



CLIENT GUIDE: **CHILD SUPPORT, FINANCIAL OBLIGATIONS & MAINTENANCE**

The financial aspects of a family law case can often feel overwhelming and technical. I have prepared this guide to explain how Illinois law calculates financial obligations, defines "income," and determines contributions for maintenance, child support, and expenses like college and healthcare. It also provides critical instructions for completing your Financial Affidavit, the most important financial document in your case.

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- INTRODUCTION -

You are reading this guide because your family law case involves financial determinations that will directly impact your economic future. Whether you face a dissolution of marriage or a support proceeding, the Illinois legal system imposes strict mathematical formulas and rigid disclosure rules. This guide eliminates the confusion to explain exactly how the court calculates specific obligations and what financial transparency the law requires from you.

First, you must accept that the court resolves these issues using objective data rather than subjective arguments. The law utilizes specific guidelines from the Illinois Department of Healthcare and Family Services to set payment amounts. We do not negotiate these numbers based on feelings. We calculate them based on facts.

This reality dictates how we prepare your Financial Affidavit. The judge views this sworn statement as the absolute foundation of your case. It is the primary tool we use to determine child support, spousal maintenance, and expense sharing.

This guide details the specific formulas for calculating support and the rules for college contributions. It also explains how we allocate tax benefits and the critical process of documenting your finances. We will use these protocols to ensure a fair and accurate financial resolution.

I. INSTRUCTIONS: THE FINANCIAL AFFIDAVIT

Illinois requires the use of a standardized Financial Affidavit form approved by the Illinois Supreme Court. This sworn document serves as the primary evidence for all financial determinations. You must complete this form accurately and support every figure with documentary evidence. (750 ILCS 5/501).

A. Supporting Documentation

We must substantiate the affidavit with specific records. You must provide:

- The last two pay stubs.
- The last three years of federal and state income tax returns (including all schedules and attachments).
- Bank statements for the last three months.
- Records of any additional income not reflected in pay stubs.

B. Steps for Completing Affidavit

After you collect all cancelled checks, credit card statements, receipts, and bills for the twelve-month period ending approximately one month ago, follow these steps:

- (1) **Segregate by Category:** Sort your documents into the expense categories listed on the affidavit (e.g., put all telephone bills in one stack, all utility bills in another).
- (2) **Calculate Monthly Averages:** Add up the total for each category for the entire year and divide by 12. o Example: If your real estate taxes are \$12,000 per year, insert \$1,000 for the monthly figure. o Weekly Expenses: If you estimate an expense based on a weekly average, multiply that number by 4.33 to determine the monthly amount.
- (3) **Estimates:** We realize you may not have documentation for cash expenditures like food. In such instances, make your best estimate and keep good notes on how you arrived at your figures.

C. Accuracy and Ongoing Duty

You have an affirmative duty to ensure your affidavit remains accurate and up-to-date throughout the case. If your financial circumstances change, we must promptly reflect those changes in an updated affidavit. Failure to provide accurate information can result in significant penalties, including sanctions, court costs, and attorney's fees.

II. CHILD SUPPORT

Illinois law does *not* connect the duty of paying child support to the "custodial" parent designation. Instead, the "supporting parent" is simply the parent obligated to pay child support to the other parent.

A. Basic Support Obligation

The calculation of child support is governed by Section 505 of the Illinois Marriage and Dissolution of Marriage Act, which employs an "Income Shares Model" to determine the basic child support obligation. This model considers the combined net income of both parents and allocates the obligation proportionally based on each parent's share of the combined income

To calculate child support, the following steps are taken:

- (1) determine each parent's monthly net income, *which is derived from gross income* (total income from all sources) minus specific deductions such as taxes, health insurance premiums, and other allowable expenses;
- (2) combine the net incomes of both parents to determine their total monthly net income;
- (3) refer to the schedule of basic child support obligations to find the corresponding amount based on the combined income and the number of children; and
- (4) calculate each parent's percentage share of the obligation. The parent with the majority of parenting time is presumed to use their share directly for the child's expenses, while the other parent pays their share as child support .

Health insurance premiums attributable to the child are deducted from the paying parent's net income. Additionally, child support is payable until the child becomes emancipated, turns 18, or, if still in high school, until graduation but no later than age 19.

The Illinois courts also consider various factors when determining child support, including the financial resources of the child, the financial resources and needs of both parents, the standard of living the child would have enjoyed had the marriage not been dissolved, and the child's physical, emotional, and educational needs. These factors ensure that the support amount is fair and tailored to the specific circumstances of the case.

B. Additional Expenses

There are several items that can be added on *beyond* the basic support obligation:

- i. *Extracurriculars*: The court may order contributions for reasonable expenses intended to enhance the educational, athletic, social, or cultural development of the child.

- ii. *Childcare*: This includes expenses reasonably necessary to enable a parent to be employed, attend education/training, or search for employment. It covers deposits, before/after school care, and camps when school is not in session.
- iii. *Medical*: Expenses not covered by insurance (deductibles, co-pays) are generally shared in a specified manner by both parents.
- iv. *Life Insurance*: Ideally, the supporting parent should have sufficient life insurance to meet the support obligation in the event of their death.

C. Modification

Awards of child support are subject to modification upon a showing of a substantial change in circumstances, or if there becomes an inconsistency of at least 20% (but no less than \$10 per month) between the existing order and the current guidelines. Modification can only be applied to installments accruing after a party files a request and provides proper notice.

D. Child Support Estimator

The Illinois Department of Healthcare and Family Services (HFS) maintains an official online calculator. This tool applies the specific statutory guidelines to the gross and net income figures you enter. It provides a reliable projection of the basic support obligation. **You can access the HFS Calculator here:** <https://cscwebext.hfs.illinois.gov/CscWebEx/app/csc?execution=els1>

Important Warning: Treat these results exclusively as estimates. The Court determines final support orders based on the verified evidence in your Financial Affidavit and specific judicial findings regarding income. Do not rely on these online calculations as binding legal guarantees.

III. INCOME TAX CONSEQUENCES

The allocation of tax benefits for children is a significant financial component of your case.

A. Allocation of Benefits

Illinois law presumes that the parent with the majority of parenting time is entitled to claim the tax benefits for the minor child. However, the Court retains the authority to allocate the exemption to the parent with less parenting time if it serves the best interest of the child. Judges often exercise this discretion to maximize the total tax savings for the family or to acknowledge that the paying parent contributes the majority of the financial support.

B. Federal Requirements (IRS Form 8332)

Federal law controls the actual claiming of the exemption. The IRS grants the exemption to the parent with the majority of parenting time unless that parent waives the right. Therefore, if the Court allocates the exemption to the other parent, we must effectuate this through IRS Form 8332. In most cases, if a supporting parent is current on their support obligation each year, the Court will alternate the exemptions equally and order the parent with the majority of parenting time to sign this waiver to formally release the claim when it is not their year.

IV. COLLEGE EDUCATION

Unlike many other states, Illinois law imposes a continuing financial obligation on parents to contribute to the post-secondary education of their children. Section 513 of the Illinois Marriage and Dissolution of Marriage Act grants the Court the authority to award sums of money for the educational expenses of a non-minor child. This applies to college, university, or professional and trade school education. (750 ILCS 5/513).

A. The Financial Benchmark (The "Cap")

We utilize the University of Illinois at Urbana-Champaign as the presumptive financial benchmark for determining the maximum obligation.

- Tuition and Fees: Unless a party demonstrates good cause to exceed this limit, the law caps the contribution for tuition and fees at the in-state rate for the University of Illinois at Urbana-Champaign for the relevant academic year.
- Housing: Similarly, the law limits housing expenses to the cost of a double-occupancy student room with a standard meal plan at the same institution.

B. Determining Contribution

The Court allocates these expenses based on equity and fairness, not a rigid formula. To determine the specific contribution of each parent, the judge evaluates all relevant factors, including:

- (1) The financial resources of both parents.
- (2) The standard of living the child would have enjoyed had the marriage not been dissolved.
- (3) The financial resources of the child.
- (4) The child's academic performance.

C. Student Responsibility

The Court retains the discretion to allocate costs equitably, which may result in parents contributing less than the total expense. While the judge may expect the child to bear some responsibility for the remaining costs, the law does not require the child to exhaust their independent financial resources before the Court imposes an obligation on the parents.

V. SPOUSAL MAINTENANCE (ALIMONY)

Maintenance (previously called "alimony") consists of periodic payments made to a former spouse. Under Illinois law, maintenance is determined, calculated, capped, and terminated based on statutory guidelines and judicial discretion. The statutory framework is primarily governed by Section 504 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/504).

A. Determination and Calculation of Maintenance

The court awards maintenance only if a spouse lacks sufficient property or income to meet their reasonable needs. The judge reviews specific facts to make this decision, including the standard of living established during the marriage, the duration of the marriage, and the age and health of both parties. The court also considers whether a spouse requires time to acquire the education or training necessary to find appropriate employment.

The statutory formula calculates the payment amount by subtracting 25% of the recipient's net income from 33.3% of the paying spouse's net income. A statutory cap limits this result: the maintenance award combined with the recipient's net income cannot exceed 40% of the combined net income of both parties. This formula does not apply if the parties' combined gross annual income exceeds \$500,000.

B. Duration of Maintenance

The length of the marriage determines the duration of the payments. The statute assigns a specific mathematical factor to the number of years the parties remained married. Multiplication of the marriage length by this factor yields the duration. For example, a marriage of less than five years receives a factor of 0.20. A marriage between five and six years receives a factor of 0.24. This factor increases incrementally with the length of the marriage. The court may order maintenance for a period equal to the length of the marriage, or for an indefinite term, if the marriage lasted 20 years or more.

C. Termination of Maintenance

Specific events automatically end the maintenance obligation. Payments stop upon the death of either party or the remarriage of the recipient. The obligation also terminates if the recipient cohabits with another person on a resident, continuing conjugal basis. The party seeking to stop payments bears the burden of proving this cohabitation. The court evaluates facts such as the length of the relationship, shared expenses, and whether the couple spends holidays together. The law prohibits the revival of a maintenance award once it terminates.

D. Maintenance Estimator

Independent websites also utilize statutory formulas to project spousal maintenance. These calculators estimate both the monthly payment amount and the duration of the award based on the length of the marriage. **You can access a free Maintenance Calculator here:**

<https://calculators.law/calculators/maintenance/illinois>

Important Warning: Treat these results exclusively as estimates. The Court determines final support orders based on the verified evidence in your Financial Affidavit and specific judicial findings regarding income. Do not rely on these online calculations as binding legal guarantees.