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4/28/2022 3:33 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2016D009534
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE OF:)
PETER MATT,)
Petitioner,)
And)
MEGAN MATT,)
Respondent.)
No. 2016 D 9534

**MOTION TO MODIFY PARENTING TIME
AND ALLOCATION OF PARENTAL RESPONSIBILITY**

NOW COMES the Petitioner, PETER MATT, individually and by and through his counsel from the law firm of KATZ, GOLDSTEIN & WARREN, and pursuant to Sections 610.5, 602.5, 602.7 and other provisions of the Illinois Marriage and Dissolution of Marriage Act, respectfully requests that the Court adjust and modify parenting time and allocation of parental responsibilities.

In support of his motion, PETER MATT states as follows:

1. The parties were married on January 24, 2007 in New York.
2. As a result of their marriage, two children were born to parties, namely: A [REDACTED] [REDACTED] 2008; and T [REDACTED] 2012.
3. On September 27, 2017 a Judgment for Dissolution of Marriage (Judgment), incorporating a Marital Settlement Agreement, was entered in this matter, thereby dissolving the bonds of matrimony between the parties. A copy of the Judgment is attached hereto and incorporated herein *by reference only* as **Exhibit "A."**
4. On September 27, 2017, an Allocation Judgment and Joint Parenting Agreement (JPA) was also entered in this matter allocating parenting time and joint decision-making authority amongst the parties. A copy of the JPA is attached hereto and incorporated herein *by reference only* as **Exhibit "B."**

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5. The parties' eldest child, A [REDACTED] has been diagnosed with mental health disabilities requiring medical care and court ordered ABA Therapy.
6. The parties long standing post-decree litigation has caused the appointment of a GAL, parenting coordinator, and Section 604.10(b) evaluator.
7. Megan Matt has alleged that Peter Matt has committed child abuse (which has not been supported by the GAL or the 604.10(b)), has been held in contempt of court for failure to participate in ABA Therapy for A [REDACTED] (on multiple occasions), and refuses to co-parent with Peter Matt (as to A [REDACTED] ABA Therapy and T [REDACTED] extra-curricular activities).
8. In an attempt to manipulate the Court, Megan Matt has gone so far as to allege that T [REDACTED] is suicidal (which was unfounded by T [REDACTED]'s medical provider and the 604.10(b) evaluator).
9. Paragraph 1 of the Allocation of Parental Responsibilities Judgment section titled ALLOCATION OF DECISION-MAKING RESPONSIBILITES provides the parties with joint decision making over the children.
10. Paragraph 1 of the Allocation of Parental Responsibilities Judgment section titled PARENTING TIME provides the parties with a parenting schedule, which was updated by agreement in a court order on May 25, 2021.
11. Pursuant to Section 610.5 of the IMDMA, an allocation of parental responsibilities may be modified upon a showing that a substantial change in circumstances has occurred since the entry of the plan and modification is necessary to serve the children's best interests. 750 ILCS 5/610.5.
12. Section 602.5 of the IMDMA governs the allocation of decision-making

responsibilities amongst the parents, including those significant decisions related to the child's health, education, religion, and extracurricular activities. Section 602.5 provides that decision-making responsibilities shall be allocated in accordance with the children's best interests and sets forth specific factors for the court's consideration, including a "catch-all" provision encouraging consideration of any other factor the court finds to be relevant. See 750 ILCS 5/602.5(a),(b),(c)(1)-(15).

13. Section 602.7 of the IMDMA governs the allocation of parenting time amongst parents and similarly states that parenting time shall be allocated in accordance with the child's best interests. Section 602.7 also delineates specific factors for the court's consideration, including a "catch-all" provisions of any relevant factor. See 750 ILCS 5/602.7.
14. Since the entry of the Allocation of Parental Responsibilities Judgment, a substantial change in circumstances has occurred which would warrant a modification of the current parenting schedule as well as a modification of legal custody/allocation of parental responsibility, including but not limited to the following:
 - a. MEGAN MATT does not communicate with PETER MATT except for when she wants something related to the children reducing the efficacy of the parties' ability to co-parent.
 - b. MEGAN MATT has engaged in a pattern of abuse towards PETER MATT preventing the parties' from co-parenting.
 - c. MEGAN MATT undermines the ABA Therapy and will not allow it to occur during her parenting time at a time that the therapists are available.
 - d. MEGAN MATT has caused multiple ABA therapists to be unable to work

- with A [REDACTED]
- e. MEGAN MATT has caused multiple changes in medical providers unminding the efficacy of medical care for A [REDACTED]
 - f. MEGAN MATT undermines PETER MATT in the selection and participation of extra-curricular activities for T [REDACTED] including convincing T [REDACTED] claim extra educational activities was causing him to be suicidal.
 - g. MEGAN MATT caused the court appointed parenting coordinator, Dr. John Palen, to cease working with the parties.
 - h. MEGAN MATT has refused to complete working with the Section 604.10(b) evaluator to allow the final report and recommendations to be tendered to the court.
 - i. Dr. Blechman (the Section 604.10(b) evaluator) prepared a preliminary report on February 7, 2022 recommending that PETER MATT be the sole decision maker for A [REDACTED] treatment for the foreseeable future. A copy of the Dr. Blechman's February 7, 2022 recommendations are attached hereto and incorporated herein as **Exhibit "C."**
 - j. Dr. Blechman further believes that PETER MATT should have sole decision making for T [REDACTED]
15. PETER MATT is a fit and proper parent to have additional parenting time with the children.
16. PETER MATT is a fit and proper parent to have sole allocation of parental responsibilities over the children.

17. It would be in the best interests of the children to adjust the existing parenting schedule to provide for additional parenting time with PETER MATT.
18. It would be in the best interests of the children to provide PETER MATT with sole allocation of parental responsibilities.
19. It would protect the emotional health of the children to adjust parenting time, and have the children's primary residence be with PETER MATT.
20. It would protect the physical and emotional health of the children to give PETER MATT sole allocation of parental responsibilities.

WHEREFORE, the Petitioner, PETER MATT, respectfully prays as follows:

- A. That the Court grant to PETER MATT sole allocation of parental responsibilities over the children;
- B. That the Court grant to PETER MATT permanent residential possession, and parenting time with an adjustment to parenting time schedule for the children; and,
- C. For such other relief as this Court deems equitable and just.

Respectfully submitted,



PETER MATT

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ATTORNEY'S STATEMENT

I, the undersigned, state that I am one of the attorneys employed by the firm of KATZ, GOLDSTEIN & WARREN and representing the party who has signed the foregoing pleading. I certify that I have read the foregoing pleading and that to the best of my knowledge, information and belief, formed after reasonable inquiry of my client, said pleading is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and that said pleading is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

KATZ, GOLDSTEIN & WARREN

By:



One of the attorneys for PETER MATT

CLIENT'S VERIFICATION

UPON PENALTY OF PERJURY, I, the undersigned, state that I have read the foregoing pleading. I further state that this pleading is being filed with my consent and as part of my attorney's required duties in representing me. I further state that my attorney has explained to me that by signing this pleading and this verification, I am acknowledging that my attorney is acting with my consent and at my direction and that my attorney has based his statement on the factual information provided to him by me, as well as upon his investigation thereof.



PETER MATT

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