

# How Do I Modify an Order?

Any term in quotations within this handout should be explored further via a review of the Illinois Marriage and Dissolution of Marriage Act (IMDMA) and all relevant cases analyzed by the Illinois Appellate Court and the Supreme Court of Illinois.

## **Modification of the current financial support arrangement, allocation of parental responsibilities, or allocation of parenting time.**

- Parties *who are in agreement* to the changes can always file a petition to request that the judge modify an order pursuant to their agreement. The judge may reject orders that she finds are not appropriate.
- Parties *who are not in agreement* to the changes must file a petition that makes specific allegations (see below).
- **Modification of financial support arrangements**
  - Child support and maintenance (spousal support) can only be modified upon a showing of a “substantial change in circumstances.” See 750 ILCS 5/510 and explanatory cases.
- **Modification of allocation of parental responsibilities** (formerly known as custody)
  - Cannot be modified within 2 years of the date of the original order.
  - However, if there is reason to believe the child’s present environment may “seriously endanger his/her mental, moral or physical health” or will “significantly impair the child’s emotional development,” the Judge may modify the allocation of parental responsibilities at a sooner time. See 750 ILCS 610.5 and explanatory cases.
- **Modification of allocation of parenting time** (formerly known as visitation)
  - May be modified at any time upon a showing of “changed circumstances” which necessitate the modification to serve the “child’s best interests.”
  - The judge may also modify an allocation of parenting time if: 1) the modification is in the child’s “best interest”; and 2) any of the following are proven:
    - a) The modification reflects the parties’ actual arrangement<sup>1</sup> for the 6 months preceding the filing of the petition to modify; or
    - b) The modification constitutes a “minor modification;” or
    - c) Based on evidence of new circumstances that had not been brought to the court’s attention when the original allocation order was entered, the modification is now necessary to correct an allocation order the judge would not have originally entered or approved if she had been aware of newly-presented circumstances; or
    - d) The parties agree to the modification.
  - See 750 ILCS 5/610.5(e) and explanatory cases for more information.

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<sup>1</sup> Provided that the arrangement did not result from one party’s inability to “meaningfully consent” to the arrangement  
**DISCLAIMER:** This guide serves as a court-process navigation tool. It does not contain legal advice. Litigants are encouraged to consult an attorney if possible and the Illinois Marriage and Dissolution of Marriage Act (IMDMA) at 750 ILCS 5/ *et seq.* for more information. Note that the IMDMA and all accompanying statutes have been interpreted and explained by the Illinois Appellate Court and the Supreme Court of Illinois; and their decisions are equally as binding on the trial court as the statute itself. To research and review those cases via a legal research database commonly used by judges and attorneys, please visit any of the Circuit Court of Cook County’s Law Libraries (e.g. 29<sup>th</sup> floor of the Daley Center).