

# Setting & Modifying Child Support: Most Frequently Asked Questions

## How Is The Amount of Child Support Calculated?

Pursuant to Illinois law, the courts shall determine the minimum amount of child support based upon a percentage of the non-custodial parent's net income. The following guidelines are applied per household:

***Support for one child is set at 20% of the non-custodial parent's net income;***

***Support for two children is set at 28% of the non-custodial parent's net income;***

***Support for three children is set at 32% of the non-custodial parent's net income;***

***Support for four children is set at 40% of the non-custodial parent's net income;***

***Support for five children is set at 45% of the non-custodial parent's net income;***

***Support for six or more children is set at 50% of the non-custodial parent's net income.***

Net income is defined as the total of all income from all sources minus certain deductions specified by Illinois law.

The court has the power to deviate from these guidelines. In order to justify such a deviation, the court must consider the best interests of the child in light of evidence, including but not limited to one or more of the following relevant factors:

*The financial resources and needs of the child;*

*The financial resources and needs of the custodial parent;*

*The standard of living the child would have enjoyed had the marriage, union, or relationship not been dissolved;*

*The physical and emotional condition of the child and his educational needs;*

*The financial resources and needs of the non-custodial parent.*

## Are You Entitled to Child Support Back To Your Child's Date Of Birth?

You may be awarded child support back to the child's date of birth. The court must look at the following factors before deciding to award you retroactive support back to the child's date of birth:

- *The father's prior knowledge of the facts and circumstances of the child's birth;*



- *The father's prior willingness/refusal to help raise or support the child;*
- *The extent to which the mother or public agency bringing the action previously informed the father of the child's needs or attempted to seek or require his help in raising or supporting the child;*
- *The extent to which the father would be prejudiced by the delay in bringing the action.*

## **Can Child Support Be Modified?**

Child support can be modified by filing a petition for an increase or a petition for a decrease. An order for child support may be modified by either party upon a showing of substantial change in circumstances.

However, as a participant in the IV-D Program, you can petition the court for an increase without making a showing of a substantial change in circumstances, provided 36 months have passed since the entry of your last child support order and there is a difference of at least 20% between the amount of the existing child support and the increased amount of child support. This difference cannot be less than \$10.00 per month.

## **PLEASE BE ADVISED OF THE FOLLOWING:**

- **THE STATE'S ATTORNEY'S OFFICE DOES NOT REPRESENT THE CUSTODIAL PARENT OR THE LEGAL GUARDIAN, BUT REPRESENTS THE ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES.**
- **THE STATE'S ATTORNEY'S OFFICE DOES NOT HANDLE CUSTODY, VISITATION OR PROPERTY DISTRIBUTION MATTERS.**
- **THE STATE'S ATTORNEY'S OFFICE DOES NOT ASSIST IN PURSUING THE COLLECTION OF COLLEGE OR EDUCATIONAL EXPENSES.**

