



Breaking Barriers to Justice

COVID-19 and FAMILY LAW

FREQUENTLY ASKED QUESTIONS

NOTE: The Frequently Asked Questions below were written to help answer questions we have heard because of the COVID-19 emergency. It is important to have reliable information when dealing with a public health emergency. However, the situation is changing very rapidly and the information below may not be up-to-date. Under normal circumstances, many of the answers may be different. The information that follows is based on Illinois and US laws, regulations, and emergency orders. This information is intended only to be an overview of your rights. Since every case is different, you should not rely on this information as a substitute for an attorney.

Is my divorce or custody court date going to be continued?

As of right now, Illinois Circuit Courts have postponed all divorce and custody court dates, except for emergencies. For most courts, the postponement lasts until April 30, 2020. However, many courts may have to postpone court dates past April 30, 2020 if the COVID-19 pandemic continues to worsen.

Can I still go to Court for an Emergency Order of Protection?

Yes. Orders of Protection are considered emergency cases and are still being heard by the courts. If your partner is abusing you or you are in danger, call the police for help. The police are supposed to respond to emergency calls. You can also call your local domestic violence organization or the statewide Illinois Coalition Against Domestic Violence hotline at 1-877-863-6338.

If you need to get an Order of Protection, call your local domestic violence shelter or advocacy organization and ask for help. You can also call the Illinois Coalition Against Domestic Violence hotline at 1-877-863-6338 or our Legal Advice and Referral Center at 1-877-342-7891.

Some courts are doing in-person hearings for the request for an emergency Order of Protection, some are doing telephone hearings, and some are doing paper review.

After you get an Emergency Order of Protection, the court in each county is deciding when the hearing will be for you to ask for the 2-year Plenary Order of Protection.

If you have been diagnosed with COVID-19 or have been around someone with COVID-19, you should immediately contact the Circuit Clerk and ask if your court date can be postponed and to have your Order extended until the court date. If your request to postpone your court date is denied, and your Order of Protection is not extended, you must show up for your court date.

Do I still have to give the other parent parenting time?

Yes. Only the Judge can change a parenting time order. All orders remain in place until they are modified or expire by terms of the agreement. Gov. Pritzker's Executive Order says that travel is allowed to exchange children under a court order for custody.

If the place where the children are exchanged is closed, talk to the other parent about using another place, such as a police department.

If parenting time is supposed to take place at a specific place that is closed, talk to the other parent to try to find another place to do supervised parenting time.

Who gets the child during school hours when school is closed?

Since there has never been a situation like this before, it is unlikely the court order talks about what to do. Both parties are responsible for following the court order as best you can.

If the parents agree on a schedule, then the parents can follow their agreement. If there is no agreement, the parents are responsible for following the court order as best as possible.

Does my ex-spouse or other parent still have to pay me maintenance or child support?

Yes. The court order that ordered your ex-spouse or other parent to pay maintenance or child support is still in effect unless it expires under the terms of the order or the court changes the order.

Do I still have to pay child support or maintenance if my job shut down?

Yes. The order for child support or spousal maintenance is still in effect unless it expires under the terms of the order or the court changes the order. If you have lost your job, you can file a motion asking the court to modify the child support or maintenance order. You should also file for unemployment benefits.

Are there other legal resources available besides Land of Lincoln?

The Public Interest Law Initiative PILI has set up the COVID-19 Illinois Free Legal Answers Task Force. [Illinois Free Legal Answers](https://il.freelegalanswers.org) is a secure website (il.freelegalanswers.org) where low-income Illinoisans can ask a lawyer a question about a civil legal issue.

You can also call or email the Illinois Lawyer Finder Service. The telephone number is 800-922-8757 and the website is www.isba.org/public/illinoislawyerfinder.

Illinois Legal Aid Online also has a lot of legal information at www.illinoislegalaid.org.

**Land of Lincoln Legal Aid
Legal Advice & Referral Center
Phone: (618) 394-7300
1 (877) 342-7891**

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