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## **Rule 106.**

### **REMAINDER OF OR RELATED WRITINGS OR RECORDED STATEMENTS**

When a writing or recorded statement or part thereof is introduced by a party, an adverse party may require the introduction at that time of any other part or any other writing or recorded statement which ought in fairness to be considered contemporaneously with it.

Adopted September 27, 2010, eff. January 1, 2011.



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**Via Email Only**

Client Name  
Client Address  
Client Address  
Client Email Address

**Re: Case Name  
Case Number**

Dear Client:

As you know, your deposition is scheduled for {Date and Time}. Before your deposition you will be put under oath just as you would be in court and opposing counsel will ask you questions relating to this case. The attorney's questions and your answers will be taken down by a court reporter. I will also be present. No judge will be present. After the deposition, if one of the attorneys orders it, the court reporter will type the questions and answers. You, the opposing party, and the attorneys can buy copies.

If your testimony at trial differs from your deposition testimony, the deposition can be used by opposing counsel to cross-examine you. Any part of your deposition can be read by opposing counsel at the final hearing. **Be careful what you say.**

I will review your case with you on {Date}, but it is helpful for you to refresh your recollection before you meet with us. It is extremely important that you have everything in mind about the case at your deposition. Prior to your testimony, refresh your recollection by reading your notes about the case as well as the pleadings and notes provided. Do not memorize any statement you have given or anything that you are going to say in response to questions. You should simply visualize what happened and in your own words answer any question concerning it.

During your deposition, opposing counsel can ask you questions that are admissible in court under the rules of evidence. In addition, he can ask questions that may seem to be none of his business and would not be admissible in court. The law allows any question that could "lead to relevant material." The courts allow "discovery" in these depositions, and you may be asked for "hearsay" (something you heard another person say, but about which you have no direct knowledge) and other things that will enable the other side to make further investigations of the case.

Because of the broad scope of "discovery," do not be surprised if I do not object to questions that seem to be out of line. If the opposing attorney asks improper questions, I will object to the question. Only if I object to the question and instruct you not to answer it should you refuse to answer the question. Please do not refuse to answer any question unless I instruct you to do so.

The rules of procedure require the court reporter to submit a typed copy of your testimony for your review so that you can make corrections. You will be asked at the end of the deposition whether you waive that right. If you waive that right, then the transcript will remain as typed. Usually I will announce whether or not you will be waiving your right to review and sign the deposition. **If,**

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**however, you are in doubt, do not waive that right.**

When the court reporter makes the transcript available to you, you may make changes only in form, such as a typographical mistake or a misunderstanding about what you actually said. There are no changes for what you meant to say. You should be ready to provide your reasons for making changes.

Rarely will I ask you questions during your deposition. When I am not the one requesting a deposition, I seldom have an interest in having you testify beyond answers to their questions. If, however, it is advantageous to ask some leading questions, your answers should be very brief. Please do not be disappointed if I do not ask any questions.

### **Why Is My Deposition Being Taken**

The opposition is taking your deposition for at least three reasons:

They want to *find out what facts* you have in your actual knowledge and possession regarding the issues in the case. In other words, they are interested in what your story is now and what it is going to be at trial.

They want to *pin you down* to a specific story so that you will have to tell the same story at trial.

They may hope to *catch you in a lie* to show at trial that you are not a truthful person and, therefore, that your testimony should not be believed, particularly on crucial points.

They want to *evaluate you* to see what kind of witness you will make at trial.

Your deposition also will assist the other side in evaluating this case for settlement purposes. This is often the best opportunity the opposition has to see you before the case comes to trial. You should answer the questions in an honest and straightforward manner so that the opposition will be impressed with the potential impact your honest and sincere testimony will have on the judge at trial.

If the facts to which you testify at the final hearing differ from the facts you give at the deposition, the opposing counsel can use that difference to undermine or impeach the believability of your testimony at the final hearing.

### **How to Behave at the Deposition**

**Tell the truth.** Almost nothing you can admit to can be as damaging as being caught in a lie. In a lawsuit, as in all other matters, honesty is the best policy. A lie may lose the case. Telling the

truth means more than refraining from telling a deliberate falsehood. It requires that a witness testify accurately about what he or she knows. If you tell the truth and tell it accurately, nobody can cross you up. It is important that you not be trapped into telling something that is not true.

**Be straightforward in your answers.** Respond to counsel's questions in an attentive and polite manner.

**Do not try to anticipate whether your response will help or hinder your case.** Answer each question truthfully. Your attorney can deal with the truth effectively, but he or she will be handicapped by any other kind of answer.

**Listen to each question carefully and be sure that you understand it before answering.** If you do not understand the question, ask the attorney to repeat the question or rephrase it so that you understand it. When you understand the question, answer it honestly and accurately. If you do not know the answer, say "I do not know" or "I do not recall." No one can remember everything. However, you should remember the important things and must give honest and accurate answers to these questions.

**Listen to the question.** Do not answer until you hear the entire question.

**Hear the question.** If the attorney lowers his or her voice or a noise in the room prevents you from hearing every word, ask to have that particular question repeated.

**Understand the question.** Before you attempt to give an answer, make sure that you understand the question. You can't possibly give a truthful and accurate answer unless you know what is being asked. If you do not understand, ask the attorney to repeat the question. The attorney may ask the court reporter to read the question aloud. Keep a lookout for a question with a double meaning or a question that assumes you have testified to a fact when you have not. Make sure the question is exact. If you are not certain about the meaning of a word, do not be embarrassed. Ask the attorney to explain it.

**Take your time.** Pause after the question is asked before you answer it. Count one, two, and tap a finger on your knee under the table with each count. Give each question the thought it requires and formulate your answers carefully. Do not give a snap answer without thinking. Do not hurry. If you need a break, ask for one.

**Take a break.** Feel free to request a cup of coffee or tea, a cold drink of water, or whatever you need. *Do not hesitate to request a recess of the proceedings if you are tired or you need to use the restroom or to make an important telephone call.* If you must smoke, request a break.

**Do not volunteer information.** Listen carefully to each question and answer only what is asked. Do not ramble or elaborate. If opposing counsel wants an explanation, he or she must ask for

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one. If I want you to explain further, I will ask when it comes time for questions. What you volunteer will turn out to be harmful to you.

**Do not worry about silence.** Do not be tempted to fill the silence with words. Keep quiet and wait. They may be trying to manipulate you to fill the silence with the information they want.

**Repetitious questions.** You may hear the same question more than once. If your original answer was accurate, stick to it— even if you are challenged. Do not let opposing counsel shake your confidence.

**Speak slowly and clearly.** Do not nod or shake your head in response to a question. Answer audibly. The court reporter must hear your answer in order to record it. If you point or motion, try to describe what you are pointing to or indicating. It is up to counsel to describe for the record what you are pointing to or indicating.

**Beware of compound questions.** Answer only one question at a time. If you are confused by a complicated or multipart question, ask to have it repeated and clarified.

**Do not look to me for assistance to answer.** When you are being questioned, you must answer the question yourself. *Do not watch us for some “signal” for how to answer.*

**Beware of questions involving distance and time.** If you estimate something, make sure that everyone understands that it is your best effort to answer the question accurately. Think clearly about distances and intervals of time. Be sure your estimates are reasonable.

**If counsel insists on an estimate.** If you respond to a question with an estimate, make it clear that it is only an estimate.

**Do not guess.** If you do not know the answer, say so.

**Limit your testimony.** Testify only to facts within your knowledge and do not speculate about anything, unless specifically asked to do so.

**Do not exaggerate.**

**Give only the information that is readily available to you.** If you know an answer to a question, answer it. If you do not know certain information, do not try to answer. Do not turn to me and ask me for the information, and do not ask anyone else. Do not promise to get information that you do not have at hand unless we advise you to.

**Do not search for documents.** Do not reach into your pocket for a social security card or other document unless your counsel requests it. The purpose of a discover deposition is to elicit the

facts that you know, not to produce documents. If the opposition is interested in obtaining documents from you, there are other legal procedures through which to obtain them. Do not ask me to produce anything in my file, because similar rules apply.

**Do not joke.** Humor is not apparent on a transcript and may make you look crude or cavalier about the truth. This is serious business. If you joke, you may lower your guard. Then you make a mistake and the joke is on you.

**Do not chat with the opposing attorneys.** Remember, the opposing counsel is your legal enemy. Do not let his or her friendly manner cause you to drop your guard. They may be using this conversation as an underhanded discovery tool.

**Do not make friends.** Depositions are not social occasions. If the deposition becomes friendly, beware. They are probably trying to get you to lower your guard so you will talk more freely. You do not want to talk freely.

**Off-the-record statements.** Frequently attorneys will make an “off-the-record statement.” That means that the court reporter does not write down what is said. Be careful, however. This can be disarming. When the deposition resumes “on the record,” the attorney can question you about something that was said off the record.

**Do not attempt to outwit opposing counsel.** If opposing counsel is asking improper questions or harassing you, I will object and address the problem.

**Do not argue with opposing counsel.** Opposing counsel has a right to question you, and if you respond with smart talk or give evasive answers, opposing counsel may jump down your throat. Do not answer a question with a question unless the question you are asked is not clear.

**Do not lose your temper.** No matter how hard you are pressed, maintain your composure. Lose your temper and you may lose the case. If the other attorney gets you mad, you are easier to fight.

**If asked. . .** Opposing counsel may ask if you have talked to your attorney about the facts about which you are testifying. Admit it. If we came to your deposition without discussing the facts about which you are testifying, we would both be idiots. If you are a party to the lawsuit and you are asked this question, we could object because of attorney-client privilege. You are expected to have talked with your attorney. A good attorney would not let you testify without first discussing the matter with you. If asked whether the attorney told you what to say, respond, “He told me to tell the truth!”

**Do not be afraid to answer under oath.** Do not let opposing counsel unnerve you by asking whether you are willing to swear to testify. If you were there and know what happened or didn't

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happen, do not hesitate to “swear” to it. You were “sworn” to tell the truth when you began the deposition.

**If I make an objection.** When I make an objection, wait for me to advise you whether to answer the question.

**Your appearance.** Dress modestly and conservatively. Be on time.

**Your manner.** Treat everyone at the deposition with respect.

**Maintain your composure.** Try not to become upset over the length or detail of the questions. Frequently such questions will provide insight into the approach your opponent’s attorney plans to use at trial.

**Correct and clarify.** If your answer was wrong, correct it immediately or as soon as you realize you made an error.

**Do not box yourself in.** Do not say, “that’s the whole conversation” or “nothing else happened.” Say instead, “that’s all I recall,” or “that’s all I remember now.” It may be that after more thought or another question, you will remember something important.

**Sinful words.** “Always,” “all,” “never,” and “ever” are sinful words. If you use these words in your deposition testimony, you will frequently find that punishment follows. There is nothing so certain in this world, that these would be the proper words to describe it with in a deposition.

**Documents.** If you are shown documents, take your time to read them carefully and thoroughly. Look at the date, the author, the signature, the addressee, and to whom copies were sent.

Depositions are not fun. On the other hand, it will not kill you. To be entirely honest, the real danger is driving to and from a deposition. A good deposition is an easy deposition and the best way to give an easy deposition is to tell the truth.

Very truly yours,



Bryan V. Reed

West's Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 750. Families

Act 5. Illinois Marriage and Dissolution of Marriage Act (Refs & Annos)

Part VI. Allocation of Parental Responsibilities (Refs & Annos)

750 ILCS 5/609.2

5/609.2. Parent's relocation

Effective: January 1, 2016

Currentness

§ 609.2. Parent's relocation.

- (a) A parent's relocation constitutes a substantial change in circumstances for purposes of Section 610.5.
- (b) A parent who has been allocated a majority of parenting time or either parent who has been allocated equal parenting time may seek to relocate with a child.
- (c) A parent intending a relocation, as that term is defined in paragraph (1), (2), or (3) of subsection (g) of Section 600 of this Act, must provide written notice of the relocation to the other parent under the parenting plan or allocation judgment. A copy of the notice required under this Section shall be filed with the clerk of the circuit court. The court may waive or seal some or all of the information required in the notice if there is a history of domestic violence.
- (d) The notice must provide at least 60 days' written notice before the relocation unless such notice is impracticable (in which case written notice shall be given at the earliest date practicable) or unless otherwise ordered by the court. At a minimum, the notice must set forth the following:
- (1) the intended date of the parent's relocation;
  - (2) the address of the parent's intended new residence, if known; and
  - (3) the length of time the relocation will last, if the relocation is not for an indefinite or permanent period.

The court may consider a parent's failure to comply with the notice requirements of this Section without good cause (i) as a



factor in determining whether the parent's relocation is in good faith; and (ii) as a basis for awarding reasonable attorney's fees and costs resulting from the parent's failure to comply with these provisions.

(e) If the non-relocating parent signs the notice that was provided pursuant to subsection (c) and the relocating parent files the notice with the court, relocation shall be allowed without any further court action. The court shall modify the parenting plan or allocation judgment to accommodate a parent's relocation as agreed by the parents, as long as the agreed modification is in the child's best interests.

(f) If the non-relocating parent objects to the relocation, fails to sign the notice provided under subsection (c), or the parents cannot agree on modification of the parenting plan or allocation judgment, the parent seeking relocation must file a petition seeking permission to relocate.

(g) The court shall modify the parenting plan or allocation judgment in accordance with the child's best interests. The court shall consider the following factors:

(1) the circumstances and reasons for the intended relocation;

(2) the reasons, if any, why a parent is objecting to the intended relocation;

(3) the history and quality of each parent's relationship with the child and specifically whether a parent has substantially failed or refused to exercise the parental responsibilities allocated to him or her under the parenting plan or allocation judgment;

(4) the educational opportunities for the child at the existing location and at the proposed new location;

(5) the presence or absence of extended family at the existing location and at the proposed new location;

(6) the anticipated impact of the relocation on the child;

(7) whether the court will be able to fashion a reasonable allocation of parental responsibilities between all parents if the relocation occurs;

(8) the wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to relocation;

(9) possible arrangements for the exercise of parental responsibilities appropriate to the parents' resources and circumstances and the developmental level of the child;

(10) minimization of the impairment to a parent-child relationship caused by a parent's relocation; and

(11) any other relevant factors bearing on the child's best interests.

(h) If a parent moves with the child 25 miles or less from the child's current primary residence to a new primary residence outside Illinois, Illinois continues to be the home state of the child under subsection (c) of [Section 202 of the Uniform Child-Custody Jurisdiction and Enforcement Act](#).<sup>1</sup> Any subsequent move from the new primary residence outside Illinois greater than 25 miles from the child's original primary residence in Illinois must be in compliance with the provisions of this Section.

#### Credits

P.A. 80-923, § 609.2, added by P.A. 99-90, § 5-15, eff. Jan. 1, 2016.

#### Footnotes

<sup>1</sup>  
750 ILCS 36/202.

750 I.L.C.S. 5/609.2, IL ST CH 750 § 5/609.2  
Current through P.A. 102-718 (with the exception of P.A. 102-700) of the 2022 Reg. Sess. Some statute sections may be more current, see credits for details.

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT – DOMESTIC RELATIONS DIVISION**

<b>IN RE: THE MARRIAGE OF:</b>	)	
	)	
<b>WIFE,</b>	)	
<i>Petitioner,</i>	)	
	)	<b>Case Number</b>
<b>and</b>	)	
	)	<b>Calendar</b>
<b>HUSBAND,</b>	)	
<i>Respondent.</i>	)	

**PETITION FOR RELOCATION OF THE MINOR CHILD FROM ILLINOIS TO  
TEXAS**

NOW COMES the Petitioner, (“WIFE”), by and through her attorneys, REED, CENTRACCHIO & ASSOCIATES, LLC, pursuant to 750 ILCS 5/603.5, 750 ILCS 5/602.7 and 750 ILCS 5/609.2, and in support of her *Petition for Relocation of the Minor Child from Illinois to Texas*, WIFE states as follows:

**Background**

1. WIFE and the Respondent, (“HUSBAND”), were married on April 3, 2000, in Texas.
2. Four children were born to the parties during their marriage, namely: Child 1, currently age twenty (20) and emancipated, Child 2, currently age nineteen (19) and emancipated, Child 3, currently age eighteen (18) and emancipated, and Child 4, currently age twelve (12), hereinafter referred to as “minor child”.
3. WIFE filed a Petition for Dissolution of Marriage on (specified date redacted), which remains pending and undetermined.
4. There have been no orders entered in this matter regarding the allocation of parental responsibilities.
5. WIFE desires to relocate to (redacted), Texas, a suburb of (redacted), Texas, with the

parties' youngest and only remaining minor child after she completes 8<sup>th</sup> grade in June of 2023.

6. WIFE is originally from (redacted), Texas, near (redacted), Texas and her immediate and extended family live near (redacted) Texas.

7. The parties met in Texas, and WIFE relocated to Chicago after the parties married.

8. During the marriage, HUSBAND owned and operated a wholesale florist company, which he sold to a larger wholesale florist company. HUSBAND is still employed by the larger company in Chicago, IL.

9. WIFE has not been employed since the birth of the parties' eldest child and has been a homemaker and the primary caretaker for the parties' children during the parties' marriage.

10. WIFE has been responsible for the vast majority of all parenting duties, including all children's educational needs, nutritional needs, transportation, extracurricular activities, medical appointments and all other parenting duties, whereas HUSBAND has voluntarily been disinterested with same.

11. Upon information and belief, when he is not working, HUSBAND has spent the majority of his free time for years with various other paramours, one of which he rented an apartment with, all instead of spending something more than minimum face time with his actual family.

12. The parties have been separated for approximately two years, although they remained living in the same house during that time. The parties began living separately in March of 2022.

13. When the parties initially separated, they discussed WIFE's desire to move to Texas to be near her family. HUSBAND even gave WIFE his permission for her to relocate with the minor child after the parties second youngest child graduated high school in June of 2022.

14. Recently, HUSBAND has changed his mind and refuses to allow WIFE to relocate

to Texas with the minor child on the sole basis that she will not agree with a blind financial settlement that he has proposed.

15. For the reasons stated herein, it is in the best interests of the minor child to relocate with WIFE to (redacted), Texas.

**Petition for Relocation of Minor Child to (redacted), Texas**

16. WIFE restates and realleges Paragraphs 1- 15 of Background as though fully set forth herein.

17. WIFE submitted her Notice of Intent to Relocate on May 3, 2022, to HUSBAND through his counsel. A copy of the Notice of Intent to Relocate is attached hereto as **Exhibit A.**

18. Upon information and belief, based upon HUSBAND's recent representations, WIFE does not believe that HUSBAND will agree to the relocation of the minor child. Accordingly, WIFE has filed this instant Petition seeking that this Honorable Court allow her to relocate with the minor child to (redacted), Texas in June of 2023.

19. Pursuant to 750 ILCS 5/603.5, this Court may enter an order allowing the relocation of the minor child prior to the entry of a final allocation judgment based on the best interests of the child and in accordance with 750 ILCS 5/609.2.

20. The factors that the Court should consider as provided in 750 ILCS 5/609.2, when determining the issue of relocation, are as follows:

- i. *The circumstances and reasons for the intended relocation.* WIFE and the minor child's relocation to (redacted), Texas will provide them with the opportunity to reside close to WIFE's immediate and extended family. WIFE's entire family resides in Texas, including her mother, four siblings and their spouses and children. WIFE also has numerous aunts and cousins in Texas. WIFE and the minor child are extremely close with WIFE's immediate

family and moving to Texas will allow the minor child to regularly visit with her grandmother and maternal aunts, uncles and cousins. WIFE, HUSBAND, and the children spend almost every Christmas and New Year's Eve with WIFE's family in Texas.

Not only will the minor child benefit from regular visits with her grandmother, aunts, uncles and cousins, but WIFE's family will be able to provide additional support to WIFE as it relates to the minor child's transportation requirements. Currently, WIFE provides almost 100% of the minor child's transportation to and from school and all of her activities and social events.

The minor child is heavily involved in volleyball, and she participates in various leagues and competitions. Being close to WIFE's family in Texas will provide the minor child with assistance at those volleyball events as WIFE's family is eager to attend and support the minor child.

Moreover, the climate in Texas is better for the minor child's health and well-being as she will be able to be outdoors and active outdoors year-round. The more favorable weather in Texas would allow the minor child to lead a more active lifestyle outdoors, with nearly year-round sunshine.

*ii. The reasons, if any, why a parent is objecting to the intended relocation.* When the parties initially began discussing their separation two years ago, HUSBAND gave permission to WIFE to relocate to Texas with the minor child, after the parties' second youngest child graduated from high school, which is scheduled for June of 2022. After each of WIFE's trips to Texas during the parties' two-year separation, HUSBAND inquired whether WIFE located a house to purchase while she was in Texas. In fact, HUSBAND tried to facilitate WIFE's obtaining a mortgage for a property in Texas. HUSBAND proposed that WIFE be added to HUSBAND's company payroll, despite not being an employee, so WIFE could

claim income in order to qualify for a mortgage. In fact, HUSBAND even suggested manufacturing proof of income for WIFE by adding her to his company's payroll and creating sham paystubs so she could qualify for a mortgage to purchase a home in Texas. WIFE was uncomfortable with such a suggestion, so she declined his offer.

As a result of HUSBAND's representations, WIFE took affirmative steps to plan her move to Texas, including, but not limited to researching schools, planning the minor child's enrollment in various extra-curricular activities, researching specific neighborhoods and searching for housing for herself and the minor child. As recently as October of 2021, HUSBAND suggested that he may also relocate to Texas. HUSBAND mentioned to WIFE that he would consider transferring to one of many Texas locations of his current company.

Despite the parties' lengthy discussions and agreement on the issue of relocation, HUSBAND has recently refused to allow WIFE to relocate with the minor child as he has made his permission contingent upon WIFE forgoing financial discovery in this matter in exchange for the ability to relocate with the minor child to Texas. The parties attended mediation to mediate the issues related to the allocation of parental responsibilities pursuant to Cook County Local Rule 13.4(e)(ii)(b) but were unable to reach an agreement due to HUSBAND's unreasonable demands.

Upon information and belief, the only reason HUSBAND is now objecting to the minor child's relocation is to leverage a financial settlement without having to disclose any financial details to WIFE. HUSBAND has controlled the vast majority of the parties' finances during the marriage and continues to this day. WIFE has limited knowledge of the parties' assets due to HUSBAND's refusal to share information. In fact, in 2019, WIFE learned that HUSBAND had purchased real estate without her knowledge or consent. As such, HUSBAND is continuing his superior control over the parties' finances by taking

such an unreasonable position as it relates to discovery and the relocation of the minor child.

*iii. The history and quality of each parent's relationship with the child and specifically whether a parent has substantially failed or refused to exercise the parental responsibilities allocated to him or her under the parenting plan or allocation judgment.* WIFE has been the primary caretaker for all four children and has not been employed outside of the home during the parties' marriage. WIFE has been almost exclusively responsible for all caretaking functions for the minor child including, schooling responsibilities, extracurricular responsibilities, medical responsibilities, and social responsibilities.

During the marriage, HUSBAND spent a limited amount of time with the children, choosing to work or spend time with his numerous paramours or just drinking with coworkers or friends instead. In fact, HUSBAND rarely participated in the minor children's school functions. HUSBAND continues this behavior presently and spends limited time with the parties' remaining minor child. HUSBAND's conduct has damaged his relationship with the minor child, and he has taken no meaningful steps to improve his relationship with the minor child during these proceedings.

Conversely, WIFE is primarily responsible for all transportation necessities for the minor child and HUSBAND only infrequently assists on the rare occasion that WIFE is unable to provide transportation for the minor child. The children each participated in various sporting leagues, which required frequent travel for the minor children and WIFE. HUSBAND never attended travel tournaments. HUSBAND only attended one parent-teacher conference for all four children combined, leaving the bulk of the schooling responsibilities to WIFE. The minor child currently resides exclusively with WIFE, and HUSBAND has voluntarily exercised only a minimal amount of parenting time with the



minor child.

HUSBAND also has a history of alcohol abuse and has failed to adequately care for and make appropriate decisions in the best interests of the minor child. Specifically, on March 18, 2022, on a rare occasion that WIFE requested assistance from HUSBAND to pick up the minor child from volleyball practice, HUSBAND arrived severely intoxicated. After the minor child entered the vehicle, HUSBAND remained parked and seemed disoriented for countless minutes while the minor child cried and became increasingly distraught. The minor child contacted WIFE, who happened to be near enough to drive to the volleyball practice location to retrieve the minor child. Upon arriving to the location, WIFE confirmed that HUSBAND was intoxicated and presumably intended to drive under the influence with the minor child. Since the incident on March 18, 2022, the minor child has been even more reluctant than ever to spend any time with HUSBAND and HUSBAND has similarly not extended many offers to spend time with the minor child. WIFE has serious concerns about HUSBAND's increased alcohol use and abuse in the presence of the minor child. HUSBAND requires alcohol counseling to ensure the safety of the minor child during parenting time.

- iv. The educational opportunities for the child at the existing location and at the proposed new location.* The minor child is scheduled to complete 8<sup>th</sup> grade in June of 2023 and transition to high school. Because she still has one year remaining in elementary school, the minor child's options for high school in Chicago remain unknown. The parties' older children attended a selective enrollment high school in Chicago, Illinois. While this selective enrollment school provides an excellent education, acceptance to the school is highly competitive and it is unlikely that the minor child will be admitted due to her grades this year. As such, given her grades, the minor child's options for high school in Chicago may

be limited to the neighborhood school where she resides at the time of enrollment. Currently, the neighborhood high school where the minor child resides is in the bottom five percent (5%) of Chicago public high schools. This high school ranks far below state average in graduation rate and SAT scores.<sup>1</sup>

WIFE plans to enroll the minor child in Texas High School (“Texas High”) in (redacted), Texas. Texas High has a low student to teacher ratio of 16.6 students per teacher. The school’s population is diverse and students at Texas High have performed above state averages on the State of Texas Assessments of Academic Readiness tests.<sup>2</sup> WIFE plans to reside within close proximity to Texas High, making the minor child’s participation in extracurriculars easier. Additionally, the minor child would not spend a substantial amount of time commuting to school and instead could spend time focusing on schoolwork. As such, the educational opportunities in (redacted), Texas are superior given the minor child’s current school choices.

- v. *The presence or absence of extended family at the existing location and at the proposed new location.* As provided above, relocating to (redacted), Texas provides WIFE and the minor child the ability to be near WIFE’s immediate and extended family. WIFE’s family in Texas includes her mother, three sisters, a brother, two aunts, three uncles and many cousins, nieces and nephews. The minor child shares a close relationship with her maternal grandmother and her maternal aunts and uncle.

In contrast, although HUSBAND has some family in Chicago, Illinois, he is not close to his siblings and as such, the minor child is not close to her cousins. Additionally, HUSBAND inconsistently takes the minor child to spend time with his extended family. The minor child does not have a close relationship with any of HUSBAND’s family

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<sup>1</sup> Website for Chicago School

<sup>2</sup> Website for Texas School

members.

- vi. *The anticipated impact of the relocation on the child.* The relocation to Texas will have a positive impact on the minor child. The minor child has spent a considerable amount of time with WIFE in Texas visiting family every summer, winter and spring break. Therefore, she is very comfortable with the area, and she has a close relationship with her grandmother, aunts, uncle and cousins. The minor child will only benefit by residing closer to her Texas family and having positive familial support.

Additionally, the minor child will be graduating from 8<sup>th</sup> grade and will already be transitioning to a high school setting. It is unlikely that the minor child would attend high school with any of her current friends even if she remained in Chicago and therefore, relocation to Texas after she completes 8<sup>th</sup> grade is perfect timing to ease the transition for the minor child.

- vii. *Whether the court will be able to fashion a reasonable allocation of parental responsibilities between all parents if the relocation occurs.* There are numerous daily direct flights between the Texas city and Chicago and the minor child will have breaks from school to visit with HUSBAND should he make time to have parenting time with the minor child. Additionally, HUSBAND earns a substantial income, therefore cost of travel will not impede parenting time. There is no reason why this Court would not be able to enter a reasonable allocation judgment after relocation occurs.

- viii. *The wishes of the child, taking into account the child's maturity and ability to express reasoned and independent preferences as to relocation;* The minor child is currently twelve (12) years old and is mature and well-able to express her well-reasoned preferences. The parties have been in agreement to the relocation for multiple years, The minor child has been made aware by both parties of the planned relocation. The minor child has relayed that she is

excited to relocate to Texas not only because relocation presents a new adventure for her but also because she would be closer to her maternal grandmother and her aunts, uncles and cousins. Due to HUSBAND's unreasonable demands and the resulting failure to reach an agreement in mediation, WIFE was forced to tell the minor child that the plan to move to Texas was on hold indefinitely. The minor child was unhappy and became tearful as she had already been planning on the move as discussed over the last two years.

- ix. *Possible arrangements for the exercise of parental responsibilities appropriate to the parents' resources and circumstances and the developmental level of the child.* After addressing HUSBAND's alcohol abuse and ensuring that the minor child is safe during any visits, the Court should be able to fashion a reasonable parenting time schedule given the age of the minor child and HUSBAND's financial resources. WIFE and the minor child travel to Texas to visit WIFE's family many times throughout the year. WIFE and the parties' children spend almost every holiday and school break in Texas and the minor child is very familiar and comfortable with traveling to and from Texas. There is no reason why the minor child could not travel to Chicago from Texas to exercise any parenting time that this Court deems reasonable.
- x. *Minimization of the impairment to a parent-child relationship caused by a parent's relocation.* There would be minimal impairment to the parent-child relationship between the minor child and HUSBAND caused by WIFE's relocation to (redacted), Texas. WIFE has been solely responsible for the minor child's day-to-day upbringing since her birth, with minimal to no involvement by HUSBAND. Even though there has been no court ordered parenting time, WIFE continues to support a parent-child relationship with the minor child and HUSBAND. WIFE encourages the minor child to contact HUSBAND and share her schedules with him so he can choose to participate in her activities. However,

since the parties have ceased living in the same home, HUSBAND has only requested on few occasions to spend time with the minor child. HUSBAND has made no efforts to mend the fragile relationship between him and the minor child. In sum, there would be no impairment to the child's relationship with HUSBAND should the child relocate to Texas because they currently do not share a close, long-term, stable relationship.

21. For the aforementioned reasons it would be in the minor child's best interest to relocate to Texas to live with WIFE.

22. Accordingly, this Honorable Court should permit WIFE to relocate with the minor child to live with her in Texas, and allocate specific parenting time to HUSBAND as this Court deems fit.

**WHEREFORE**, the Petitioner, WIFE, prays as follows:

A. That this Honorable Court grant WIFE's *Petition for Relocation of the Minor Child from Illinois to Texas*;

B. That this Honorable Court grant WIFE permission to relocate with the minor child from Illinois to Texas; and,

C. For such other, further, different relief as this Court deems just.

Respectfully Submitted,  
WIFE

BY: \_\_\_\_\_  
One of her Attorneys

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## **VERIFICATION**

Under penalties as provided by law pursuant to 735 ILCS 5/1-109, I, WIFE, being first duly sworn and on oath depose and state that I am the Petitioner in the above- captioned matter; that I have read the foregoing pleading and have knowledge of the contents thereof; and that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters I certify as aforesaid that I verily believe the same to be true.

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WIFE

## **ATTORNEY CERTIFICATION**

The undersigned, pursuant to Section 2-611 of the Code of Civil Procedure, certifies that she has read this document; that to the best of her knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law.

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Attorney for Petitioner

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## §4.9 Form: What Other Possible Witnesses Are There?

(Give to client to think about and return.)

- Accident    Injuries    Events before the accident    Contracts  
 Contract negotiations    Managers    Persons in charge of records  
 Safety precautions    Similar accidents    Police    Medical treatment  
 Before and After Witnesses — that is, neighbors or friends or coworkers who knew

you both before and after the accident and can tell that your injury did cause you problems. These people are very important to a jury at trial, and we must have as many names as possible from you, at least six, even though we may not use all the people you name on this list.

---

List Name: Address: and Phone:

What is his job or occupation?

In a few words, how does he know you? (for example: aunt, neighbor, friend, coworker)

---

List Name: Address: and Phone:

What is his job or occupation?

In a few words, how does he know you?

---

List Name: Address: and Phone:

What is his job or occupation?

In a few words, how does he know you?

---

List Name: Address: and Phone:

What is his job or occupation?

In a few words, how does he know you?

---

List Name: Address: and Phone:

What is his job or occupation?

In a few words, how does he know you?

---

List Name: Address: and Phone:

What is his job or occupation?

In a few words, how does he know you?

---

List more on the other side, or use additional sheets to list more possible witnesses.

## §4.8 Form: Witness Summary for \_\_\_\_\_

Trial Appearance Scheduled for Date: \_\_\_\_\_ Time \_\_\_\_\_

Phone: Home \_\_\_\_\_ Mobile \_\_\_\_\_ Work \_\_\_\_\_

Address \_\_\_\_\_

Subpoena issued? \_\_\_\_\_ Employer \_\_\_\_\_

Deposition to be read? \_\_\_\_\_ Job Title \_\_\_\_\_

Purpose of Testimony: \_\_\_Liability \_\_\_Damages \_\_\_Expert

Does witness answer questions directly? Yes ( ) No ( ) Average ( )

Will witness make a good impression on a jury? Yes ( ) No ( ) Average ( )

This witness is: Friendly ( ) Hostile ( ) Neutral ( ) to our client.

Special Remarks about Witness

THE TWO MOST FAVORABLE (TO US) POINTS THIS WITNESS CAN CONTRIBUTE

1.

2.

THE TWO WORST (TO US) POINTS

1.

2.

Testimony Summary & Other Items Witness Can Prove