

FIRM NEWSLETTER

Brought to you by:



GEHRIS & ASSOCIATES, LLC
ATTORNEYS AT LAW



We hope to provide updates and awareness of legal issues through this newsletter. In this month's issue we focus on college expenses and guardianship. There are big changes happening at Gehris & Associates, LLC and you can check for updates on the progress in the Spotlight section. We continue to monitor the effects of the Coronavirus (COVID-19) pandemic on the justice system and will provide updates to you as we receive them.

[Visit our Website](#)



Case Update: *In re Former Marriage of Donnelly* College Expenses



Despite the changes we are seeing due to the current global pandemic, it is that time of year when college age children return to their campuses. This often brings disputes between divorced parents regarding the expenses related to that education. The Appellate Court in the First District discussed the issue of college expenses *In*

re Former Marriage: Donnelly. Specifically, the court determined that in certain situations a parent may petition the court for contribution to college expenses from the other parent even after those expenses have been paid by the petitioning parent. This means that under certain circumstances, you could be responsible for reimbursing the petitioning parent for college expenses for a child that has already completed their college education.

In re Former Marriage of Donnelly, the parties agreed to be responsible for the college expenses for the parties' four children. However, the agreement did not provide for a specific amount or division of those expenses. The exact

amount of the contribution was to be determined at the time that the college expenses were incurred. Mother filed a petition requesting that Father contribute to college expenses for the minor children which she had already paid. The Appellate Court in reviewing the case must examine the terms contained in the whole agreement of the parties to determine the intention of the parties. The Court concluded that the parties agreed to be responsible for the educational expenses and that any disagreement regarding the scope of that agreement could be submitted for judicial determination.

Typically, the court would only order contribution to college expenses incurred following the filing of any petition by either party requesting contribution toward those expenses. Since the parties had specifically agreed to be responsible for the college expenses for the children, the court ordered that the Father reimburse Mother for a portion of the college expenses which she had already paid on behalf of the children. ([Read more](#))

Guardianship: Driving Privileges

When requesting a finding from a court that someone is disabled and making a request to appoint or be appointed as a guardian of that person, it is important to remember that this may have an impact on the disabled person's ability to drive. The Secretary of State may cancel or deny a disabled individual's driving privileges. This



could take place if the court enters an Order deciding a person is disabled and appoints a guardian to make responsible decisions regarding the care of that person or both the care of the person and the management of their estate. Driving privileges could also be cancelled if the Department receives an order finding the driver unfit to stand trial. If a person with special needs has a driver's license at the time that they are determined to be disabled by the court, the driver's license will be cancelled.

The notice of cancellation would be mailed to the court appointed guardian and the driver. The cancellation remains in effect until the court issues an order terminating the adjudication of disability or if the driver is found fit to stand trial.

A limited guardianship can be used to allow the guardian to only make medical and financial decisions for the disabled person while still allowing that person the freedom to maintain their driver's license. In the event the driver's license needs to be reinstated, the court would need to modify the terms of the guardianship or terminate the adjudication of disability. In order to terminate the adjudication of disability, a petition to do so should be filed making that request. ([Read more](#))



As some of you may know, our office is currently under construction. We are still operating at full capacity and able to help you or your friends and family with any of your legal needs. We are in the process of expanding to meet the needs of our clients. We are tripling our current office space and this process takes some time. Walls are being painted, floors are being renovated and walls are being removed in some areas and built in others.

We are still in the same location and still providing the same service to our former, current and future clients. Our main entrance is now located at the corner of the building (just one door over from our previous main entrance). We have a brand new sign and are working on completing the space inside.

We cannot wait for you to see the finished space in the future. Follow us on Facebook if you want to keep track of the progress.

[CARES Act](#)

We will continue to monitor the COVID-19 situation and will follow guidance from public health officials and government agencies, so we can continue to support our clients and communities as needed.

Gehris & Associates, LLC
820 E. Terra Cotta Ave., Crystal Lake, IL 60014
815-893-0020

[Contact Us](#)