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necessary for your intended use. For example, other rights such as publicity, privacy, or moral rights may limit how you use the material. Seeking full custody of a child in Illinois can be a complex and nuanced process. In this blog post, we will explore the factors and considerations involved in obtaining full custody, or what is now referred to as
allocation of parenting time and decision making, in Illinois. While there is no checklist or guaranteed path to full custody, understanding the key elements and legal framework can help parents navigate the process more effectively. Understanding Allocation of Parenting Time and Decision MakingIn Illinois, the term "custody" has been replaced with
the concept of allocation of parenting time and decision making. The courts typically favor joint decision making if both parents can effectively communicate and have a positive parenting relationship. Factors such as the absence of domestic violence or endangerment, parental involvement in the child's life, and the ability to make major decisions
collectively for the child's well-being are considered. Determining Parenting time arrangements are often categorized into three subcategories: majority parenting time arrangements are often categorized into three subcategories: majority parenting time, and equal parenting time arrangements are often categorized into three subcategories: majority parenting time, and equal parenting time, and equal parenting time arrangements are often categorized into three subcategories: majority parenting time, and equal parenting time, and equal parenting time.
parents reside in different states, the court places great importance on both parenting involvement, where the child has previously resided, and whether one parent has impeded the other's access to parenting time. Factors Influencing Parenting Time
Decisions Various factors come into play when determining parenting time arrangements. The court or a Guardian ad Litem (GAL) may consider the active involvement of each parent in the child's best interests. It is crucial for parents to demonstrate a genuine commitment to their child's
well-being and not seek an excessive parenting time allocation as a means to reduce child support obligations. The court also takes into account the child's living arrangements, past practices of parenting time, and the opportunities provided by each parent to foster a healthy relationship with the child. Tailoring Custody Arrangements to Individual
CasesObtaining full custody or a specific parenting time arrangement is not a one-size-fits-all process. Each case is unique, and the court evaluates the specific circumstances and evidence presented. It is essential to work closely with a skilled family law attorney who can guide you through the legal complexities, help gather necessary documentation,
and build a strong case tailored to your situation. Final Thoughts ecuring full custody or favorable parenting time arrangements in Illinois requires a thorough understanding of the legal framework and careful consideration of various factors. While there is no simple checklist or guaranteed formula, demonstrating a history of active involvement in
the child's life, promoting the child's best interests, and presenting a compelling case to the court are vital steps in pursuing your desired custody arrangement. Consulting with an experienced family law attorney can provide invaluable guidance and support throughout the process, ensuring that your parental rights and the well-being of your child
are protected. Disclaimer: The information provided in this blog post is for informational purposes only and should not be construed as legal advice. For specific guidance on child custody matters in Illinois, consult with the qualified family law attorneys at Kiswani Law Firm who know the in's and out's of the state's laws and regulations. 708.210.9247
Updated 8/22/2023 If you're splitting with your child's other parent, you'll have to deal with the question of which parent to make important decisions about the child's upbringing. Even if you were divorced years ago, you might need to
change your current parenting arrangements. Read on to learn how Illinois law deals with these issues. Types of Child Custody in Illinois law now uses the umbrella term "parental responsibilities" instead of custody, along with the terms "decision-making
responsibility" (legal custody) and "parenting time" (essentially a combination of physical custody and visitation). Although the names are different, the concepts are basically the same. So we'll use these terms interchangeably. Decision-making responsibility"—
concerns parents' rights to make the important decisions in a child's life, including: education health, including all decisions relating to the treatments related to those needs religious upbringing, and extracurricular activities. Even when parents share joint decision-making
responsibility, the judge might split their authority between different issues, such as giving one parent the right to decide on the child's education, while the other decides on religious upbringing. Illinois law prefers that parents share this responsibility. Still, judges may give one parent full decision-making authority (also known as sole legal custody)
if that's best for the child. (750 Ill. Comp. Stat. § 5/602.5 (2023).) Parenting Time in Illinois: Physical Custody and Visitation Parents in Illinois, whether or not they have significant decision-making responsibilities, are legally entitled to reasonable
parenting time with their children, unless it would seriously endanger the child's "physical, mental, moral, or emotional health." (750 Ill. Comp. Stat. § 5/602.7(b), 5/602.8 (2023).) Usually, the parent designated as the custodial parent has the child most of the time. But even when parents have roughly equal parenting time (sometimes called joint
physical custody), one of them might have this designation when it's necessary (such as for school enrollment). (750 Ill. Comp. Stat. § 5/606.10 (2023).) When parents have their children with them under the parenting time schedule, they have the right to make routine child-related decisions (such as bedtime and homework), as well as emergency
decisions affecting their kids' health and safety. (750 Ill. Comp. Stat. § 5/602.5(d) (2023).) (Learn more about parenting Plans and Agreements You always have the option of agreeing with your co-parent on custody and visitation issues. In fact, the vast
majority of divorcing parents reach an agreement at some point in the process, to save the expense and stress of a trial. You'll need to spell out the details of your agreement in a written parenting plan and submit it to the court. The judge will approve the plan unless it's not in the child's best interests. Illinois law requires that parenting plans include
at least the following: the allocation of significant decision-making responsibilities provisions for the children (including an actual schedule or a method for coming up with a schedule) a provision for mediation of proposed changes to parenting time or reallocation of parental
responsibilities (unless only one parent has those responsibilities) each parent's right of access to the child's medical, school, and other records which parent is designated as the custodial parent the child's medical, school, and other records which parent is designated as the custodial parent the child's medical, school, and other records which parent is designated as the custodial parent the child's residential address for school enrollment each parent is designated as the custodial parent the child's medical, school, and other records which parent is designated as the custodial parent the child's medical, school, and other records which parent is designated as the custodial parent the child's medical, school enrollment each parent is designated as the custodial parent the child's medical, school enrollment each parent is designated as the custodial parent the child's medical, school enrollment each parent is designated as the custodial parent the child's medical, school enrollment each parent is designated as the custodial parent the child's medical, school enrollment each parent is designated as the custodial parent the child's medical, school enrollment each parent is designated as the custodial parent the child's medical, school enrollment each parent is designated as the custodial parent enrollment each parent enrollment each parent enrollment each parent enrollment enrollmen
number) a requirement for 60 days' notice before moving (unless the court orders otherwise or that notice isn't feasible), as well as how parents will resolve issues related to relocations and child custody requirements for notifying each other about emergencies, health care, travel plans, or other significant child-related issues transportation
arrangements for exchanging the child how parents will communicate with each other and with the child during the other parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they'll deal with future changes to parenting time how they have a supplied to the future changes to parenting time how they have a supplied to the future changes to parenting time how they have a supplied to the future changes to parenting time how they have a supplied to the future changes to parenting time how they have a supplied to the future changes to parenting time how they have a supplied to the future changes to parenting time how they have a supplied to the future changes to parenting time how they have a supplied to the future changes to parenting time how they have a supplied to the future changes to parenting tin the future changes to the future changes to parenting time how 
parenting time, instead of leaving the child with an outside care provider, and any other provision that furthers the child's best interests or facilitates cooperation between the parents. (750 Ill. Comp. Stat. §§ 5/602.3, 5/602.10 (2023).) Ordinarily, the more detailed the parenting plan the better. Note that if you meet the criteria for filing for divorce
online, the questionnaires for some of the reputable services may walk you through preparing a parenting plan. How Illinois Judges Make Custody Decisions When parents can't agree on a joint parenting plan, each of them should submit a proposed plan to the court. A judge will then hold a trial to decide on a plan that will be in the child's best
interests. (750 Ill. Comp. Stat. §§ 5/602.10 (2023).) Illinois law requires judges to consider a long list of factors when they're deciding what would be best for children, including: the child's current adjustment to home, school, and
community each parent's willingness and ability to cooperate with their arrangement and to encourage a close relationship between the child and the other parents live from each other, and the cost and difficulty of transporting the child between them the parents' and child's daily schedules for work, school, and other
activities any past pattern or agreements related to decision-making or taking care of the child, and any history of either parent's domestic violence, child abuse, or sex offenses. When judges are deciding how to allocate significant decision-making responsibilities, they must also consider each parent's history of making those decisions for the child's
life. And when it comes to deciding on parenting time, judges must also consider: the amount of time each parent spent taking care of the child in the past two years the child in the past tw
of their own needs the terms of a military parent's pre-deployment family-care plan, and whether a restriction on parenting time is appropriate. (750 Ill. Comp. Stat. §§ 5/602.7, (2023).) Does a Parent's Gender or Bad Conduct Play a Role in Illinois Custody Cases? Illinois law doesn't presume that either parent is better able to serve the best
interests of the child based on gender. Also, when judges are deciding how to allocate parent's conduct unless it affects the parent-child relationship. (750 Ill. Comp. Stat. § 5/602.7(c) (2023).) Can Children Express a Preference in Illinois Custody Cases? Illinois law doesn't set any age limit for a child to be able
to express a custody preference. Rather, judges will take into account the child's maturity and ability to express a reasoned and independent opinion on the issue. (750 Ill. Comp. Stat. §§ 5/602.5(c)(1), 5/602.7(b)(2) (2023).) Normally, judges will interview children in chambers (the judge's office) to learn about their custody preferences. (750 Ill. Comp.
Stat. § 5/604.10(a) (2023).) Custody Evaluations in Illinois It's fairly standard for judges to have trained professionals (typically psychologists or social workers) conduct a custody/parenting time evaluation, which will focus on what would be in the children's best interests. (750 Ill. Comp. Stat. § 5/604.10(b) (2023).) In particularly contentious custody
cases, the children may need to be represented by their own attorney. The judge may also appoint an attorney to serve as a guardian ad litem or "child representative" to represent the children's best interests. (750 Ill. Comp. Stat. § 5/506 (2023).) When Illinois Judges Have Authority to Decide Child Custody Illinois, like almost all other states, has a
set of laws governing when the state's courts have jurisdiction (legal authority) to issue orders affecting child custody Jurisdiction to issue custody orders regarding child custody Jurisdiction and Enforcement Act (UCCJEA), Illinois courts generally have jurisdiction to issue orders affecting child custody Jurisdiction and Enforcement Act (UCCJEA), Illinois courts generally have jurisdiction to issue orders affecting child custody Jurisdiction and Enforcement Act (UCCJEA), Illinois courts generally have jurisdiction to issue orders affecting child custody Jurisdiction (legal authority) to issue orders affecting child custody Jurisdiction and Enforcement Act (UCCJEA), Illinois courts generally have jurisdiction to issue orders affecting child custody Jurisdiction and Enforcement Act (UCCJEA), Illinois courts generally have jurisdiction to issue orders affecting child custody Jurisdiction (legal authority) to issue orders affecting child custody Jurisdiction and Enforcement Act (UCCJEA), Illinois courts generally have jurisdiction to issue orders affecting child custody Jurisdiction (legal authority) to issue orders affecting child custody Jurisdiction (legal authority) to issue orders affecting child custody Jurisdiction (legal authority) to issue orders affecting the properties of the 
lived in the state with a parent (or someone acting as a parent) for at least six consecutive months immediately before the beginning of the child custody proceeding. (750 Ill. Comp. Stat. §§ 36/101 and following (2023).) In general, once courts in Illinois (or any other state that has enacted the law) have issued custody orders, they continue to have
exclusive jurisdiction over that child's custody, unless certain circumstances have changed—such as when both parents and the child no longer live in the state. That means that an Illinois judge may not modify a custody order from another state unless the requirements for changing jurisdiction have been met. (750 Ill. Comp. Stat. § 36/202 (2023).)
The rules in the UCCJEA are complicated, and there are many exceptions. So you should speak with an experienced family lawyer if you have any doubts about whether Illinois courts will have jurisdiction over your custody issues. Modifying Custody and Visitation in Illinois The evolving needs of parents or children—especially as kids get older—may
prompt parents to seek changes to custody or parenting time. Here again, you and the other parent may agree to a modification of your parenting plan or decision-making responsibility. When you submit your agreement to the court, along with a modification motion (written legal request), the judge will approve it unless it's not in the child's best
interests. If you can't agree on a modification, the judge will have to decide whether to grant the requesting parent proves that: there's been a substantial and unanticipated change in circumstances since the current order was issued, and
the modification is necessary for the child's best interests. There are limited exceptions to the changed-circumstances requirement, including when the requested modification is minor or is consistent with what the parents have voluntarily been doing for the last six months. If you're requesting only a change in decision-making responsibility (not in
parenting time), you generally must wait at least two years since the current order was issued—unless the current situation Orders in Illinois If a parent isn't complying with an approved parenting plan or custody orders, the other parent may file a
motion asking the court to enforce the orders. Illinois law takes enforcement of parenting time so seriously that it requires courts to handle these requests quickly. If a judge finds that the parent has in fact violated parenting time, the judge may issue any of a number of orders to enforce custody and promote the child's best interests, including
imposing additional conditions on parenting time for the "innocent" parent or reimbursement for contempt of court (a fine or even jail time), and requiring either
or both parents to attend a parental education program or participate in counseling. Additionally, if a parent has withheld visitation (that is, failed to provide court-ordered parenting time) or failed to exercise parenting time rights, the judge must order that parent to pay the other's attorney's fees and expenses. But if the judge finds that there wasn't
a violation, the parent who filed the enforcement request might have to pay the other parent's fees and costs. (750 Ill. Comp. Stat. § 5/607.5 (2023).) Be aware that rights to parenting time are separate from child support obligations. So a custodial parent isn't allowed to withhold visitation because the other parent isn't keeping up with child support
payments. On the flip side, a noncustodial parent may not withhold child support because parenting time is being denied. Also, you should know that interference with parenting time is petty offense under Illinois criminal law, or a Class A misdemeanor for the third conviction. (720 Ill. Comp. Stat. § 5/10-5.5 (2023).) Getting Help With Custody and
Parenting Time Custody and parenting time are obviously very serious issues. Because most lay people are unfamiliar with Illinois law and court procedures, having to deal with them can add more anxiety and tension to an already emotionally charged situation. And remember, it's not just the parents who are feeling the strain of a custody battle. The
children are impacted as well, often more deeply than some people may realize. It's always best if you and the other parent can resolve your disagreements without heading to court, either on your own or with custody mediation. And if you haven't already agreed on a parenting plan by the time you file for divorce or another custody proceeding, the
court will almost always require you to participate in mediation. (750 Ill. Comp. Stat. § 5/602.10(c) (2023).) But if mediation doesn't work or isn't appropriate (such as in custody cases involving domestic violence), you should consider speaking with a knowledgeable family law attorney who can explain your rights and responsibilities, and the best way
to move forward. And most certainly speak with an attorney if a custody emergency arises. Illinois custody laws provide a framework for determining the allocation of parental responsibilities are broken into two groups: 1) Decision-making responsibilities (legal custody) and; 2) Parenting time (visitation). When parents agree as
to how parental responsibilities ought to be shared, they submit a joint proposed parenting plan to the court for approval. When parents disagree they are required to attend mediation fails to achieve an
agreement between the parents, then a judge will determine the allocation of parental responsibilities based on the child's best interests. Regardless of the specifics of your relationship with your co-parent, it's a good idea to work with an attorney. A qualified child custody lawyer can help guide you through the process and give you advice based on
your goals and the specifics of your circumstances. Below, we address some of the most frequently asked questions about Illinois custody laws so that you can better understand the basics before moving forward with your child custody in
Illinois follows a structured legal process designed to prioritize the child's best interests. Here's a step-by-step breakdown of how custody decisions are made under custody levisions family court. The other parent
must also be formally notified of the custody case and given the opportunity to respond. Parental agreement. If both parents can agree on a parenting plan that aligns with Illinois Supreme Court Rule 924, parents
involved in custody disputes are required to complete a court-approved parenting strategies, the impact of divorce on children, and ways to support a child's emotional well-being. Mediation. If parents cannot agree, the court may require mediation to help facilitate a resolution before
proceeding to litigation. Temporary custody orders. If custody remains unresolved after mediation, either parent may request a temporary custody order from the court, establishing a short-term parenting arrangement while the case proceeds Guardian ad litem. The court may appoint a guardian ad litem or custody evaluator to assess each parent's
living situation, relationship with the child, and ability to provide a stable environment. Settlement negotiations with their attorneys to reach a custody agreement. Many cases are resolved during this stage, as both parties may prefer to avoid a lengthy and costly trial. If an
agreement is reached, it is submitted to the court for approval. Custody hearing where both parties present evidence and arguments regarding their parental fitness. Based on Illinois child custody hearing where both parties present evidence and arguments regarding their parental fitness. Based on Illinois child custody hearing where both parties present evidence and arguments regarding their parental fitness.
parental responsibilities and parenting time. Navigating Illinois child custody matters can be one of the most challenging aspects of a divorce or separation. Illinois custody laws determine
how parental responsibilities and parenting time are allocated, with the primary focus on the child's best interests. If you're facing a custody dispute or simply want to understand your rights, this FAQ section addresses common questions about custody arrangements, decision-making responsibilities, and how courts make custody determinations in
Illinois. In Illinois, if there is no court order regarding child custody, it is generally assumed that both parents have equal rights to the child. If there is no court order, parents need to create a parenting plan that outlines
will have custody, the court will give the highest priority to what arrangement is in the best interests of the child. However, judges also consider other factors, including the following: The wishes of each parent had before the divorce;
Any prior arrangements between the parents; The child's needs; The child's needs; The child's needs; The child's interactions with the parents, adjustment to home, school, and community; The mental and physical health of the child and the parents; Each parents; Each parents; Each parents; The child's interactions with the parents,
siblings, and other important family members; and Any other factors when determining who will have custody of the child. Illinois custody laws for unmarried parents give the mother the right to make all decisions regarding the child's upbringing and have sole
physical custody until the father establishes paternity. If the father establishes paternity first, Mothers can establish the parent-child relationship by showing evidence that they gave birth to the child. However, a mother can also provide evidence of a valid surrogacy arrangement or proof of
adoption to show that they are the mother of the child. Fathers, on the other hand, must file a paternity action is to establish that the claimant is the biological father of the child. To establish paternity, a father can provide a Voluntary
Acknowledgement of Paternity, which is a form that both parents sign at the hospital when the child is born. This form acknowledges the father to be the biological father of the child. The father can also request genetic testing. A genetic testing at the hospital when the child is born. This form acknowledges the father of the child.
Once the child-parent relationship has been established, the unmarried parents of a child would. Related: Child Custody Rights of Unmarried parents in Illinois, child custody laws prioritize the best interests of the child when determining parental decision-making authority and visitation.
The court will consider a range of factors, including the wishes of the child, taking into account the child, taking into ac
arrangements between the parents, and The child's adjustment to home, school, and community. For a more exhaustive list of the factors, you can look at the Illinois Marriage and Dissolution of Marriage Act, found in Illinois Compiled Statutes Section 602.7. In Illinois, mothers have the same legal custody rights as fathers. There is no legal
presumption that favors mothers over fathers in child custody cases. A mother can seek either joint or sole legal and physical custody of their child. However, they can still seek visitation rights if they are not awarded custody. Related: Who are the Best Mother's Rights Lawyers in Chicago? As mentioned above, mothers and fathers have the same
legal custody rights. There is no legal presumption that will favor a mother over the father or vice versa in a child custody dispute. If the father and mother are unmarried, the father may need to file a paternity action to establish the parent-child relationship before filing for custody. Once he shows that relationship, the father can seek custody.
Related: Who are the Best Father's Rights Law Firms in Chicago? In Illinois, there are two types of custody is custody is custody is actual physical custody rights over the child. Parenting time usually refers to a parent's physical
custody of a child, but it can also refer to a parent's visitation rights. Parenting time to live with and interact with their children meaningfully. When deciding parenting time, the court will consider the child's best interests. Illinois's most common
parenting time guidelines are based on the "Model Parenting Time Schedule," developed by the Illinois Family Law Study Committee. The schedule provides a commonly implemented framework for parenting time, but the court can deviate from the framework if it is in the child's best interest to do so. A typical parenting schedule of the non-
custodial parent usually includes the following: Time with the children every other weekend, Time with the children one evening per week, and Time on certain holidays and school breaks. However, courts are also eager to award more traditional 50/50 custody schedules when the situation is right, and such a split serves the child's best interests
Related: How Does Joint Custody Work in Illinois? It depends on what the court has decided in your case. Generally speaking, if the Illinois custody levisitation. This is because, under Illinois custody levis, parenting time for the non-custodial parent isn't
denied unless the court deems them a danger to the child's well-being. There are certain circumstances where denying visitation or parenting time to the non-custodial parent is possible. However, this usually only happens when a court believes that it is necessary to protect the well-being of the child. This includes situations where the non-custodial
parent: Is abusive or neglectful; Has substance abuse issues; Has mental health issues; Threatens to abduct the child; or Fails to comply with court orders. Keep in mind that it is rare for the court to deny all parenting time to the non-custodial parent. That being said, in extreme cases, it is certainly possible under Illinois child visitation law. There is
no specific age at which the court will allow a child to choose which parent to live with. However because the court is required to consider the child's wishes. The older the child's wishes to consider the child's wishes. However, even if the child is, the more likely the judge is to consider the child's wishes. However, even if the child is, the more likely the judge is to consider the child's wishes. However, even if the child is, the more likely the judge is to consider the child's wishes.
is old enough and mature enough to express their wishes, it is unlikely that the court will find that fact to be the sole determining factor. In Illinois, the term "primary residential parent is typically responsible for providing the child's primary
residence and for making the day-to-day decisions about the child's upbringing. In addition, the primary residential parent may have advantages in terms of decisions regarding the child's healthcare, education, and
religious upbringing. However, this decision-making authority is usually subject to the other parent's input. Related: How to Win Full (Sole) Custody in Illinois Child custody issue? Our network of gualified family law attorneys are ready to help. Call us at 773-938-4747, or contact us online for a free consultation. This article will discuss obtaining sole
custody of a child or children in Illinois. We will answer the following questions: What is allocation of parenting full custody? How do I prove the other parent? Does the reason for filing divorce affect custody? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the reason for filing divorce affect custody? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit? How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do I prove the other parent is unfit. How do 
difficult to obtain full custody in Illinois because the court assumes that it is in the child's best interest to see the other parents unless proven otherwise. If you lack a strong argument and convincing evidence beyond a desire to see the other parents unless proven otherwise. If you lack a strong argument and convincing evidence beyond a desire to see the other parents unless proven otherwise.
Responsibilities? While the term "child custody" continues to be used regularly, it was officially replaced by the more neutral term "allocation of parental responsibilities; the child is expected to live with
this parent full time, and the parent has the sole right to make decisions regarding the child. Being awarded allocation of parental responsibility but order the other parent from seeing the child. An order of parenting
time can't be superseded by the other parent's sole right to make decisions unless the child is in danger when spending time ordered for the other parent usually only happens if it's clear that the other parent puts the child in danger or represents a
significant detriment to the child's best interests. Does The Reason For Filing Divorce Affect Custody? Unless stated otherwise, any divorce filed in Illinois will be due to "irreconcilable differences." Your spouse's behavior leading up to divorce filed in Illinois will be due to "irreconcilable differences."
child's best interests. If there is a history of negative behavior, such as abandonment, drug or alcohol abuse, mental or physical abuse, felony conviction, etc., consider filing for divorce based on that reason. It may not guarantee full parental responsibility and limited parenting time, but you will start the divorce process in a stronger position when
making your argument. How Do I Prove The Other Parent Is Unfit? In a divorce, the judge assumes that giving both parental responsibility and equal parenting is in the child's best interest. For the judge to consider otherwise requires evidence suggesting that the other parent is unfit. Parental alienation is a serious matter and should not occur
because of the parent's disdain for each other. Evidence to support a claim that the other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, police reports, emails, texts, and other parent is unfit might exist in documentation such as medical bills, and the parent is unfit might exist in documentation such as medical bills, and the parent is unfit might exist in documentation such as medical bills, and the parent is unfit might exist in documentation such as medical bills, and the parent is unfit might exist in documentation such as medical bills, and the parent is unfit might exist in documentation such as medical bills, and the parent is unfit might exist in documentation such as medical bills, and the parent is unfit might exist in documentation such as medical bills.
sources of evidence include: The other parent's poor employment record. A parent must provide a stable and nurturing environment for the child; lack of income or unpredictable income makes this problematic. However, a poor employment record won't affect parenting time. The other parent must be physically and
emotionally capable of taking care of the child. Unsuitable living conditions. If the other parent's living situation is unsafe or unhealthy for the child, the court may lean in your favor for greater parental responsibility. How Do I Prove I'm The Better Parent? Getting full custody of your child involves more than showing that the other parent is unfit; you
must also prove your exemplary behavior as a parent. Some tips for proving that you are the better parent include: Objectively explain what your child's best interests are and provide a clear plan for how you will fulfill their needs; go above and beyond. Provide typical day-to-day, week-to-week, and month-to-month examples of your child's schedule.
Show the court that you have a deep understanding and handle on your child's activities, allowing them to thrive. Show your support for your child's psychological well being. This may mean that you approve of the other parenting time, especially if it supports you receiving full or majority custody. Dress appropriately for court and
don't provide baseless claims on the other parent's behavior. Trying to trash the evidence speak for itself. Does Having An Attorney is not recommended. If
the divorce is amicable, involves no children, and there is very little division of property, then a lawyer may not be necessary. But if you are trying to get full custody, expect a fight from the other side. You'll need to collect evidence, prepare your argument, and present your case logically and convincingly. If you have any questions about divorce and
child custody, give us a call at (630) 324-6666 or contact us online to learn more. Disclaimer: The information provided on this blog is intended for general information is not intended to create, and receipt or viewing does not constitute an attorney-
client relationship. Each individual's legal needs are unique, and these materials may not be applicable to your legal situation. Always seek the advice or delay in seeking it because of something you have read on this blog. Kevin
O'Flaherty is a graduate of the University of Iowa and Chicago-Kent College of Law. He has experience in litigation, estate planning, bankruptcy, real estate, and comprehensive business representation. While still possible, obtaining sole custody for your child will take a lot of effort. Due to Illinois' preference of joint custody with the condition that
both parents are able to contribute to the child's best interest, keeping them away from your ex can be difficult. But the child custody attorneys at Berry K. Tucker & Associates, Ltd. in Oak Lawn, IL can provide some assistance for your case. With over 50 years of combined legal experience, we can help you reach an effective solution that works in
the best interest of both you and your child. The Allocation of Parental Responsibilities Due to recent changes in Illinois' law, the term "child custody" is no longer used. It has been replaced with a more relatable term called allocation of parental responsibilities. This can either mean that one or both parents have physical and legal custody for the
child. But the parent that retains full responsibility is allowed the right to make major decisions on the child's behalf. On the other parent is not allowed to be with the child unsupervised, given that the child's
mental, physical, moral, nor emotional health is not in danger. How to Get Full Parental Responsibility In order to gain full parental responsibility, or child custody, you must prove that the judge typically favors the allocation of parental responsibility to both parents. So to support
your argument that the parent is unfit, you will need some evidence. Documentation such as medical bills, pictures, email responses, police reports, and other parent is a danger to your child. Additional documentation that supports your position to get full parental responsibility can also help
to prove: Their poor employment record. If a parent cannot maintain a job to support their child's needs, they will most likely not be granted parental responsibilities. But keep in mind that this will not affect their parenting time with the child. Unsuitable living conditions. If the living situation of the other parent proves to be unhealthy or unsafe for
the child, this can award more credit your way towards sole custody. If there is any record of physical, sexual, emotionally and physically capable of providing for the child's best interest to gain custody of any type. Show You Are the Better
Parent for Full Child Custody Despite proving the other parent unfit for gaining any kind of custody. This doesn't always mean you will get full parental responsibility. So you will also need to prove that you are the best interest of
your child. Prove your awareness of your child's routines by talking about their daily schedule, extracurricular activities, and habits. Demonstrate your commitment for their psychological wellbeing. Only if appropriate, discuss your intentions of allowing the other parent ample time and influence on child-related decisions. Dress formally for court. In
addition to a professional appearance, the proper attire will support your case in proving yourself fit for full child custody. Be ready to discuss the specifics of your child's best interests. Simply pouring out your love and commitment to the wellbeing of your child's needs, why
and how you plan to support them. Have all paperwork and supporting evidence ready before court. Important tip: Never shoot down the other parent. Let them prove their inability to care for the child through their current behavior. Get Professional Help from an Experienced Attorney In
extreme cases where the other parent is abusive on more levels than one, the court will almost always allocate full child custody will be much harder. Schedule a Consultation Don't take any chances when striving for full child
custody. Contact the child custody attorneys at Berry K. Tucker & Associates, Ltd. where we can offer years of experience, knowledge of current laws, and additional resources to support your case. Our lawyers have won numerous allocation of parental responsibilities for both divorcing and single parents and are more than willing to help you win
yours. Call Berry K. Tucker & Associates, Ltd. at (708) 425-9530 or fill out a form to set up an initial consultation. We look forward to working with you soon! Tags: child custody, child custody attorney, child custody attorney, child custody attorney, child custody attorney.
responsibility" in Illinois legal terminology. Illinois uses new terms for the two kinds of custody." Both kinds can be sole or joint in Illinois. So, sole "parenting time" in Illinois would mean that a child lives primarily with one of their parents. Sole
"parenting responsibility" would mean that one parent makes the important decisions about bringing up the child. Joint parenting responsibility would make major decisions about their child's upbringing collaboratively. Generally,
courts in Illinois prefer joint parenting time and parenting time and parenting responsibility for parents who do not live together are the same. A local Illinois attorney would be able to explain Illinois custody laws in more detail. Illinois courts prefer joint custody arrangements
because it is believed that it serves the child's best interest for them to maintain frequent and regular contact with both of their parents. There are some cases in which one parent can produce persuasive evidence to show that such an
arrangement would meet the child's best interests standard. A court would consider several factors in making child custody decisions. These would include the child's best interests standard. A court would enough, the court might have to present solid
evidence to the effect that limiting the other parent's involvement in their child's life would be in the child's best interest. Child custody on some issues and joint legal custody for others. Following are some examples of how this might be
achieved: Education: One important issue in a child's education the child should receive. Parents may share joint legal custody on the issue of their child's education needs. However, one parent might
have sole legal custody when it comes to handling the decisions about special education if their child has special education in the child has special education in the child has special education in the child has special education.
to making decisions about the mental health needs of the child. Situations in which joint parental responsibility for certain issues and sole responsibility for others often come about in cases in which one parent is not fit to deal with an issue or set of issues. Or a parent may have proven to be prone to create conflict regarding a particular issue, thus
making the other parent a better choice for having responsibility. It is essential to understand that the courts in Illinois generally prefer joint parents is in the child's best interests. However, there are situations in which a
court might grant sole parental time and responsibility to one parent. However, it would be a rare case in which one parent might be able to meet full custody requirements. A parent who wants sole parental time and responsibility must gather persuasive evidence that supports their request and demonstrates why it is necessary to limit the other
parent's involvement in the child's life. Factors that might lead a court to award sole custody to one parent relate to the following conduct on the part of the other parent: Involvement in domestic violence Has engaged in abuse of the child Has abused substances in the past Has been guilty of child neglect Has significant mental health issues Has a
criminal record Exhibits other conduct that would be interested in abuse more than simple use. Abuse would be the habitual or continual use of controlled
substances or alcohol. Other factors that courts consider in making all child custody decisions in Illinois are the following: The child Each parent has with the child Each parent and physical healthy home environment for the child Whether
each parent is willing to work cooperatively with the other on matters involved in custody and decision-making The parent sability to meet the child and the quality of that contact. Another factor that might lead to one parent winning sole time and
responsibility would be the other parent's violations of a custody order. So, if a parent does not adhere to a visitation schedule that has been ordered by the court, this may possibly lead to that parent being held in contempt of court, and this can lead
to jail time. It is important for parents to recognize that when a court order is in place, they cannot just do what they want. They need to obey the order may find themselves losing custody. How Is Custody Determined? A lawyer
consultation would be the best way to find out how Illinois courts determine child custody. Generally speaking, a parent files a petition for a divorce or legal separation. If they are already divorced, separated, or were never married to the other parent, they would file a petition for sole parenting time and parenting responsibility. Then, they would
want to gather the evidence they need to make their case. Evidence might consist of police reports, medical records, or the criminal record of their position at their court hearing. The parent then submits a legal document that states their
request for sole parenting time and responsibility. They would include the reasons why they believe it is in the child's best interest. The other parent must attend any court hearings that are scheduled with a judge. The judge allows the
presentation of evidence and listens to arguments from both sides. The judge then considers the evidence and what it shows regarding the factors they apply in making a custody decision. The judge then issues an order which contains their decision. The judge then issues an order which contains their decision. The judge then issues an order which contains their decision.
sole parenting time and responsibility for your child, you want to consult an Illinois child custody lawyer. LegalMatch.com can connect you to a lawyer who is experienced in Illinois custody law and can prepare a strong case for you
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