

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 terminating parental rights through adoption and small claims. We want to assure you that we continue to closely monitor the quickly developing effects of the Coronavirus (COVID-19) pandemic on the justice system.

[Visit our Website](#)



Termination of Parental Rights



As part of an adoption proceeding, a court may determine that a natural parent is unfit and terminate that parent's parental rights. However, a court does not have the authority to terminate a parent's parental rights under the Adoption Act when termination is the sole

purpose. In a recent unpublished opinion, *In re Adoption of D.S., IV*, the Appellate Court reversed the lower court's decision, holding that to terminate parental rights, the parent seeking the termination may file a petition under only the Juvenile Court Act of 1987 or the Adoption Act. 2020 IL App (3d) 190687-U.

The Juvenile Court Act allows any adult person to file for adjudication of wardship alleging a minor is abused, neglected, or dependent. 750 ILCS 405/2-13(1), (2). The petition may seek termination of parental rights and the appointment of a guardian of the person with the power to consent to the adoption.

The Adoption Act allows a party to seek adoption of a child either related or unrelated to that party. A petition to adopt a child who is not related to the party seeking to adopt must be filed within 30 days after the child becomes available for adoption. Section 8(a)(1) of the Adoption Act provides circumstances when a child is available for adoption and when a parent's consent to adoption is not required, including finding a parent to be an unfit person. 750 ILCS 50/8(a)(1). There is no cause of action for the termination of parental rights alone under the Adoption Act.

When termination of parental rights is the only reason for filing a petition and that petition is denied under the Adoption Act, a party has two remedies for terminating parental rights. [\(Read more\)](#)

What is Small Claims?

A lawsuit that seeks money damages for less than \$10,000.00 is considered a "small claims" action. The purpose of filing a small claims is to collect a debt or settle a "small" legal controversy involving money without a long expensive legal battle. The person filing the case and initiating the lawsuit is the Plaintiff. The person being sued is the Defendant.



The case is commenced by filing a complaint and paying the filing fee. The complaint tells the court the factual basis for bringing the case and requests relief from the court. Once the case is filed, the Defendant must be served with a Summons.

The Court may allow the case to proceed as an informal hearing with relaxed rules of evidence. The procedures for a small claims case may differ from the procedures followed in hearings and trials in other areas of law. The burden of proving the claim is on the Plaintiff. Depending on what type of case is being presented will depend on what the Plaintiff will be required to prove.

There are several different claims for relief in small claims court including, but not limited to, negligence, written contracts, and repair bills. Small claims cases could also include landlord/tenant money disputes, medical bills and contractor disputes.

If the cause of action requires the Plaintiff to prove negligence, then the plaintiff must prove [\(Read more\)](#)

Spotlight

Check out the changes happening at Gehris & Associates,



LLC.

We are proud to announce that in addition to Family Law, Real Estate, Estate Planning, and Foreclosure Defense our firm is handling Small Claims, Evictions, Bankruptcy, Probate and Guardianship.

As a reminder we are now available to handle matters in Kane County, Lake County and McHenry County.

[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](#)