

# Deciding on Divorce

## Know Your Options and Your Legal Rights

Are you thinking of divorce? Where do you turn for help?

Two Northfield attorneys, Carol Di Giacomo and Kathryn Somers, can help you through the legal and emotional processes of divorce. Both are seasoned attorneys in the traditional sense, as well as trained mediators who bring over 50 years of combined legal experience and expertise to help you through this tumultuous time. Carol and Kathryn are both divorced parents and have personally experienced the difficult times that you are going through.

### Looking at Divorce Through a Positive Lens

A divorce is a turning point in your life – a chance to start over. With thoughtful planning and guidance, Carol and Kathryn will assist you in creating a blueprint for your future. As experienced divorce attorneys, they have a thorough understanding of accounting, real estate, stocks and investments, retirement and pension law, mental health issues, as well as a strong sensitivity to children's issues. This is in addition to a broad working knowledge of current divorce law and the ability to navigate the court system.

The goal at Di Giacomo & Somers, L.L.C., is to work in partnership with you to answer all of your questions and concerns as they guide you through a fair resolution of the issues of your particular case. While each divorce is as unique as the individuals in the marriage, there are some common threads running through every case.

### What is Best for your Child? — Custody Options

#### ► Joint Custody

If parents are in agreement, are willing to communicate with one another, and are able to focus on the best interest of the children, then joint custody is an option. Joint custody essentially means that the parents share in the important decisions regarding their children's lives, such as education, health and religious issues. Joint custody can provide equal parenting time, but not

necessarily, as a 50/50 time sharing of the children is not the norm.

#### ► Sole Custody

If the parents are unable to communicate well with one another, then joint custody may not be the best option for them. Sole custody with a fair visitation schedule may be a better resolution. If parents are unable to communicate well, sole custody with a fair visitation schedule may be a better resolution. The custodial parent would make major decisions regarding the children.

In all cases involving children, provisions will be made for child support as well as for day care expenses, health insurance, medical expenses, activity expenses, etc.

### Who gets what? — Maintenance, Asset and Debt Allocation

Regardless of whether or not there are children, the financial aspects of divorce must be addressed and determined. Should maintenance, commonly called alimony, be paid? What are the assets and debts of your marriage and how should they be allocated?

Who keeps the house? Will it be sold? What part of your investments and retirement benefits will you receive? The answer to these questions depends upon a balancing of numerous factors contained in the divorce statute, which are also listed on our website, [www.digiaco-somers.com](http://www.digiaco-somers.com).

### Which Path is right for you? — Three Ways to obtain your Divorce

#### ► Litigation

Litigation is the traditional style of divorce, in which legal counsel represents each party, and the issues of your case are presented to the Court for a final determination. This is usually a very lengthy and costly process. Income, assets, and liabilities are determined through a process called discovery, depositions are taken and extensive trial preparation is required. While litigation is also the most expensive route to divorce, in certain cases it is necessary. If your spouse is uncooperative, unwilling to negotiate, untrustworthy, or hiding assets, then litigation may be the most appropriate approach.

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### Available To Practice In

- ❖ Divorce
- ❖ Mediation
- ❖ Collaborative Law
- ❖ Adoption
- ❖ Parentage
- ❖ Pre/Post Nuptial Agreements
- ❖ Real Estate
- ❖ Estate Planning
- ❖ Bankruptcy

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[www.digiaco-somers.com](http://www.digiaco-somers.com)

*Di Giacomo  
& Somers* L.L.C.  
Attorneys at Law



# Meet the Attorneys—Bringing Personal Experience and Professional Guidance

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#### ► Mediation

Mediation is a voluntary process in which both parties work with an impartial mediator who helps resolve each parenting and financial issue of their divorce. The role of the mediator is one of an impartial facilitator, not an advocate, decision-maker, or advisor. In this instance, both parties are represented by their own legal counsel, who acts as their guide and legal support person, throughout the mediation process. Mediation can be much more cost effective than traditional litigation.

#### ► Collaborative Law

Collaborative Law is another cost effective, voluntary alternative to traditional litigation. In this process, both parties retain Collaborative attorneys, who are trained mediators as well as trained in the Collaborative law process. The parties and their attorneys meet together as a team for 1 - to 2 hour long settlement conferences to work through each aspect of your divorce. Both parties may utilize individual coaches, neutral child specialists and financial experts to assist them in obtaining advice and a fair outcome

### Sensitivity to both the legal & emotional issues is crucial

Both Carol and Kathryn agree, "It's very important for us to help our clients find the best solution for their particular situation. Whether it's litigation, mediation, or collaboration, we focus on the best possible outcome for our client." "Perhaps the word 'sensitive' is not one that many lawyers use, but for us it is important to be sensitive to not only the legal issues but also the emotional ones. Our clients count on us to help them at a time when they are often distraught, overwhelmed, and at a loss as to how to best proceed." Both attorneys agree, "We've been there and know how to reach out and provide services and support to help a person move through this process so that they can move on with their life."



**Carol A. Di Giacomo, J.D., B.A.**

*Carol Di Giacomo has a B.A. from the University of Illinois, Urbana and is a graduate of Kent College of Law. She was admitted to practice law in the State of Illinois in 1982 and has been actively engaged in private practice of law since that time, with a concentration in the area of family law, estate planning and real estate.*

*She also spent time living abroad while studying at the University of Barcelona in Spain, and is fluent in Spanish. Carol presently is a member of the Illinois State Bar Association, Chicago Bar Association, Northwest Suburban Bar Association, Northwest Suburban Estate Planning Council, Illinois Real Estate Lawyers Association, Lake County Bar Association, Collaborative Law Institute of Illinois, International Association of Collaborative Practitioners, and the Glenview Chamber of Commerce.*

*Carol has been a guest speaker on various radio and television programs. She has served as a part-time teaching staff member at Oakton Community College and at the College of Du Page where she has presented seminars on divorce, remarried family issues and estate planning. In addition, Carol has presented workshops to the local business community and to not-for-profit organizations, as well as having served as a volunteer on the teaching staff of St. Catherine Labouré Church.*

**Email: [carol@digiaco-somers.com](mailto:carol@digiaco-somers.com)**



**Kathryn M. Somers, J.D., M.A.**

*Kathryn is an attorney and mediator concentrating in divorce, custody, parentage, adoption, child support, and visitation. She has been in private practice since her graduation from DePaul University College of Law. Kathryn holds a Master's Degree in History from Northeastern Illinois University and a Bachelor's Degree from Northwestern University majoring in History and Psychology, and achieving a secondary teaching certificate.*

*She is a member of the Cook and Lake County Child Representative panels and has represented many children in contested custody proceedings. Kathryn is also a member of the Chicago Bar Association, the Lake County Bar Association, Illinois State Bar Association, and Board member of Collaborative Law Institute of Illinois, and International Association of Collaborative Practitioners.*

*Kathryn also brings her expertise to the community as a commentator in local newspapers, on radio and television news covering divorce and mediation, as a volunteer with several not-for-profit organizations, as a contributor to Divorce Magazine, as a speaker at the Lilac Tree and other business and community organizations. She has also hosted the monthly family law edition of the cable television program-Law Talk.*

**Email: [kathryn@digiaco-somers.com](mailto:kathryn@digiaco-somers.com)**