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ATTORNEYS AT LAW



Happy Holidays! Do you want to be entered into a drawing for a gift package from Gehris & Associates, LLC? Here's how it works:

From now until December 23rd we will bring you 12 short articles regarding legal issues that were addressed in the law in 2020. We are posting these articles on our Gehris & Associates, LLC Facebook page. Please go to our Facebook page and 'like' AND 'share' the article each day. If you 'like' AND 'share' the article your name will be entered in to a drawing for a gift package. This means that if you 'like' AND 'share' every article you will receive 12 entries. After all 12 days of Christmas articles have been posted, we will announce the winner of the prize package. Please pass this along to your friends and family. Anyone can enter.

If you missed any previous articles, you can find them on our Facebook page.

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Exception to Maintenance Termination



According to 750 ILCS 5/510, a showing of a substantial change in the parties' circumstances is a basis to modify or terminate maintenance and child support. For example, a child reaching the age of adulthood is a substantial change for modification of child support. However, a substantial change does not warrant termination or modification of maintenance when testimony, evidence, statutory factors, and credibility of witnesses show a need for continued support. Further under 750 ILCS 5/504, while a party's maintenance obligation

is calculated in part using the length of the parties' marriage, a court may deviate from the statutory guidelines when needed and extend maintenance beyond those guidelines.

In the case of *In re Marriage of J. Antonio G. Lopez and Elena Ortiz*, the parties' youngest child, Marco, had severe autism, which required him to have special needs for education and medical treatment. Antonio argued that his maintenance obligation should be terminated now that Marco was an adult, Elena was able to work and support herself, and Antonio had paid Elena maintenance double the length of the parties' marriage.

Antonio's motion was denied twice after the trial and appellate courts found that Marco

was still in need of full-time care from Elena, as he needed assistance with daily living activities, and Elena's inability to work because of that was an agreed to and anticipated circumstance for a duration long after the divorce. In addition, Antonio was making significant income as a cardiologist, earning approximately \$400,000- \$450,000 per year. Elena was a full-time homemaker, making only approximately \$45,000- \$50,000 per year through a California program for acting as Marco's caretaker. While under the statutes' guidelines, Antonio's maintenance obligation would likely be terminated, based on the vast disparity in the parties' income, along with Elena and Marco's need for continued support, Antonio was ordered to continue paying maintenance almost 20 years after the parties' divorce.

Special Note: We will need your votes. Tomorrow afternoon visit our Gehris & Associates, LLC Facebook page to cast your votes for our friendly office Christmas competition!

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