

SUPREME COURT OF ILLINOIS

In re Marriage of Susan Lynn Baumgartner and Craig Baumgartner,
237 Ill. 2d 468

930 N.E.2d 1024 (Ill. 2010) · No. No. 109047 · Decided May 20, 2010

SUMMARY

The Supreme Court of Illinois held that incarceration does not automatically emancipate a child or terminate a parent's obligation to contribute to postsecondary education expenses. Emancipation must be determined from the relevant facts and circumstances, including whether the child has moved beyond the care, custody, and control of the parent and no longer needs support. The court affirmed the appellate court's reversal of the trial court's sua sponte termination order and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Freeman; Chief Justice Fitzgerald; Justice Thomas; Justice Kilbride; Justice Garman; Justice Karmeier; Justice Burke
JURISDICTION	Illinois
DECIDED	May 20, 2010
DOCKET	No. 109047
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Craig Baumgartner appealed from an order denying termination of his obligation to contribute to his son's postsecondary education expenses. The Illinois Supreme Court reviewed the appellate court's reversal of the circuit court's sua sponte determination that the son's incarceration constituted full emancipation.
STANDARD OF REVIEW	Historical findings of fact regarding emancipation are reviewed for manifest weight of the evidence. The ultimate question of whether a minor is self-emancipated, involving a mixed question of law and fact, is reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Illinois
PARTIES	Craig Baumgartner v. Susan Lynn Baumgartner

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a child's incarceration automatically constitutes emancipation that terminates a parent's obligation to contribute to the child's postsecondary education expenses.
2. What standard and factual inquiry govern a determination of self-emancipation in the context of child support and postsecondary education expenses.
3. Whether the circuit court erred by terminating the obligation sua sponte without receiving evidence concerning the child's care, custody, control, support, desire, or ability to pursue education.

HOLDINGS

1. Incarceration, even lengthy incarceration, does not automatically emancipate a child or terminate a parent's support or postsecondary education-expense obligation. Lengthy incarceration is only one circumstance that may support a finding of emancipation after consideration of the facts of the particular case.
2. A court determining self-emancipation must examine the relevant facts and circumstances, including whether the child voluntarily left parental protection and influence, moved beyond parental care and control, assumed responsibility for the child's own care, or continues to need support. The burden of proving emancipation rests on the party asserting it.
3. The circuit court erred by terminating the education-expense obligation solely on the fact of incarceration and without determining, based on evidence, whether Max was self-emancipated or whether changed circumstances warranted modification of the dissolution judgment.
4. Historical factual findings concerning emancipation are reviewed under the manifest-weight standard, while the ultimate determination of self-emancipation is reviewed de novo as a mixed question of law and fact.

KEY QUOTATIONS

"Thus, in determining whether a minor is self-emancipated, a court must determine whether the minor has actually moved beyond the care, custody, and control of a parent such that the minor no longer needs to be supported." (930 N.E.2d 1033-34)

"We agree, and hold that lengthy incarceration is simply one of many situations in which a minor may be found to be emancipated." (930 N.E.2d 1033)

"Max's emancipation cannot be presumed." (930 N.E.2d 1035)

“Findings of historical fact made by the circuit court will be upheld on review unless such findings are against the manifest weight of the evidence.” (930 N.E.2d 1034)

FACTUAL BACKGROUND

Susan and Craig Baumgartner's dissolution judgment required them to pay their son's postsecondary education expenses subject to the child's desire and ability to pursue further education and the parties' ability to pay. Their son, Max, attended some community college, was convicted of two Class 4 felonies, and was incarcerated for a three-year sentence with parole conditions including sex-offender registration. Craig sought to terminate the education-expense and life-insurance obligations, but the circuit court terminated only Craig's education-expense obligation based solely on incarceration and without hearing evidence.

PROCEDURAL HISTORY

The parties' 1998 judgment for dissolution incorporated an agreement requiring them to contribute to their son's postsecondary education expenses. In 2008, Craig moved to amend the judgment based on the son's criminal convictions and incarceration. The circuit court terminated Craig's obligation without receiving evidence, ruling that incarceration constituted full emancipation; the appellate court reversed. The Illinois Supreme Court allowed review, affirmed the appellate court, and remanded for fact-finding and consideration of modification based on changed circumstances.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must receive and evaluate evidence concerning Max's care, custody, control, support, desire and ability to pursue education, and whether he voluntarily abandoned parental support or became self-emancipated. The court must also consider whether Max's incarceration constitutes changed circumstances warranting modification of the dissolution judgment for both parents' postsecondary education obligations.

CASES CITED

- Pecora v. Szabo, 109 Ill. App. 3d 824, 441 N.E.2d 360 (1982)
- People ex rel. Carter v. Touchette, 5 Ill. 2d 303, 125 N.E.2d 473 (1955)
- People v. Jung, 192 Ill. 2d 1, 733 N.E.2d 1256 (2000)
- Niewold v. Fry, 306 Ill. App. 3d 735, 714 N.E.2d 1082 (1999)
- Finley v. Finley, 81 Ill. 2d 317, 410 N.E.2d 12 (1980)
- In re Marriage of Alltop, 203 Ill. App. 3d 606, 561 N.E.2d 394 (1990)
- In re Marriage of Walters, 238 Ill. App. 3d 1086, 604 N.E.2d 432 (1992)
- Niesen v. Niesen, 38 Wis. 2d 599, 157 N.W.2d 660 (1968)
- Wulff v. Wulff, 243 Neb. 616, 500 N.W.2d 845 (1993)
- Wadoz v. United National Indemnity Co., 274 Wis. 383, 80 N.W.2d 262 (1957)

- Green v. Green, 447 N.E.2d 605 (Ind. App. 1983)
- Iroquois Iron Co. v. Industrial Comm'n, 294 Ill. 106, 128 N.E. 289 (1920)
- In re Marriage of Robinson, 629 P.2d 1069 (Colo. 1981)
- In re Marriage of Donahoe, 114 Ill. App. 3d 470, 448 N.E.2d 1030 (1983)
- French v. French, 599 S.W.2d 40 (Mo. App. 1980)
- Powell v. Powell, 111 Ohio App. 3d 418, 676 N.E.2d 556 (1996)
- In re Marriage of Daniels, 296 Ill. App. 3d 446, 695 N.E.2d 1376 (1998)
- Peters v. Industrial Comm'n, 314 Ill. 560, 145 N.E. 629 (1924)
- Omohundro v. Omohundro, 8 Ohio App. 3d 318, 457 N.E.2d 324 (1982)
- Lawson v. Lawson, 695 N.E.2d 154 (Ind. App. 1998)
- Panther Creek Mines v. Industrial Comm'n, 296 Ill. 565, 130 N.E. 321 (1921)
- Meyer v. Meyer, 222 Ill. App. 3d 357, 583 N.E.2d 716 (1991)
- In re Parisi, 140 A.D.2d 443, 528 N.Y.S.2d 145 (1988)
- Sutton v. Schwartz, 860 S.W.2d 833 (Mo. App. 1993)
- Trosky v. Mann, 398 Pa. Super. 369, 581 A.2d 177 (1990)
- Garver v. Garver, 981 P.2d 471 (Wyo. 1999)
- In re Marriage of Gimlett, 95 Wash. 2d 699, 629 P.2d 450 (1981)
- In re Marriage of Van Winkle, 107 Ill. App. 3d 73, 437 N.E.2d 358 (1982)
- Edmonds v. Edmonds, 935 So. 2d 980 (Miss. 2006)