

## Reduction of Child Support Due to Custodial Parent's Increased Income

It's true that in Illinois child support is generally determined by looking at the non-custodial parent's (obligor's) net income. In some cases, however, an increase in the custodial parent's income may warrant a reduction in the amount of child support to be paid by the non-custodial parent.

Years ago custody was, essentially, always awarded to mothers and the obligation to pay child support was always imposed on fathers. In the 1980s, however, a few cases<sup>1</sup> appeared that awarded custody to the father and required the mothers to pay support to the fathers. As in most families, the men took in substantially more than the women.

The appellate courts seemed to choke on the prospect that women earning less than their former husbands would have to fork over 20%, 25, or 32% of their income for the support of their own children. It seemed that, in the court's eyes, the fathers already had enough money to take care of the children. If you read the cases, you'll see that the appellate courts seem to do back flips to justify letting these mothers off the child support hook. The cases are now a treasure trove of convoluted reasoning justifying how an obligor may not necessarily be held to the statutory guideline amount when the custodial parent earns substantially more than the obligor.<sup>2</sup> In other words, the cases that were written to help non-custodial mothers in the 1980s may, in some cases, be used today to reduce child support payments where the custodial parent (father **or** mother) has an adequate financial base.

**Income of the Children:** In some situations the children themselves may receive money from some government or private source. Social Security Disability payments, for example, are often increased for a family with minor children. Likewise, many states pay monthly stipends to parents who adopt children. Such payments often have a significant impact on the calculation of child support for the non-custodial obligor.<sup>3</sup>

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This article was written by the law office of Cowell Taradash, P.C., whose attorneys are familiar with the latest court decisions, recent changes in the law and even the tendencies of many judges. We can help. Contact us at 866.987.6723 or [info@illinoisdivorce.com](mailto:info@illinoisdivorce.com).