

APPELLATE COURT OF ILLINOIS, SECOND DISTRICT

In re Marriage of Hughes, 322 Ill. App. 3d 815

751 N.E.2d 23, 255 Ill. Dec. 929 (Ill. App. Ct. 2001) · No. No. 2-00-0069 · Decided June 5, 2001

SUMMARY

The Illinois Appellate Court, Second District, reviewed a modification of child support following the parties' dissolution of marriage. The court held that the termination of maintenance and automobile payments contemplated by the original dissolution judgment did not constitute a substantial change in circumstances under section 510(a) of the Illinois Marriage and Dissolution of Marriage Act. The court reversed the modification order because the increase in support also did not satisfy the applicable 20% statutory threshold.

CASE DETAILS

COURT	Appellate Court of Illinois, Second District
WRITING FOR THE COURT	Justice Rapp; Justice Grometer; Justice Callum
JURISDICTION	Illinois
DECIDED	June 5, 2001
DOCKET	No. 2-00-0069
DISPOSITION	reversed
PROCEDURAL POSTURE	Respondent appealed from orders of the circuit court of Ogle County modifying the parties' dissolution judgment and increasing his child-support obligation.
STANDARD OF REVIEW	De novo review applies to the legal effect of undisputed facts and whether those facts constitute a substantial change in circumstances under the statute.
PRECEDENTIAL VALUE	published
PARTIES	Ronald C. Hughes v. Stacy J. Hughes

TOPICS

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

PRACTICE AREAS

- family law
- child support
- appellate procedure

QUESTIONS PRESENTED

1. Whether the termination of maintenance and vehicle-payment obligations that was contemplated by the original dissolution judgment constituted a substantial change in circumstances permitting modification of child support under section 510(a)(1) of the Illinois Marriage and Dissolution of Marriage Act.
2. Whether the child-support increase independently qualified for modification under the 20-percent inconsistency provision of section 510(a)(2)(A).

HOLDINGS

1. The termination of maintenance and vehicle-payment obligations contemplated by the original dissolution judgment did not constitute a substantial change in circumstances sufficient to modify child support under section 510(a)(1).
2. The increase from \$1,113 to \$1,275 per month, approximately 14.6 percent, did not satisfy the statutory 20-percent inconsistency requirement for modification under section 510(a)(2)(A).

KEY QUOTATIONS

“The increase in Ronald’s available income to pay child support following the termination of maintenance and car payments did not constitute a substantial change in circumstances because these events were contemplated and expected by the court when the judgment for dissolution of marriage was entered.” (322 Ill. App. 3d at 817)

“We conclude that the trial court erred as a matter of law in determining that a substantial change in circumstances permitting the modification of child support had occurred since the entry of the judgment for dissolution of marriage.” (322 Ill. App. 3d at 818)

FACTUAL BACKGROUND

The parties’ 1998 dissolution judgment required Ronald Hughes to pay \$1,113 per month in child support, \$788 per month in rehabilitative maintenance for 12 months, and 12 monthly payments on a vehicle awarded to Stacy Hughes. After the maintenance and vehicle payments ended, Stacy petitioned to increase child support, citing Ronald’s increased available income, her limited income, increased child-related expenses, and increased personal expenses. The circuit court increased child support to \$1,275 per month based primarily on Ronald’s cessation of the maintenance and vehicle payments.

PROCEDURAL HISTORY

The circuit court entered a judgment dissolving the parties’ marriage on December 2, 1998, requiring Ronald Hughes to pay \$1,113 per month in child support, 12 months of rehabilitative maintenance, and 12 monthly Honda Odyssey payments. After the maintenance and vehicle-payment obligations ended, Stacy Hughes petitioned to modify child support. Following an evidentiary hearing, the circuit court found a material change in circumstances and increased child support to \$1,275 per month. Ronald appealed, and the Appellate Court of Illinois reversed.

DISPOSITION

reversed

CASES CITED

- In re Marriage of Fazioli, 202 Ill. App. 3d 245, 251, 147 Ill. Dec. 495, 559 N.E.2d 835 (1990)
- In re Marriage of Pylawka, 277 Ill. App. 3d 728, 731, 214 Ill. Dec. 651, 661 N.E.2d 505 (1995)
- Gay v. Dunlap, 279 Ill. App. 3d 140, 145, 215 Ill. Dec. 691, 664 N.E.2d 88 (1996)
- In re Marriage of Demattia, 302 Ill. App. 3d 390, 393, 235 Ill. Dec. 807, 706 N.E.2d 67 (1999)
- In re Marriage of Schmerold, 88 Ill. App. 3d 348, 350, 43 Ill. Dec. 629, 410 N.E.2d 629 (1980)
- Dixon v. Dixon, 45 Ill. App. 3d 934, 937, 4 Ill. Dec. 550, 360 N.E.2d 486 (1977)
- In re Marriage of Bean, 181 Ill. App. 3d 671, 674, 130 Ill. Dec. 275, 537 N.E.2d 342 (1989)

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