



¶ 4 Rumen Raykov and Martina Raykova married in 2006. In 2007, their only child, A, was born. In February 2013, Martina petitioned to dissolve the marriage, and was granted temporary custody of A.

¶ 5 In October 2013, Martina petitioned the court for permission to remove A from Illinois to Las Vegas. Martina explained that her fiancé, Anthony Amaroso, lived and worked in Nevada and was willing to be financially responsible for A. Martina complained that she could not support herself in Illinois and that Rumen did not support her or use his visitation time with A. The trial judge appointed a guardian ad litem (GAL), Howard Rosenberg, for A.

¶ 6 The marriage was dissolved in August 2014, and in October 2014, Martina filed another petition for removal, stating that since the first petition (which had not been decided) she and Amaroso had married and Amaroso had purchased a house in Las Vegas. Rumen opposed the petition, and the trial court heard several days of testimony from the parties.

¶ 7 Rumen Raykov

¶ 8 Rumen Raykov testified that he lived in Niles, Illinois, in the same house he had purchased before marrying Martina. He worked selling auto parts in a company owned by his mother and managed by him. The land on which the business operates was owned by Rumen, but in the process of foreclosure. After A's birth, Martina did not work for several years, until just before she filed for divorce.

¶ 9 After the divorce was filed, Martina and Rumen stipulated to share joint custody and Martina would be the primary caregiver. At the time of the hearing on removal, the visitation schedule gave Rumen custody of A every Wednesday evening; every other Wednesday overnight; and every other weekend. During his custody time, Rumen would take A to see his sister and mother on one of the weekend days. These family members lived a few minutes from

Rumen, and A loved his family and asked to see them. He had only taken A on short vacations because of the short visitation times.

¶ 10 Rumen opposed the move to Las Vegas primarily because he would not be able to see A regularly or participate in her day-to-day life, and it would impact their relationship. Rumen testified that Martina had tried to keep A away from him and his family, and did not provide him with information about A's education, extracurricular activities, medical appointments, or travel. Rumen often found out about A's activities, appointments, and trips after the fact. Though he had asked Martina if he could spend extra time with A, she often refused. He suspected that Martina had an improper motivation for moving A to Las Vegas and believed it was not in A's best interests or would improve her economic circumstances. Rumen had never met Martina's husband, Anthony Amaroso; Martina refused his requests to meet Amaroso. Rumen believed that, if A moved, Martina would continue to interfere in his relationship with A.

¶ 11 Rumen was concerned about the prospect of A traveling to and from Las Vegas by herself. While A had taken some longer trips alone, Rumen opposed these trips and worried about her flying alone every month for visitation. Further, traveling to Las Vegas would be expensive and inconvenient for Rumen.

¶ 12 Martina Raykova

¶ 13 Martina Raykova testified that, following her separation from Rumen, she moved to an apartment in Des Plaines, but it had no safe place for A to play outside and was too far away from A's school located in Rumen's neighborhood. Martina started working again in May 2012 but was still A's primary caretaker. At the time of the hearing, Martina was working at three different jobs and did not have the time or money to enroll A in many extracurricular activities.

¶ 14 Martina testified that she did not keep information about A's life from Rumen, but that he never asked to attend things like doctor's appointments or school conferences. She did not prevent his involvement in these areas. She had tried to involve him in A's activities and he never objected to Martina's decisions. The two parents communicated mostly through text and email. She characterized Rumen as a good father and believed that they could cooperate in parenting A; Martina would allow phone calls and visits to ensure that A's relationship with Rumen would continue. She denied ever preventing A from talking to Rumen or other family members. She believed that Rumen opposed the removal because he loved A and held animosity against Martina for leaving him.

¶ 15 Martina met her husband, Anthony Amaroso, in December 2012, and married him in August 2014. Martina had known Amaroso nine months before introducing him to A. Amaroso and A got along well and Amaroso was not trying to replace Rumen as A's father. Rumen had never asked her about Amaroso.

¶ 16 Martina and Amaroso selected a house in Las Vegas for him to purchase based on the quality of the schools and low crime rate. The house was in a gated suburb, on a cul de sac with no traffic. Amaroso was currently supporting her and would pay for A to attend a private school, Dawson, nearby. A had not yet taken the entrance exam for Dawson.

¶ 17 Martina wanted to move to live with Amaroso. If removal was denied, Martina would stay in Illinois with A. If she were allowed to move to Las Vegas, Martina hoped that she would not need to work so much and could spend more time with A, and A could be involved in more activities. Martina's mother was planning to move to the United States later in 2015 and would live near Martina in Las Vegas.

¶ 18 Martina thought that after the move A would benefit by spending longer time with Rumen over the summer. A had flown alone on long trips before and Rumen had never objected to them. Amaroso was willing to pay for A's flights to and from Chicago.

¶ 19 Anthony Amaroso

¶ 20 Anthony Amaroso testified that he lived in Las Vegas, where he worked as an executive chef at a casino resort. Jobs like his were rare: only two similar positions existed in the United States, and he did not think he could obtain a comparable job somewhere else. If Martina moved to Las Vegas, it would not be economically necessary for her to work.

¶ 21 Amaroso had been married twice before but had no children, and no extended relationships with other children. He had first met A in September 2013, when Martina brought her to Las Vegas. Since then, he had seen A about every four weeks; often, Amaroso would fly to Chicago, but sometimes he would pay for Martina and A to fly to Las Vegas. He described doing outdoor activities like hiking with A.

¶ 22 In July 2014, Amaroso purchased a house in Las Vegas, choosing the neighborhood because of the quality of the school district. There were other children living there. The neighborhood was clean and safe, with access to parks, and the house was adjacent to a good public school (Goolsby) and near a good private school (Dawson). Amaroso thought that A might benefit from going to the Dawson private school, as it was more challenging; it was expensive, but Amaroso was willing to pay for it. There were also more extracurricular activities available in Las Vegas.

¶ 23 Amaroso had never met Rumen but testified that he was not trying to replace Rumen in A's life. Amaroso thought A's relationships with Rumen's family were important and those family members were welcome to visit A in Las Vegas.

¶ 24

Kremena Kiefer

¶ 25

Kremena Kiefer, Rumen's sister, testified that A was close to her and Kiefer's two children, A's cousins. Kiefer and her children usually saw A at least once a month, on the weekends Rumen had custody, and A sometimes had sleepovers at Kiefer's house. Martina had not brought A to Kiefer's house on any of Martina's weekends, though the two women had a good relationship during Martina's marriage. When Kiefer's son's birthday party fell on a weekend when Martina had custody, Rumen had to obtain a court order to allow him to take A to the party. Kiefer also witnessed an incident in August 2013 when A was at Rumen's house. Martina, upset that Rumen had not brought A back to Martina's apartment yet, ran into the house, argued with Rumen, and then slapped him in the face in front of A.

¶ 26

Howard Rosenberg

¶ 27

The GAL, Howard Rosenberg, testified that he had met with Rumen, Martina, and Amoroso, and seen A both in Chicago and at Amaroso's house in Las Vegas, where he spoke to A alone. During that conversation, Rosenberg asked A to list the positives and negatives about moving to Nevada. A told him that if she moved to Las Vegas, she would get to see Amoroso and her cats, she would have a new room, go to a different school, and play outside more often; on the other hand, she would miss Rumen, her friends, and her grandmother. A knew Rumen loved her and did not want her to move, and she would tell Rumen that she did not want to move because she didn't want to hurt his feelings. Rosenberg theorized that A had noticed the tension between her parents, and navigated between Rumen and Amoroso to mitigate that tension.

¶ 28

Rosenberg testified that Rumen had a nice living situation for A and that the two had a good father-daughter relationship. Rosenberg did not look at Rumen's neighborhood or speak to Rumen's extended family. Rosenberg was impressed with the house and neighborhood in Las

Vegas, including the nearby schools, and that Amaro recognized his role as stepfather and did not try to overstep that role. Rosenberg did not know exactly how many hours Amoro worked or whether he could have obtained a comparable job in Chicago.

¶ 29 Rosenberg opined that the move to Las Vegas would benefit A because in Las Vegas, Martina would be able to work less and spend more time with A, and the schools and neighborhood were high quality. Rosenberg stated that A was more strongly bonded to Martina as the primary caregiver.

¶ 30 To maintain A's relationship with Rumen, Rosenberg recommended that Rumen have custody for six weeks every summer, every spring break, half of every winter break, and trade Thanksgivings with Martina. A could also fly to Chicago during long weekends on the school calendar, and Rumen could fly to Vegas four times a year. If this schedule were followed, A and Rumen could see each other every month. Given the costs of flying to Las Vegas, Rosenberg also recommended that Martina be required to pay for half of Rumen's travel costs. Finally, Rosenberg stated that Martina should give Rumen all information about A's travel, school records, and medical records, and support their communication; on the other hand, Rumen should also be more proactive about seeking out information from A's schools and doctors.

¶ 31 The trial court granted the petition for removal. The court recognized that both Martina and Rumen were good parents who had good relationships with A. The court found that Martina and A's lives would be enhanced by the move and that neither parent had any bad motivations. But the court found that the move to Las Vegas was in A's best interests, in terms of quality of life.

¶ 32 On July 14, 2015, the trial court filed its written order granting Martina's petition to remove A to Nevada. Rumen filed a timely notice of appeal.

¶ 33

## STANDARD OF REVIEW

¶ 34

Because a trial court directly observes the parties and is able to evaluate their “temperaments, personalities, and capabilities,” the trial court’s decision on removal is entitled to substantial deference. *In re Marriage of Demaret*, 2012 IL App (1st) 111916, ¶ 43. We will reverse the trial court’s decision only if it is against the manifest weight of the evidence, where the opposite conclusion is clearly evident or the court’s findings are unreasonable, arbitrary, and not based on any of the evidence. *Id.*

¶ 35

## ANALYSIS

¶ 36

Under the Illinois Marriage and Dissolution of Marriage Act, a trial court may grant a custodial parent leave to remove a child from Illinois to another state when it is in the child’s best interests. 750 ILCS 609(a) (West 2008). The party seeking removal bears the burden of proof. *Id.*

¶ 37

Each removal case depends on its facts, and the trial court is required to address several guiding factors: (1) the likelihood the move will enhance quality of life for both the custodial parent and the children; (2) the motives of the custodial parent in seeking removal and whether it is merely a ruse to frustrate visitation; (3) the motives of the noncustodial parent in resisting 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 court allows removal. See *Demaret*, 2012 IL App (1st) 111916, ¶ 42 (citing *In re Marriage of Eckert*, 119 Ill. 2d 316, 326-27 (1988)). The court also has discretion to consider other relevant factors, but no single factor emerges as the most important. *In re Marriage of Collingbourne*, 204 Ill. 2d 498, 523 (2003). The court also should remember that a child has an important interest in maintaining significant contact with both parents, but a child’s quality of life may be enhanced because of enhancement

in the custodial parent's quality of life. *Demaret*, 2012 IL App (1st) 111916, ¶ 42 (citing *Collingbourne*, 204 Ill. 2d at 522, 526).

¶ 38 Rumen takes issue with the trial court's evaluation of these factors. Specifically, he contends that A's quality of life would not be enhanced by the move because her stepfather was not legally obligated to pay for her schooling and was inexperienced with children, and it was unlikely Martina would get a better job in Las Vegas. But the trial court had to weigh these facts against other evidence showing that A and Amaroso had a good relationship, a good public school was available, and in Las Vegas, Martina would not need to support herself.

¶ 39 The trial court's determination that the move would enhance A and Martina's quality of life was not against the manifest weight of the evidence. A's Chicago school was far from her residence and A was unable to participate in extracurricular activities, due to cost and Martina's work schedule. In Las Vegas, A would have access to both public and private schools within walking distance of her home, and Martina would be able to reduce her work schedule with Amaroso's financial support. And for Martina, the ability to live with her husband would certainly improve her life. See *Collingbourne*, 204 Ill. 2d 498, 526 (2003) (best interests of child cannot be considered without assessing best interests of custodial parent).

¶ 40 Rumen also argues that due to the distance between Chicago and Las Vegas, and the time and money required, it is not possible for him to have adequate visitation with A. While Rumen would not be able to see A every week, as he did in Chicago, with a visitation schedule such as the one recommended by the GAL he would have much longer blocks of time with A, as opposed to the maximum of three days under the current schedule. Even if the new visitation schedule does not add up to the precise number of days possible under the current schedule, we cannot say that the trial court erred. We have recognized that reduced visitation can be "an

unavoidable consequence” of removal. *Demaret*, 2012 IL App (1st) 111916, ¶ 60. And depending on the facts of the case, diminishment may not outweigh the other *Eckert* factors. See *In re Marriage of Bhati & Singh*, 397 Ill. App. 3d 53, 65 (2009).

¶ 41 Finally, Rumen argues that the GAL did not talk to Rumen’s extended family before making his recommendation. But the trial court heard extensive testimony from Rumen’s sister regarding her and her childrens’ relationship with A. This was supported by Rumen’s testimony that A loves her aunt, grandparents, and cousins. The evidence of A’s strong relationships with her extended family was adequately placed before the trial court, and the proposed visitation schedule would allow A to maintain these relationships.

¶ 42 The trial court considered all of the evidence Rumen emphasizes. In essence, Rumen asks us to reweigh the *Eckert* factors, but that is precisely what the standard of review prohibits us from doing. Further, we must give the trial court’s decision substantial deference, as it was that court that saw and heard the witnesses.

¶ 43 As both the trial court and our precedent recognize, in a case with two loving parents, there is no easy way to divide a child’s life. Because the trial court’s findings were not unreasonable or arbitrary, we cannot say that its decision was against the manifest weight of the evidence.

¶ 44 We end with an observation. We are unaware of any statute, rule, or case prohibiting the disclosure of the names of minor children in disputes like this one. Recently, our Supreme Court decided against prohibiting disclosure of the names of the minor child in court filings. See Ill. S. Ct. R. 138(b), (c) (eff. July 1, 2013). Apart from filings, court opinions and orders often contain the full names of minor children. For minors caught in a dispute involving their parents, this often means disclosure of their identity and personal, sensitive information, including health and

1-15-2292

learning issues. While voluntary, we urge judges to use a letter as we have done in this decision rather than a child's name.

¶ 45            Affirmed.