

FIRM NEWSLETTER

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We hope you are safe and warm on this snowy January day. We will provide updates and awareness of legal issues through this newsletter. In this month's issue we will discuss modifications to child support as the courts have reviewed this issue several times recently. 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.

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Child Support: True-ups and Enforceable Agreements



In the case of *In re Marriage of Kimberly Solecki and Thomas J. Solecki Jr.*, the Appellate Court affirmed the decision to eliminate true-up provisions for child support that would require the respondent to pay the petitioner \$7,870.00 in back pay of child support.

In *Solecki*, the parties entered into a Marital Settlement Agreement (MSA), which provided that Thomas would pay to Kimberly child support for the parties' three minor children in the amount of 32% of his annual income. The MSA contained "true-up" provisions, including a formula for how to do the calculation with certain deductions. The calculation required the parties to analyze Thomas's tax returns at the end of the year and match it to his child support payments from the previous year to see if he had paid 32% of his total income. If he had not, he would have thirty days to pay the extra true-up amount he owed to Kimberly.

As of the parties' MSA in 2015, child support was calculated by taking a certain percentage of the owing spouse's income based on the number of children. A court had authority to deviate from these guidelines based on the best interests of the child(ren) and factors such as financial resources and needs of the parents but needed to state those reasons on the record. With the change of the law regarding the calculation of child support, courts started looking at both parties' income and their respective parenting time with the child(ren).

In 2017, Thomas filed for a modification of child support. ([Read more](#))

Child Support: The Impact of Changes in Parenting Time

In the case *In re: Marriage of Wengielnik*, Matthew and Denise were divorced in March of 2013. In December of 2016, the parties entered an allocation of parenting responsibilities and parenting plan judgment in which Matthew received 130 overnights in even years and 148 overnights in odd years.



The Illinois Marriage and Dissolution of Marriage Act allows a trial court to modify a child support obligation upon a showing of a substantial change in circumstances. So, in 2017, Matthew filed a petition to modify child support stating that, because of the increase in his parenting time during odd years, there had been a substantial change in circumstances.

The court determined that in order to show a substantial change in circumstances, Matthew needed to demonstrate to the court how the increased parenting time had an impact on the parties financially. Matthew did not provide any proof of financial information at all. Instead, he argued that he need not show how the extra parenting time impacted the financial matters of the parties, and instead argued that additional costs were inherent in the increase of overnights. He also argued that the statute does not require that he show a substantial change in financial circumstances. The court held that although this is not defined in the statute, that it has been judicially construed to mean financial changes have occurred. The trial court held that Matthew had not shown a substantial change in circumstances, and he appealed.

The Appellate court had to look at whether the increase in Matthew's parenting time constituted a substantial change in circumstances sufficient to modify his child support obligation. ([Read more](#))



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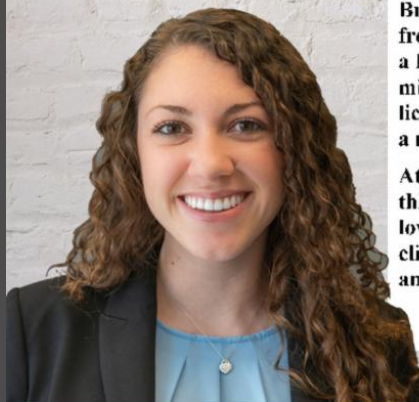
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We are proud to announce that two members of our team, Athenamarie Demeros and Brittany L. Rogalla, have executed their Attorney Oath and have been sworn in by Justice Garman. They are ready to help serve the clients of Gehris & Associates, LLC and we cannot wait for them to begin this journey with us.



Attorneys Demeros and Rogalla both attended NIU Law School and were in the 2020 graduating class. They have been with Gehris & Associates, LLC since October 2020 and have been valuable members of our team.



BRITTANY L. ROGALLA

Brittany L. Rogalla is a graduate of Northern Illinois University College of Law from Elgin, Illinois. She attended NIU for her undergraduate degree as well, earning a Bachelor of Arts in Communications with an emphasis in Media Studies and a minor in Spanish in 2017. During her time in law school, Brittany worked as a 711 licensed law clerk in criminal defense in both the public and private sectors and was a member of the Public Interest Law Society.

Attorney Rogalla has always had a passion for helping others and eventually, as a third-year law student, she became drawn to the civil side of law and quickly fell in love with the upbeat nature of the work and the relationships that are built with clients along the way. Brittany has since worked as a law clerk in Estate Planning and Real Estate and is excited to continue that and more here with our firm.

ATHENAMARIE DEMEROS

Athenamarie Demeros received her Bachelor of Arts in Philosophy with a Minor in Pre-Law from Eastern Illinois University in 2017 received her JD from Northern Illinois University College of Law in 2020. Athenamarie has held positions both in the private and public sector. She has experience in divorce and parentage cases and also in estate planning. Her experience includes working with adult survivors of abuse from her time at the Domestic Violence Legal Clinic in Chicago.

Attorney Demeros has discovered her strong passion for community service and advocating for vulnerable populations. She has spent her academic career and free time helping these communities get the care and representation they deserve. Attorney Demeros looks forward to continuing her legal career and working with her clients to achieve their desired results.



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.

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