

## Family Law Q&A

# What's the Best, Most Cost-Effective Way to Settle a Divorce, Support, or Custody Case?



photo: Aaron Gang

▲ Marilyn Longwell (l) and Ebony Thompson (r) listen to and answer client questions before discussing approaches.

### Q | *What are domestic relations / family law cases?*

A | Those include divorce, child support, parentage (formerly paternity) and custody (now called allocation of parental responsibility—decision making-- and parenting time).

### Q | *What is the best way to settle a case?*

A | Stop fighting. That sounds simple, but if you can come to an agreement rather than waging war, the case can be settled. This may mean simply sitting down together, working with the attorneys, or using a mediator with or without attorneys to come to an agreement.

### Q | *Do we need attorneys if we go to a mediator?*

A | You need an attorney to advise you and to handle the legal procedures. The mediator cannot do either. The mediator's job is only to help you come to an agreement. So it is important to know what you have a right to and what would be a fair agreement.

### Q | *Can we share one lawyer?*

A | No, it is against the ethical rules. Because each party has somewhat different interests and rights, one attorney cannot advise both.

### Q | *How can I keep costs down in my case?*

A | First, choose a lawyer who is interested in trying to resolve issues. Second, communicate with your lawyer, obtain the documents needed and organize information so your attorney doesn't waste a lot of time getting the information she needs. Lastly, talk to the other party to try to resolve as much as possible without needing motions and court hearings.

### Q | *Can I move away with my kids?*

A | A new statute requires that a parent with the majority of, or equal, parenting time who wants to move more than 25 miles (in Cook or the collar counties, 50 miles otherwise) to notify the other parent. If the other parent does not object they can move. Otherwise it requires court permission.

### Q | *How did the custody law change?*

A | The law no longer uses the term custody. The terms custody and visitation have been changed to "allocation of parental responsibilities" (meaning decision making) and parenting time. Decision making is broken down into the areas of medical, educational, religious and extra-curricular activities. These areas can be shared, divided or one parent can have all of them. Parenting time is simply the schedule for each party with the children.

### Q | *How is child support calculated now?*

A | The new child support law is very complicated but it was revised to consider the incomes of both parties and is referred to as "income shares." The new formula was created in an attempt to be fair to both parents. The court and most lawyers in this field have computer software designed to calculate child support.

### Q | *Did the alimony statute change recently?*

A | Yes. Alimony (now Maintenance) can be temporary, short term or "indefinite." Maintenance is not always awarded, depending on the ability of the parties to support themselves. Effective January 2016, the formula has been modified and a new law has passed to take into account the effect of the new federal tax law starting in January 2019. The guidelines, which are discretionary for the court, consider the incomes of both spouses as well as the length of the marriage.

### Q | *What is the best way to find a family law attorney?*

A | Ask people you know. There are also online lawyer websites like Avvo.com and Lawyers.com. Some sites list only lawyers who have paid for listing. Others have peer review ratings, meaning other attorneys have rated the ability and ethics of the lawyers listed by that company. Client reviews can be valuable resources as well. ✦

*For more information go to [longwell-law.com/faq](http://longwell-law.com/faq) or contact Ms. Longwell for a free initial consultation.*

**MARILYN F. LONGWELL** has practiced family law independently for over 30 years. She was specifically appointed to the Illinois Bar Association Family Law Section Council a decade ago. She speaks and writes about various family law issues. Ms. Longwell practices across Cook, DuPage, Lake, and Will counties.

**EBONY B. THOMPSON** has practiced family law for over 7 years. Coming from a military family, she understands the unique challenges of divorce for those in the service - especially working with DFAS. Ms. Thompson was recently a nominee for the National Black Lawyer's 40 under 40 in the State of Illinois.

### **MARILYN LONGWELL & ASSOCIATES**

111 West Washington St. | Suite 1625  
Chicago, IL 60602 | **tel. 312-263-4730**

1301 W 22nd Street | Suite 205  
Oak Brook, IL 60523 | **tel. 630-954-1480**  
(by appointment only)

► [www.longwell-law.com](http://www.longwell-law.com)