

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?	Other "Relevant Factors" and Other Notes
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	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	"[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	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	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	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	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	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	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.	Mother's change to lesbian lifestyle affected her interaction with the children.

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?	Other "Relevant Factors" and Other Notes
1 Carrillo	372 Ill. App. 3d 803, 867 N.E.2d 70, 310 Ill. Dec. 757	2007	1	Sole to mother. Initially trial court ordered joint but following reopening of proofs awarded sole.	Father	Affirmed	No. Sole	Distance between parents would make joint custody difficult to manage, and not in the children's best interest.
2 <i>Hahin</i>	266 Ill.App.3d 168	1994		Sole custody to mother	Father	Affirmed	No. Sole	The court granted the wife sole custody 'because they [the children] have resided in Glen Ellyn some distance from Mr. Hahin, and are clearly integrated into the community there'."
3 <i>Jerome & Martinez</i>	255 Ill.App.3d 374	1994	5	Sole custody to mother	Father	Affirmed	No. Sole	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.
4 <i>Johnson</i>	245 Ill.App.3d 545	1993	3	Joint custody modified to sole custody to father.		Affirmed	Yes. Sole	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.
5 <i>Martins</i>	269 Ill.App.3d 380	1995	2	Joint custody; Father's petition for sole custody denied.	Father	Reversed	Yes. Sole	Mother's change to lesbian lifestyle affected her interaction with the children.
6 <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.	Father exhibited violent and depressive behavior; father attempted suicide after mother awarded sole custody. Father cooperated "only when he got his way."
7 Melton	288 Ill.App.3d 1084	1997	5	Joint custody modified to sole custody to father.		Affirmed	Yes. Sole.	Mother's acrimonious reaction to divorce.
8 <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	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.
9 <i>Pfaff, Custody of</i>	250 Ill.App.3d 265	1993	3	Joint custody modified to sole custody to mother.	Father	Affirmed	No. Sole	Parties could not cooperate on major decisions affecting child, including which dentist to go to and which kindergarten to attend.

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10 <i>Swanson</i>	275 Ill.App.3d 519	1995	4	Mother primary residential custody but father had children last for 14 days each month		Reversed	No. Sole	Parents did not have ability to cooperate effectively and consistently.
11 Wanstreet	No. 5-05-0572	2006	5		Father	Affirmed	No. Sole	Sole custody despite ""some indication that the parties can cooperate."