

Surviving Illinois Child Support
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We all know about the Illinois statutory minimum child support guidelines - 20% of net pay for one child, 28% for two, 32% for three, and so forth. This is the law in Illinois.

But what many don't know is that those minimum guideline amounts are not etched in stone. There may be ways for you to avoid being ordered to pay those amounts. In the right case, the right lawyer might be able to persuade a judge to enter an order for support that is below, maybe even substantially below, the Illinois statutory minimum guidelines.

Here are a few tips:

1. Make sure that "net income" is properly determined.

The Illinois statute contains some deductions that may be overlooked. For example, if you pay child support under a prior court order, the law allows that amount to be deducted from your gross pay before determining child support for the younger children. The statute also provides that union dues, medical insurance premiums, certain expenditures and debts for expenses for the child or the other party or for production of income and for some medical expenses are also proper deductions. They should not be ignored when computing your net income.

2. If you spend a great deal of time with your child, an argument could be made that child support be reduced accordingly.

This would most likely be successful if the child lived for ½ of the time with each parent. It would be very less likely to be persuasive if you only had alternating weekend visitation. However, often child support could be eliminated or lowered during extended summer visits.

3. If your children are split up for custody purposes – some living with you and some with the other parent – traditional applicability of the guidelines would seem inappropriate.

One reasonable technique is for each parent to pay guideline support to the other and receive guideline support from the other.

4. If you have to spend a great deal of money to visit your child because the other parent has moved far away, you may be able to persuade the judge to award support at a lower rate to compensate you for your costs.

This would most likely be more convincing if the other party wanted to move to another state and the costs of long distance visitation trips is very high.

5. Get as much information as you can about the other parent's income and expenses.

If they spend very little money on the child and if someone else provides them a free place to live, an argument could be made that the guidelines for support are not applicable.

6. If one of the parties earns a great deal of income and the other doesn't, a court might order an amount of child support less than the amount in the guidelines.

This could work either way. If you earn a very large income, child support would be unreasonably high if based on the guidelines. Cases involving professional athletes often fall into this category. The reverse could be true as well. If your income is very low and your spouse earns a very high income, it could be argued that a lower than guideline order could be necessary to enable you to provide for the children during your time with them and provide for yourself as well.

7. Make sure that if you lose your job or other source of income, or if your earnings decrease, that you seek to modify support immediately.

Child support will continue to add up and you may even be punished with jail time for not paying the amounts that are due unless you correctly have those amounts adjusted or stopped before they become due. A good family law attorney can file the necessary papers so that you are protected financially and so that your liberty will not be at risk.

This is not intended to be an exhaustive list of methods to reduce the impact of the minimum guidelines on your child support obligation. These are only a few suggestions that a competent, skilled, creative and aggressive attorney can consider so that you are not taken advantage of when setting child support.

Disclaimer: This article is intended for general informational purposes only and should not be understood to be legal advice. We recommend that you retain a skilled, competent attorney to represent you and give you personal, legal advice for your specific situation.