

NOTICE

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2019 IL App (4th) 180747-U

NO. 4-18-0747

FILED
March 26, 2019
Carla Bender
4th District Appellate
Court, IL

IN THE APPELLATE COURT
OF ILLINOIS
FOURTH DISTRICT

<i>In re</i> MARRIAGE OF)	Appeal from the
TIMOTHY C. EDGAR,)	Circuit Court of
Petitioner-Appellee,)	Coles County
and)	No. 08D55
DAYSE BRENES VILLELA, f/k/a DAYSE)	
EDGAR,)	Honorable
Respondent-Appellant.)	Mitchell K. Shick,
)	Judge Presiding.

JUSTICE HARRIS delivered the judgment of the court.
Justices Steigmann and Cavanagh concurred in the judgment.

ORDER

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

¶ 2 Respondent, Dayse Brenes Villela, f/k/a Dayse Edgar, filed a petition to relocate, seeking to relocate with the parties’ minor child to Pennsylvania. Timothy C. Edgar, the child’s father, opposed the relocation. In October 2018, the trial court denied the petition to relocate. Dayse 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 Dayse and Timothy are the parents of M.B. (born September 3, 2005). In May 2008, the parties were divorced. As part of the divorce decree, Dayse was granted physical

custody of M.B. The parties entered into a joint-visitation agreement that provided Timothy with parenting time on alternating weekends and one week of visitation in the summer. In May 2018, Dayse filed a petition to relocate with M.B. to Pennsylvania. Timothy subsequently filed a petition to modify parenting time and significant decision-making authority. We address the issues only as they relate to Dayse's petition to relocate.

¶ 5 On October 10, 2018, the trial court held a hearing on the parties' petitions and conducted an *in camera* interview with M.B., who was 13 years old at the time. M.B. expressed a desire to relocate to Pennsylvania. He told the court that he was looking forward to visiting historic sites in Pennsylvania. M.B. described his interest in sports and explained that he had contacted schools on his own in order to learn about the extracurricular opportunities in Pennsylvania. He noted that the schools in Pennsylvania had "a lot more activities."

¶ 6 M.B. explained that he saw his father every other weekend. M.B. stated that he watched football games at Timothy's house and they would play cards and basketball together. M.B. noted that Timothy's home had various plumbing issues and a door was missing from one of the bathrooms. He stated that "[m]ost of the time" Timothy would gather rain in a bucket and "that's what he usually does for my hair." He also told the court that Timothy used a bucket to flush one of the toilets in the house. He acknowledged that Timothy would miss him if he moved to Pennsylvania but "he has a phone." He told the court that if he remained in Illinois, he thought Dayse would "accept" it and "she's not going to be mad at [him] or anything."

¶ 7 M.B. told the court that Timothy made negative remarks about Dayse and called him a "baby" when he defended his mother. He stated that he received counseling after Timothy threatened his stepfather during M.B.'s drop-off for visitation at a police station, which is where

they routinely met for visitation exchanges.

¶ 8 With respect to friends and family in Illinois, M.B. explained that he frequently spent time with Dayse's close family friends, Terry and Priscilla Dean. M.B. referred to them as "grandma" and "grandpa." He explained that they were "always" at his house before Dayse left for work. He would sometimes eat breakfast at their home. Typically, Dayse would take M.B. to school but sometimes the Deans or Timothy would take him. He further stated that the Deans would take him to his after school programs and attend his sports games. He told the court that the Deans would visit him in Pennsylvania and "would like to come move if they could." M.B. noted that there was a period of time when he frequently spent time with some of Timothy's friends in Illinois but he no longer sees them. He also explained that he has school friends but no "best friends."

¶ 9 Dayse testified that she currently resides in Charleston, Illinois. In June 2016, she married Elmer Daniel Villela (Daniel) and they have one daughter together, S.V., who was born in July 2017. She stated that she was employed as a CNA at a health center with the title of "operating room assistant." She earned \$13.01 per hour and she had health insurance through her employer but it did not cover M.B. She testified that she researched and found 30 job openings in Pennsylvania but she had not applied for any of them.

¶ 10 She explained that, after she met Daniel, he moved from Pennsylvania to Illinois to be with her. While in Illinois, Daniel worked for various restaurants and a hotel. Dayse testified that Daniel had difficulty maintaining employment because "he is an illegal immigrant." She stated that Daniel's rate of pay in Charleston, Illinois, was around \$8.50 per hour and it was "not enough to support a family." She explained that Daniel eventually returned to his former

employer in Pennsylvania, Joe's Pizza, where he earned "\$950 a week after taxes." She stated that they would no longer have "two *** sets of household bills" if she moved to Pennsylvania. She further testified that Daniel previously lived in Pennsylvania for thirteen years and had one cousin there.

¶ 11 Dayse stated that the schools in Pennsylvania had more extracurricular activities for M.B. She testified that the schools in Pennsylvania offered music classes, tennis, volleyball, basketball, and football.

¶ 12 Dayse explained that M.B. enjoyed sports and he had been on a football team the previous year. She acknowledged that Timothy attended M.B.'s sports events. She noted one occasion when Timothy had "an argument" with one of the coaches and it "upset" M.B. She further stated that Timothy had another confrontation at a football game where he called the Deans "names like goofy."

¶ 13 She testified that the Deans had "been like [her] adopted foster family." She explained that they regularly attended M.B.'s football, basketball, and baseball practices.

¶ 14 Dayse further testified that she had tried to obtain two orders of protection against Timothy but only one was granted in 2016 after Timothy yelled and "c[a]me close to [her] face" during a drop-off exchange at the police station. She stated that Timothy also pushed Daniel during the incident.

¶ 15 Dayse stated that if she relocated to Pennsylvania with M.B., she would offer Timothy extended visitation time during the summer and holidays. She testified that, under the current arrangement, Timothy had "52 overnights a year." She stated that Timothy missed some of those overnights when he traveled to Guatemala for missionary trips. He travels there "once a

year if he can” and he will only miss one or two weekends with M.B. She acknowledged that, otherwise, M.B. typically “goes with his dad every other weekend,” “[h]e loves his dad,” and she would like them to “continue to have a relationship” if the petition to relocate to Pennsylvania is granted.

¶ 16 Timothy testified that he resides in Hindsboro, Illinois. He stated that he owns five properties “that are paid off, so I’m truly blessed.”

¶ 17 He testified that he owned a house that was 12 miles from Charleston, Illinois, where M.B. lived with Dayse. Timothy testified that, although M.B. did not have his own bedroom at his house, M.B. would typically sleep in Timothy’s king-size bed while Timothy slept in a chair. He acknowledged that his house had some plumbing issues and there were a “couple” times when he had to “bring in a bucket of water” to “flush the toilet” but that lasted “[m]aybe a week.” He stated that he fixed the plumbing issues and “the water is working fine now.”

¶ 18 Timothy testified that he had a “wonderful” relationship with M.B. He stated that they played football, baseball, and basketball together. They would also play cards and chess. He stated that, on weekends, they ride bicycles “all around Hindsboro.”

¶ 19 Timothy stated that he attended M.B.’s sports events and practices, and he even coached M.B.’s baseball team. He acknowledged that there was an occasion where he “raised [his] voice” to a head coach on the team and “told him he needed to get off his ego.” He testified that M.B. was understanding about the incident after they discussed it and M.B. told him, “Poppy, you know, everything is cool.”

¶ 20 Timothy further testified M.B. would tell him he “d[id]n’t need any school

supplies” and he received clothes as gifts, so Timothy generally did not contribute beyond his child support payments. Timothy acknowledged that he did not provide health insurance for M.B. despite a court order requiring him to do so because he lost his insurance when he “stepped away from [his] [prior] job *** with Walmart to take care of [his] mother full-time.” He testified that he was never notified of any medical bills but “[a]nytime they need [it] [he] will be there.”

¶ 21 When asked whether he objected to the relocation because he would no longer see his son every other weekend, Timothy responded, “Yes, ma’am. I wouldn’t see him much at all ***.” Under the current visitation agreement, he saw M.B. “[e]very other weekend, every other holiday, Father’s Day, [and] one week in the summer.” He testified that in the last two years he only missed “one weekend” of scheduled parenting time due to his missionary work. Timothy testified that he was “opposed to the relocation because there’s no way [he] would be able to have [his] son every other weekend living in a place that’s 700 miles away ***.”

¶ 22 The trial court denied Dayse’s petition to relocate, concluding that relocation was not in M.B.’s best interests.

¶ 23 This appeal followed.

¶ 24 **II. ANALYSIS**

¶ 25 Dayse argues on appeal that the trial court’s denial of her petition for relocation was against the manifest weight of the evidence. She contends that the court erred in its evaluation of the statutory relocation factors.

¶ 26 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.”

¶ 27

The parent seeking relocation has the burden of proving, by a preponderance of

the evidence, that it is in the child's best interests. *In re Marriage of Tedrick*, 2015 IL App (4th) 140773, ¶ 49, 25 N.E.3d 1233, 1238. “[A] best interests determination ‘cannot be reduced to a simple bright-line test’ and *** a ruling on the best interests of a child ‘must be made on a case-by-case basis, depending, to a great extent, upon the circumstances of each case.’ ” *In re Marriage of Fatkin*, 2019 IL 123602, ¶ 32, ___ N.E.3d ___ (quoting *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.” *Eckert*, 119 Ill. 2d 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. 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).

¶ 28 In this case, the trial court determined that relocating to Pennsylvania was not in M.B.’s best interests. We find that the court properly considered the relevant statutory factors and its decision was not against the manifest weight of the evidence.

¶ 29 A. Reasons for the Intended Relocation

¶ 30 First, the trial court considered the circumstances and reasons for the relocation to Pennsylvania. 750 ILCS 5/609.2(g)(1) (West 2016). The court determined that Dayse wanted to “keep her family together” and rejoin her husband, Daniel, who had recently moved to Pennsylvania for a new job. Dayse does not challenge the court’s findings with respect to this factor.

¶ 31

B. Reasons for Objecting to Relocation

¶ 32 Second, the trial court considered Timothy's reasons for objecting to the intended relocation. 750 ILCS 5/609.2(g)(2) (West 2016). The court stated that Timothy's objection to the relocation was based on a legitimate concern that he would not be "involved with his son on a more regular basis." Dayse contends that Timothy was not regularly involved in M.B.'s life. She argues that they only text "once a month" and they have negative interactions.

¶ 33 The trial court's findings are supported by the record. Timothy testified that he sees M.B. on alternating weekends, attends M.B.'s sporting events, and coaches his baseball team. Even if Timothy has some negative interactions with M.B., as Dayse claims, that does not appear to be indicative of Timothy's overall relationship and involvement with M.B. And, as the trial court explained, the relocation to Pennsylvania would "change[] the dynamic" between Timothy and M.B. because they would no longer see each other throughout the year and their visits would be reduced to "some time in the summer" and "every other Christmas." We find that the court's factual findings as to Timothy's basis for objecting to the relocation were not against the manifest weight of the evidence.

¶ 34 C. The History and Quality of Each Parent's Relationship With the Child

¶ 35 Third, the trial court considered the history and quality of each parent's relationship with M.B. and whether either parent had substantially failed or refused to exercise parental responsibilities. 750 ILCS 5/609.2(g)(3) (West 2016). Dayse argues that Timothy substantially failed to exercise his parental responsibilities because he missed periods of parenting time during his mission trips to Guatemala and, even when Timothy did spend time with M.B., there was "tension" between them.

¶ 36 The trial court found that M.B. had a “close and loving relationship” with both of his parents. While the court acknowledged that Timothy and M.B. had some “tension,” the court found it was primarily due to the relocation proceedings. With respect to his exercise of parental responsibilities, Timothy testified that in the last two years he has missed only “one weekend” of scheduled visitation time due to his missionary work in Guatemala. Missing one weekend of visitation time is not, as Dayse contends, a “substantial” failure to exercise parental responsibilities. We cannot say the court’s factual finding with respect to Timothy’s exercise of his parental responsibilities was against the manifest weight of the evidence.

¶ 37 D. Educational Opportunities

¶ 38 The fourth factor the trial court considered relates to the educational opportunities available to M.B. in both Illinois and Pennsylvania. 750 ILCS 5/609.2(g)(4) (West 2016). The court found no evidence that the schools in Illinois were “any worse or of a lesser quality” than the schools in Pennsylvania. Dayse contends the court failed to adequately consider the educational opportunities in Pennsylvania.

¶ 39 There was testimony that Dayse contacted the schools in Pennsylvania and learned that they generally offered music classes, tennis, volleyball, basketball, and football. However, as the trial court noted, there was no evidence presented that the schools in Illinois were of “any worse or of a lesser quality” than those in Pennsylvania. Accordingly, the court’s finding with respect to M.B.’s educational opportunities was not against the manifest weight of the evidence.

¶ 40 E. Extended Family

¶ 41 The fifth relocation factor to be considered is the presence or absence of extended

family. 750 ILCS 5/609.2(g)(5) (West 2016). The trial court stated that there “really isn’t extended family *** in Pennsylvania” apart from “[m]aybe a cousin of stepdad” with whom M.B. had no contact. In Illinois, Timothy had “friends” and “church family.” The court emphasized the significant relationship M.B. had with Dayse’s close family friends, Terry and Priscilla Dean, who reside in Illinois. The court stated that M.B. “talks very fondly of them” and refers to them as “grandpa and grandma.” The court noted that the Deans took M.B. to after-school programs, attended M.B.’s sporting events, took him to school, and were even present in court for the relocation hearing. The court found that “pulling [M.B.] from this community” would be “another negative.” Dayse contends that, in weighing this factor, the court “improperly expanded the definition of family to include close friends.”

¶ 42 Based on the evidence here, it is evident that the Deans have played a significant role in M.B.’s life. As stated, the close nature of their relationship is demonstrated by M.B.’s reference to the Deans as “grandma” and “grandpa.” Further, the evidence showed that the Deans have provided support on a consistent basis, taking M.B. to school and extracurricular activities. Although the Deans are not “family” in the technical sense, we do not consider it error for the trial court to have weighed their involvement when it could consider “any other relevant factors bearing on the child’s best interests.” 750 ILCS 5/609.2(g)(11) (West 2016). Accordingly, we cannot say the court improperly considered the close relationship between the Deans and M.B. as a factor bearing on his best interests.

¶ 43 F. The Anticipated Impact of the Relocation on the Child

¶ 44 The sixth factor the court considered was the anticipated impact of the relocation on M.B. 750 ILCS 5/609.2(g)(6) (West 2016). The court found that the relocation would cause

“alienation” between Timothy and M.B. because it would prevent Timothy from being “involved as much as possible in [M.B.’s] life ***.” Dayse argued that the court failed to consider the positive impact of relocation on M.B., including the benefits of living in a two-parent household and the opportunity to visit historic sites in Pennsylvania.

¶ 45 Contrary to Dayse’s assertions, the trial court acknowledged that relocation would “keep [Dayse’s] family together.” We also find that, to the extent it is relevant here, the court acknowledged M.B.’s interest in visiting the historic sites located in Pennsylvania. Clearly, the court did not fail to consider the potential benefits of the relocation; rather, the court simply gave more weight to the negative consequences that would result to M.B.’s relationship with Timothy. Accordingly, the court’s findings regarding the impact of the relocation were not against the manifest weight of the evidence.

¶ 46 G. Reasonable Allocation of Parental Responsibilities

¶ 47 The seventh factor to be considered is whether the trial court would 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). The court noted Dayse’s proposal of extending Timothy’s visitation time during the summer and every other Christmas, finding it would not adequately compensate for the reduction in visitation time during the school year. The court expressed concern that the parties had a history of poor communication. The court also noted “issues” with phone communication that could potentially hinder Timothy’s ability to exercise his parental responsibilities if M.B. relocated to Pennsylvania. Dayse maintains that, under her proposed visitation schedule, Timothy would not experience a reduction in time with M.B.

¶ 48 Pursuant to the existing visitation schedule, Timothy sees M.B. on alternating

weekends throughout the year. The trial court noted that if M.B. relocated to Pennsylvania, he would be “731 miles away” and Timothy would only see him during extended periods over the holidays and summer. Timothy testified that he and M.B. did not have a “relationship [by] phone.” He testified that he typically saw M.B. in person and he had only missed “one weekend” of visitation time in the last two years. The court found that preventing Timothy from “seeing his son in person” for months would not be in M.B.’s best interest. We cannot say that the court’s findings in this regard were against the manifest weight of the evidence.

¶ 49 H. Wishes of the Child

¶ 50 The eighth factor to be considered involves the wishes of the child. 750 ILCS 5/609.2(g)(8) (West 2016). The trial court acknowledged that M.B. wished to relocate to Pennsylvania but noted that he appeared to be “an advocate for his mama” because he “knows that mom really wants to move with her husband to Pennsylvania ***.” Dayse argues that the trial court failed to adequately consider M.B.’s wishes.

¶ 51 The trial court acknowledged that M.B. “wants to be relocated” to Pennsylvania. The court observed that M.B. was mature for his age and noted his interest in visiting historic sites. However, as stated, the court also considered that M.B. appeared to be an “advocate” for Dayse. The court stated, in pertinent part, as follows: “while I don’t believe [Dayse] coached him *** I believe [M.B.] knows that [she] really wants to move with her husband to Pennsylvania[.] *** I think [M.B.] did the best job he could to put the best foot forward for his mom***.” The court noted that, although M.B. has a “close and loving” relationship with both of his parents, M.B. appeared to “undersell” his ties to Timothy and “advocate” for Dayse, which the court found to be “typical” behavior for a child.

¶ 52 Contrary to Dayse’s argument, we find the trial court adequately considered M.B.’s wishes in regards to a possible relocation to Pennsylvania.

¶ 53 I. Exercise of Parental Responsibilities in Light of Resources and Circumstances

¶ 54 The ninth factor for consideration 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). Dayse argues that the trial court failed to address this factor and consider Timothy’s testimony that he was “blessed” financially. Dayse maintains that Timothy can bear the travel costs to Pennsylvania and, thus, this factor weighed in favor of relocation.

¶ 55 Although the trial court did not specifically address Timothy’s financial circumstances, there is no requirement that it do so. See *In re Marriage of Hefer*, 282 Ill. App. 3d 73, 79, 667 N.E.2d 1094, 1099 (1996) (“The trial court is not required to make specific findings regarding each *** factor as long as evidence was presented from which the court could consider the factors prior to making its decision.”); see also *In re Marriage of Berk*, 215 Ill. App. 3d 459, 464, 574 N.E.2d 1364, 1367 (1991) (“The fact that the court did not list specifically the impact on *** quality of life *** does not mean that the court did not consider it.”). Further, even if Dayse is correct that Timothy has the financial resources to travel to Pennsylvania, that does not necessarily establish he can do so consistently and over the course of several years to the extent necessary to maintain a relationship with M.B. In addition, it seems apparent that Timothy and Dayse’s history of poor communication and cooperation would not be conducive to Timothy’s exercise of parental responsibilities if M.B. moved over 700 miles away to Pennsylvania. Accordingly, we cannot agree that this factor weighs in favor of relocation.

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

¶ 57 The tenth factor is the minimization of impairment to a parent-child relationship caused by a parent's relocation. 750 ILCS 5/609.2(g)(10) (West 2016). The trial court concluded that it was in M.B.'s best interest to have "a close relationship with both his parents, that both his parents be involved as much as possible in his life, and a move to Pennsylvania would prohibit that ***." Dayse argued that the relocation would not impair the relationship between M.B. and Timothy. She contends that having longer periods of visitation time between M.B. and Timothy to compensate for the diminished frequency in contact would actually foster their relationship rather than causing an impairment.

¶ 58 In support of her position, Dayse cites *In re Marriage of Collingbourne*, 204 Ill. 2d 498, 534, 791 N.E.2d 532, 551 (2003), for the proposition that "[a] longer, uninterrupted period of visitation time *may* foster a more meaningful relationship***." (Emphasis added.) In that case, the mother petitioned the trial court to remove her then 10-year-old son from Illinois to Massachusetts so that she could join her fiancé who operated a business in Massachusetts. *Id.* at 501. She proposed a visitation schedule that allotted longer visitation periods to the father during the child's breaks in school. *Id.* at 508-09. The father objected to the relocation based on his concern that separation from the child's family in Illinois would be detrimental. *Id.* at 503. The trial court ultimately granted the petition. *Id.* at 515. On appeal, the court concluded that removal was in the child's best interest. *Id.* at 536. In reaching this conclusion, the court noted that in the past the parents had "cooperated" with each other, the proposed visitation time would be "approximately equivalent to that under the old arrangement," and the mother indicated she would "pay for long distance phone calls" so that the father could maintain "regular contact"

between visits. *Id.* at 531-34. The court found that this visitation arrangement would not adversely impact the quality of the father-son relationship. *Id.* at 533. While the court noted that a “longer, uninterrupted period of visitation time may foster a more meaningful relationship between father and son,” the court emphasized that this would not compensate for a “quantitative change” in visitation in all cases. *Id.* at 533-34.

¶ 59 Notably, the court cautioned that “a proposed visitation schedule which provides a noncustodial parent with the same number of visitation days as under the prior visitation arrangement does not automatically lead to the conclusion that the quality of the visitation between the child and the noncustodial parent will also be the same.” *Id.* at 533. The court explained that it was necessary to “not only evaluate the quantitative change in visitation” but also “carefully assess the qualitative difference in visitation.” *Id.*

¶ 60 Here, unlike *Collingbourne*, the parties have a history of poor communication and cooperation while residing in the same state, thus making it unlikely that they would have the ability to cooperate long distance and minimize impairment to the quality of the relationship between Timothy and M.B. Indeed, the record reveals that Timothy and Dayse routinely meet at the police station to exchange M.B. for visitation. Timothy testified to issues with maintaining phone contact with M.B., stating that they have “never had a relationship [by] *** phone.” The trial court noted that the relationship between M.B. and Timothy had been strained due to the relocation proceedings. The trial court found that it was in M.B.’s best interest to have “a close relationship with both his parents, that both his parents be involved as much as possible in his life, and a move to Pennsylvania would prohibit that ***.” We cannot say this finding was against the manifest weight of the evidence.

¶ 61 K. Other Relevant Factors Bearing on the Child's Best Interests

¶ 62 In addition to the other enumerated statutory factors, the trial court may consider “any other relevant factors bearing on the child’s best interests.” 750 ILCS 5/609.2(g)(11) (West 2016). Dayse argued that the trial court failed to consider the living conditions in Timothy’s home. Specifically, she noted issues with the plumbing and that M.B. did not have his own bedroom at Timothy’s home. However, the record reflects the trial court considered the testimony regarding the condition of Timothy’s home and found the plumbing issues only occurred for “one or two” weekends. The court also found that, although M.B. did not have his own bedroom, he typically slept in Timothy’s room or “crash[ed] on the floor watching TV with dad” and this was “a bonding experience if anything else.”

¶ 63 Further, Dayse argued the trial court failed to consider an order of protection against Timothy and negative remarks he made about Dayse while in the presence of M.B. Again, the record does not support Dayse’s assertions. The trial court acknowledged Timothy’s “name calling,” that he can “come across” in a “forceful” way, and he “need[ed] to work on” it. The court also noted the previously entered order of protection but that it was no longer in effect and was not an issue addressed at the time of the relocation hearing.

¶ 64 Finally, Dayse argued the trial court failed to consider Timothy’s lack of financial contributions beyond child support and his failure to maintain health insurance for M.B. We disagree. The court acknowledged that Dayse had been bearing the burden of paying M.B.’s medical expenses but “no one ha[d] filed a [p]etition [against] dad [regarding] *** [his] insurance [obligation].” The court also found that “dad hasn’t been paying [medical expenses] because dad hasn’t been notified of it. *** In fact, dad testified that if he’s told about it, he will

