

Joint Custody Case Law in Illinois

| Case Name | Ill.App.3d Cite | Year | App. Dist | Type of Joint Custody | Parent Appealing | Tr. Ct. Affirmed? | Did Father Win On Appeal? | IMDMA Section 602 Factors | | | Parent's Willingness to Facilitate Rel. Parties | Other Distance Between Parties | Other "Relevant Factors" and Other Notes |
|--|---------------------|------|-----------|---|---------------------|-------------------|---------------------------|---------------------------|--------------|------------------------------------|---|--------------------------------|---|
| | | | | | | | | Case Name | Child's Adj. | Mental/Phys. Health of All Persons | | | |
| Cases: Joint Custody, Affirmed by Appellate Court | | | | | | | | | | | | | |
| 1 <i>Marcello</i> | 247 Ill.App.3d 304 | 1993 | 1 | Joint Parenting Order. Mother primary residential parent | Sought Sole Custody | Affirmed | Yes | <i>Marcello</i> | | | | | Father participated in son's school activities and maintained frequent contact. |
| 2 <i>Seitzinger</i> | | 2002 | 4 | Joint Parenting Order. Mother primary residential parent | Sought Sole Custody | Affirmed | Yes | <i>Seitzinger</i> | | | x | x | [Joint custody] is simply a tool to maximize the involvement of both parents in the life of a child." No evidence of lack of cooperation presented. |
| Cases: Joint Custody, Reversed by Appellate Court | | | | | | | | | | | | | |
| 1 <i>Bush</i> | 191 Ill.App.3d 249 | 1989 | 4 | Joint; mother primary during school year. | Both | Reversed | No | <i>Bush</i> | | | x | | Parties repeatedly exhibited hostility toward each other; little chance of parties overcoming animosity; unable to cooperate on matters involving their son; trial court mandated to award custody to mother. |
| 2 <i>Drummond</i> | 156 Ill.App.3d 672 | 1987 | 4 | Father given custody during school year. | | Reversed | No | <i>Drummond</i> | x | | x | x | Parties unwilling to cooperate and quite vindictive toward each other. Trial ct. failed to note distance (Mother in IL. father in TX); custody awarded to mother on appeal. |
| 3 <i>Evans</i> | 229 Ill.App.3d 932 | 1992 | 4 | Joint; mother primary decision making and residential parent. | | Reversed | No | <i>Evans</i> | | Child | | | Joint custody inappropriate when insignificant assistance received from father; child had special needs on account of limited intelligence; trial ct. ordered on remand to award mother sole custody. |
| 4 <i>Hacker</i> | 239 Ill.App.3d 658 | 1992 | 4 | Joint physical shifting weekly | Father | Reversed | Yes | <i>Hacker</i> | | | | | Joint custody schedule (alternating weeks). Inappropriate; must give some permanency. |
| 5 <i>Ivey</i> | 261 Ill.App.3d 200 | 1994 | 4 | Father had custody, but effectively joint because of mother's expansive visitation. | Father | Reversed | Yes | <i>Ivey</i> | | | | | Mother had so much visitation time that father hardly had the children; trial court ordered to give father genuine custody rights; mother created unacceptably hazardous environment for children. |
| 6 <i>Kocal v. Holt</i> | 229 Ill.App.3d 1023 | 1992 | 3 | Joint; mother primary residential | | Reversed | No | <i>Kocal v. Holt</i> | | | x | | Parties did not display capacity to cooperate effectively about daughter's upbringing; parties had history of disagreement. |
| 7 <i>Martins</i> | 269 Ill.App.3d 380 | 1995 | 2 | Joint custody; Father's petition for sole custody denied. | Father | Reversed | Yes. Sole. | <i>Martins</i> | x | Children | | | Mother's change to lesbian lifestyle affected her interaction with the children. |

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| Denial or Modification of Joint Custody Cases | | | | | | | | | | | | | |
| Case Name | Ill.App.3d Cite | Year | App. Dist | Custody Awarded by Trial Court | Parent Appealing | Tr. Ct. Affirmed? | Did Father Win On Appeal? | Case Name | Child's Adjustment | Mental/Phys. Health of All Persons | Parent's Willingness to Facilitate Rel. | Distance Between Parties | Other "Relevant Factors" and Other Notes |
| 1 <i>Hahin</i> | 266 Ill.App.3d 168 | 1994 | 2 | Sole custody to mother. | Father | Affirmed | No. Sole | <i>Hahin</i> | | | | x | Distance between parents would make joint custody difficult to manage, and not in children's best interest. |
| 2 <i>Jerome & Martinez</i> | 255 Ill.App.3d 374 | 1994 | 5 | Sole custody to mother | Father | Affirmed | No. Sole | <i>Jerome & Martinez</i> | | Father | x | | Husband had wife and her parents arrested for disorderly conduct & refused to dismiss charges. Father was obsessive-protective toward children; parties incapable of reaching agreement on child rearing issues. |
| 3 <i>Johnson</i> | 245 Ill.App.3d 545 | 1993 | 3 | Joint custody modified to sole custody to father. | | Affirmed | Yes. Sole | <i>Johnson</i> | | | x | | Mother pointed pistol toward father and pulled trigger, but gun did not fire because safety was on; trial court acquired knowledge of numerous incidents of mother's hostility toward father that endangered children. |
| 4 <i>Martins</i> | 269 Ill.App.3d 380 | 1995 | 2 | Joint custody; Father's petition for sole custody denied. | Father | Reversed | Yes. Sole | <i>Martins</i> | x | Children | | | Mother's change to lesbian lifestyle affected her interaction with the children. |
| 5 <i>McCoy</i> | 272 Ill.App.3d 125 | 1995 | 4 | Sole custody to mother; Father appealed re sole vs. joint custody | Father | Affirmed | No. Sole. | <i>McCoy</i> | | Father | x | | Father exhibited violent and depressive behavior; father attempted suicide after mother awarded sole custody. Father cooperated "only when he got his way." |
| 6 <i>Melton</i> | 288 Ill.App.3d 1084 | 1997 | 5 | Joint custody modified to sole custody to father. | | Affirmed | Yes. Sole. | <i>Melton</i> | | | x | | Mother's acrimonious reaction to divorce. |
| 7 <i>Oros</i> | 256 Ill.App.3d 167 | 1994 | 4 | Joint custody, but father primary custodian; mother's petition to modify to sole custody denied. | | Reversed | Sole to One of Parents on Remand | <i>Oros</i> | x | Child | | x | Parents lived in different cities, and child rotated between residences every three months. Joint custody arrangement was unsatisfactory. Child suffered emotional problems linked to rotating existence between parents. |

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| 8 Pfaff, Custody of | 250 Ill.App.3d 265 | 1993 | 3 | Joint custody modified to sole custody to mother. | Father | Affirmed | No. Sole | Pfaff, Custody of | | | x | | including which dentist to go to and which kindergarten to attend. |
| 9 Swanson | 275 Ill.App.3d 519 | 1995 | 4 | Mother primary residential custody but father had children last for 14 days each month | | Reversed | No. Sole | Swanson | | | x | | Parents did not have ability to cooperate effectively and consistently. |
| 10 Wanstreet | No. 5-05-0572 | 2006 | 5 | | Father | Affirmed | No. Sole | Wanstreet | x | | | x | Sole custody despite ""some indication that the parties can cooperate." |
