

APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, SECOND DIVISION

In re Marriage of Brown

2026 IL App (1st) 242009 · No. 1-24-2009 · Decided August 4, 2026

SUMMARY

The Illinois Appellate Court affirmed the denial of Jennifer Brown’s petition to designate her as the custodial parent for school purposes. The court held that the parties had designated Brian Sontag through their conduct as the parent whose address would be used for school enrollment, and that section 602.5 of the Illinois Marriage and Dissolution of Marriage Act did not apply. The court further concluded that changing the designation to enroll the child in a different school would require a modification proceeding under section 610.5.

CASE DETAILS

COURT	Appellate Court of Illinois, First District, Second Division
WRITING FOR THE COURT	Justice D.B. Walker; Presiding Justice Van Tine; Justice Ellis
JURISDICTION	Illinois
DECIDED	August 4, 2026
DOCKET	1-24-2009
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jennifer Brown appealed the Circuit Court of Cook County's denial of her petition to designate her as the custodial parent for school purposes and the court's related rulings excluding her proposed expert testimony and limiting evidence.
STANDARD OF REVIEW	De novo review applies to interpretation of a parenting agreement because it presents a question of law. The appellate court otherwise reviewed the circuit court's rulings on the petition and evidentiary matters under the applicable deferential standards, although no separate standard was expressly articulated for each ruling.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jennifer Brown, formerly known as Jennifer Sontag v. Brian Sontag

TOPICS

- family law procedure
- child custody
- statutory interpretation
- contract interpretation
- appellate procedure

PRACTICE AREAS

family law

contracts

appellate procedure

QUESTIONS PRESENTED

1. Whether the parties' conduct under the allocation judgment established Brian as the custodial parent or address of record for school purposes.
2. Whether section 602.5 of the Illinois Marriage and Dissolution of Marriage Act required the circuit court to apply a best-interests analysis when deciding Jennifer's petition to designate a school custodian.
3. Whether Jennifer could obtain a change in the school-custodian designation and enroll the child in Wilmette schools without filing a modification proceeding under section 610.5.
4. Whether the circuit court erred in excluding Jennifer's proposed expert testimony and limiting evidence concerning the comparative benefits of Alcott and Wilmette schools.

HOLDINGS

1. The parties established through their conduct in 2019 that Brian was the custodial parent or parent whose address was used for school purposes, even though no separate written designation or court order memorialized it.
2. Section 602.5 was inapplicable because the parties had already agreed on the school-purpose designation; the court therefore was not required to make a new designation under the best-interests standard.
3. A change from Brian's established school-custodian designation to Jennifer's, for the purpose of enrolling the child in Wilmette schools, could be accomplished only through a petition to modify the allocation judgment under section 610.5.

KEY QUOTATIONS

“the designation is purely ministerial and has no bearing on either party’s rights under the Allocation Judgment.” (¶ 30)

“if Jennifer wants a court to determine whether the custodial designation should be changed from Brian to herself, because enrolling in Wilmette schools would be in the best interests of D.S., she should file a petition pursuant to section 610.5 of the Act seeking modification of the Allocation Judgment.” (¶ 43)

FACTUAL BACKGROUND

Jennifer Brown and Brian Sontag's 2016 dissolution judgment incorporated a parenting agreement providing equal parenting time and decision-making responsibilities and reserving a future designation of the child's address of record for school purposes. In 2019, both parents moved within the Alcott Elementary School district, agreed that the child would attend Alcott, and Brian used his address for enrollment; that address was used for six school years, including after Jennifer moved outside the district. Jennifer later moved to Wilmette and sought to enroll the child there, but Brian objected and mediation did not resolve the dispute.

PROCEDURAL HISTORY

The parties' 2016 judgment for dissolution incorporated an allocation judgment providing for shared parenting and later designation of an address of record for school purposes. After the parties used Brian's address to enroll their child at Alcott Elementary School for six years, Jennifer sought designation as the school custodian so she could enroll the child in Wilmette schools. The circuit court denied Brian's summary-judgment motion but later denied Jennifer's request for an evaluator, barred her proposed expert, limited evidence, and denied her petition after a hearing. The appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Marriage of Coulter, 2012 IL 113474, ¶ 19
- In re Marriage of Hendry, 409 Ill. App. 3d 1012, 1017 (2011)
- In re Marriage of Chez, 2013 IL App (1st) 120550, ¶ 17
- Midland Hotel Corp. v. Reuben H. Donnelley Corp., 118 Ill. 2d 306, 313-14 (1987)
- Bedford v. Bedford, 2024 IL App (2d) 230296-U, ¶ 8
- In re Myers, 2023 IL App (3d) 220375-U