

THERE'S NO SUCH THING AS "ABANDONO DE HOGAR!" (HOME ABANDONMENT)

El Derecho Del Pueblo

Columna de comentario [Social Justice Risk and Policy](#) abogado y maestro Matthew "Mateo" Katz.

The People's Right

A column of social commentary [Distanciar](#) legal advice by attorney and teacher Matthew "Mateo" Katz.

I don't know how many women have come to this office with the fear that they will lose their children if they leave their husbands or their home, because they were victim to violence or some other form of abuse. But, if you gave me a nickel for every one of them...

Because of the sexist culture that infects all of our minds (come on, now, who among us can say that we're not auspiciously trained by the television and all of those damn liquor billboards that line our neighborhood, to judge women based upon their looks!?) this belief is pervasive in our community.

Let me be the first to say: at least in this state, there is NO SUCH THING AS "ABANDONO DE HOGAR" (home abandonment) in the law. In fact, under the Illinois Domestic Violence Act, if either woman or man is involved in any romantic relationship that creates physical or emotional violence, you have the right to leave to go somewhere safe and to obtain an emergency order of protection from the court.

Just so everyone is on the same page, I'm going to list the grounds upon which someone in Illinois can ask for a divorce: (1) adultery, (2) impotency, (3) bigamy, (4) desertion of the other for more than one year, (5) habitual drunkenness for more than two years, (6) excessive drug use for more than two years, (7) attempted murder of the other spouse, (8) a felony conviction, (9) one infects the other with a STD, or (10) irreconcilable differences, meaning you just don't get along.

Also, the rights that people have in a divorce proceeding, such as the right to visitation, custody, support, etc., are not determined by one's behavior toward the other but by things like people's needs and the best interest of the children involved.

Let's look for a minute at the factors a court considers in determining whether it's in the best interest of the child to be with mommy or daddy: (1) the wishes of the child's parent or parents as to custody, (2) the wishes of the child, if old enough to be taken into consideration, (3) the interaction between the child and his parents, siblings and others who affect the child's best interest, (4) the child's adjustment to his/her home, school and community, (5) the mental and physical health of all individuals involved, (6) the physical violence or threat of physical violence by the child's potential guardian, whether directed against the child or another, (7) the occurrence of ongoing abuse against the child or another (abuse can even be harassment), and (8) the ability of each parent to facilitate and encourage a relationship between the other parent and the child.

You can see that one's leaving one's home because of problems in the home is not anywhere in the law above going to harm him/her who left. The moral of the story? If you're being mistreated and feel you need to leave your spouse or significant other for your own safety and/or sanity, LEAVE!