

Frequently Asked Questions in Illinois Divorce Cases

What is a no fault divorce?

In Illinois, one of the grounds for divorce is irreconcilable differences. The spouses have been living apart for two years, and there has been an irretrievable breakdown of the marriage. If the parties have been living apart for at least six months, they can waive the two-year requirement by filing a written stipulation of both spouses.

What is marital property?

Marital property means all property acquired by either spouse after the marriage, with some exceptions such as property acquired by gift, legacy, or descent.

If the Court awards alimony, how much do I get?

There is no set amount. It is based upon many factors including ability to work, age, health, standard of living during the marriage, spouse's income, duration of the marriage, and contributions and services by the party seeking maintenance to the education or career of the other spouse.

Is child support the same as alimony?

No.

How much child support is paid?

Illinois statutory guidelines provide: For one child 20 percent of the net income, two children 28 percent of net income, three children 32 percent of net income, four children 40 percent of net income, five children 45 percent of net income. The above guidelines shall be applied unless the court makes a finding that the guidelines would be inappropriate after considering the best interests of the child in light of evidence presented.

Is child support automatically deducted from my spouse's paycheck?

Yes, in many cases this is required.

Can I deny my husband visitation?

A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical, mental, moral or emotional health.

My spouse is an alcoholic or on drugs, how does this affect visitation?

The court can order "supervised" visitation. This means that someone over the age of 21 must accompany the spouse when he/she has visitation. He or she can be a relative, friend, professional or other party to help ensure a safe setting.

What does joint custody mean?

It means the sharing of the major decisions regarding the children, not the sharing of the children. The court requests the parents to produce a joint parenting agreement that specifies each parent's powers, rights and responsibilities for major decisions such as education, health care, and religious training and a procedure to resolve changes or disputes in the agreement.

What is an order of protection?

It is against the laws of Illinois for a household or family member to beat, harass, or intimidate you. It is a Court Order ordering an abuser to stay away from you and not communicate with you. It is designed to stop violent and harassing behavior and to protect you and your family from the abuser.

These are general statements, and not intended as legal advice. Each case is different, and has its own facts. An attorney can advise you about the circumstances of your particular situation. Law Offices of Paul Marcotte, 100 S. York Road, Elmhurst, IL 60126