



Divorce in a Pandemic Time

There is a lot of speculation that the COVID-19 pandemic will result in a baby boom, or an explosion of divorces, or maybe both. History does show that there is an increase in divorce cases after the winter holidays and summer vacations because people have spent a lot of time together and may realize that their relationships are not working. "Sheltering in place," working remotely, and the pandemic's employment and financial challenges may also result in people recognizing that they cannot continue in their present relationships and deciding to make changes.

We have been asked on several occasions whether it is still possible to file for divorce. The answer to that question is yes. Although Illinois courts are physically closed at this time for all but emergency matters, they are still in operation. For example, the Domestic Relations Division of the Circuit Court of Cook County has issued a series of detailed General Orders providing rules allowing for the continued progress of family law cases. Divorce petitions are being filed, motions are being ruled upon, hearings are being held via teleconference, and cases are being settled. However, the pace of the process has slowed considerably.

In light of the challenges presented by the pandemic, the following considerations are even more important for people considering divorce.

1. **Seek Advice.** First and foremost, seek out advice from an experienced and knowledgeable divorce attorney about the process, the law and particular issues you may be facing. During this pandemic, experienced attorneys should be willing to schedule a consultation by telephone or teleconference. A thorough consultation will provide you with the necessary information to make a decision whether you want to proceed, the optimal timing, and guidance how to move forward. Counsel also should ask you for background information, which you should provide prior to the consultation.

2. **Gather Information.** The second step is to gather information and documents that will be necessary if you are planning to divorce. With most people staying home and activities being postponed or conducted remotely, this will be an opportune time to gather that information. Important financial documents include income information, tax returns, and records of retirement accounts and investments, debt, insurance, real estate, appraisals, and other assets. Having this information and documentation ready will save you time and money in the divorce process and also help you to secure funds if you and your spouse

separate during the process. Even if you decide not to proceed with a divorce, gathering this formation will help you understand the current state of your finances and expenses, which will be important in this uncertain time.

3. **DO: Create A Plan.** The next step is to develop a game plan. If you and your spouse are amicable and agree that the marriage is over and further attempts at reconciliation will not be in the best interests of the family, then it may be an optimal time to see if there are issues upon which you can agree. You and your spouse can work with your respective lawyers to negotiate and draft an overall settlement agreement. Mediation may prove helpful if there are sticking points in the negotiation and is an available option via video conferencing at this time. Courts are open for the filing of divorce complaints if you decide to start the process. The Domestic Relations Division of the Circuit Court of Cook County has entered detailed General Orders governing the process during the physical closure of the court, even including the presentation of settlement agreements and the entry of proposed judgements of dissolution of marriage.

4. **DON'T: Lose Control.** The next step is a "don't." Sheltering in place while in an unhappy relationship is difficult. The stress of a living through a pandemic, with its associated deaths, health and safety concerns, and economic damage, makes it even more difficult. Harsh words by way of social media, email and text are almost guaranteed to haunt you in a court proceeding. Don't do it. Rage, or violent or harassing behavior may result in a domestic violence proceeding. Don't do it. Petitions for orders of protection are still being heard by the courts as emergency actions. Try any available means to reduce stress and avoid confrontation.

5. **Love Your Children.** Finally, when there are children involved, being a parent must take precedence over any personal differences with your spouse. This is a particularly important point when all are sheltering in place. Prioritize your children and keep them as insulated as possible from marital discord. And remember that, despite your differences with your spouse, your children will need both you and your spouse to continue to parent together, even if your marriage does not last.

Above all, consulting with and retaining an experienced and knowledgeable family law attorney will help to guide you through the process and provide practical counsel as various situations arise. Enterprise Law Group is ready to assist.