FAMILY SUPPORT FORUM

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IDPA Selects ACS State and Local Solutions to Operate State Disbursement Unit

SPRINGFIELD. On December 17, 2002, the Illinois Department of Public Aid (IDPA) announced its selection of ACS State and Local Solutions of Washington, D.C., an experienced and respected high-volume payment-processing firm, to operate the State Disbursement Unit (SDU), which collects and disburses child support payments.

"ACS State and Local Solutions provided the department with the most comprehensive proposal to handle the complexities and volume of the SDU. ACS offers the most experience in operating state disbursement units and through the use of advanced equipment and technology will further improve the SDU's efficiency and accuracy, while providing significant cost savings over the state's current SDU operations," said IDPA Acting Director George Hovanec.

"The SDU's operations are stabilized and meeting federal performance standards," Hovanec said. "Our first priority is guaranteeing a smooth transition to the new vendor for the Illinois families relying on the SDU for their child support checks."

Four vendors – ACS, Bank One, IBM and MAXIMUS, Inc. -- submitted proposals to IDPA to operate the SDU. In analyzing the four proposals, the department conducted nearly 100 reference checks, visited sites in four states and held oral presentations with each bidder. ACS's proposal received the overall highest score based on its extensive successful experience in other states, solid reputation, state-of-the-art technology, comprehensive transition plan, strong information technology subcontractor and overall high quality.

"The ACS proposal will reduce the state's cost of operating the SDU by $9 million a year," Hovanec said, "from $26.4 million during fiscal year 2002 to $17 million in fiscal year 2004."

ACS State and Local Solutions operates SDU's in 12 states, including Florida, Michigan, Massachusetts, New York, Pennsylvania and Texas. Tier Technologies, which will be a subcontractor in Illinois, operates the SDU's in eight additional states.

In fiscal year 2002, the SDU has processed 5.5 million checks with child support payments totaling about $674 million. In November, 99.2 percent of child support payments were disbursed within two days of receipt.

ACS will use state-of-the-art equipment for mail opening and document scanning and will institute customer service through an Automated Voice Response System. The system will allow parents to call 23 hours a day and obtain timely, accurate payment and account information.

The SDU is the state's centralized unit for collecting and disbursing child support payments. Mandated by federal law, the SDU began operations in October of 1999. It is currently operated by IDPA in Wheaton. In

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From the Statehouse . . .

. . . LEGISLATIVE UPDATE

Governor Signs Unified Child Support Services Act

by Thomas P. Sweeney

On January 6, 2003, governor Ryan signed into law legislation passed in the fall veto session to create the Unified Child Support Services Act. Public Act 92-0876, effective June 1, 2003, also extends support obligations to age 19 for children still in high school.

Support Extended to Age 19 or High School Graduation

The bill originally proposed and passed by the Senate last April (S.B. 1966) amends sections in several acts concerning a parent's obligation to pay child support to provide that, unless the child otherwise becomes emancipated, the obligation is extended for a child under age 19 who is still attending high school until graduation or age 19, whichever is earlier.

House amendments to add creation of the Unified Child Support Services Act were awaiting Senate concurrence when the General Assembly recessed in May. By a vote of 36-17-5, the Senate concurred in the House amendment on December 5 and sent the bill to the Governor December 12, 2002.

Unified Child Support Services Act

That Act provides that by July 1 of 2003, and by July 1 of any subsequent year, a State's Attorney of any county in cooperation with appropriate county officials may submit to the Department of Public Aid a plan and proposed budget for operation by the State's Attorney of a unified child support services program that includes all the components specified in the act. By December 1 of the year in which a plan is submitted the Department "shall approve or reject the Plan." If approved, the Department shall enter into an intergovernmental agreement with the State's Attorney, subject to approval by the Attorney General and local county board, adopting the plan. If rejected, the Department "must set forth (i) specific reasons that the Plan fails to satisfy the specific goals and requirements of this Act or other State or federal requirements, and (ii) specific reasons that the necessary and reasonable costs for operation of the Plan could not be agreed upon."

A State's Attorney submitting a plan must commit to manage a unified child support services program for at least 3 years. The Department may impose a restriction that no more than three State's Attorneys may begin operating a unified child support services program in a given year. The bill further provides that in a county in which a unified child support services program is operating, the circuit clerk may submit to the Department a plan for filing administrative orders concerning parentage or child support.

Program Responsibilities

Services for which the State's Attorney would become responsible under the program would include:

- accepting applications and providing interviews for IV-D services,
- "maintaining flexible office hours, including evening or weekend hours" to meet service demands,
- providing for a staffing plan that includes assigning cases to a child support specialist responsible for coordinating child support services for the case,
- taking appropriate action on cases falling into non-compliance,
- offering parentage genetic testing on-site or nearby,
- taking responsibility for entering case data into KIDS, including editing that data and "having conflicting or incorrect data reconciled with respect to a current child support case,"
- conducting account reviews and redeterminations,
- "establishing and maintaining a separate, impartial and independent administrative process for parentage establishment, support establishment and support modification that affords due process of law to alleged fathers and custodial and non-custodial parents,"
- marketing the program within the county, and
- appointing a local, unpaid child support advisory board with the State's Attorney as chair.

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From the Courthouse . . .

. . .CASES & COMMENTARY

As a regular feature the Family Support FORUM will endeavor to provide timely summaries of court decisions, both published and unpublished, and information about pending decisions of general interest to the support enforcement community. Any one who becomes aware of significant decisions or cases, whether pending or decided at any level, is encouraged to submit them for inclusion in future editions.

Direct links to slip opinions of these and other recent decisions are maintained on IFSEA's web site, www.illinoisfamilysupport.org, soon after they are released.

by Thomas P. Sweeney

Dicta: Interest on Child Support Arrearage Is Not Discretionary; Exception to *Finley*

In Re Marriage of Carrier, 332 Ill. App. 3d 654 773 N.E. 2d 657 (2nd Dist., 7/22/02), vacated and remanded orders assessing interest on IRA funds not transferred as part of a marital settlement agreement, but finding that assessment of interest on that kind of order was within the court's discretion.

The parties' marital settlement agreement required Gregory to transfer $725,000 from his IRA to Mary. When he failed to do so she filed a rule to show cause and sought interest on that sum from the date of the judgment until the funds were eventually transferred. The trial court awarded interest, but not for the entire period. Each party appealed.

While vacating and remanding the orders, the Appellate Court first rejected a prior Second District ruling that had held that divorce judgments arising from a marital settlement agreement were not controlled by the Supreme Court decision in *Finley v. Finley*, 81 Ill 2d 317 (1980). *Finley* had held that divorce proceedings are chancery in nature, so that assessment of interest is not governed by the interest provisions of § 2-1303 of the Code of Civil Procedure. But in finding assessment of interest in this case was discretionary, the Appellate Court repeatedly stated in dicta that "[t]he only exception to the general rule expressed in *Finley* is a judgment awarding child support, which now may be taxed with statutory interest under section 2-1303."

Custody, Visitation Orders Not Final and Appealable Where Support Not Defined

Shermack v. Brunory, 333 Ill. App. 3d 313, 775 N.E. 2d 173 (1st Dist., 8/8/02), dismissed an appeal of custody and visitation orders as not final orders because support terms were left to be calculated.

Following a paternity determination, Kelly (mom) was awarded custody of the parties' child Riley and Joseph was granted visitation and ordered to pay support. Based on Kelly's interference with visitation, Joseph petitioned in July, 2000, for temporary and permanent custody of Riley, including a request that Kelly pay child support to him. Joseph was granted temporary custody in August, 2000, when Kelly failed to appear in court as directed. After a series of denied motions by Kelly to challenge that ruling, including several denied appeals, and an eight-day evidentiary hearing on Joseph's petition, on July 31, 2001 the Court granted permanent sole custody to Joseph and established a visitation schedule. The Court ordered Kelly to "pay through income withholding 20% of her net income from all sources," and ordered the parties to "submit within 14 days a uniform support order which included a finding of [Kelly's] net income from all sources calculated from recent paychecks or other reliable evidence of her earnings." Apparently that follow-up order was never done. Kelly appeals all the orders.

Appeal dismissed for lack of appellate jurisdiction. "[T]he July 31, 2001 order was not final and appealable where it failed to determine an issue raised in Joseph's petition for modification of custody and a matter of potentially substantial controversy between the parties, the exact amount of Kelly's child support payments. This order would not be final and could not be appealed under Rule 301 unless and until the trial court fixed the precise dollar amount of Kelly's payments. *Further, Joseph could not attempt to enforce the July 31, 2001 order or collect child support from Kelly without the court's later determination of the exact amount of Kelly's support obligation*." (emphasis added.) The Court holds that the potential for disputes over the calculation of 20% of Kelly's income "makes this an order which lacks the essentials of a final judgment." Since Joseph's petition for custody also requested support, the July 31, 2001 order did not decide all claims raised because the court never fully resolved the issue of child support. "The determination of a noncustodial parent's support obligation is integrally related to the determination of custody."

(Cont'd. on page 5)

("Cases & Commentary," cont'd. from page 4)

Court Approval Not Required for Removal In Paternity Cases

Harbour v. Melton, 333 Ill. App. 3d 124, 775 N.E. 2d 291 (4th Dist., 8/23/02), reversed contempt finding against father who removed his child from Illinois without court approval.

Following a paternity determination Rodger was granted custody of the parties' child and Rochelle was given specified visitation. When Rodger moved to Missouri with the child without court or her approval Rochelle sought a contempt finding against him. The trial court found Rodger in contempt and also awarded Rochelle her attorney's fees. Rodger appeals.

Following the many prior decisions on this subject the Appellate Court held that the requirement under the IMDMA for court approval to remove a child from the state does not apply in a paternity case. Therefore Rodher could not be held in contempt and could not be assessed Rochelle's attorney's fees. While the move almost certainly resulted in interference with the visitation schedule ordered, Rochelle had not pursued a contempt finding based on that violation of the court's order, so the contempt finding could not stand.

In dicta the Court virtually invites a trial court to include in paternity custody awards a requirement of approval to remove a child, or to change custody when a child is removed in such cases. The Court also seems open to an argument that the two-year restriction against petitions to modify custody under § 610 (a) of the IMDMA may not apply in paternity cases.

Contribution Toward Health Insurance Required When Available, Requested; Support Adjustment Not Necessary to Reflect Insurance Costs

In Re Marriage of Seitzinger, 333 Ill. App. 3d 103, 775 N.E. 2d 282 (4th Dist., 8/23/02), affirmed joint custody award, visitation schedule and property distribution, but reversed restrictions on residence as a condition of custody and denial of contribution toward health insurance costs.

Though each party sought sole custody of the parties' one child, the trial court found they could cooperate in raising the child and awarded joint custody, with Kimberly granted primary physical custody and Roger given liberal visitation. The court did order that if either party moved from Sangamon or Cass Counties his or her right to joint custody would terminate and the other party would have sole custody. Roger was ordered to pay child support consistent with guidelines and pay half the day care costs, but not ordered to contribute toward health insurance to be provided by Kimberly. Kimberly appeals most of the orders.

The custody, visitation and property distribution orders were affirmed as not an abuse of discretion. The provision for automatic termination of joint custody based solely on geography was reversed as improper. The Appellate Court also rejected the court's denial of contribution by Roger of half Kimberly's costs to provide insurance. "The duty to provide health insurance is an integral part of a parent's current and future support obligations. . . . When such insurance is available, the noncustodial parent is required under section 505.2(b) of the [IMDMA] to provide contribution upon the request of the child-support obligee."

Roger agreed he should contribute half the cost of health insurance but argued the trial court should then reconsider the amount he is required to pay as child support and toward day care costs. Apparently ignoring provisions within § 505 reducing net income used to calculate child support by the cost of health insurance premiums, the Appellate Court concluded "[w]e do not find this to be necessary, however, as the child support he was ordered to pay follows the statutory guidelines."

Contempt Not Final Without Sanctions; Arrearage Payments Not Stayed by Appeal; Support Calculated on Percent of Bonuses

In Re Marriage of Ackerley, 333 Ill. App. 3d 382, 775 N.E. 2d 1045 (2nd Dist., 8/29/02), dismissed as not final the appeal of a contempt finding, affirmed modification of child support and assessment of attorney's fees and recalculated support arrearages based on a percent of bonus income.

At the time of their 1992 divorce Robert had a base annual salary of $62,000 plus bonuses. In the settlement agreement he was ordered to pay base support of $250 per week plus 25% of any net bonuses "as defined by statute," and provide documentation of those bonuses. Over the years Robert's base income dramatically improved to $167,000, and he received a variety of bonuses subject to a variety of repayment and deferral agreements with his employer which brought his income to nearly $500,000 in 1999 and 2000. While Robert was current in base support payments, when Terry sought enforcement he was found to owe more than $90,000 in support based on his bonus income and was found in indirect, civil contempt for not providing the documentation needed to verify his bonus income. The Court also awarded attorney's fees of $2,300 in connection with the enforcement proceedings, eliminated the bonus percentage provision. Current support for the one remaining minor child was modified to $3,000 per month, an amount exceeding shown needs but a deviation from the $5,500 found to be required by guidelines. Robert's motion to stay enforcement of the arrearage judgment was denied. He appeals everything.

Appeal of the contempt finding was summarily dismissed since sanctions had not been imposed. However, the assessment of attorney's fees based on the enforcement action was affirmed. Robert had failed to provide "tax-related" documents required "for verification purposes" of his various bonuses; employer-generated statements would not suffice. Robert failed

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From the I D P A . . .
. . . ILLINOIS IV-D UPDATE

(From the Office of the Administrator, Illinois Dept. of Public Aid, Division of Child Support Enforcement)

MISSION IMPOSSIBLE ?

By David E. Scoville

Child Support Performance Standards

The Personal Responsibility and Work Opportunity Act (PRWORA) of 1996 adopted by Congress established five performance standards for all Child Support programs. Over $400 million annually in incentive earnings is allocated to child support programs based on their performance for the five standards. In addition, if performance does not meet minimum levels for three of the standards, a penalty of 1% of the TANF block grant can be assessed (1% of the block grant is approximately $6 million). In future years, if performance continues to be below the standard, the penalty can increase annually by 1% up to 5% of the block grant.

One of the three factors where a TANF penalty can be assessed is the percentage of cases having a support order. If less than 40% of all cases have a support order, the child support program has to increase their percentage by 5% in the following year in order to avoid a TANF penalty.

Mission Impossible: FFY01

At the end of FFY00, Illinois' support order establishment percentage was 30.0%. To avoid the TANF penalty, Illinois had to get to 35.0% or above. With well over a million child support cases, this seemed an impossible mission. Assuming normal caseload growth, staff would have to establish in excess of 80,000 support orders in less than a year. Historically, approximately 30,000 cases are established annually in Illinois. Clearly, with current resources, establishing that many support orders was not realistic. The Division of Child Support Enforcement (DCSE) decided to take a three-prong approach.

Approach I: New support orders. First and foremost, DCSE field staff and our legal representative partners concentrated on establishing new support orders. A combination of staff reassignment, overtime, flexible office hours, and sheer determination resulted in 16% more support orders being established in FFY01 than in FFY00. This was the highest number of support orders ever established in the history of the program.

Approach II: Database clean up. It was well known that the Key Information Delivery System (KIDS) contained many duplicate and obsolete cases. FSIS, -- KIDS' predecessor -- had many duplicate cases which were brought over to KIDS. In addition, at the inception of KIDS, the interface with the TANF program was not working correctly, and tens of thousands of duplicate cases were created. A task force was put together to identify as many specific types of cases where there was a high probability of duplicate or obsolete cases. Various types of categories were identified. To avoid inadvertently closing a case where services were still desired, special case closure notices were sent to custodial parents falling into each of the categories. In order to keep the case open, the custodial parent had to respond back. In a small number of cases, letters were returned by the custodial parent. However, Illinois was able to close several hundred thousand duplicate and obsolete cases.

Approach III: Statistical merging of cases. Many times, two or more cases will have a common child and non-custodial parent (NCP), except that the name of the non-custodial parent is "John Johnson" in one case, and "Johnny Johnson" in the other. A second example is where the child and NCP are in common but the second case also shows a second child. One or both cases may show charges and payments. However, until a worker has time to review the cases, it is unknown which is the "true" case, and which case should be eliminated. In addition, if there are charging and payment information on both cases, the information from the case being eliminated would have to be integrated into the other case. In such instances, the federal government has determined that states should statistically merge these cases. DCSE does the statistical merge based on strict criteria to ensure that these cases are duplicative. Until the cases are cleaned up, they all remain on KIDS, but only one counts on the OCSE - 157 report to the federal government. Approximately 130,000 cases statistically merged into about 50,000 cases.

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Directors Elected, By-Laws Amendments Discussed at IFSEA's 14th Annual Members' Meeting

by Thomas P. Sweeney

Members of the Illinois Family Support Enforcement Association elected Directors at IFSEA's 14th Annual Members' Meeting. The Annual Meeting was held in Lisle October 21 and 22, 2002, in conjunction with IFSEA's 14th Annual Conference on Support Enforcement.

The primary business conducted was election of Directors for the 2002-04 term. At the first session on Monday morning nominations were announced and ballots were cast for the ten positions. Including nominations from the floor there were five eligible candidates for the two positions from Region 1 (Cook County), seven eligible candidates for the four positions from Region 2, and nine eligible candidates for the four positions in Region 3.

Election Results

Results of the election were announced at the second session held at the conclusion of the conference on Tuesday morning. Elected to two-year terms ending in 2004 were:

- From Region 1: Incumbent Christa Fuller, Project Manager for MAXIMUS, Inc; and Durman Jackson, Asst. State's Attorney, Chicago;
- From Region 2: Incumbents Deanie Bergbreiter, then IDPA Judicial-Legal Liaison from Aurora; and Asst. Attorney General Jeanne Fitzpatrick from Ottawa; incumbent "At Large" Director Scott Michalec, Asst. Attorney General from Peoria; and newcomer Mary Morrow, IDPA DCSE Regional Manager from Aurora.
- From Region 3: Incumbent Matthew J. Ryan, Asst. Attorney General; and newcomers Pamela Compton, Associate Administrator of IDPA DCSE; Linda Dirksen, Central Operations Supervisor for IDPA DCSE; and Marjie Haning, Downstate Operations Asst. Manager for IDPA, DCSE, all from Springfield.

Appointments

IFSEA President Madalyn Maxwell announced the appointment of Cook County Asst. State's Attorney James Sledge of Chicago and Asst. Attorney General Scott J. Black, newly appointed Supervisor of the Attorney General's Central Region, in Springfield, to one-year terms as "at large" directors.

By-Laws Amendments Discussed

Prior to the election the membership was presented with two proposed By-Law Amendments. The first would require that any future By-Law amendments to be considered by the membership would have to be provided to the membership in writing prior to the meeting at which they could be considered. The second proposal would require that officers be chosen only from among Directors elected by the membership – i.e., not from "at-large" Directors or Directors appointed to represent designated agencies or offices. After brief discussion a motion was passed to table further consideration of the proposed amendments until next year's annual meeting.

Recognitions, Other Business

In other business, IFSEA President Madalyn Maxwell presented a "President's Award" to Asst. Attorney General Matthew Ryan in recognition of his many years of outstanding leadership and service to the state's child support enforcement program. Immediate Past President Jeanne Fitzpatrick presented to Madalyn a plaque in recognition for her service as outgoing IFSEA President. . Yvette Perez-Trevino was given a round of applause for her efforts as Chair of this year's conference.

To close things out more than 30 participants carried away "door prizes" provided from contributions by MAXIMUS, Inc. and other participating sponsors.

Officers Elected; Other Business

At the Board of Directors Meeting held October 22, 2002, the following officers were elected for 2002-03: President, Yvette Perez-Trevino; First Vice-President, Scott Michalec; Secretary, Tom Sweeney; and Treasurer, Jim Ryan. In a contested election with Madison County Asst. State's Attorney Christine Kovach, then-IDPA DCSE Administrator Nancy Woodward was elected to the office of Second Vice-President.

In other business:

Plans were discussed for next year's conference to be held at Stony Creek Inn in East Peoria.

Sites were suggested for the 2004 conference, but any decision was deferred for input from Nancy Woodward, the officer in line to become chair of that conference.

Memorandum in Support of Child Support Liens Against Workers' Comp Awards

(The following is a Memorandum of Law offered by Madison County Asst. State's Attorney Christine S. P. Kovach as having been successful in defeating challenges to liens placed against workers' compensation awards for child support.)

MEMORANDUM IN SUPPORT OF TEMPORARY VERIFIED PETITION FOR RESTRAINING ORDER, PRELIMINARY AND PERMANENT INJUNCTION

The People maintain that a temporary restraining order placing a lien on any workers' compensation award the Respondent might receive was correct pursuant to the income withholding statutes found in the Illinois Marriage and Dissolution Act (750 ILCS 5/706.1(A)(4) and the Non-Support of Spouse and Children Act (750 ILCS 15/4.1(A)(4), set forth below.

> "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to: wages, salary, commission, compensation as an independent contractor, ***workers' compensation***, disability, annuity and retirement benefits, lottery prize awards, insurance proceeds, vacation pay, bonuses, profit-sharing payments and any other payments made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by Public Act; however, "income" excludes:
>
> > (a) Any amounts required by law to be withheld, other than creditor claims, including, but not limited to, federal, State and local taxes, Social Security and other retirement and disability contributions;
> >
> > (b) Union dues;
> >
> > (c) Any amounts exempted by the federal Consumer Credit Protection Act;
> >
> > (d) Public assistance, payments; and
> >
> > (e) Unemployment insurance benefits except as provided by law.
>
> ***Any other State or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.***

750 ILCS 5/706.1(A)(4) and 750 ILCS 15/4.1(A)(4). [Emphasis added.]

Section 21 of the Workers' Compensation Act states as follows:

> No payment, claim, award or decision under this Act shall be assignable or subject to any lien, attachment or garnishment, or be held liable in any way for any lien, debt, penalty or damages, except the beneficiary or beneficiaries of a deceased employee who was a member or annuitant under Article 14 of the "Illinois Pension Code" [footnote omitted] may assign any benefits payable under this Act to the State Employees' Retirement System . . .

820 ILCS 305/21.

The workers' compensation statute and the child support income withholding statutes appear to conflict on their face. However, in examining the rules of statutory construction one can reconcile the statutes and determine their applicability to this case.

> The rules of statutory construction require this court to determine and follow the intent of the legislature's acts. It is a cardinal rule of construction that the intent and meaning of a statute are to be determined from the entire statute, and all its sections are to be construed together in light of the general purpose and plan, the evil intended to be remedied and the object to be obtained. If the language is susceptible of more than one construction, the statute should receive the construction that will effect its purpose rather than defeat it.

In re Marriage of Dodds, 222 Ill.App.3d 99, 583 N.E.2d 608, 610-611, 164 Ill.Dec. 692 (Ill.App. 2 Dist. 1991). See also, Klier v. Siegel, 200 Ill.App.3d 121, 558 N.E.2d 583, 146 Ill.Dec. 620 (Ill.App.2 Dist. 1990).

"Moreover, the consequences resulting from various constructions of the statute must be taken into consideration, and the court should select the construction which leads to a logical result and avoid one which the legislature could not have contemplated". Klier, 558 N.E.2d at 586. Further, "[w]here two statutes are irreconcilable, the one which was more recently adopted will abrogate the earlier to the extent that they are inconsistent." In re Marriage of Burke, 185 Ill.App.3d 253, 541 N.E.2d 245, 249, 133 Ill.Dec. 408. (Ill.App.2 Dist. 1989).

Section 21 of the Workers' Compensation Act was initially enacted in 1913 with substantially the same

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Lawyer Authors Books on Child Support Rights

Christine Ann Takata shares own experiences as a custodial parent

By Tracy Blake of the Journal Star

(From the Peoria Journal Star, December 29, 2002)

PEORIA - Christine Ann Takata didn't start out with a desire to become an attorney, but divorce, debt and a desire to make things better for her two daughters led her on a path through law school and into the web of Illinois family law.

It's a path that inspired her to compile and write two books to help custodial parents in Illinois understand their rights and get the child support to which they're entitled.

"Child support is a huge problem in this country," Takata said, citing statistics that currently $44 billion is owed in back child support in the United States. Illinois is among the worst with just an 11 percent enforcement rate, she added.

"I think that the book will at least help people know their rights."

"CATLAW Lite" is a child support enforcement book designed for Illinois custodial parents and includes enforcement pleadings and trial court forms. The title's first word is an acronym incorporating Takata's initials, plus "LAW," referring to Legal Access Web site or Legal Access Workbooks. It is designed for the custodial parent who has no formal legal experience and wants the basics for court. It is intended for those with or without legal representation.

"Whether they can afford a lawyer or not, they should know their rights. It's nice to know that when you ask a question, your lawyer is giving you the right answer," Takata said. "That gives you the confidence you need with your lawyer. That's one of the best things a client can do for their lawyer is to have trust in their lawyer, so their lawyer can do their job."

Takata, 41, has made it her job to understand Illinois family law because at one time it was personal. A year after her divorce in 1990, Takata's ex-husband stopped paying child support for their two children, then ages 2 and 4. She started working part time as a bartender because it was the only job that allowed her to be home during the day with her daughters. She also had to apply for state aid. It was through the state's collections department that Takata got her first introduction into family law practices.

"When you apply for welfare, the state automatically intervenes in your child support case," she said.

Takata was appointed an attorney to represent her in court. Takata's ex-husband told the court his only income was from a part-time job, but Takata knew he also was working for cash in construction. However, she said the state was so overburdened with cases that it didn't have the resources to verify his income so the Woodford County judge reduced his weekly support payments.

"What happened when we did go to court was instead of getting my child support enforced, they ended up getting my child support reduced," Takata said. The judge reduced her benefits from $157 a week down to $35 a week, which she says her ex-husband stopped paying altogether.

Takata said she tried to go back to court a year later but was refused because the state could not prove her ex-husband had other income.

"They suggested I learn to live without it," she said.

Out of frustration and a need to support her children on her own, Takata decided her only option was to continue her education.

"I didn't want to stay on welfare and continue my life raising my kids as a part-time bartender, so I went ahead and applied to Bradley," she said.

Before her marriage, Takata worked as a tool and die engineer. She needed two years of credits to complete a bachelor's degree. She attended Bradley University full time, majoring in psychology with a minor in political science. She completed her degree with honors in 1½ years.

"I was so focused. I knew what I wanted to do, and I was going to do it," she said. "When I finished my bachelor's degree, I started hunting around for jobs as an entry-level psychology graduate, and I couldn't find anything that paid over $8 an hour. I started panicking."

Takata calculated that on her potential income, she was not going to be able to afford housing, transportation and household expenses once her student loan payments started.

After researching other career choices, Takata decided to apply for law school. She was accepted by two

(Cont'd. on page 14)

("Cases & Commentary," cont'd. from page 5)

to meet his burden to show his non-compliance with this requirement was not without compelling cause or justification. And despite his contention that $3,000 per month amounted to 90% of Terry's entire family budget, the support award was not an abuse of discretion; the child should be entitled to a standard of living the parties would have enjoyed if the marriage had continued.

Denial of Robert's motion to stay enforcement of the arrearage judgment pending appeal was also affirmed. Section 413(a) of the IMDMA provides that "an order directing payment of money for support or maintenance . . . shall not be suspended or the enforcement thereof stayed pending the appeal." The Appellate Court found this applies to arrearage judgments, not just to current support or maintenance orders.

The Appellate Court found errors in the trial court's calculation of support arrearages attributable to Robert's manipulated or unreported bonus income. Rather than remanding, the Appellate Court provided a detailed recalculation of the amount due. In summary, the Court determined what proportion of each year's total income derived from the bonuses, then applied that proportion to the total in taxes due for that year to determine how much tax was attributable to the bonus. Subtracting those taxes from the bonuses provided the net bonus income to which the percentage order was applied. Since Robert's income was well beyond the maximum from which FICA would be with-held the court was correct in not reducing his income by that deduction before calculating support based on the bonuses. The arrearage judgment was modified to $76,672.57.

Passport Denial Held Constitutional

Eunique v. Powell, 302 F.3d 971 (9th Cir., 8/23/02), affirmed summary judgment denying a challenge to the constitutionality of the denial of a passport sought by an obligor owing delinquent child support.

Eudene Eunique was ordered to pay child support in her California divorce. By the time she applied for a passport in 1998 she had accrued an arrearage of more than $20,000. California had certified her arrearage to the Secretary of Health & Human Services, who in turn transmitted it to the Secretary of State. Her passport application was denied pursuant to regulations implementing 42 U.S.C. § 652(k). Eunique sought a declaratory judgment that denial of her passport was an unconstitutional restraint on her right to travel. Summary judgment was entered against her. She appeals.

Affirmed. Judge Fernandez opined that, unlike interstate travel, "international travel is no more than an aspect of liberty that is subject to reasonable government regulation within the bounds of due process. . . Thus, we must presume § 652 (k) to be valid, and we must uphold it 'if it is rationally related to a legitimate government interest'." The statute, he concludes, "easily passes that test." Parents' failure to support children is a serious offense against morals and welfare. Enforcement is more difficult if the delinquent parent is allowed to leave the country. Congress has a legitimate interest in seeing that child support is paid. Thus denial of a passport to delinquent parents is rationally related to a legitimate governmental interest.

A concurrence by Judge McKeown opined that the restriction deserves "intermediate" scrutiny, but passes that test as well. In a lengthy dissent Judge Kleinfeld argues the restriction requires strict scrutiny because the right to leave the country is too fundamental a right.

Foreign Support Judgments Based on Defective Service Not Enforceable; 20-Day Response Notice, Arrearage Claim Required for Registration Under UIFSA

In Re Marriage of Kohl, 334 Ill. App. 3d 867, ___ N.E. 2d ____ (1st Dist., No. 1-00-3136, 10/15/02), affirmed dismissal of UIFSA petition seeking to enforce support judgment entered in Israel.

When Menahem Kohl "abandoned" his family and moved to Ecuador in 1981, his wife Rivka had sought an order for support for their four children in the District Court in Tel Aviv, Israel. The court authorized service by "registered mail with a confirmation of delivery" directed to a specified address in "Ecuador." A postal receipt showing receipt at a similar address on December 23, 1981, by a person merely signing as "M", was accepted as proof of service, and the court entered a support order by default. Rivka obtained a divorce from Menahem in 1995 in the rabbinical court of Tel Aviv, a court separate and distinct from the District Court that had ordered support.

In 1997, Rivka, still a resident of Israel, filed a UIFSA petition for support against Menahem, now a resident of Illinois, through the State's Attorney's office. Menahem moved to dismiss claiming the Israeli District Court had lacked personal jurisdiction to enter the order, supported by an affidavit stating that he had left Equador prior to December 23, 1981, and had never been served in the Israeli court action. Rivka hired private counsel and in 1999 filed a combined petition for support under UIFSA and for a rule to show cause for Menahem's 18-year failure to provide the support ordered in the Israeli court's default order. Menahem again moved to dismiss on the same grounds as before, again with an affidavit that he was never served in the Israeli court action. He also claimed Rivka had not followed procedures required to register the Israeli order before seeking its enforcement through a contempt proceeding. Rivka did not file a counter-affidavit challenging Menahem's claims of non-service. The trial court dismissed the rule to show cause, finding the Israeli court had lacked jurisdiction when it ordered him to pay support.

Rivka appeals, claiming among other things, that

(Cont'd. on page 11)

("Cases & Commentary," cont'd. from page 10)

Menahem was barred from challenging the validity and enforcement of the Israeli order because he failed to respond to the 1997 petition for registration within 20 days as required by § 606 of UIFSA. However, the Appellate Court found that neither the 1997 petition nor the summons issued with it contained the specific arrearage allegations or 20-day notice required by § 605 for registration of a foreign support order, so "§ 606 was never triggered." § 607 permits challenge of a registration based on lack of jurisdiction by the issuing tribunal. Menahem's § 2-619 motion to dismiss was the proper means to raise the issue. "When ruling on a section 2-619 motion, the court may consider pleadings, affidavits and deposition transcripts. [Citation] If evidentiary facts asserted in an affidavit filed in support of a motion to dismiss are not refuted by a counteraffidavit, the court will take those facts as true [Citation] notwithstanding contrary unsupported allegations in the plaintiff's pleadings. . . . Menahem's uncontroverted affidavits show that he was not properly served [in the Israeli court action]. ... [Rivka] did not file a counteraffidavit refuting his factual assertions; therefore, his factual assertions are taken as true. . . . We therefore find that Rivka failed to create a genuine issue of material fact over whether Menahem was personally served in the Israeli proceedings."

Despite the default finding of jurisdiction by the Israeli court, Menahem never appeared or had an opportunity to litigate the issue of personal jurisdiction in that cause, so the jurisdiction issue was never fully litigated. Therefore the doctrine of *res judicata* is inapplicable to that court's *ex parte* determination of personal jurisdiction. Dismissal affirmed.

Visitation Modification Not Required to Permit Removal in Paternity Cases

Debilio v. Rodgers, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (3rd Dist., No. 3-02-0043, 10/17/02), reversed and remanded orders modifying visitation to permit mother's move to Florida.

In December, 2000, Stacie and Jeffrey were granted joint custody of Brianna in an order establishing Jeffrey as Brianna's father. Stacie was given primary custody and Jeffrey was ordered to pay support and given a specified schedule of liberal visitation. In January, 2001, Stacie – an unemployed waitress, on welfare and making little efforts to find work or go to school here – petitioned for modification of the visitation schedule to enable her to move to Florida where she claimed she could get a job, go to school and have her sister provide day care. Despite evidence of Brianna's close relationship with Jeffrey and his family, the trial court granted the modification, though clearly only on the belief it was *required* to do so because it could not prohibit removal of a child in a paternity case.

Reversed and remanded. "[W]hile a court may not enjoin a parent from leaving the state with her child, if doing so would result in a violation of the visitation order, the parent must seek modification or risk contempt proceedings." The modification determination should be based on the best interests of the child. Although the Parentage Act does not incorporate removal requirements of the IMDMA, the cases under § 609 do "provide guidance for determining when the child's interests may warrant moving him out of state, even though the move will adversely affect the noncustodial parent's visitation."

"Per Diem" Pay Not Shown by Recipient As Used for Travel Expenses Is Income For Support Calculation

In Re Marriage of Worrall, 334 Ill. App. 3d 550, 778 N.E. 2d 397 (2nd Dist., 10/18/02), reversed and remanded denial of support modification due to exclusion of "per diem" pay from the obligor's income.

In the parties' divorce Raymond was ordered to pay child support of $66 per week, modified to $115 per week in October, 1995. In March, 2000, IDPA sought an increase, based on Raymond's increased income or in the alternative that guideline support would be at lest 20% greater than previously ordered. Evidence showed that Raymond is a truck driver who receives a base pay plus an amount designated a "per diem" to cover food and lodging while on the road. For example, for a week in March, 2001, he received base pay of $1,067 and a per diem of $457. However, he slept in his truck and provided no evidence of how the per diem was spent. The trial court ruled that the per diem represented income only to the extent it exceeded actual expenses, and that the burden to prove the excess was on IDPA. Excluding the entire per diem, the trial court found guideline support would come to $121 per week, and denied any modification as unjustified. IDPA appeals.

Reversed and remanded. Support calculation is based on total income from all sources, reduced by specified deductions including expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income. The supporting parent bears the burden of establishing that a deduction applies. Whether or not the IRS allows a flat deduction of per diem allowances does not govern whether such amounts are proper deductions in calculating support.

"We see no reason why the amount of support a parent pays should depend on notations on his pay stub that are simply designed to obtain advantageous tax treatment. To permit such a result would exalt form over substance. We therefore conclude that per diem allowances for travel expenses generally constitute income for the purpose of calculating child support. This income, however, is subject to reduction to the extent that the child support payer can prove that the per diem was used for actual travel expenses and not for his or her economic gain."

(Cont'd. on page 13)

("Workers' Compensation Awards," cont'd. from page 8)

language as today. 750 ILCS 5/706.1 and 750 ILCS 15/4.1, effective January 1, 1984, were enacted by Public Act 83-658 to authorize the withholding of income to secure the payment of support. The income withholding statutes were adopted 70 years after the enactment of Section 21 of the Workers' Compensation Act. The child support income withholding statutes mandate withholding from any source of income, including workers' compensation, for the purpose of child support. The legislature could have chosen to leave out the last sentence in the child support income withholding statutes. Instead, the legislature clearly expressed its desire that the income withholding statutes would prevail over any other statute which exempts income, including section 21 of the Workers' Compensation Act.

The intent of the legislature may also be gleaned directly from the purposes and rules of construction delineated in the Illinois Marriage and Dissolution Act (750 ILCS 5/102). The legislature tells us that the Act should be "liberally construed and applied to promote its underlying purposes/" 750 ILCS 5/102. This includes the legislature's desire to "make reasonable provision for spouses and minor children during and after litigation." 750 ILCS 5/102(5).

Illinois has a strong and long-standing public policy in protecting its children and ensuring that they do not become wards of the state. In Good v. Fogg, 61 Ill. 449, 451 (1871), Illinois adopts "the human principle, that a creditor should not wholly deprive the husband and father of the means of supporting his family, usually helpless in themselves, and preventing them from becoming a public charge." In Dodds, the Court reiterated this policy by stating, "the [Marriage and Dissolution] Act shall be liberally construed and applied to promote its underlying purposes, one of which is to make reasonable provisions for minor children during and after litigation." 583 N.E.2d at 611. The Dodds court determined that the obligor's workers' compensation award was income for the purposes of a petition to increase child support.

By examining several cases interpreting Section 21 of the Workers' Compensation Act and its applicability to different factual situations, one can find a pattern to the court's interpretation of the statute.

In a case decided 50 years prior to the enactment of 750 ILCS 5/706.1 and 750 ILCS 15/4.1, the Court in Stilo v. Stilo, 270 Ill.App. 527 (Ill.App. 1st Dist. 1933), interpreted the applicability of Section 21 to an abandoned wife's claim to her husband's workers' compensation award. In Stilo, an abandoned wife sought to encumber her husband's unpaid worker's compensation award. The Court held,

> We are also of the opinion that the prohibition (as contained in section 21 of the Compensation Act) against the *assigning* of "payments, claim, award or decision" under the act, should not militate against the further prosecution, before the commission by Mrs. Stilo, the abandoned wife, of James Stilo's claim or rights against Kramer & Co. or the enforcement, for her benefit and that of the children, of any unpaid award or other award that the commission may properly make.

270 Ill.App. at 537-538. [Emphasis in original.]

The case of In re Matt, 105 Ill.2d 330, 473 N.E.2d 1310, 85 Ill.Dec. 505 (1985) is analogous to this case. The petitioner sought to garnish her former husband's spendthrift trust for the payment of child support arrearages that had previously accrued. The Court held that the General Assembly intended Section 4.1 of the Non-Support of Spouse and Children Act to prevail over all laws to the contrary. Matt, 105 Ill.2d at 334. The General Assembly established that it is the public policy of Illinois to ensure that support judgments are enforced by all available means. Matt, 105 Ill.2d at 334. The Matt Court held "that income from a spendthrift trust, which is generally exempt from invasion . . . , is subject to garnishment to collect past-due child support under Section 4.1 of the Non-Support Act." Matt, 105 Ill.2d at 335.

In similar case, In re Marriage of Logston, 103 Ill.2d 266, 469 N.E.2d 167, 82 Ill.Dec. 633 (1984), the ex-husband claimed that he could not be held in contempt of court for failing to pay court-ordered maintenance because his only income was exempt from judgment under the personal property exemption statute. His only income was social security, a private pension and a disability insurance check. The Court held that the obligor's otherwise exempt property could be subject to an order for withholding for maintenance payments.

In Mentzer v. Van Scyoc, 233 Ill.App.3d 438, 599 N.E.2d 58, 61, 174 Ill.Dec. 512 (Ill.App. 4 Dist. 1992), a landlord attempted to collect a judgment for unpaid rent and damages from a former tenant whose only income was workers' compensation benefits. The Mentzer Court in distinguishing the Logston case stated, "Public policy does not give the same importance to plaintiff's right to collect a judgment for rent or for attorney fees that it gives to a spouse to obtain court-ordered maintenance. Section 706.1(A)(4) of the Marriage Act expressly states that other laws exempting income from supplementary proceedings do not apply." Mentzer, 599 N.E.2d at 61.

The Mentzer court interpreted Section 21 of the statute as prohibiting a lien or garnishment of workers' compensation award unless a statute specifically allows such a lien or garnishment. "We conclude that under

(Cont'd. on page 13)

("Workers' Compensation Awards," cont'd. from page 12)

Callahan, a court cannot generally require workers' compensation benefits to be applied to the debts of a claimant, even when reduced to judgment, ***unless some specific statutory provision such as section 706(A)(4) of the Marriage Act so provides.***" Mentzer, 599 N.E.2d at 61. [Emphasis added.]

In In re the Estate of Callahan, 144 Ill.2d 32, 578 N.E.2d 985, 161 Ill.Dec. 339 (1991), a discharged law firm attempted to collect a judgment of attorney's fees from the workers' compensation assets of the guardianship estate. The Court held that the law firm could not recover attorney's fees from the workers' compensation benefits paid to the guardianship estate.

In another case involving attorney's fees, Jakubik v. Jakubik, 208 Ill.App.3d 119 (Ill.App.2 Dist. 1991), the trial court granted a judgment in favor of wife's attorney and against the former husband for attorney's fees in a post-dissolution proceeding for a child support increase and college education costs. Wife's attorney sought to garnish the former husband's IRA account for the payment of attorney's fees. In deciding the case, the Jakubik court examined the purpose of Section 706.1, finding that:

> The withholding provisions for child support maintenance of both section 706.1 of the Illinois Marriage and Dissolution of Marriage Act (the Dissolution Act) and section 1107.1 of the Non-Support of Spouse and Children Act (the Non-Support Act) expressly take precedence over contrary laws. "Any other State or local laws which limit or exempt income [available to pay child support or maintenance] shall not apply." So, too, both allow withholding of income "regardless of source" for the purpose of securing support obligations. Thus, the express language of the Dissolution Act and the Non-Support Act unequivocally creates an exception to the personal property exemption statutes for child support and maintenance obligations without mention of attorney fees.

Jakubik, 208 Ill.App.3d at 124. [Citations omitted].

The Jakubik court held that the former husband's IRA account was exempt from garnishment for attorney's fees. "Illinois' public policy favors the payment of child support and maintenance obligations from exempt property to promote the support of the family, not the support of attorneys." Jakubik, 208 ILL.App.3d at 126.

Illinois case law clearly favors the payment of child support from any source. Further, the child support income withholding statutes (750 ILCS 5/706.1 and 750 ILCS 15/4.1) specifically state that statutes that limit or exempt income shall not apply.

Respondent's potential workers' compensation award or settlement will provide the Respondent with the financial means to pay all or a substantial portion of the child support arrearages he owes to the Petitioner. By restraining Respondent's ability to disburse any workers' compensation settlement, the court will ensure that the minor child's interest are protected. The Court in In re Marriage of Gentile, 69 Ill.App.3d 297, 387 N.E.2d 979, 26 Ill.Dec. 149 (Ill.App. 3 Dist. 1979), stated that "the trial court has broad power to provide for and secure support for minor children."

The Illinois courts have consistently applied and approved of the methods of collecting child support for minor children. Illinois has acknowledged the prevalent failure of non-custodial parents to support their children and has enacted laws to achieve the maximum compliance by obligors with court-ordered child support payments.

If the Respondent had faithfully complied with all of the court-ordered child support payments, Petitioner would not be asking the Court to attach his workers' compensation claim or settlement. But he did not. If the Court allows Respondent to dispose of his workers' compensation settlement money without payment of his excessive child support arrearages, he is able to receive a reward at the expense of his dependent child.

This Court should grant the Petitioner's request for a temporary restraining order for all the reasons stated above.

Respectfully submitted,

Christine S.P. Kovach
Assistant State's Attorney

("Cases & Commentary," cont'd. from page 11)

Since Raymond is the only one who could show proof of how the per diem was actually spent, the burden should be on him to justify any deduction for legitimate business expenses. Here the trial court shifted the burden to require IDPA to prove a negative. "There is a strong societal interest in ensuring that parents provide appropriate support for their children. The trial court's rule rewards poor record keeping and facilitates a parent's efforts to avoid his or her support obligation. This is unacceptable as a matter of public policy."

So not Everybody Loves Raymond!

("Books on Child Support Rights," cont'd. from page 9)

schools and decided to attend Northern Illinois University so she could be closer to her parents.

Takata graduated from law school in 1997 and thought she finally was going to be able to start her career.

"I was still looking for employment, but ironically the starting salary in family law was closer to $30,000, not $40,000, which still wasn't enough to repay my student loans," she said.

Takata's student loan payments were more than $500 a month. So again she found herself in a situation where she couldn't work full time, repay the loans and support her family. On top of that, she estimated that her ex-husband now owed $44,000.

"I owed $42,000 in student loans. So of course I thought, 'I have to take him back (to court). I don't have a choice. I have to take him back, get these loans paid off and then I can take a job,'" she said. "The first thing I did after I passed the bar exam and received my law license was start my case."

It took nearly five years and several court appearances, but Takata finally got what she asked for: an increase in child support, plus interest on what her ex-husband had not paid, and back pay for health insurance premiums that had not been paid plus interest.

"It shouldn't be like that," she said.

Takata realized during her case that other custodial parents also had to be in a position where they were not getting their child support, couldn't afford an attorney, were not getting the help they needed from state agencies and didn't know their rights.

"It just dawned on me that there has to be a lot of moms out there like me, like I was in 1990," she said. "That's when I decided, 'You know what? I'm going to write a book.' "

Takata said although the majority of people in this situation are women, more men are going to court trying to get support from moms who are failing to pay.

Takata also has a more in-depth book available that is intended to be used as a reference tool for attorneys and judges.

"CATLAW Complete" is an 80-plus page child support enforcement and modification reference book for Illinois family law professionals and custodial parents who have some legal knowledge. The publication contains more than 350 citations to rules, statutes and cases, and it comes with more than 25 sample pleadings, draft orders and winning memorandums and briefs on disk.

"This is not only a valuable tool for a custodial parent who wants to go in and get child support enforced, I think it could be a very valuable tool for new family court lawyers and judges. This is the most complete reference on Illinois child support laws. I update it every year, and the 2002-03 version is ready."

Takata now operates her own family law practice in Peoria County and litigates in Tazewell, Peoria, Woodford and surrounding counties. She insists on keeping the cost of her books as low as possible so they are more accessible to people of all income levels.

"I think this is a book that will help people find answers and enable them to get the money that is owed to them," she said. "It doesn't do families, the system or the courts any good to let these guys get away with not paying their support. My hope is that this book will help a lot of people."

("Legislative Update," cont'd. from page 3)

The bill also requires that the Department, in consultation with its statewide Child Support Advisory Committee and a designated representative of the Illinois State's Attorneys Association, establish by rule performance standards for the program and a mechanism for payment of incentive to eligible contractors or local governments. The Department is required to make an annual report to the General Assembly on the operation of the programs. The bill also specifies certain responsibilities that remain with IDPA in all counties, such as management and supervision of the State Disbursement Unit, KIDS and the State Case Registry, federal and state intercept, licensing agency and financial institution data matches, and federal reporting.

The Governor had sixty days in which to approve or veto the bill. Informed sources had already speculated that even if the bill were not vetoed the new Governor has already indicated he will not authorize agencies under his control to enter into new contracts, so it remains to be seen if implementation of any Unified Child Support Service Programs will ever occur.

("ACS to Operate SDU," cont'd. from page 1)

2001, the Illinois General Assembly passed legislation requiring IDPA to transfer SDU operations to a state or local government or to a private entity by June 30, 2003.

IDPA will begin negotiating a final contract with ACS. Once a contract is in place, the transition to the new vendor will begin immediately in order to meet the statutory deadline for implementation.

("Illinois IV-d Update," cont'd. from page 6)

The data base clean up and statistical merge were a stunning success. Despite opening in excess of 100,000 new cases in FFY01, the total number of cases dropped from 1,068,525 to 950,179. These three coordinated efforts resulted in the percent of cases with a support order increasing to 35.4%.

There was one last hurdle to overcome: in order to avoid the TANF penalty, Illinois had to pass a data reliability audit by the federal government. This was not necessarily a given. In FFY00, 23 states failed 33 separate accuracy measures on the five performance factors. While Illinois did not fail any of the factors in FFY00, the required accuracy for FFY01 was increased from 90% to 95%. Staff were gratified to learn from the federal government that their efforts had not been for naught: Illinois had once again passed the audit for all factors.

What had seemed to be "mission impossible" a few short months before turned into mission accomplished.

Mission Impossible II: FFY02

Illinois avoided the TANF penalty in FFY01 by getting to 35.4% of cases having a support order. To avoid the penalty in FFY02, DCSE had to again increase the percentage by 5%. That is, the percentage of cases had to get to 40.4%. DCSE had a disadvantage this year in that most of the obvious (and easiest) of the categories of duplicate and obsolete cases had already been identified, worked, and closed in FFY01. To many it seemed like "Mission Impossible II." In FFY02, getting more support orders was imperative.

Staff responded to the new challenge with vigor. The same task force reviewed other areas where duplicate cases could exist and found several areas that held promise for data clean up. Once again special case closure notices were sent out, and cases were closed if there was no response. Total cases dropped from 950,179 in FFY01 to 865,334 in FFY02.

DCSE field staff and our legal representative partners outdid themselves. In FFY01, staff established 38,656 judicial and administrative support orders, significantly more than ever before. In FFY02, however, they established 48,480 support orders, an incredible 25.4% increase over the prior year. As a result, Illinois reached 40.8% of all cases having a support order. It remains for the federal data reliability audit to be performed, but based on the last two years, Illinois should pass with flying colors.

Mission Impossible II has been achieved. Although no penalty can be assessed once a program reaches 40% compliance, staff are already planning on how to achieve another 5% increase in FFY03. We will not rest until Illinois ranks among the top states in the nation.

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(12/02)

Retired Child Support Leader Honored at IFSEA Conference

Accolades continued for Madalyn Maxwell (seated at right) at IFSEA's 14th Annual Conference on Support Enforcement. In a "surprise" ceremony during the opening session of the conference held October 20-22, 2002, members of her Executive staff from the Attorney General's Public Aid Division took turns sharing their heartfelt, and sometimes emotional, praise and thanks for her years as their leader, mentor and friend. After more than 45 years service as an Assistant Attorney General, Madalyn retired at the end of 2001 as Chief of the Attorney General's Public Aid Division.

In addition to extending to Madalyn the thanks and congratulation of Attorney General Jim Ryan, Deputy Attorney General Bob Lyons announced that her contributions would be memorialized by the naming of the new Springfield offices of the Attorney General's Public Aid Division at 512 S. 11th Street in her honor.

Sharing their reflections were (standing, left to right) former Central Region Supervisor and Madalyn's successor as Bureau Chief Tom Vaught, Chief Deputy Matt Ryan (at the podium), Northern Regions Supervisor Larry Nelson, and Southern Region Supervisor Jeanne Teter. Seated at left is Yvette Perez-Trevion, who succeeds Madalyn as President of IFSEA.

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