

NOTICE

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2018 IL App (4th) 170593-U

NO. 4-17-0593

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

January 12, 2018

Carla Bender

4th District Appellate
Court, IL

BRANDON R. BOSTON,)	Appeal from
Petitioner-Appellee,)	Circuit Court of
v.)	Sangamon County
BREANN M. EICHEN,)	No. 17F296
Respondent-Appellant.)	
)	Honorable
)	Jennifer M. Ascher,
)	Judge Presiding.

PRESIDING JUSTICE HARRIS delivered the judgment of the court. Justices DeArmond and Turner concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not err in denying the mother’s petition to relocate her minor child out of state.

¶ 2 Respondent, Breann M. Eichen, filed a petition for relocation, seeking to relocate her minor child to Iowa. Brandon R. Boston, the child’s father, opposed the relocation. In July 2017, the trial court denied the petition to relocate. Breann appeals, arguing that the court’s denial of her petition to relocate was against the manifest weight of the evidence. We affirm.

¶ 3 I. BACKGROUND

¶ 4 Breann and Brandon are the parents of T.B. (born September 22, 2009). The couple lived together after T.B.’s birth but never married. In 2011, after the couple separated, they continued to amicably parent T.B. without a parenting agreement.

¶ 5 In May 2017, Brandon filed a petition to establish parentage and for allocation of parenting time after he learned that Breann was planning to relocate to Iowa. On May 26, 2017, Breann filed her petition to relocate to Iowa. On July 19, 2017, the trial court held a hearing on the petition to relocate.

¶ 6 At the hearing, Brandon testified that he currently owns a home in Auburn, Illinois. He resides there with his wife Kayla Boston, their two-year-old daughter P.B., and eight-year-old stepson P.C. who is Kayla's child from a prior relationship. Brandon explained that Auburn is a small town and his entire family resides in the surrounding area.

¶ 7 Brandon testified that he works as a journeyman mechanic for Heat and Frost Insulators and Allied Workers Local #1. He typically leaves for work at 6 a.m. and returns home at 4 p.m. He works 40 hours each week with occasional overtime. Brandon stated that he does not have a flexible work schedule.

¶ 8 Brandon explained that he looks forward to seeing T.B. every week. He referred to T.B. as his "best friend." He testified that there has never been a time when he has not been involved in T.B.'s life. During the school year, he sees T.B. "once or twice during the week." He further testified that Breann typically assists T.B. with his homework because T.B. is with her on weekdays. Brandon only recalled helping T.B. with his homework on one occasion since T.B. started school. However, he stated that he feels he is capable of helping T.B. with his homework if he was awarded primary parenting time.

¶ 9 Brandon testified that he has regularly attended T.B.'s sports events, which include baseball, wrestling, and soccer. He also has attended parent-teacher conferences, school concerts, and a "reptile night." He coaches T.B.'s T-ball team, regularly drives T.B. to his

wrestling meets, and attends his soccer games and practices.

¶ 10 He acknowledged that he has been unable to miss work to attend T.B.'s daytime events or to care for T.B. when he is sick during the school year. However, he was at the hospital when T.B. needed stitches. Brandon's mother, brother, uncle, father, stepfather, and Breann's family reside in central Illinois and visit with T.B. regularly. Brandon testified that extended family members are available to assist with T.B. and have done so in the past.

¶ 11 According to Brandon, T.B. has a close bond with his stepbrother, P.C. Since 2013, they have seen each other every other weekend and sometimes during the week. He described T.B. and P.C. as "inseparable."

¶ 12 Brandon testified that if Breann relocated to Iowa and T.B. lived with him, Brandon's mother would take T.B. to school in the morning. After school, T.B. would attend a day care that he is familiar with for approximately one hour each day. He explained that P.C. has had this schedule for several years.

¶ 13 Brandon expressed concern with the proposed relocation to Iowa. Although Breann has always kept him apprised of T.B.'s school and sport events, he is concerned that the relocation to Iowa would reduce the quality time that he currently enjoys with T.B. He defines "quality time" as "[t]he amount of time spent with [T.B.] in a comfortable environment, whether it be [at] home, camping, [or] doing other things, not in a car." He indicated that increased time during the summer would not compensate for missed time during the school year. He also noted that he would have to stay in a hotel when visiting T.B. in Iowa.

¶ 14 Although Brandon acknowledged that T.B. would not have a problem "fitting in" in Iowa, he felt that it was in T.B.'s best interest to remain in Illinois. He stated that T.B. "should

be here where he has his roots[,] *** his family[,] and [where he] knows everybody and can flourish.”

¶ 15 Brandon noted that Breann has moved to six different communities within central Illinois since T.B. was born. He stated that Breann’s relocations have concerned him because he “believe[s] that a child needs stability ***.”

¶ 16 Breann testified that she is 26 years old. She testified that she married Chad Eichen in February 2016 after dating for four years. They have one child together, S.E., who was born in March 2017.

¶ 17 Before relocating to Iowa, Chad worked as a logger for Eichen Forestry and Eichen Lumber Company. Breann testified that Chad worked long hours and he did not have a guaranteed income because the lumber business was “slowly dwindling” in Illinois. In April 2017, Chad began working for a new employer in Iowa, Big Timber Hardwoods. Breann testified that Chad’s salary increased from \$35,000 to \$120,000 per year, which provides more stability for their family. She stated that, after Chad accepted his new position in Iowa, the couple purchased a five-bedroom home in Atkins, Iowa. The house is located in a subdivision with neighborhood children around T.B.’s age.

¶ 18 Breann further testified that she works as a sales representative for Schaeffer Oil. She stated that she has always had a flexible schedule and works approximately 20 to 25 hours per week. She stated that she has never worked full time because she always set her schedule around T.B. She further explained that she would be able to continue working for the same company, with the same hours, in Iowa. She testified that T.B.’s schedule in Iowa would remain the same. The only difference to his schedule would be two additional hours saved each day by

her driving T.B. to school instead of him taking the bus.

¶ 19 Breann described her close relationship with T.B. She testified that she takes T.B. camping, boating, and plays soccer and baseball with him. Breann testified that she has been T.B.'s primary caretaker throughout his life except for one period of time when Brandon was not working and stayed home with T.B. She explained that she is the one who has taken T.B. to his doctor appointments, helped him with his homework, and stayed home with T.B. when he was sick. She also has attended T.B.'s concerts, daytime school events, and sporting events. Breann agreed, however, that Brandon would be able to care for T.B. if he was awarded primary parenting time.

¶ 20 Breann explained that she researched the educational opportunities available to T.B. in Iowa and has spoken with several neighbors about the local schools. Breann submitted an exhibit describing the educational opportunities in the Benton school district in Iowa, which includes small class sizes, teachers with masters degrees, college-credit courses taught on site, and internship and job-shadowing opportunities. The elementary school has new classrooms, a new media area, and new technology available to students. Breann acknowledged that T.B. will do well academically no matter where he attends school.

¶ 21 Breann testified that she is "sure" T.B. could adjust to the new community in Iowa. Currently, T.B. visits Brandon every weekend during the school year. During the summer, T.B. spends Friday through Monday with Brandon. Breann acknowledged that relocating to Iowa would require T.B. to spend eight hours in the car each time he visits Brandon in Illinois for the weekend. She agreed that T.B.'s relationship with Brandon is important and she has always made every effort to keep Brandon involved and apprised of T.B.'s schedule.

¶ 22 Breann’s proposed visitation schedule, assuming she were allowed to relocate to Iowa, allots every other weekend to Brandon and extended visitation time in the summer to compensate for the reduction in time during the school year. She explained that T.B. would be able to continue wrestling in Illinois when he visited Brandon on weekends.

¶ 23 Breann further testified that she was undecided about what she would do if the trial court denied her petition for removal. She stated that “it makes [her] feel like [she would] have to choose between [T.B.] and [her] other son.” She explained that if her petition was denied, she would not be able to live in Iowa and travel to Illinois during the week if T.B. was sick and needed to stay home from school because she has an infant.

¶ 24 She testified that relocating T.B. to Iowa would be in his best interests. She stated as follows:

“I am the parent that has been primarily doing all the doctors’ appointments. I stayed home with him. I am available for school day activities as well as school night activities[.] *** I think it’s very important for [T.B.] to see two stable and happy marriages, households, as opposed to potentially be[ing] bounced around between three homes.”

¶ 25 Kayla Boston, Brandon’s wife, testified that T.B. loves spending time with Brandon and looks up to him. She stated that “[e]verything [Brandon] does in his life has revolved around [T.B.] and his family.”

¶ 26 She testified that she believes she has a good relationship with T.B. even if there is some tension from time to time. Kayla further testified that she has a somewhat flexible schedule and is available to “fill in” and take care of T.B. Kayla explained that she works from

8 a.m. to 4:30 p.m. five days a week and she is able to take off work when her children are sick.

¶ 27 Margaret Freer, Brandon's mother, described Brandon as a loving and involved father. She testified that T.B. has an extensive network of family support in Illinois. She lives near Brandon's home and babysits at the request of both Brandon and Breann. She also noted that she has taken T.B. camping on weekends. She further testified that if T.B. relocated to Iowa, it would most likely diminish her time with T.B. because she would not want to interfere with Brandon's limited time with him.

¶ 28 Chad Eichen, Breann's husband, testified that, prior to moving to Iowa, he worked as a logger for his own company, Eichen Forestry. He testified that he received no income from Eichen Forestry because the money was spent on inventory and he did not "pull any money out" of the company. At the same time, Chad also worked for Eichen Lumber Company, a sawmill owned by his father. Chad testified that he received approximately \$35,000 per year from Eichen Lumber Company. He explained that he would not take over that business if he remained in Illinois.

¶ 29 Chad testified that he began working in a new position with Big Timber Hardwoods as head of procurement and sales in April 2017. He stated that his current position is far less physically demanding than his jobs in Illinois, the timber industry is better in Iowa, he has a guaranteed paycheck on a weekly basis, and the owner of Big Timber Hardwoods is "groom[ing] [him] to take over [the] business."

¶ 30 According to Chad, since moving to Iowa, Breann has been commuting between Illinois and Iowa with S.E. Chad stated that it has been "pretty tough" to only see his infant son, S.E., every other week.

¶ 31 In its oral ruling, the trial court denied Breann’s petition to relocate concluding that relocating to Iowa was not in T.B.’s best interest. The court acknowledged that Breann had done “an amazing job” raising T.B. The court further noted that “if this was just a determination *** [regarding] who should be allocated the majority of decision-making *** and parenting time, *** [Breann] you’re it.”

¶ 32 In denying the requested relocation, the trial court made the following findings: (1) Breann was seeking removal because her husband’s salary would increase from \$35,000 to \$120,000 per year; (2) Brandon’s reason for objecting to the relocation was based on his concern for maintaining his relationship with T.B.; (3) both Breann and Brandon have been model parents; (4) T.B. would excel in school if he remained in Illinois or relocated to Iowa; (5) T.B.’s extended family resides in Illinois and has helped shape him into “the boy he’s become”; (6) the relocation would alter T.B.’s relationship with Brandon; (7) the proposed visitation schedule would require T.B. to travel in the car for 24 hours each month and would adversely affect his ability to attend his sports events; (8) no evidence was presented regarding T.B.’s wishes; (9) Breann’s resources and flexible schedule make it easier for her to travel; and (10) T.B. has an “extraordinary” relationship with Breann and Brandon and it is in T.B.’s best interest to remain in Illinois.

¶ 33 This appeal followed.

¶ 34 II. ANALYSIS

¶ 35 Respondent argues on appeal that the trial court’s denial of her petition for removal was against the manifest weight of the evidence. The sum and substance of her argument is that the trial court erred in its evaluation of the statutory factors to be considered in

her request for relocation.

¶ 36 Under the Illinois Marriage and Dissolution of Marriage Act (Act) (750 ILCS 5/609.2(g) (West 2016)), a court considers the following factors for purposes of determining whether relocation is in the child's best interests:

- “(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.”

¶ 37 The parent seeking removal has the burden of proving, by a preponderance of the evidence, that removal is in the child's best interests. *In re Marriage of Tedrick*, 2015 IL App (4th) 140773, ¶ 49, 25 N.E.3d 1233, 1238. The best interest 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.” *In re Marriage of Eckert*, 119 Ill. 2d 316, 326, 518 N.E.2d 1041, 1045 (1988). “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.* at 328. “A trial court's determination 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.” *Banister v. Partridge*, 2013 IL App (4th) 120916, ¶ 47, 984 N.E.2d 598, 607. Deference to the trial court is appropriate because the court is in the best position to observe the parties and “ ‘thus, is able to assess and evaluate their temperaments, personalities, and capabilities.’ ” *Eckert*, 119 Ill. 2d at 330 (quoting *Gallagher v. Gallagher*, 60 Ill. App. 3d 26, 31, 376 N.E.2d 279, 283 (1978)). It is not the function of a court of review to reweigh the evidence. *In re Marriage of Elliott*, 279 Ill. App. 3d 1061, 1065-66, 665 N.E.2d 883, 887 (1996).

¶ 38 In this case, the trial court determined removal was not in T.B.’s best interest. The record reflects the court considered the relevant statutory factors and properly weighed the evidence. We find that its decision was not against the manifest weight of the evidence.

¶ 39

A. Reasons For the Intended Relocation

¶ 40

First, the trial court considered the circumstances and reasons for the relocation to Iowa. 750 ILCS 5/609.2(g)(1) (West 2016). It found Breann's relocation was motivated by Chad Eichen's new employment in Iowa and the attendant increase in salary. The court stated, in pertinent part, as follows:

“[W]ith respect to *** the circumstances and the reasons for the intended relocation, there's no doubt *** it's because your husband got a job; he's making thirty-five or thirty-seven thousand dollars a year, and now he's making a hundred and twenty thousand dollars a year[.] *** I understand that he's maintained this other business. *** [H]e says he puts all the money back into the business. I don't know if that means that he puts a hundred thousand dollars a year back into the business or takes losses on it every year; I have no idea on that, but there's no dispute that his salaried income has increased significantly, and I have to consider *** that's a huge jump. There is no way around it that thirty-seven thousand dollars a year to a hundred twenty thousand dollars a year doesn't [*sic*] impact [T.B.]. *** I heard no evidence as to whether there's other employment opportunities for Chad here in Illinois. I don't know the answer to that, but when I look at the circumstances and the reasons for the intended relocation, the majority of those reasons that were presented was because of this increase in salary.”

¶ 41

Breann contends that the trial court did not weigh this factor in her favor and instead, “weighed it against her based on inappropriate considerations.” We find no indication in the court's statement supporting Breann's contention. It appears that the court clearly recognized

the benefit of the increased income for Chad as it related to the family and T.B. The court stated that “there’s no doubt” the reason behind the intended relocation was Chad’s “huge jump” in salary. The court further stated that “[t]here is no way around it that thirty-seven thousand dollars a year to a hundred twenty thousand dollars a year doesn’t [*sic*] impact [T.B.]” Thus, the record does not support Breann’s contention that it weighed this factor against her.

¶ 42 B. Reasons For Objecting to Relocation

¶ 43 Second, the trial court considered Brandon’s reasons for objecting to removal. 750 ILCS 5/609.2(g)(2) (West 2016). The court found that Brandon objected to the relocation based on legitimate concerns that he would enjoy less quality time with T.B. and be unable to attend his extracurricular activities.

¶ 44 The trial court’s finding is supported by the record. Brandon testified that he sees T.B. “once or twice during the week,” he regularly attends T.B.’s sports practices and games, and he looks forward to seeing T.B. every week. If T.B. relocated to Iowa, Brandon would no longer see T.B. as frequently and it is doubtful he could attend T.B.’s extracurricular activities as he does now. Accordingly, the court’s factual findings as to Brandon’s motivation for objecting to the relocation were not against the manifest weight of the evidence.

¶ 45 C. The History and Quality of Each Parent’s Relationship with the Child

¶ 46 Third, the court considered the history and quality of each parent’s relationship with T.B. and whether either parent had substantially failed or refused to exercise parental responsibilities. 750 ILCS 5/609.2(g)(3) (West 2016). The court stated, in pertinent part, as follows:

“The next factor is the history and the quality of each parent’s relationship with

the child and whether they failed or refused to exercise parental responsibilities allocated to them under the current parenting plan or current allocation judgment. We all know there is no current allocation judgment; there is no current parenting plan. You guys have been model parents for [T.B.]. You guys have done an amazing job with him. Sounds like an awesome kid. He sounds like a well[-] balanced kid, and sure, Ma'am, I worry that if you do decide to move to Iowa, will he still do as well in school. I don't know that. Only time will tell. I know if you stay here, he will continue to do as well. *** I have no doubt that you've done a really good job with his education, a really good job with his medical, but I've also heard evidence to suggest that [Brandon] can do it, that he was sick for that period of time and he did do the homework ***. I don't know how often the book bag goes back and forth, but I didn't hear any evidence that suggested that [T.B.'s] educational opportunities will be hampered if [Brandon] is placed in charge of that.”

¶ 47 Breann argues that the trial court speculated as to Brandon's ability to assume the role of caretaker. She further argues that Brandon exaggerated the time he spent with T.B. The trial court was in the position to hear the testimony of the witness and assess credibility. See *Eckert*, 119 Ill. 2d at 330 (quoting *Gallagher*, 60 Ill. App. 3d at 31). (Deference to the trial court is appropriate because the court is in the best position to observe the parties and “ ‘thus, is able to assess and evaluate their temperaments, personalities, and capabilities.’ ”). While the court noted that Breann has been primarily responsible for taking T.B. to doctor appointments and helping him with his homework, the evidence also established that Brandon has assisted. The evidence

established that Brandon has been an involved father and has participated in caring for T.B. on a regular basis. He has coached T.B.'s T-ball team, taken him to wrestling meets, attended soccer and basketball events, and regularly exercised his visitation rights. Accordingly, we cannot say the court's factual findings with respect to each parent's history and relationships with T.B. were against the manifest weight of the evidence.

¶ 48 D. Educational Opportunities

¶ 49 The fourth factor the court considered relates to the educational opportunities available to T.B. in Illinois and Iowa. 750 ILCS 5/609.2(g)(4) (West 2016). The trial court noted that the majority of the evidence regarding the educational opportunities in Iowa related to the high school and not the elementary school. The court further explained that "[T.B.] is not a kid that has special needs" and the school in Iowa would not be "that much *** better" than the school in Illinois. The court noted that "[h]e's going to do well wherever he goes." Indeed, both Breann and Brandon testified that T.B. was intelligent and would excel academically no matter where he attended school. Accordingly, the court's findings with respect to T.B.'s education were not against the manifest weight of the evidence.

¶ 50 E. Extended Family

¶ 51 The fifth factor, for purposes of determining whether relocation is appropriate, is the presence or absence of extended family. 750 ILCS 5/609.2(g)(5) (West 2016). The trial court stated, in pertinent part, as follows:

"Extended family *** certainly weighs in favor of denying the relocation, and that weighs heavily on the [c]ourt. I think that extended families come in all shapes and sizes, and [T.B.'s] relationship with his extended family is of the

utmost importance. That's helped shape him; in large part that's helped shape the boy he's become. I don't think anyone can deny that he has a good relationship [with extended family.] *** [H]e has a large extended family. Everyone is in this area. That certainly weighs *** heavily in favor of the [c]ourt's decision not to remove him."

¶ 52 We find that the trial court did not err in concluding that the presence of extended family in Illinois weighed in favor of denying the petition for removal. Brandon testified that his mother, brother, uncle, father, stepfather, and Breann's family reside in central Illinois and visit with T.B. regularly. Brandon testified that they are available to assist with T.B. and have done so in the past. Brandon's mother testified that she lives near Brandon's home and she has babysat at the request of both Brandon and Breann. She further testified that if T.B. relocated to Iowa, it would most likely diminish her time with T.B. because she would not want to interfere with Brandon's limited time with him. There was also testimony regarding the special bond between T.B. and his stepbrother, P.C. Brandon testified that they see each other on a weekly basis and described the boys as "inseparable." We do not find any error in the court's factual findings regarding T.B.'s extended family.

¶ 53 F. The Anticipated Impact of the Relocation On the Child

¶ 54 The sixth factor the court considered was the anticipated impact of the relocation on T.B. 750 ILCS 5/609.2(g)(6) (West 2016). The court found that the anticipated impact of the relocation would be significant. The court explained that being in a different community would "change [T.B.'s] relationship with that parent." The court noted that Chad testified to the change in his relationship with his own son, S.E., which resulted from him having only alternate

weekends together with S.E. while Breann commuted between Iowa and Illinois. The court reasoned that T.B.’s relocation to Iowa would have a similar impact on his relationship with Brandon.

¶ 55 Breann contends the trial court did not consider that the “increase in household income” would consequently improve T.B.’s quality of life. We disagree. The court acknowledged at the outset that the improvement in Breann and Chad’s financial circumstances would undoubtedly impact T.B. favorably. However, sufficient evidence established that T.B.’s close relationship with Brandon—whom he routinely visited each week—would be adversely impacted by reducing the frequency of his visits with Brandon.

¶ 56 Further, Breann argues “that the interests of the custodial parent should not be automatically subordinated to those of the noncustodial parent in a removal action.” See *In re Marriage of Collingbourne*, 204 Ill. 2d 498, 528, 791 N.E.2d 532, 548 (2003). However, there is no indication that the trial court subordinated Breann’s interests to Brandon’s. To the contrary, in its oral ruling, the trial court repeatedly acknowledged that Breann had made sacrifices and was an excellent parent to T.B. Further, as noted, the decision of whether to allow or deny a request for removal “must be made on a case-by-case basis, depending, to a great extent, upon the circumstances of each case.” *Eckert*, 119 Ill. 2d at 326. In this case, the court emphasized T.B.’s extensive family network in Illinois and his close relationship with Brandon, ultimately concluding that it was in T.B.’s best interest to remain in Illinois. We cannot say the court’s determination that relocating to Iowa would negatively impact T.B. was against the manifest weight of the evidence.

¶ 57 G. Reasonable Allocation of Parental Responsibilities

¶ 58 The seventh factor to be considered is whether the trial court will be able to fashion a reasonable allocation of parental responsibilities between the parents if relocation occurs. 750 ILCS 5/609.2(g)(7) (West 2016). Here, the court found that Breann’s proposed visitation schedule was not reasonable.

¶ 59 Breann argues that the court overemphasized T.B.’s athletic pursuits at the expense of time with his parents. We disagree. Nothing in the record indicates that the court considered T.B.’s ability to participate in athletics was dispositive. To the contrary, the court specifically noted that “[T.B.’s] relationship with his parents [is] more important than any extracurricular ***.” The court properly considered T.B.’s interest in athletics and the impact that the proposed increase in travel time would have on his ability to attend athletic events.

¶ 60 Further, as stated, the evidence established that Brandon has been a constant and important figure throughout T.B.’s life. While Breann’s proposed visitation schedule would allot extra time to Brandon during the summer to compensate for reduced visitation time throughout the school year, the trial court found it did not adequately compensate for the midweek visits Brandon currently enjoys with T.B. The court’s findings regarding a reasonable visitation schedule were not against the manifest weight of the evidence.

¶ 61 H. Wishes of the Child

¶ 62 The eighth factor to be considered involves the wishes of the child. 750 ILCS 5/609.2(g)(8) (West 2016). The parties agree no such evidence was presented and that the wishes of the child were a nonfactor in this case.

¶ 63 I. The Exercise of Parental Responsibilities Appropriate to the Parents’ Resources

¶ 64 The ninth factor the trial court must consider relates to the “possible arrangements

for the exercise of parental responsibilities appropriate to the parents' resources and circumstances and the developmental level of the child." 750 ILCS 5/609.2(g)(9) (West 2016).

¶ 65 Here, the trial court noted that Breann has an infant while Brandon has a two-year-old, P.B., to care for in addition to T.B. The court found that Breann's "resources and circumstances make it a little bit easier for [her] to do some of the travel." This finding is supported by the record. Breann testified to the significant bump in her family's financial circumstances. She also stated that she has a more flexible schedule and works between 20 to 25 hours each week. Brandon testified that he works 40 hours each week and it is difficult for him to miss work. Accordingly, we cannot say the court's findings that Breann has the more flexible schedule and a greater ability to travel were against the manifest weight of the evidence.

¶ 66 J. Minimization of Impairment to the Parent-Child Relationship

¶ 67 The tenth factor the trial court must consider is the minimization of the impairment to a parent-child relationship caused by a parent's relocation. 750 ILCS 5/609.2(g)(10) (West 2016). Here, the court stated as follows:

"[T]he last statutory factor is the [minimization] of the impairment to a parent-child relationship caused by the relocation[.] *** I do think that [T.B.] has an extraordinary relationship with his father. He's not a weekend dad. He has something more than that with his father, and I'm not saying that [T.B.] does not have that relationship with you, Ma'am. Again, if I was deciding the allocation of parental decision-making and parenting time, [Brandon] concedes that that should be with you, but it should be with you here in Illinois[.] *** I think that you have done an amazing job raising him. I just don't think that removal is in his best

interest.”

¶ 68 There is no question Breann has always been T.B.’s primary caregiver. The trial court recognized that Breann had done an “amazing” job raising T.B. However, the court also considered that Brandon is “not a weekend dad” and he has an “extraordinary” relationship with T.B. The court, in considering this factor, concluded that remaining in Illinois was in T.B.’s best interest. This finding was not against the manifest weight of the evidence.

¶ 69 We find the trial court properly weighed the evidence and its factual findings are supported by the record. The evidence in this case does not clearly warrant an opposite result. The court’s finding that removal is not in T.B.’s best interests was not against the manifest weight of the evidence.

¶ 70

III. CONCLUSION

¶ 71 For the reasons stated, we affirm the trial court’s judgment.

¶ 72 Affirmed.