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SIXTH DIVISION
December 19, 2014

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

<i>In re</i> MATTER OF)	Appeal from the
)	Circuit Court of
MICHELLE KRUEGER,)	Cook County.
)	
Petitioner-Appellant,)	
)	No. 09 D 79487
and)	
)	Honorable
PHILBERT LEUNG,)	Ellen Flannigan,
)	Pamela Loza,
Respondent-Appellee.)	Judges Presiding.

JUSTICE LAMPKIN delivered the judgment of the court.
Justices Hall and Rochford concurred in the judgment.

ORDER

¶1 **Held:** The trial court's denial of the mother's removal petition was not against the manifest weight of the evidence. The trial court did not abuse its discretion by ordering that the child representative's outstanding fees should be split equally between the parties.

¶2 Petitioner, Michelle Kreuger, appeals from the circuit court's order denying her amended petition for removal of the parties' minor child to Indiana, pursuant to section 609(a) of the Illinois

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Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/609(a) (West 2012)). Michelle also appeals the circuit court's order requiring the parties to equally split the payment of the child representative's outstanding fees. For the reasons that follow, we affirm the judgment of the circuit court.

¶3

I. BACKGROUND

¶4 This appeal arises from Michelle's amended petition to remove her minor son, Philip, to Indiana. Her first petition was filed in March 2011, heard in January 2012, and denied on February 17, 2012. Meanwhile, Michelle remarried in December 2011 and became pregnant. Michelle's motion to reconsider was denied in May 2012. In June 2012, Michelle filed a second petition for removal on the basis of new facts. After argument was heard, the trial court granted Michelle leave to file an amended removal petition, citing only to facts that occurred subsequent to the close of proofs on the trial of Michelle's first removal petition. This amended petition, which is the subject of this appeal, was filed in December 2012.

¶5 A child representative was appointed for Philip in April 2013, and the hearing in this matter commenced in August 2013. The trial judge heard testimony over seven days from Michelle, her father, her husband, her mother-in-law, respondent Philbert Leung, who is Philip's father, and Philbert's girlfriend. The trial court also conducted an in-camera interview with Philip. On November 25, 2013, the trial judge issued a 22-page order that referenced the procedural history of this case, summarized the evidence, and assessed the credibility of the witnesses. The following facts were taken from the trial court's November 25, 2013 order and our review of the record on appeal.

¶6 Michelle and Philbert met each other in Chicago in about 2000 and dated while Michelle resided in Elkhart County, Indiana, where she was raised. Their son, Philip, was born on April

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10, 2001, and shortly thereafter Michelle and Philip moved from Elkhart to Illinois to reside with Philbert. Michelle and Philbert never married, and Michelle and Philip moved back to Elkhart in January 2002 and resided with Michelle's parents. Also in 2002, Michelle filed a parentage action in Elkhart County, Indiana. The Indiana court entered paternity, visitation, and child support orders under which Philbert was the obligor. Philbert and Michelle lived apart for the first three years of Philip's life. During that time, Philbert traveled to Elkhart to visit Philip on weekends. In January 2005, Michelle and Philbert reconciled, and Michelle and Philip moved to Oak Park, Illinois and began living as a family with Philbert in his townhouse. However, about January 2009, the parties' relationship failed, and Michelle and Philip moved out of the townhouse and into a nearby apartment.

¶7 Following their separation, Michelle re-connected with a high school classmate from Elkhart, Michael Fletcher, and the two subsequently became engaged and were married in December 2011. In February 2012, they learned that they were expecting their first child together. Michael is employed in Elkhart, Indiana, building RVs and earning approximately \$60,000 per year. His daughter and son from a previous relationship reside with him on a part-time basis. He resides in a two-bedroom apartment in Elkhart. In October 2012, Michelle gave birth to their daughter, Lauren.

¶8 Michelle currently resides in a one-bedroom apartment in Oak Park, Illinois, close to Philbert's two-bedroom townhouse. In Michelle's apartment, Philip has his own bedroom, and Michelle uses another room as a bedroom that she shares with Lauren. While Michelle, Philip and Lauren live in this apartment, Michael continues to reside in Elkhart. Michelle's father drives from Elkhart to Oak Park every Monday morning to babysit Lauren while Michelle is at work. He sleeps on her sofa during the week, and then drives home to Elkhart every Friday evening.

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Michelle's father helps Philip with his homework after school. Michelle and Michael see each other on weekends when Michael travels to Oak Park or when Michelle travels to Elkhart with Lauren and Philip. Philip is extremely attached to his younger sister, assists in taking care of her, and plays with her.

¶9 Michelle graduated from Ball State University, majored in psychology, and has been employed by West Suburban Senior Services since 2005. She earns approximately \$30,000 per year. Her father is a retired chemical engineer and her mother works full time in the Elkhart area. Her parents still reside in Michelle's childhood home, a large multi-bedroom home surrounded by 70 acres of land.

¶10 Since Michelle and Philbert separated, Philbert has exercised visitation, including every other weekend visits with Philip, and has been allowed mid-week visits by Michelle, even though these were not court ordered. His visitation has fluctuated over the years due to work-related travel and other activities, but he has been in Philip's life. Initially, mid-week visits could not be regularly scheduled, as Philbert's work schedule required him to travel out of town on an average of one to two days per week, and Michelle would not accommodate his schedule. However, after the removal litigation became more contentious and the child representative was appointed in April 2013, Michelle showed increased flexibility in allowing Philbert more weeknight visitation.

¶11 Philbert was born and raised in Algonquin, Illinois. He graduated from the University of Illinois and majored in accounting. His mother has passed away, and his father and stepmother live in Algonquin. His brother lives in the same building complex as Philbert and has two daughters. Philbert is employed at KPMG as a director, earning approximately \$200,000 per year.

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¶12 Currently, Philip is enrolled at Percy Julian Middle School, a public middle school located in Oak Park, and is receiving satisfactory grades. Michelle testified that throughout Philip's matriculation at Percy Julian, she, and not Philbert, has maintained frequent contact with all of Philip's teachers and attended parent-teacher conferences. After the initial removal petition was filed, and during the pendency of the second petition, Philbert increased his involvement with Philip's teachers and education. Both Philbert and Michelle's father assist Philip with his homework.

¶13 Michelle seeks to move to Northern Indiana to live together as a family with Michael, Lauren, and Philip. The distance from Oak Park, Illinois to Elkhart, Indiana is about 120 miles by car, and the drive could take about 2 1/2 hours, depending on traffic. Michelle testified that she would quit her job and stay at home on a temporary basis if removal is permitted. Michelle testified that if she moved to Northern Indiana, she would have help with child care from a support network of both her and Michael's extended family. Philbert opposes removal because his relationship with Philip is not strong, their contact would become less frequent, Michelle and her family have not supported his relationship with his son, and the move could destroy the semblance of the father-son relationship that the two have now.

¶14 The circuit court denied Michelle's removal petition and found that it was not in Philip's best interests to be removed from Illinois to Indiana at this time.

¶15 II. ANALYSIS

¶16 A. Denial of the Removal Petition

¶17 On appeal, Michelle contends that the circuit court's order denying her petition for removal was against the manifest weight of the evidence and removal to the Elkhart County area of Indiana would be in Philip's best interest. Michelle argues the trial court's findings were inconsistent with

the evidence presented at trial and the court erred by failing to consider certain evidence and improperly weighing certain factors concerning removal.

¶18 Section 609(a) of the Act provides, in pertinent part:

"[t]he 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." 750 ILCS 5/609(a) (West 2012).

Although the parties here were never married, the Act applies through Section 14(a)(1) of the Illinois Parentage Act of 1984, which states that "[i]n determining custody, joint custody, removal, or visitation, the court shall apply the relevant standards of the [Act], including Section 609." 750 ILCS 45/14(a)(1) (West 2012).

¶19 In deciding whether removal is in the child's best interest, a trial court should hear any and all relevant evidence. *In re Marriage of Eckert*, 119 Ill. 2d 316, 326 (1988). The best interests determination "cannot be reduced to a simple bright-line test, but rather must be made on a case-by-case basis, depending, to a great extent, upon the circumstances of each case." *Id.* In making this determination, Illinois courts consider: (1) the likelihood that the proposed move will enhance the quality of life for both the custodial parent and the child; (2) the motives of the custodial parent in seeking the move; (3) the motives of the noncustodial parent in resisting the removal; (4) the effect of the move on the noncustodial parent's visitation rights; and (5) whether a realistic and reasonable visitation schedule can be reached if the move is allowed. *Id.* at 327. None of these factors is controlling, and the weight to be accorded each factor will vary depending on the facts of the case. *In re Marriage of Collingbourne*, 204 Ill. 2d 498, 523 (2003).

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¶20 "A reasonable visitation schedule is one that will preserve and foster the child's relationship with the noncustodial parent." *Eckert*, 119 Ill. 2d at 327. When the noncustodial parent has assiduously exercised his visitation rights, a court should be loath to interfere with that visitation by permitting removal of the child. *Id.* When removal will substantially impair the noncustodial parent's involvement with the child, the trial court should examine the potential harm to the child which may result from the move. *Id.* at 328. The trial court's examination of a removal petition should be guided by the purpose of the Act in custody matters to "secure the maximum involvement and cooperation of both parents regarding the physical, mental, moral and emotional well-being of the children during and after the litigation." 750 ILCS 5/102 (West 2012); see also *Eckert*, 119 Ill. 2d at 328.

¶21 A trial court's determination on a removal petition should not be reversed unless it is against the manifest weight of the evidence and it appears that a manifest injustice has occurred. *Eckert*, 119 Ill. 2d at 328. "A decision is against the manifest weight of the evidence where the opposite conclusion is clearly evident or where the court's findings are unreasonable, arbitrary, and not based on any of the evidence." *In re Marriage of Bhati and Singh*, 397 Ill. App. 3d 53, 61 (2009).

¶22 The trial court is in the best position to view the evidence and to weigh the credibility of the witnesses. *In re Marriage of Cotton*, 103 Ill. 2d 346, 356 (1984). In determining whether a judgment is contrary to the manifest weight of the evidence, the reviewing court views the evidence in the light most favorable to the appellee. *In re Marriage of Divelbiss*, 308 Ill. App. 3d 198, 206 (1999). Where the evidence permits multiple reasonable inferences, the reviewing court will accept those inferences that support the trial court's order. *Nemeth v. Banhalmi*, 125 Ill. App. 3d 938, 963 (1984). A removal determination is afforded substantial deference because the trial

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judge directly observes the parties and can evaluate their temperaments, personalities and capabilities. *Eckert*, 119 Ill. 2d at 330. It is not the function of the reviewing court to reweigh the evidence. *In re Marriage of Elliott*, 279 Ill. App. 3d 1061, 1065-66 (1996).

¶23 The circuit court's written order analyzed each of the *Eckert* factors. Concerning the first factor—enhancement of the general quality of life of the custodial parent and the child—the circuit court found that the move would clearly enhance the general quality of Michelle's life, but "Philip would lose more than he would gain." The circuit court readily acknowledged that the move would benefit Michelle, who could reside with her husband and rely on her extended family for help with child care. Michelle and Michael would be able to consolidate their living expenses into one larger residence with more room for Philip, Lauren, and Michael's two children. Michelle's stress would be reduced if she did not have to work to maintain two households or commute to Elkhart every weekend to see her husband. Furthermore, she would not have to work, could care for Lauren at home, and would be home every day when Philip finished school. Michelle characterized her life in the small Oak Park apartment as a struggling single mom, and the circuit court acknowledged that Philip would benefit indirectly if his mother's life was happier and less stressful.

¶24 Nevertheless, the circuit court, citing *In re Marriage of Sale*, 347 Ill. App. 3d 1083, 1088-89 (2004), noted that the custodial parent's increased happiness in moving out of state to be with a new spouse was not sufficient to show that removal would enhance the child's quality of life, particularly where the proposed visitation schedule did little to foster the relationship between the child and noncustodial parent and it would become increasingly difficult for the child to leave his new community and friends for the proposed extended periods of visitation. Here, the circuit court found no significant difference between the rankings, academics, and extracurricular

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offerings of Philip's current Oak Park school and the proposed school in Granger, Indiana. While the circuit court acknowledged that this case did not involve cross-country travel or great distances, the court found that the removal would impair Philip's relationships with Philbert and his extended family and the distance would impact visitation where Philip was a full-time student and would be involved in school, sports or extracurricular activities in his place of residence. Philip has several close friends in the Oak Park area, but there was no credible evidence that he had friends in Indiana. Moreover, the estimated 2 1/2 hour driving time could be difficult and longer depending on rush-hour traffic and weather conditions. The circuit court found that removing Philip from his school and baseball teammates would not enhance his general quality of life and his best interests would not be served by distancing him from Philbert and his extended family, who were important figures in his life.

¶25 Concerning the second factor—Michelle's motives for moving—the circuit court found that her motives were genuine and not ill-willed. The court stated that Michelle and Michael were in a loving and committed union and wanted to reside under one roof as a family with Philip, their infant daughter Lauren, and Michael's two daughters. Moreover, Michael made a respectable living building RVs, and Michelle preferred to live near her parents and Michael's family.

¶26 Concerning the third factor—Philbert's motives for resisting the move—the circuit court found that his motives were not ill-willed or spiteful. The court noted that Philbert and Philip were struggling to develop a close father-son relationship. Compared to Michelle's time with Philip, Philbert has less time with him. Moreover, Philbert and Philip rarely spent their visitation time with just each other; they were frequently accompanied by Philbert's girlfriend, Sara Koch, or Philip's friends. Philbert blamed Michelle and her family for his strained relationship with his son, contending they do not speak positively about Philbert or encourage Philip to contact his

father. Philbert worried that Philip's removal would decrease their time together, create further geographical and emotional distance between them, and deteriorate the fragile bond the two now have.

¶27 Concerning the fourth factor—the impact on Philbert's visitation rights—the circuit court concluded that this factor did not favor removal. The court found that Michelle and Philbert's strained and difficult relationship was an impediment to Philbert's relationship with his son currently and would worsen if Michelle was allowed to move Philip to Elkhart. Philip was clearly aware of the strained relationship between his parents and, on the rare occasions when he was in the company of both his parents, his behavior indicated he felt compelled to be rude to Philbert in order to protect Michelle's feelings. The court acknowledged that both parents were at fault for the unhealthy relationship that resulted from their resentful and uncooperative behavior, and it was in this context that the court weighed the credibility of Michelle's testimony that she would foster a stronger father-son bond between Philbert and Philip if removal were granted.

¶28 If removal were granted, Michelle offered more visitation time, extended holidays, and Philip's entire summer vacation to Philbert. She also offered to drive Philip to and from Oak Park for Philbert's visitation. Although Michelle claimed at the August 2013 hearing sessions that her husband's legal struggles concerning his visitation with his children made her realize the importance of the father-child bond, the trial court found that Michelle's actions up to and during the trial did not indicate she would promote the father-son bond between Philbert and Philip. The court acknowledged that the financial disparity between Philbert and Michelle created resentment, particularly where Philbert had withheld money from Michelle in the past during their relationship and more recently had unilaterally reduced the amount of his child support payments contrary to their previous agreement. Nevertheless, Michelle and her family currently did not speak to

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Philbert when the parties were present at Philip's baseball games, and Philbert was reluctant to approach Michelle or her family at those events. Moreover, Philbert and Michelle rarely spoke to each other, and the bulk of their communications were made electronically or through their attorneys or the child representative. In addition, Michelle was not cooperative in promoting mid-week visitation between Philbert and Philip until the child representative was appointed in this case in April of 2013. Furthermore, Michelle had not engaged in any counseling, was resistant to it in the past, and had initially refused counseling for Philip despite his evident need for help in handling the stress of his parent's relationship. The court was not convinced that, at this time, Michelle would foster a stronger relationship between Philbert and Philip if removal was allowed. The court also was concerned that the current level of tension and resentment between the parties would be exacerbated if removal was denied.

¶29 The court was careful to state that Michelle was not fully to blame for Philbert's strained relationship with his son. The court found that Philbert still harbored resentment toward Michelle, was inflexible with court visitation orders and finances, and would benefit from counseling. The court also stated that Philbert needed to improve the quality of his visitation time with Philip by having one-on-one time with him and reducing distractions like video games. Moreover, Philbert needed to be less strict and rigid when assisting Philip with his homework or his baseball skills.

¶30 Concerning the fifth factor—a realistic and reasonable visitation schedule—the court found that the extended visitation offered by Michelle if removal was granted was neither realistic nor reasonable and would not preserve and foster Philip's relationship with Philbert. Michelle's proposed schedule would replace Philbert's mid-week visitation with more holidays, weekends, and other lengthy periods of visitation, including Philip's entire summer vacation. However, the

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court found the proposal unrealistic because Philip would be an adolescent and involved with school friends, family, sports and other activities on weekends and during the summer. If Philip were required to leave his potential home in Indiana and be taken away from his friends, mother, sister and other family members for months to spend time with his father, it would upset him and cause him to resent his father. Furthermore, Philbert still traveled frequently for work during the week, so a lot of Philip's time during his extended summer stays in Oak Park would be spent with someone other than his father. In addition, the 2 1/2 hour drive would prevent Philbert from attending Philip's school activities or games during the week with the same frequency that he does now. Moreover, Philip, after driving 2 1/2 hours to reach his father's home, might be reluctant to spend another hour in a car driving to visit his paternal grandparents. In addition, Michelle's offer to drive Philip to and from Oak Park was not realistic where she has a very young daughter and would be driving at least four hours.

¶31 The circuit court concluded that Michelle did not meet her burden to prove that removal to Indiana was in Philip's best interest. Considering the level of hostility, resentment and anger that existed between Michelle and Philip and the absence of any credible evidence that Michelle or her family would foster any real relationship between Philbert and Philip, the court did not believe that their fragile father-son bond would survive a removal at this time. The court concluded that each parent needed counseling to resolve past issues, improve parenting skills, and foster functional family dynamics. The court found that Philbert had the financial means to afford these services and ordered him to pay for 80% of the cost.

¶32 On appeal, Michelle contends the circuit court failed to give enough weight to the first *Eckert* factor because "there can be no question" that the proposed move to Granger would enhance the general quality of life for both her and Philip where she and her son and infant

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daughter could reside in a more comfortable residence with her new husband as a single cohesive family and she could stop working and spend significantly more time with Philip. Furthermore, they would be surrounded with a supportive network of extended family. Michelle contends the circuit court failed to fully consider her motives for the move where she has worked with Philip's therapist and court representative to be more flexible with respect to Philbert's visitation time. Michelle also argues that Philbert's motives in resisting the move are very suspect because his extensive travel schedule during the work week makes it difficult for him to visit Philip consistently during the week and Michelle's proposed visitation schedule would give Philbert more time with Philip during the summer and long weekends when Philbert is better able to use the time.

¶33 Furthermore, Michelle states that even if the move diminished Philbert's visitation, that result would not outweigh the numerous benefits Philip would gain by moving to Indiana. Michelle asserts that the facts do not support the trial court's conclusion that she and her family would not promote a bond between Philip and his father. Michelle believes that the proposed visitation is reasonable and realistic because Philbert's demanding job is an impediment to quality visitation during the week, so the proposed schedule giving him more weekends, holidays, and months of summer vacation has a great potential to foster a closer relationship between Philbert and Philip and the proximity of Granger or Elkhart, Indiana to Oak Park makes the proposed schedule feasible because the two places are only 120 miles apart. Michelle also asserts the circuit court failed to consider Philip's wishes for removal and the child representative's arguments in favor of removal with generous visitation.

¶34 After reviewing the record and the trial court's well-reasoned findings, we cannot say that the court's determination denying removal was against the manifest weight of the evidence. No

one *Eckert* factor is controlling, and a determination of the best interests of the child must be made on a case-by-case basis.

¶35 Although the move would provide a major advantage to Michelle, in that she would become a stay-at-home-mother while Lauren is little, reside with her husband and children under one roof, and be near her extended family, Philip would lose more than he would gain. There is evidence in the record which supports the conclusion that the move would not enhance the quality of Philip's life because the school and housing situations in Illinois and Indiana were comparable and Philip's important relationship with his father would suffer. Philip has a close bond with Michelle and Lauren, but his bond with his father is fragile.

¶36 The record supports the trial court's conclusion that both Michelle's and Philbert's motives in this litigation are genuine and they both love and care for their son. Nevertheless, the level of tension, resentment and anger between them is a severe impediment to the fostering of a father-son bond, and it appears that both parents wish to either limit or eliminate their interactions. This places Philip in an impossible and stressful position. The record is replete with examples of the parties' recent failures to flexibly accommodate each other's schedules, and we cannot say that their ability to cooperate in scheduling matters would improve if the driving distance between them is increased by 120 miles and 2 1/2 hours.

¶37 The record supports the trial court's determination that removal of Philip from Illinois will diminish respondent's visitation time. Perhaps a 2 1/2 hour drive between the custodial and noncustodial parents ordinarily would not seem to be a distance sufficient to damage the noncustodial parent's relationship with his child. However, the trial court here meticulously outlined all of the evidence going to each of the *Eckert* factors and concluded that although the mother's quality of life would be greatly enhanced and her motives to move were not ill-willed, the

remaining factors weighed against removal because a stronger relationship with his father was of substantial importance for Philip's best interests, and his mother's assertion that she would promote the father-son bond was not credible given the hostility and resentment between the parties and the mother's failure, up to and during the trial, to take any action to promote the father-son bond. The trial court found that Michelle and her family did not promote a bond between Philbert and Philip, and there is no question that there is evidence in the record documenting Michelle's failure to cooperate with mid-week visitation until April 2013 when the child representative was appointed. In addition, Michelle, despite her degree in psychology, has been resistant to counseling for herself and previously refused to allow Philip to receive counseling to help him handle the stress from his parent's hostile relationship.

¶38 In concluding that a realistic and reasonable visitation could not be achieved in the event that the child was removed to Indiana, the trial court noted that Michelle and her family took no actions to support the father-son bond. Moreover, the offer of increased visitation during the summer and holidays was illusory because Philip would be involved with his teenaged friends and activities in the place of his residence and would resent being taken away from his friends and family to spend time with his father, whose extensive travel schedule for work would not allow them to spend much of that time together anyway.

¶39 The paramount concern in this case is the potential harm to the child which may result from the move due to impairment of the father's involvement with the child. See *Eckert*, 119 Ill. 2d at 328. After evaluating all of the evidence in this case, the trial court concluded that the loss of regular visitation during the week between the minor child and his father and decreased visits with paternal family members would damage Philip and Philbert's relationship at this time. Moreover, the increased geographical distance between them would result in more emotional distance

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between them, particularly considering the lack of support of any father-son bond by the mother and her family, and this would be detrimental to the child's emotional wellbeing. The trial court specifically mentioned the *Eckert* factors and weighed each one. It is not this court's function to reweigh the evidence or assess the credibility of the witnesses and set aside the trial court's determinations merely because a different conclusion could have been drawn from the evidence. Applying the standard of review and according deference to the trial court's determination, we cannot conclude that the trial court's finding that removal of the child was not in his best interests was against the manifest weight of the evidence. It is not relevant whether this court might have reached a different conclusion; there is sufficient evidence in the record to support the trial court's determination.

¶40 B. Child Representative's Outstanding Fees

¶41 Finally, Michelle argues the circuit court abused its discretion by ordering that the child representative's remaining fee of \$17,554.96 should be split equally between the parties because there is a substantial disparity between their ability to pay where Michelle earns about \$30,000 a year and Philbert earns about \$200,000 a year.

¶42 Philbert responds that Michelle's second unsuccessful attempt to remove Philip from Illinois necessitated the need for the fees. Furthermore, Michelle has paid less than 50% of the total fees for her unsuccessful litigation because the court previously ordered that Philbert would pay 60% and Michelle would pay 40% of the child representative's initial \$3,000 retainer fee.

¶43 The standard of review for the allowance of attorney's fees is whether the trial court clearly abused its discretion. *In re Marriage of Brophy*, 96 Ill. App. 3d 1108, 1117 (1981). An abuse of discretion occurs where no reasonable person would adopt the view taken by the trial court. *In re Marriage of Pearson*, 236 Ill. App. 3d 337, 349 (1992).

¶44 According to the record, Michelle made the same argument concerning the child representative's fees to the circuit court that she now makes on appeal. The record, however, does not include a transcript of the hearing on fees or a bystander's report or agreed statement of facts concerning the hearing, as required by Illinois Supreme Court Rule 323(c), (d) (eff. Dec. 13, 2005). The appellant has the burden to present a sufficiently complete record of proceedings at trial to support a claim of error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). In the absence of a transcript or bystander's report, this court will not speculate as to what errors might have occurred below. *Smolinski v. Vojta*, 363 Ill. App. 3d 752, 757-58 (2006); *EDN Real Estate Corp v. Marquette National Bank*, 263 Ill. App. 3d 161, 167 (1994). Here, the parties do not argue that the child representative's fees were unreasonable, and there is no indication that the fees were unreasonable. Therefore, based on the inadequacy of the record concerning the issue on appeal, we presume that the trial court's decision to split the outstanding fees equally between the parties conformed with the law and had a sufficient factual basis.

¶45

III. CONCLUSION

¶46 For the foregoing reasons, we affirm the judgment of the circuit court.

¶47 Affirmed.