



A CROSS LAW FIRM PLLC



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COOK COUNTY: DIVORCE w/Children – FREE White Paper

* Please note: This white paper does not constitute legal advice, only legal information and is not a substitute for legal representation. Depending on where you reside, the circumstances of your case, this white paper may not apply to your matter. Therefore, we always encourage you to seek counsel prior to proceeding on any course of legal action.



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INTRODUCTION

The initiation of a divorce or child custody action in Illinois can be stressful, confusing, expensive, and emotionally taxing on all parties involved, especially the children. It is common for parties to worry about whether they are picking the right attorney, or to be concerned with the timing or their chances for the best possible outcome in their matter. It can be difficult to understand the process of divorce and child custody, especially since each case is unique, and every family and every matter has different focuses and goals. However, there are a few commonalities in Cook County family law and divorce cases that involve children. It is our hope this white-paper provides you a bit of guidance on a few things you may need to expect.

METHODOLOGY

Although the order of these steps may vary depending on your case, there are a few things to expect when you are seeking a divorce and children are involved.

- 1) You may be expected to file an appearance, or if you are initiating a case you may be responsible for initiating the first complaint/pleading and will be responsible for ensuring the opposing party received formal notice of your complaint.
- 2) You may be expected to exchange financial affidavits and supporting financial documentation such as taxes, paycheck stubs. with the opposing side
- 3) You may be expected to respond to the Petition/Complaint within a certain period of time as determined in your summons.
- 4) You may be expected to schedule a court date and notify the other side, or if on the receiving end of the complaint, you may be expected to show up to the court date you receive notice of after filing your appearance.
- 5) You may be expected to complete and file a parenting plan, and complete a parenting course.
- 6) You may be ordered to attend mediation, or participate in another program that is meant to help provide a neutral space for you and the opposing party to put in your suggestions as to what the best plan for child visitation or custody would be.
- 7) If things get complex, a Guardian Ad Litem, or child representative may be appointed to your matter. (This is typically paid by the involved parties in a manner decided by the court)
- 8) You and opposing, if you are on amicable terms may come to an agreement on child issues or child support issues. Otherwise, further discovery may be needed (interrogatories, depositions, request to produce and/or subpoenas may be issued)
- 9) Hopefully, by this point, both parties have had the opportunity to gather the information they need to split marital resources, determine child support, determine "custody", and set up a parenting schedule/arrangement that best suits the child.
- 10) In the event parties cannot come to an agreement, the court may make a final determination, or the matter will proceed to pretrial/trial. Note: Trials are rare, but they do happen. Pretrials are more common and they can help save parties tens of thousands of dollars in attorney fees.

KEY FINDINGS

Key Findings #1



THE BIGGEST FACTOR IN RESOLUTION OF A CASE IS THE INTERPERSONAL RELATIONSHIP OF THE PARTIES INVOLVED.

RESOLUTIONS IN CASES THAT WOULD OTHERWISE BE SIMPLE TO REACH ARE MOST COMMONLY DUE TO THE PARTIES PERSONAL FEELINGS (ANGER, ANIMOSITY, OR RESIDUAL FEELINGS OF REJECTION.)

SOMETIMES, PEOPLE JUST HAVE A HARD TIME LETTING GO...OR SOMETIMES THERE IS A MORE SERIOUS REASON FOR ONE PARTY'S FEELINGS (PREVIOUS INSTANCES OF ABUSE OR NEGLECT OR FEAR OF SAFETY FOR THEMSELVES OR THE CHILDREN INVOLVED.

Key Findings #2



THE SECOND BIGGEST FACTOR IN THE RESOLUTION OF A CASE IS DEPENDENT ON THE SAKE OF THE CHILDREN OR DIVISION OF PROPERTY.

DISCOVERY IS ONE OF THE MOST EXPENSIVE, AND TIME CONSUMING PARTS OF A DIVORCE OR CHILD CUSTODY PROCEEDING.

IN ORDER TO GET A FULL PICTURE OF WHAT IS AT STAKE, DISCOVERY NEEDS TO HAPPEN OFTEN TIMES.

ALSO, IN CASES WHERE PARTIES CANNOT AGREE ON MATTERS REGARDING THE CHILD...THIS OFTEN LENGTHENS A CASE.

A GUARDIAN AD LITEM, OR CHILD REP HAS TO INTERVIEW PARTIES AND OFTEN TIMES THE CHILDREN AND SOMETIMES THERAPISTS AND OTHER DOCTORS BEFORE THEY CAN FORM AN INFORMED OPTION THAT WOULD BE HELPFUL TO THE COURT AND TO THE PARTIES.

Key Findings #3



THE THIRD, BUT IMPORTANT FACTOR TO CONSIDER IN A CASE IS THE COORDINATOR OF THE CALENDAR BETWEEN THE JUDGES, AND ANY ATTORNEYS WHO MAY BE INVOLVED.

JUDGES ARE BUSY PEOPLE, SOMETIMES A COURT DATE CAN TAKE UP TO A MONTH OR MORE BEFORE A JUDGE HAS TIME ON HIS OR HER CALENDAR.



CONCLUSION

The divorce and child custody process in cook county, Illinois, is not easy. Family law is never easy, but with an attorney who cares about you and your family, and who is abreast of the process, laws and complex issues involved in most family and divorce cases you may be well on your way to setting yourself up for the best case scenario in your matter.

Also, a little therapy can go a long way (both family and individual) :

Key Takeaways

- Retain a lawyer immediately if you feel it to be the best course of action in your matter. (the sooner the better)
- Seek an amicable resolution if possible
- Know the basics of what to expect, and stay strong for yourself and your little ones. Seek therapy if you think it would help.
- Be patient!