HOW TO GET AN ORDER FOR SUPPORT

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at illinoislegalaid.org/lexicon/glossary. For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to ilcourthelp.gov.

These instructions apply to:

- Divorces/Dissolution of civil unions that involve child support and/or maintenance (also known as alimony);
- Paternity cases that involve child support only;
- Allocation of parental responsibility (custody and visitation – no marriage) that involve child support only; AND
- Child support (if paternity and custody are not issues).

These instructions assume that you filed one of these cases already or plan to do so. They do not provide instructions about filing one of these cases.

NOTE: You may be able to get help with getting a child support order from the Illinois Department of Healthcare and Family Services. They can help with paternity testing, getting a support order, and enforcing the support order. To apply visit: illinois.gov/hfs/ChildSupport/parents/Pages/Apply.aspx If you cannot use a computer or do not have internet access, you may call 1-800-447-4278. If you have a TTY device, you may call 1-800-526-5812.

The Department does not help with maintenance.

What forms do I need to get a support order?

In addition to the forms, you will need to file one of the cases listed above, you will need some or all of these forms:

- ***Order for Support***: this is used by the judge to set the amount of support and how often it is to be paid; it can be used for cases that involve child support only, maintenance only, or cases that involve both.
- ***Support Information Sheet***: this is used by the Circuit Clerk to maintain records of contact and other information for parties in cases involving support.
- ***Income Withholding for Support***: this is used to require the employer of the person ordered to pay support to withhold support payments from wages; after the support is withheld, it is sent to the State Disbursement Unit. This form cannot be used for maintenance only cases.
- ***Letter to Employer***: this is used by you to send the *Income Withholding for Support* to the employer.
- ***Note:*** The email address (if you have one) and mailing address you put on these forms is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

What information will help me fill out the forms?

- The social security numbers of you and the other parent (if available);
  - **NOTE**: if you cannot provide the social security number of the person who will be paying support, the employer is not required to withhold.
- The names and birth dates of any children that will be covered by the *Order for Support*;
- Your name, address, telephone number, email, and fax number (if you have one);
  - **NOTE**: if your contact information cannot be revealed due to domestic violence, use safe contact information (like that of a friend or relative) instead of your own.
- The name, address, telephone number, email, and fax number (if they have one) of the other parent;
- The name, address, and phone number of your employer;
- The name, address, and phone number of the other parent;
- The amount of child support to be paid (this will be on the *Order for Support*);
- The amount of maintenance to be paid (this will be on the *Order for Support*);
- The Remittance ID for the county in which the support order was entered (this is available on the instructions for completing the *Income Withholding for Support*); AND
- The number of your court case (this will be on the *Order for Support*).

STEP 1: COMPLETE THE FORMS

- ***Order for Support***: complete the parts of this form that you can before going to your court hearing. If you and the other parent have an agreement on support, add the terms of that agreement to the *Order for Support*. Both you and the other parent must also initial each page of the *Order* if there is an agreement.
- ***Support Information Sheet***: complete this form before going to your court hearing. File it with the Circuit Clerk if the judge orders support. If the judge does not order support, do not file it with the Circuit Clerk.

STEP 2: PREPARING FOR THE COURT HEARING

You will need to bring to court information that will help the judge decide how much the support will be.

You can get help calculating the correct amount of child support.

- Use the Illinois Department of Healthcare and Family Services online child support estimator located here: cscwebext.hfs.illinois.gov/CscWebEx/app/estimator?execution=e1s1.

- You will need the following information:
  - The number of children to be supported;
  - Which parent will have the majority of the parenting time;
  - The number of overnights you have with the children per year;
  - Your gross income (before taxes) and the other parent's gross income – this can be per year, per month, twice-monthly, weekly, or bi-weekly;
  - Whether either you or the other parent pays maintenance;
  - Whether you or the other parent receives maintenance;
  - Whether any of the children receive a Social Security payment because one of the parents is retired or disabled;
  - Whether either parent has a court order to pay child support for another child that is not part of your case;
  - Whether either parent has a child they are legally responsible for and they pay support for, but there is no court order for support;
  - Whether the children are covered by health insurance and the cost of the insurance;
  - Whether either parent pays for child care for the children; AND
  - Whether either parent pays for extraordinary school or extracurricular expenses for the children.
- After you calculate the support, click on the "view worksheet" button and then print out the worksheet.
- If you cannot calculate the support yourself, bring the same information to your court date and give it to the judge.

STEP 3: ATTENDING THE COURT HEARING

Follow the instructions for the type of case you filed.

- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce yourself.
- If your court date is by phone or video:
  - Make sure to have the call-in or login information for your court date and make sure your technology is working.
  - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.
  - Follow these recommendations to appear by phone or video: illinoiscourts.gov/self-help/court-by-phone-or-video

Make sure you know how you are to attend your court date.

Your court date could be in person, by phone or by video. If it is by phone or video it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/

STEP 4: AFTER THE COURT HEARING

- Get a file-stamped copy of the *Order for Support.*
- File the *Support Information Sheet* with the Circuit Clerk and get a file-stamped copy for your records.
  - You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, (2) you have a disability that keeps you from e-filing, or (3) you qualify for an exemption from e-filing.
  - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer; (2) you have trouble reading or speaking in English, or (3) you tried to e-file your documents, but you were unable to complete the process because the equipment or assistance you need is not available.
  - If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: illinoiscourts.gov/documents-and-forms/approved-forms.
  - File the original and 1 copy of your forms and the *Certification* with the trial court clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.
  - Visit efile.illinoiscourts.gov/service-providers.htm to select a service provider. Some service providers are free while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: illinoiscourts.gov/self-help/how-to-e-file/.
- If you do not have access to a computer or if you need help e-filing, take your form to the Circuit Clerk's office where you can use a public computer terminal to e-file your forms.
  - You can bring your forms on paper or saved on a flash drive.
  - The terminal will have a scanner and computer that you can use to e-file your form.
- If you e-file the *Support Information Sheet*, select "Confidential" for the security type when uploading the document.
- Send a copy of the *Order for Support* to the other parent either by email, by hand, or by mail and file a *Proof of Delivery* with the Circuit Clerk. You can find the *Proof of Delivery* online at: illinoiscourts.gov/documents-and-forms/approved-forms

- Complete these forms for cases involving child support only or child support and maintenance. (Do not use for cases involving maintenance only):
  - ***Income Withholding for Support***: complete this form only after you have a signed *Order for Support*. Do not file this form with the Circuit Clerk. To complete this form you will need:
    - The name, address, and phone number of the employer of the person paying support;
    - The full name and social security number for the person paying support;
    - Your full name;
    - The full name and date of birth for all children covered by the *Order*;
    - Remittance ID number (this can be found on the instructions to the *Income Withholding for Support*), the amount of support to be paid and how often it is to be paid; AND
    - Your contact information— if this should not be public because of domestic violence, use alternate contact information.
  - ***Letter to Employer***: complete this form after you have completed the *Income Withholding for Support.*

STEP 5: SERVING THE INCOME WITHHOLDING FOR SUPPORT

- Option 1: Send the *Letter to Employer* along with a copy of the *Order for Support* and the *Income Withholding for Support* to the employer of the person who will be paying the support.
  - Send this letter by certified mail with a return receipt. You will get back a green postcard telling you the date the letter was delivered to the employer.
  - Keep this postcard in a safe place and the certified mail receipt in a safe place so that you have it in case it is necessary to show proof that the employer got the *Income Withholding for Support.*
- Option 2: If your case involves child support, contact the Illinois Department of Healthcare and Family Services and apply for assistance in serving the *Income Withholding for Support*.
  - Once your case is registered, the Department will make sure that the *Income Withholding for Support* is served on the employer. In addition, they will monitor your case and send a new *Income Withholding for Support* if the person paying child support changes employers.
  - They can also help you to enforce the child support order in court if necessary and in collecting unpaid child support. To apply visit: illinois.gov/hfs/ChildSupport/parents/Pages/Apply.aspx If you cannot use a computer or do not have internet access, you may call 1-800-447-4278. If you have a TTY device, you may call 1-800-526-5812.

STEP 6: FOLLOW-UP

- CHILD SUPPORT CASES AND CHILD SUPPORT AND MAINTENANCE CASES: if you have not received your first child support or child support and maintenance payment within 30 days after the date the employer received the *Income Withholding for Support*, you need to follow up.
  - First, contact the employer to see whether they have started the withholding and they have sent the support to the State Disbursement Unit. If they have not, ask if they intend to do that and when.
  - If they have, contact the State Disbursement Unit to see if they have received the payments from the employer and then sent them to you.
  - If they have, make sure that they have your correct address. If they do, you will need to check with your local post office to see if there is a problem there. Although in most cases there will not be a problem. If there is and you cannot resolve the problem easily by yourself, you will need to contact an attorney or the Division of Child Support Enforcement for help by calling: 1-800-447-4278.
- MAINTENANCE ONLY CASES: if your former spouse does not pay the maintenance as ordered. You will need to go back to court and ask the judge to take action to force your former spouse to make the payments. You can use the *Motion* forms fond online: illinoiscourts.gov/documents-and-forms/approved-forms

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