

APPELLATE COURT OF ILLINOIS, THIRD DISTRICT

In re Marriage of Patel

2025 IL App (3d) 240453 · No. 3-24-0453 · Decided December 3, 2025

SUMMARY

The Illinois Appellate Court, Third District, affirmed an order modifying child support in the dissolution case involving Deepak and Binita Patel. The court held that the marital settlement agreement’s nonmodifiable income cap was voidable because child support provisions cannot restrict the court’s authority to modify support and the original order lacked required written findings supporting a deviation from statutory guidelines. The court also upheld the \$3,750 monthly support amount as a reasonable exercise of discretion based on the parties’ incomes and the children’s anticipated standard of living.

CASE DETAILS

COURT	Appellate Court of Illinois, Third District
WRITING FOR THE COURT	Justice Bertani; Justice Hettel; Justice Anderson
JURISDICTION	Illinois Appellate Court, Third District
DECIDED	December 3, 2025
DOCKET	3-24-0453
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Du Page County circuit court modifying child support in a dissolution-of-marriage case.
STANDARD OF REVIEW	The interpretation and voidability of the marital settlement agreement and applicable statutes are reviewed de novo. Factual findings supporting a child-support modification are reviewed for manifest error, and the amount of child support is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Illinois appellate opinion
PARTIES	Deepak V. Patel v. Binita Patel

TOPICS

- child support
- family law procedure
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

family law

child support

appellate procedure

QUESTIONS PRESENTED

1. Whether the marital settlement agreement's provision making a \$500,000 income cap for child-support purposes nonmodifiable was voidable.
2. Whether the original child-support order was voidable because the circuit court failed to make written findings explaining a deviation from the statutory child-support guidelines.
3. Whether a substantial change in circumstances justified modification of child support.
4. Whether the circuit court abused its discretion by setting monthly child support at \$3,750.
5. Whether the appellant's brief violated Illinois Supreme Court Rule 341(h)(3) sufficiently to warrant striking the brief and dismissing the appeal.

HOLDINGS

1. The appellant's brief substantially complied with Rule 341(h)(3), and any alleged noncompliance did not hinder appellate review; dismissal of the appeal was unwarranted.
2. A marital settlement agreement cannot make child support or an income cap on child support nonmodifiable. The circuit court was not bound by the parties' income-cap or modifiability provisions.
3. The income cap was a deviation from the statutory child-support guidelines, and the original order was voidable because the circuit court did not make the written findings required to explain the deviation.
4. The substantial increases in Deepak's income and Binita's income constituted a substantial change in circumstances permitting modification of child support.
5. The circuit court did not abuse its discretion by ordering Deepak to pay \$3,750 per month in child support.

KEY QUOTATIONS

“parties may not contract away rights to petition to modify child support because the circuit court is obligated to protect the best interests of the children involved” (¶ 28)

“It is well settled that it is the court’s responsibility, not the parties’ responsibility, to determine the adequacy and amount of child support.” (¶ 29)

“where a noncustodial parent has the ability to pay support in excess of the stated needs of the child, a court may order child support in excess of the needs to enable the child to enjoy the standard of living he would have had” (¶ 37)

FACTUAL BACKGROUND

Deepak and Binita Patel were married in 2010 and had two minor children. Their 2020 dissolution judgment incorporated a marital settlement agreement under which Deepak paid \$789 per month in child support and agreed that income above \$500,000 would not be considered for child-support purposes. Deepak's income later

increased substantially, while Binita's income also increased and the children continued to incur expenses associated with education, extracurricular activities, and their established lifestyle. Following a hearing, the circuit court modified support to \$3,750 per month.

PROCEDURAL HISTORY

The circuit court originally entered a dissolution judgment and child support order requiring Deepak Patel to pay \$789 per month, with an annual true-up under the parties' marital settlement agreement. Binita Patel later moved to vacate and modify the support order, arguing that the agreement's \$500,000 income cap was nonmodifiable and that the original order lacked required written findings supporting a deviation from statutory guidelines. After an evidentiary hearing, the circuit court found the cap and order voidable, found a substantial change in circumstances, and ordered Deepak to pay \$3,750 per month. Deepak appealed, and the Appellate Court of Illinois affirmed.

DISPOSITION

affirmed

CASES CITED

- North Community Bank v. 17011 South Park Ave., LLC, 2015 IL App (1st) 133672, ¶ 14
- Spangenberg v. Verner, 321 Ill. App. 3d 429, 432 (2001)
- Askew Insurance Group, LLC v. AZM Group, Inc., 2020 IL App (1st) 190179, ¶ 21
- In re Marriage of Barboza Fisher, 2018 IL App (2d) 170384, ¶¶ 22, 25
- In re Marriage of Rife, 376 Ill. App. 3d 1050, 1064 (2007)
- Blisset v. Blisset, 123 Ill. 2d 161, 167 (1988)
- In re Marriage of Gits, 2015 IL App (2d) 130757-U, ¶ 36
- In re Marriage of Putzler, 2013 IL App (2d) 120551, ¶ 29
- In re Marriage of Hill, 2015 IL App (2d) 140345, ¶ 17
- In re Marriage of Turrell, 335 Ill. App. 3d 297, 306-07 (2002)
- In re Marriage of Eberhardt, 387 Ill. App. 3d 226, 233 (2008)
- Bazydlo v. Volant, 164 Ill. 2d 207, 215 (1995)
- In re Marriage of Singleteary, 293 Ill. App. 3d 25, 35, 38 (1997)
- In re Marriage of Garrett, 336 Ill. App. 3d 1018, 1025 (2003)
- In re Marriage of Rogliano, 198 Ill. App. 3d 404, 412 (1990)