

COVID-19 and Legal Matters

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COVID-19 can have an impact on many areas of our day-to-day life. Many may find themselves in a situation which they did not expect. While the future seems uncertain, there are steps that can be taken now to protect your legal interests.

Maintenance/Child Support: Many have found themselves laid off work or suffering from a reduction in income as COVID-19 impacts businesses and forces closures. If you are under a current court-ordered obligation to pay child support and/or maintenance, you are still required to pay the amount outlined in the court order. You will not automatically get out of this obligation even if you have a loss or reduction in income due to COVID-19. The court must enter an order to modify your payments. A petition to modify these payments needs to be filed immediately to preserve your position and protect your interests.

Foreclosures: Many have found themselves unable to make their mortgage payments. Due to the negative impact that coronavirus has and will have on the economy, the U.S. Department of Housing and Urban Development has authorized a moratorium on foreclosures. This will allow families and individuals to focus on the well-being of their families without the fear of losing their homes. At this time this temporary relief is set to expire in May 2020. However, it does not apply to all mortgages. There are several options with regard to retaining your home or selling your home, if necessary, before a foreclosure case could proceed. Just because the lender will not proceed on the foreclosure at this time, does not mean you should wait to discuss your options until the moratorium has expired.

Real Estate: Most real estate brokers have taken extra precautions during showings and closings to help prevent the spread of COVID-19. However, title companies are still handling closings and mortgage companies are still offering loans to buyers. While getting some of the necessary documents in order to close may be more difficult under the “stay at home” order, it is still very possible to buy or sell a home.

Power of Attorney: If you do not have a power of attorney for healthcare decisions and a power of attorney for financial decisions, now may be the time to have one prepared. In these uncertain times, this may give you peace of mind that you have a plan in the event you are not able to carry out some of your duties or make decisions.

Orders of Protection: The Illinois Supreme Court has issued a mandate that until further notice all courthouses in Illinois are limited to operating for the purpose of providing essential functions. The court has deemed Emergency Orders of Protection to be an essential function. You are permitted to proceed with these matters at this time.

Divorce: If you wish to proceed with a divorce, the documents can still be prepared and filed. The court will schedule an initial court date 90 days from the date that the case is filed. There are a lot of things that can be done in those 90 days to proceed with the case even without being able to appear in front of the Judge. If you already have a divorce case on file, there are several

steps that can be taken in your case without appearing in front of the Judge. In fact, with reduced litigation, some case may resolve amicably. If there is no resolution or agreement, the case can be prepared to fiercely litigate once the court resumes scheduling trial dates.