to ear infections."

¶ 85 The trial court noted that paying for only one airplane ticket, for Sutton to fly to Paris and back, would be cheaper than paying for two airplane tickets, for L.C. and respondent to fly to Paris and back, and that the savings would help offset the income Sutton would forego by modifying his work schedule.

¶ 86 So, while finding no bad motive on the part of either party in requesting or opposing the removal, the trial court concluded that, all in all, the removal would not be in L.C.'s best interest.

¶ 87 While denying respondent's petition for removal, the trial court granted her alternative

request to take L.C. to Texas the last week of each month.

¶ 88 II. ANALYSIS

¶ 89 Under section 609(a) of the Marriage Act (750 ILCS 5/609(a) (West 2010)), the trial court should consider only the child's best interest when deciding whether to grant a petition by the custodial parent to remove the child from Illinois. Sections 609(a) and (c) provide:

> "(a) The court may grant leave, before or after judgment, to any party having custody of any minor child or children to remove such child or children from Illinois whenever such approval is in the best interests of such child or children. The burden of proving that such removal is in the best interests of such child or children is on the party seeking the removal. ***
>
> * * *
>
> (c) The court may not use the availability of electronic communication as a factor in support of a removal of a child by the custodial parent from Illinois." 750 ILCS 5/609(a), (c) (West 2010).

Thus, the custodial parent has the burden of proving that removing the child from Illinois would be in the child's best interest.

¶ 90 The supreme court has said that when deciding whether the custodial parent has carried that burden of proof, the trial court should consider the following questions (*Eckert*, 119 Ill. 2d at 326-27), which the supreme court does not intend to be exclusive (*In re Marriage of Collingbourne*, 204 Ill. 2d 498, 523 (2003)). First, what is the likelihood that the proposed move will improve the general quality of life for both the custodial parent and the child? *Eckert*, 119 Ill.

2d at 326-27. Second, what are the custodial parent's motives in requesting permission to move? Is the proposed move a subterfuge to impede or defeat visitation? *Id.* at 327. Third, what are the motives of the noncustodial parent in opposing the move? *Id.* Fourth, what effect will the move have on the child's relationship with the noncustodial parent and other family members in Illinois? *Id.* Fifth, would it be possible to devise a "realistic and reasonable visitation schedule" if the move were allowed? *Id.*

¶ 91 If there could be a reasonable difference of opinion on how much weight to give one factor relative to another, the trial court's determination is not against the manifest weight of the evidence, and we should defer to the trial court. *Id.* at 328; See *Kaloo v. Zoning Board of Appeals*, 274 Ill. App. 3d 927, 934 (1995) ("A finding is against the manifest weight of the evidence if all reasonable persons would agree that the finding is erroneous and that the opposite conclusion is evident."). Keeping in mind that, unlike us, the trial court had an opportunity to observe the witnesses as they testified, we should uphold its determination of what is in the child's best interest, unless that determination is against the manifest weight of the evidence or manifestly unjust. *Eckert*, 119 Ill. 2d at 330.

¶ 92 The manifest weight of the evidence goes against the conclusion that L.C.'s best interest is to remain in Paris, Illinois. L.C. has two parents who are too poor to support him. His mother, a part-time waitress, receives child support in the amount of $67 bimonthly from his father, who, it appears, lives in a basement room of his mother's and stepfather's house. We hasten to add that there is no correlation between money and human worth and that we do not intend the least denigration of either parent. Nevertheless, such economic hardship is not to be taken lightly. Poverty can be grim and corrosive, and social mobility in the United States is not what it used to be.

We do not mean to subscribe to an iron-clad determinism, but the opportunities L.C. has during his childhood probably will determine the opportunities he has for the rest of his life.

¶ 93 Sutton is by all accounts a warm and decent person, and no matter what, he intends to marry respondent. If he is allowed to pursue, unimpeded, his occupations in Texas, he will lift respondent out of the ranks of the low-skilled and underpaid poor and into, approximately, the upper middle class—and, naturally, L.C. will be elevated with her. See *id.* at 326-27 ("The [trial] court should consider the proposed move in terms of likelihood for enhancing the general quality of life for both the custodial parent and the children."). Sutton can help respondent and L.C., economically, only to the extent that he can work in Texas. The less he can work in Texas, the less he can help them in that respect. All in all, it strikes us as unfair to L.C. to jeopardize his good fortune by diminishing the means by which Sutton can help him materially. Realistically, how long will Sutton have a job with Anderson Perforating, or what is the likelihood that he will advance within that company, if he has to take a week off every two weeks in order to visit his spouse and stepson in Illinois?

¶ 94 Granted, quality of life is not the only factor in *Eckert*. Maintaining L.C.'s relationship with his father and other family members in Illinois also is important to L.C.'s welfare (see *id.* at 327), and that will be possible only if L.C. travels between Texas and Illinois. As the trial court observed, two-year-olds cannot travel unaccompanied on airplanes. But denying petitions for removal on that basis would amount to holding, categorically, that children younger than 15 years of age cannot be removed from the state. Surely, section 609 (750 ILCS 5/609(a) (West 2010)) contemplates that, after removal, many children will have to be accompanied on the way to and from visitation. Because respondent, if she moves to Texas, will not have to work to support herself and

L.C. and because Sutton will be earning a good income, she will be able to fly back and forth with L.C. and, presumably, can stay with her relatives while she is in Illinois.

¶ 95 The trial court no doubt is right that scheduling visitations to occur on three- or four-day weekends during the school year would be unrealistic. See *Eckert*, 119 Ill. 2d at 327 ("Another factor is whether, in a given case, a realistic and reasonable visitation schedule can be reached if the move is allowed."). All that means, however, is that visitation will be longer, though less frequent. We remarked in *Ford v. Marteness*, 368 Ill. App. 3d 172, 178 (2006):

> "[I]f removal is denied every time a noncustodial parent's visitation would be modified to less frequent but longer periods, removal would likely only be granted in two unique situations. The first would be when both parents live on the Illinois border and the custodial parent seeks removal to move across the border. For example, when the parents both live in Quincy and the custodial parent wants to move to Hannibal, Missouri. The other situation would be when parents possess significant wealth and few time restraints that would allow for frequent travel.
>
> This interpretation is against the intent of the General Assembly, which allowed removal from Illinois upon a proper showing the move is in the child's best interest. 750 ILCS 5/609(a) (West 2004)."

¶ 96 Respondent made this showing; the record compels that conclusion. We paraphrase a sentence from *Ford*, a case factually similar to this one: "Removal cases are difficult for courts to

decide. No matter the outcome, one party's life will be affected detrimentally. However, based on the increase in the quality of life to [respondent and L.C.], we find it was against the manifest weight of the evidence to deny removal." *Ford*, 368 Ill. App. 3d at 180. The proposed removal offers such huge benefits to L.C. that it would be unreasonable to decline them, or to endanger them, because of the logistics of visitation.

¶ 97 III. CONCLUSION

¶ 98 For the foregoing reason, we reverse the trial court's judgment, and we remand this case with directions to (1) grant the petition for removal and (2) craft a reasonable and realistic visitation schedule based on L.C.'s residence in Albany, Texas.

¶ 99 Reversed and remanded with directions.