

How to File your Petition to Modify Child Support in Illinois

What to do right now:

1. Sign the **“Petition for Modification of Child Support,”** and sign and date the **“Certification”** part at the bottom of the petition. Make 4 copies of the petition after you sign it.
2. Sign each **“Notice of Hearing”** and also sign the separate **“Certificate of Mailing of Notice of Hearing,”** if you will be mailing your motion on the same day. Make a copy of each to keep for your own records.
3. If you have a **“Certificate of Mailing of Petition for Modification of Child Support to Illinois Department Of Health and Family Services,”** sign and copy that as well. This goes with the **“Notice of Hearing”** that is sent to any attorney for the state who might have worked on this case before.
4. If you did not start the divorce or support case to begin with, and have never before filed an **“Appearance”** in this case, you must sign that form also. If you are not sure, ask the clerk to check your file.
5. Take all copies of the **“Petition for Modification of Child Support”** and each **“Notice of Hearing”** to the motion counter at the courthouse where you are filing.
 - The clerk will file stamp all of the papers, keep the originals for the court file, and give you back your copies.
 - The clerk will tell you what times and dates a Judge can hear your motion. You must choose one of these times.
 - The clerk will write that time and date on the original papers, and you must write the same time and date on the other copies.
 - If your case involves the Department of Health and Family Services or the State’s Attorney, the clerk will also keep a copy of the petition and a notice and deliver those for you.
 - If you need to file an appearance, you will be asked to pay a fee. If you cannot afford to pay a court fee, please read these instructions on waiving court fees:
http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_Content&contentID=1779
6. You must then mail all of the forms listed below to the other parent. It is a good idea to send these forms by certified mail so that you have a signed receipt to prove they were delivered.
 - one copy of the **“Petition for Modification of Child Support,”**
 - the **“Notice of Hearing”** which is addressed to him or her,
 - if he or she is in the military, and has not yet filed an appearance, a copy of the **“Entry of Appearance, Waiver and Consent.”**

What to do on your court date:

1. Bring all of the following papers with you to court. If you made the right number of copies, you should still have a copy for yourself, plus one to hand the judge, if needed:
 - The **“Petition for Modification of Child Support,”** All **“Notices of Hearing”**
 - The **“Order”** for judge to complete at close of hearing.
 - If you want support payments taken out of the other parent’s paycheck, bring the **“Notice to Withhold Income for Child Support”** also.
 - Any other papers which have been filed in this case.
2. Dress nicely, like you would for a job interview.
3. Plan to arrive ON TIME or a little bit early. If you are not in court when the judge calls your case, the Judge may “strike” your motion. If that happens, you will need to start all over again.