

ILLINOIS SUPREME COURT

Sharpe v. Westmoreland

Sharpe v. Westmoreland, 2020 IL 124863 (Ill. 2020) · No. 124863 · Decided September 24, 2020

SUMMARY

The Illinois Supreme Court held that a party to a civil union qualifies as a "step-parent" under the Illinois Marriage and Dissolution of Marriage Act, granting standing to seek visitation and allocation of parental responsibilities for the child of a deceased civil union partner. The court reasoned that the Civil Union Act intended to create an alternative to marriage equal in all respects, entitling civil union partners to the same legal obligations, responsibilities, protections, and benefits as spouses, including the stepparent definition. The holding is limited to individuals who have entered into a civil union, not other non-marital relationships.

CASE DETAILS

COURT	Illinois Supreme Court
WRITING FOR THE COURT	Justice Garman; Chief Justice Anne M. Burke; Justice Kilbride; Justice Karmeier; Justice Theis; Justice Neville; Justice Michael J. Burke
JURISDICTION	Illinois
DECIDED	September 24, 2020
DOCKET	124863
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from certified questions answered by the appellate court.
STANDARD OF REVIEW	De novo review for certified questions of law.
PRECEDENTIAL VALUE	published
PARTIES	Kris Fulkerson v. Crystal Westmoreland

TOPICS

- family law
- standing
- statutory interpretation
- parental rights
- dissolution of marriage

PRACTICE AREAS

- Family Law
- Litigation

QUESTIONS PRESENTED

1. Whether a party to a civil union has standing to request visitation with her deceased partner's child as a stepparent.
2. Whether a party to a civil union has standing to request parental responsibilities as a stepparent.

HOLDINGS

1. A civil union partner is a 'step-parent' as defined in the Dissolution Act.

KEY QUOTATIONS

"We find that a civilly united partner is a 'step-parent' as defined in the Dissolution Act." (¶ 16)

"The legislature expressly stated the purposes of the Civil Union Act, one of which is to 'provide persons entering into a civil union with the obligations, responsibilities, protections, and benefits afforded or recognized by the law of Illinois to spouses.'" (¶ 11)

"We find that, in enacting the Civil Union Act, the General Assembly intended to create an alternative to marriage that was equal in all respects." (¶ 20)

FACTUAL BACKGROUND

Matt Sharpe and Crystal Westmoreland had a child, A.S., and divorced. Sharpe later entered a civil union with Kris Fulkerson. After Sharpe died, Westmoreland stopped allowing A.S. to visit Fulkerson. Fulkerson filed petitions for visitation and allocation of parental responsibilities.

PROCEDURAL HISTORY

Fulkerson filed petitions for visitation and allocation of parental responsibilities in the circuit court. The circuit court certified two questions to the appellate court, which answered in the negative. The supreme court granted leave to appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion.

CASES CITED

- *Rozsavolgyi v. City of Aurora*, 2017 IL 121048
- *Illinois Graphics Co. v. Nickum*, 159 Ill. 2d 469 (1994)
- *Accettura v. Vacationland, Inc.*, 2019 IL 124285
- *In re N.G.*, 2018 IL 121939
- *Troxel v. Granville*, 530 U.S. 57 (2000)
- *In re Parentage of Scarlett Z.-D.*, 2015 IL 117904

- 2019 IL App (5th) 170321

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