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as her non-marital property, and 5/7 ($105,268) was deemed marital property to be divided equally between the parties. The wife was also entitled to reimbursement of her pre-marital rollover contribution to her Hollister 401(k) in the amount of $6,663.50.

The court found that any award of maintenance in this matter would not be appropriate. Given the parties' financial resources, they were self-sufficient, and the court favored awards which encouraged finality between the parties.

Because there was only one minor child remaining, the husband's income being $112,000 and the wife's income being $95,817 (the average of the last three years through 2017), the parties' percentage share of income was 47% for the wife and 53% for the husband. The parties' basic combined obligation came to $1,623 per month. Multiplying that amount by 1.5 yielded $2,435 per month. The husband's portion was $1,300 per month, to be paid to the wife for child support.

Comment of Attorney Stuart Gordon:
"The case was instructive because the Judge used a new Section 503(d)(1)(iii) to allocate marital property acquired after the divorce was filed differently than the remainder of the marital property, allocating to the wife all increases in the value of the two major assets after she filed for divorce. The Judge also awarded the wife attorney's fees for this case and for ancillary work (such as the bankruptcy case in which I appeared with the wife for a Rule 2004 examination) related to the divorce case, all due to the husband's continual delays and actions rather than inability to pay. The husband, who as noted is an attorney and who represented himself, is sure to appeal."

Mother's Removal to Colorado Denied

The parties were divorced pursuant to an Agreed Judgment for Dissolution of Marriage entered on September 24, 2014. They had two children who were currently 15 and 8 years old. Pursuant to the Judgment, the mother had sole custody of the children. The father had parenting time every other weekend, holidays and summers. On May 15, 2018, the mother filed her Petition to Relocate with the children on a permanent basis to Colorado Springs, Colorado. Judge David E. Haracz determined that a relocation to Colorado would, among other statutory considerations, greatly affect the father's relationship with the two boys and found that it was not in the best interests of the children to relocate to Colorado.

The mother was represented by Peter R. Olson of Chicago Family Law Group, LLC. The father was represented by Lance R. Minor of the Law Office of Lance Minor, Ltd.

In considering the wife's Petition, the court applied the factors outlined in 750 ILCS 609.2(g). The court did not believe that the mother's motives were to intentionally deprive the father of his parenting time. She testified that a relocation had been considered for a long time. However, the exact location of Colorado was not decided upon until January of 2018. She testified that she and the father had a discussion in early 2017, at which time she indicated her desire to move out of state upon their son's graduation from eighth grade. Ultimately, the father did not agree to the move.

It was clear that the mother was and had been the primary caretaker of the children. She had been the sole decision maker and intimately involved in the children's education, health care and extra-curriculars. The father had not been very involved in any of these areas. Purportedly,

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the only time he came to the grammar school was for his son's eighth grade graduation. However, the mother did not always inform him of particular meetings or events, but neither did the father take an active role in trying to be involved. Although there were allegations that the father did not take advantage of large amounts of his parenting time, this was not proven, nor was it supported by the children's testimony.

The oldest son went to the same Chicago Public School from Kindergarten through eighth grade. The youngest son went to that same school through second grade. The oldest son had a positive experience at the school and had many friends. In anticipation of being able to relocate, the mother moved to a rental apartment in a different neighborhood. The oldest son started at a high school in his new neighborhood where he did not know anyone. No objective evidence was offered comparing the current schools with the schools in Colorado. The mother testified that her older son was bullied in his new high school. However, during the son's in camera interview, he stated that such issues no longer existed and that he had made some friends. Although the boys' current schools might not have been what the mother believed to be what was best for them, the court had no way to compare the option. The court was not convinced that the mother could not relocate within a 25 mile radius to a school district which better served the children's needs and which was located in a safer neighborhood.

Almost all extended family on both sides resided in the Chicago area. The oldest son indicated that he was close to both sides of the family. The mother testified that her sister was planning on moving to Colorado in the near future. Otherwise, no other extended family lived in Colorado.

The mother believed that the relocation would be better for the children's health. She testified that the air was cleaner and that there were many more opportunities for her sons to be physically active. At the residence in Colorado Springs each boy would have their own bedroom. The house was located in a quiet neighborhood and had a yard. It was very different than the small apartment that they were now renting in Chicago. She also believed that the schools in Colorado would be better for the children. However, she did not provide any evidence to that end.

Because the mother had "sole custody", the allocation of parental responsibilities would not change. However, the allocation of parenting time necessarily would be very different. During the interview, it became clear that the youngest child was not mature enough to knowingly express a reasoned preference. The oldest child was well spoken and appeared bright and thoughtful. However, when pressed for a true preference, he really was unable to give one. Although the court thought he would like to move to Colorado, he also stated that he could see himself continuing to go to school here.

The mother had proposed alternate parenting schedules that would essentially have the children in Colorado for the academic year but spending a significant portion of the summer in Chicago. The father believed that this would negatively affect his relationship with his children. The relocation would greatly affect the father's relationship. Although he was not extremely involved in his children's schools, he enjoyed regular parenting time with them. He did not want to lose this regular in-person contact.

The mother traveled with her sons and new husband to Colorado Springs in December 2017. They all had a very positive and enjoyable vacation. After returning, she decided that she

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wanted to relocate there. At some point thereafter, she purchased a home in Colorado Springs for $325,000.

The mother would not have had to switch jobs from the one she had. She was a business manager for a catering company making about $50,000 per year. She testified that she could work from home and that she would have the additional duty of trying to expand the catering company into the Colorado area. She did not provide any further details or whether there was an opportunity for more income. After moving out to Colorado Springs, her husband found a job as an electrician. The mother's desire to relocate was not based on greater financial opportunities for either herself or her husband. Rather, she perceived Colorado to be a better place to raise her children. However, she was not able to objectively prove that the schools or other opportunities there would have been better.

The father testified credibly that since the Judgment was entered, his parenting time had been interfered with by the mother on several occasions. On the other hand, he had not been a very involved parent in his sons' education or health care. He wanted to know about their progress but made no effort to be involved beyond spending time with them. A relocation to Colorado would have greatly affected his relationship. Based on all of the testimony and relevant evidence as outlined above, the court found that it was not in the best interests of the children to be relocated to Colorado.

Comment of Attorney Lance Minor:
"Judge Haracz made the right decision. Mom was not prepared to offer any credible evidence that Colorado is a better place to raise the parties' children than Chicago."

Marriage Invalid, Wife Putative

The wife was 29 years of age and a pharmacist residing in Michigan. The husband was 38 years of age and a radiologist residing in Darien, Illinois. The parties had a marriage ceremony on November 29, 2013. However, a marriage license was never issued. The husband filed a Motion to Dismiss the wife's Amended Petition for Dissolution of Marriage claiming that in order to be legally married the parties needed a valid marriage license. Judge Michael A. Forti agreed that the parties were not legally married but deemed the wife to be a putative spouse.

The wife was represented by Nanette A. McCarthy and Elizabeth Demonte Cervone of Griffin McCarthy & Rice LLP. The husband was represented by Naveed S. Husain and Maziar Shafiei of Farooqi & Husain, LLC.

On February 8, 2017, the wife filed an Amended Petition for Dissolution of Marriage. The Amended Petition alleged that the parties had two wedding ceremonies and receptions, one on November 29, 2013 in Birmingham, Michigan, and the second on April 19, 2014, in Addison, Illinois. The Amended Petition, unlike the original petition, was brought pursuant to 750 ILCS 5/401 and 750 ILCS 5/305 and had two counts. Count I alleged, inter alia, that the parties had a valid marriage solemnized in accordance with the statute, even if no marriage license was registered. Count II alleged, in the alternative, that if there were no valid marriage that could be dissolved pursuant to 750 ILCS Section 401, there was a basis for finding that the wife was a "putative spouse" pursuant to 750 ILCS 5/305 which would give her certain rights including maintenance following the termination of that status.

On March 28, 2017, the husband filed a Motion to Strike and Dismiss. This motion sought