

# FAMILY SUPPORT FORUM

The Official Newsletter of the Illinois Family Support Enforcement Association

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## Continuing SDU Problems Prompt Calls For Audits, New Contract, Law Suit

By Thomas P. Sweeney

Despite continuing improvements, the well-publicized problems that have plagued Illinois' centralized child support disbursement unit (SDU) since it began operations October 1, 1999, have prompted calls for two independent audits, legislation calling for the re-bidding of the contract and a class action law suit.

### IDPA Contracts Bank One Audit

On January 5, 2000, Governor George Ryan announced that the Department of Public Aid had contracted with Bank One and the Arthur Andersen accounting firm to perform an internal audit of the State Disbursement Unit. The \$159,000 study will focus on the management and operation of the SDU system, including hardware, software, procedures, customer service and fiscal management.

Bank One's review of the SDU draws on the firm's experience; they have been hired to help consolidate child support disbursement systems in Ohio and Michigan. A final report was due back to Public Aid officials by the end of January and is to include conclusions about operational problems at the SDU and recommendations to help remedy problems with the system.

### Other SDU News

***P.A. 91-677 & Other Legislative Activity***  
*Page 3*

***SDU Technical Assistance Units &  
Employer Training Session Schedule***  
*Page 11*

***We're Not Alone! See Page 15***

### Legislators Seek Separate State Audit

But state legislators, who have been bombarded with complaints from constituents over delayed or missing support payments, want more information. On January 11 the Legislative Audit Commission called for a separate, "full-blown management audit" of both the SDU and IDPA by State Auditor William Holland.

"There is a shroud of secrecy. Somebody doesn't want us to know what is going on," said Rep. Mary K. O'Brien (D-Coal City). "We need the truth."

"We believe we have given [IDPA and the SDU] every professional courtesy, and now it's time to get to the bottom of all the problems that have been happen-

*(Cont'd. on page 16)*

### **- In This Issue -**

SDU Problems Call for Audits, etc.	1
Officers / Directors	2
Legislative Update	3
Cases & Commentary	4-5
Table of Fridays: Calculating Weekly Support	6
Table of Fridays: 1982 - 2009	7-8
State Sues Child Support Collection Firm	9
Illinois IV-D Update / Welfare to Work	10
IDPA's SDU Technical Assistance Units	11
IDPA Schedules SDU Employer Training	11
Federal IV-D Update	12
White House Unveils Fatherhood Initiative	13
Deadbeats Get the Boot / \$1 Billion Seized	14
Tennessee SDU Problems Reported	15
Meeting & Conference Calendar	18
FFY '97 Box Scores from OCSE	20

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***Depending on contributions, the FORUM will attempt to publish four times a year - in March, June, August/September, and December.***

**Items for publication are needed by the 8th of the month.**

**News items and other articles of interest to Illinois family support practitioners are eagerly sought.**

**Contact the Editor for details.**

***Please Contribute - its YOUR Newsletter!***



*From the Statehouse . . .*

## *. . . LEGISLATIVE UPDATE*

### **Governor Signs SDU “Clean-up” Legislation**

by Thomas P. Sweeney

On January 5, 2000, Governor George Ryan signed into law Public Act 91-677 (H.B. 2773) to address some of the problems plaguing the handling of child support income withholding payments by the centralized State Disbursement Unit (SDU).

"The legislation I'm signing today will not solve the problems encountered by families who have experienced difficulties, nor is it a magic wand that will make the new income withholding disbursement system 100 percent efficient," Ryan said. "But this bill will help the SDU and others who have a major role in the child support system get on track and earn back the confidence of parents and children."

The clean-up legislation specifies and clarifies procedures and duties of the various components of the child support disbursement system and requires new actions that will help synchronize operations.

The legislation, effective immediately, provides:

- That support being paid through income withholding is to be paid through the SDU, regardless of when the order for support was entered (previously non-IV-D orders entered prior to January 1, 1994 were not subject to SDU routing).
- Income withholding for spousal maintenance only is not subject to SDU routing.
- The SDU is to return child support payments to the sender if the payment should not have been sent to the SDU in the first place, along with instructions detailing where the payment should be sent.
- Circuit clerks, within 15 days, are to notify parents in non-IV-D cases whose support is not made through income withholding to make their payments to their local circuit clerk if their court order requires payments to be made to the circuit clerk.
- IDPA, within 15 days, is to notify in writing all circuit clerks, parents who owe child support and their employers about changes in the system enacted by the clean-up bill.

- By February 1, 2000, the Department of Public Aid is to conduct at least four regional seminars for circuit clerks to better educate and coordinate all parties in the new system.

- By March 1, 2000, IDPA is to conduct at least four regional seminars for employers to better educate them about the SDU system and their responsibilities.

- The Director of IDPA is to establish and chair an Electronic Funds Transfer Committee, including two members representing employers and two representing the banking community, to study ways to modify and expand use of electronic funds transfers for payment of child support and make recommendations to the Governor and General Assembly by December 1, 2001.

- That after June 30, 2000, every employer who has 250 or more employees must use electronic funds transfer to pay all accounts withheld under the Income Withholding for Support Act.

- That all other employers handling child support through income withholding for 10 or more separate cases must use electronic funds transfer beginning January 1, 2001.

Language in an early version of the bill that would have required Circuit Clerks to send \$31 of the \$36 annual support processing fee to IDPA was removed by a later Senate amendment prior to passage.

"We're still a long way from where I want the SDU to be in terms of reliability and service, but we're making great strides every week," Ryan said. "This legislation is another step in that process and I want to applaud the members of the General Assembly for working with us on this bill."

\* \* \*

*(Cont'd. on page 17)*



*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. Anyone 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.*

by Thomas P. Sweeney

### **Order Splitting Children's Tax Exemptions Not an Abuse of Discretion**

*In Re Marriage of Moore*, 307 Ill. App. 3d 1041, 719 N.E. 2d 326 (5th Dist., 10/13/99), affirmed as no abuse of discretion the award of one child's tax exemption to each parent.

In their marital settlement agreement Stacy (dad) was awarded the tax exemptions for both of the parties' twin daughters. In December, 1997, Lisa (mom) petitioned for an increase in support and for both tax exemptions. The court calculated the expenses for support of the children at "more than \$1,520 per month," increased Stacy's child support to \$790 per month, and awarded each parent one tax exemption. Stacy appeals the tax exemption award, claiming he was entitled to both exemptions because the \$790 ordered was more than 50% of the children's support.

Order affirmed. The allocation of tax exemptions is an element of support, over which a trial court has considerable discretion. "The trial court should make the allocation based on which parent will be contributing the majority of the child's support, because the exemption has historically been tied to consideration by the Internal Revenue Service of which parent would contribute the majority of the child's support." While the court does not abuse its discretion when it awards all tax exemptions to the parent paying more than 51% of the children's support, neither does it abuse its discretion when it divides two exemptions between two parents who each pay approximately half of those expenses. Here the children's expenses were found to be *more than* \$1,520 per month, and the \$790 paid by Stacy was found to be *approximately half* of those expenses. The court's order was not in conflict with §152(e)(2) of the Internal Revenue Code, and was not an abuse of discretion.

### **Denial of Visitation During Incarceration Not an Abuse of Discretion**

*In Re Parentage of Sims*, 308 Ill. App. 3d 311, 719 N.E. 2d 1166 (2th Dist., 10/28/99), affirmed denial of visitation to a prison inmate as not an abuse of dis-

cretion.

Following an adjudication of paternity, a temporary order was entered in March, 1997, giving custody to mom, ordering dad to pay support, and providing a schedule for dad's visitation. In January, 1999, dad moved to abate support and modify the visitation order to require the child to visit him once a month at the correctional center where was being incarcerated. Dad's proposal was to have his mother transport the child to the prison for the visitation. Support was abated, but the trial court denied the prison visitation, stating that a prison setting was not a proper place for forced visitation with the five-year-old daughter. Dad appeals.

Affirmed. When a non-custodial parent seeks to modify visitation rights, that parent has the burden of showing the modification is in the best interest of the child. Imprisonment of a parent need not always cause visitation between that parent and his or her child to be barred or restricted, but a parent's imprisonment also does not create an automatic right to visitation at a prison. Here, while the court did not find it was not in the child's best interests to visit him in prison, dad had failed to meet his burden to show it was in her best interests. Denial of visitation was no abuse of discretion.

### **Pension Fund Income Properly Included For Child Support Calculation**

*People ex rel. Myers vs. Kidd*, 308 Ill. App. 3d 593, 720 N.E. 2d 1125 (5th Dist., 11/5/99), affirmed inclusion of income from the firefighters' disability pension fund in income used to calculate child support.

In this parentage case Mr. Kidd was ordered to pay child support, apparently calculated by applying statutory guidelines to net income which included both income from employment and income from the East St. Louis firefighters' pension fund. At trial, and again on appeal, Kidd argues the statute prohibiting seizure, garnishment or levy against firefighter pension benefits, §4-135 of the Illinois Pension Code, takes precedence over the definition of "net income" included for support

*(Cont'd. on page 5)*

calculation in § 505 of the IMDMA.

Neither court agrees. The Court found persuasive the prior decision in *In Re Marriage of McGowan*, 265 Ill. App. 3d 976 (1st Dist., 1994), holding that "whether or not the funds can be reached by garnishment is . . . not appropriate in considering what is included in the child support formula." The fact that certain income may be exempt from taxation does not matter either. Additionally § 14 of the Parentage Act specifically provides that for purposes of § 505, "net income" of the non-custodial parent shall include any benefits available to that person from public assistance or other federal, State, or local government-funded programs. Thus payments from the city's pension fund are specifically included as income under the Parentage Act. Affirmed.

### **Parties May Agree to Modify Orders Where Court Lacks Jurisdiction; Maintenance Ordered to Pay Debt Was Not Discharged**

*In Re Marriage of Adamson*, \_\_\_ Ill. App. 3d \_\_\_, \_\_\_ N.E. 2d \_\_\_ (2nd Dist., No. 2-98-1259, 11/22/99), affirmed actions to enforce an agreed modified order requiring maintenance payments over claims its obligation had been discharged in bankruptcy.

In December, 1992, a judgment of dissolution was entered including a settlement agreement awarding the marital home to Phyllis and allocating various debts on the home. At that time each party waived maintenance. Phyllis subsequently sought relief after discovering that James had encumbered the home by an additional \$159,000 prior to entry of the judgment. In December, 1996, the parties agreed to a modified judgment of dissolution reallocating the debts related to the residence and requiring James, among other things, to pay maintenance of \$1,379.10 per month for 139 months.

In February, 1997, James was ordered to show cause why he should not be held in indirect, civil contempt for failure to pay the maintenance. After numerous continuances, in April, 1998, James was found in contempt and ordered incarcerated in a work release program until he purged by paying approximately \$9,000. James subsequently moved to vacate all orders entered after July 7, 1997, as being void, claiming a) they were entered in violation of the automatic stay that attached when he filed for bankruptcy on that date, and b) the obligation was actually a property settlement that had been discharged by the bankruptcy. He also claimed the modified judgment entered in December, 1996, was void for lack of jurisdiction. The trial court rejected James' claim that it had lacked jurisdiction to modify the original judgment, and then found the obligation in that order was intended as maintenance and was not discharged in bankruptcy. James appeals.

The Appellate Court first found that James' motion to vacate the modified judgment and contempt orders, though filed more than 30 days later, was not untimely since it claimed the orders were void and void orders

can be challenged at any time. While a trial court generally loses jurisdiction in a dissolution action 30 days after it enters a final order, it does retain "extraordinary continuing jurisdiction not applicable to civil cases generally" to enforce orders that require further performance by the parties. Here the trial court properly entered a modified judgment as part of its continuing power to enforce the 1992 judgment. And while as a general rule (and by the terms of the original judgment) the court may not have had the power to modify the original judgment, § 502(a) of the IMDMA encourages parties to enter into settlement agreements. This applies to post decree matters as well as disputes arising before judgment. Since the parties *agreed* to the modification the court should enforce it. "Consequently, we hold that although the trial court was precluded from modifying the agreement, the parties themselves retained the power to modify their agreement in response to changed circumstances." By agreeing to modify the original judgment the parties' actions indicated they did not consider it to be final and non-modifiable. Thus by their agreement the parties revested the court with jurisdiction to enter the modified order.

The Appellate Court did not address the impact of the bankruptcy stay on the validity of the enforcement proceedings. But it agreed the maintenance debt was not discharged in bankruptcy. Whether a debt is discharged is a matter of federal law, but Federal and state courts have concurrent jurisdiction to determine whether a debt is dischargeable. While in many ways this debt looked like a dischargeable property settlement, the parties clearly intended it to be treated as maintenance and non-dischargeable as "in the nature of support."

### **Depreciation Not Allowable Deduction In Child Support Calculation**

*In Re Marriage of Boland*, \_\_\_ Ill. App. 3d \_\_\_, \_\_\_ N.E. 2d \_\_\_ (4th Dist., No. 4-99-0355, 12/8/99), affirmed denial of depreciation as a deduction from income in calculating child support.

In February, 1998, Patricia sought modification of child support ordered in 1987. Evidence showed that John is a farmer. His net taxable income for the prior three years averaged \$31,214, after deducting farm equipment depreciation averaging \$12,752. In awarding modified support the trial court added back into his income the depreciation deduction. John appeals.

Affirmed. "To the extent our holding in *Minear* [287 Ill. App. 3d 1073 (4th Dist., 1997)] was unclear, we reiterate that holding to provide clear guidance to the trial court and the parties as to the proper method of determining net income for the purposes of awarding child support. . . . While in some circumstances depreciation expenses may be a 'reasonable and necessary expense for the production of income,' depreciation expense is not an 'expenditure for repayment of debts' within the meaning of section 505(a)(3)(h) of the [IMDMA]." [But see *S.B. 1264*, discussed on page 18.]

# Table of Fridays And Calculation of Weekly Child Support Payments

by Kurt McKenzie

*The following article, in its original form, and the original version of the Table of Fridays were first published in the October, 1989, issue of the Family Support FORUM. The Table of Fridays reproduced on the following pages has been revised and up-dated by Assistant Attorney General Jeanne Teter to bring it into the new century. The article, revised only to reflect references to the updated Table, is reprinted here for the benefit of new and old IFSEA members.*

If you enjoy calculating child support arrearages about as much as having your teeth drilled, or you believe there are 52 weeks in a year, the accompanying table can be of use to you.

Suppose an order required weekly support for two small children with payments beginning on December 30, 1983. The oldest child reached majority on December 31, 1999, and the father petitioned for modification the same day. The simplest approach for you is to say that one payment was due in 1983, and 52 payments were due each of the 16 years between 1984 and 1999, inclusive. Since the date of majority happens to be in the last week of the year, the arithmetic is simple. You add the one payment for 1983 to 16 times 52, or 832, and conclude that the father should have made 833 payments under the order. In fact, he should have made 836 payments, or three more than you figured.

The problem with your computation is that it is based on the fallacious belief, which we all learn as children, that there are 52 weeks in a year. In non-leap years there are about 52.14 weeks and in leap years there are about 52.28. In addition, your real interest is not in how many weeks are covered by an order, but in how many payment days are included. Regardless of the day of the week on which the payments are due, all years will have at least 52 payment days, but some will have 53. For the years covered by the accompanying [updated] table there were 53 Fridays in the years, 1982, 1988, 1993, 1999 and 2004.

The accompanying [updated] table is a condensation of the calendars from 1982 through 2009. It is not necessary to have the entire calendar for the year, as long as you have one day for each week as a reference. Of the days of the week, the most useful day is Friday. Once the Fridays were listed they were numbered. The numbering makes possible an extremely simple calculation that accurately state payments due under a weekly support order. Similar tables have been in use for years within the Attorney General's Office, Public Aid Division. This one, however, covers a 28 year period that should include virtually all cases you encounter until the end of the year 2009.

The logic of listing Fridays is compelling. First of all, the most common payment day is Friday. No payments are made on weekends because the Circuit

Clerks' offices are closed, and that makes Friday the end of the week. Since the purpose of this table is to establish a reference number for payments due any time during a week, the last day of the week should be used.

Recall the problem above in which you wanted to figure the number of weekly payments due between December 30, 1983 and December 31, 1999. From the table of Fridays you can see that December 30, 1983 was the Friday of the 105th week. You can also see that the last payment due under the order would have been on Friday, December 31, 1999, the Friday of the 940th week. Subtract the number of the beginning week [105], from the number of the ending week, [940], and you get 835. To include both the first and the last payment due, you must add 1 to 835 to get the correct answer, 836.

You may remember that for this example using the apparently commonsense method of multiplying the number of years by 52 weeks led to the erroneous conclusion that there were 833 payments due, rather than the correct number. You have somehow "lost" 3 payments.

Part of the reason the commonsense calculation does not work is that you are trying to calculate the number of weeks which have elapsed during a given time, when what you really want to know is how many payment days have gone by. With the table of Fridays it is possible to be specific about the number of payment days, regardless of the day of the week on which the payments are due.

In the example given the payments were due on Friday. From the table you can see that only one payment was due in 1983. What is not obvious is that the years 1988, 1993 and 1999 each had 53 Fridays and that is why an apparently commonsense calculation causes a "loss" of 3 Fridays.

The table is equally accurate for payments due on days other than Fridays. From the list of Fridays you can extrapolate for any other day of the week.

A common situation is the need to calculate an arrearage under an order that has previously been modified. Suppose payments were ordered to begin June 30,

*(Cont'd. on page 19)*

## TABLE OF FRIDAYS

Originally Compiled by Kurt McKenzie; Updated by Jeanne Teter

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
<b>JAN</b>	1	7	6	4	3	2	1	6	5	4	3	1	7	6
	8	14	13	11	10	9	8	13	12	11	10	8	14	13
	15	21	20	18	17	16	15	20	19	18	17	15	21	20
	22	28	27	25	24	23	22	27	26	25	24	22	28	27
	29				31	30	29				31	29		27
<b>FEB</b>	5	4	3	1	7	6	5	3	2	1	7	5	4	3
	12	11	10	8	14	13	12	10	9	8	14	12	11	10
	19	18	17	15	21	20	19	17	16	15	21	19	18	17
	26	25	24	22	28	27	26	24	23	22	28	26	25	24
<b>MAR</b>	5	4	2	1	7	6	4	3	2	1	7	5	4	3
	12	11	9	8	14	13	11	10	9	8	14	12	11	10
	19	18	16	15	21	20	18	17	16	15	21	19	18	17
	26	25	23	22	28	27	25	24	23	22	28	26	25	24
			30	29							31	29		27
<b>APR</b>	2	1	6	5	4	3	1	7	6	5	4	3	1	7
	9	15	13	12	11	10	8	14	13	12	11	9	15	14
	16	16	15	14	13	12	11	15	14	13	12	11	16	15
	23	17	16	15	14	13	12	16	15	14	13	12	17	16
	30	18	17	16	15	14	13	17	16	15	14	13	18	17
<b>MAY</b>	7	6	4	3	12	11	10	6	5	4	3	1	7	6
	14	20	18	17	16	15	14	12	11	10	9	8	14	13
	21	21	20	18	17	16	15	19	18	17	16	15	21	20
	28	22	21	20	18	17	16	26	25	24	23	22	28	27
					31	30	29				31	29		27
<b>JUNE</b>	4	3	1	7	6	5	3	2	1	7	5	4	3	2
	11	24	10	8	14	13	12	9	8	7	6	5	11	10
	18	25	17	15	21	20	19	17	16	15	14	13	18	17
	25	26	24	22	28	27	26	24	23	22	21	20	25	24
				29					30	29				27
<b>JULY</b>	2	1	6	5	4	3	1	7	6	5	4	3	1	7
	9	28	8	13	12	11	8	14	13	12	11	9	28	27
	16	29	15	14	13	12	11	15	14	13	12	11	16	15
	23	30	22	21	20	19	18	16	15	14	13	12	23	22
	30	31	29	28	27	26	25	23	22	21	20	19	30	29
<b>AUG</b>	6	3	2	1	7	6	5	4	3	2	1	7	5	4
	13	33	12	10	9	8	14	12	11	10	9	8	13	12
	20	34	19	17	16	15	14	18	17	16	15	14	20	19
	27	35	26	24	23	22	21	26	25	24	23	22	27	26
				31	30	29	28				31	29		27
<b>SEP</b>	3	2	8	7	6	5	4	2	1	7	5	4	3	2
	10	37	9	14	13	12	11	9	8	7	6	5	10	9
	17	38	16	15	14	13	12	16	15	14	13	12	17	16
	24	39	23	22	21	20	19	23	22	21	20	19	24	23
			30					30	29				30	29
<b>OCT</b>	1	4	5	4	3	2	1	6	5	4	3	2	1	7
	8	41	14	12	11	10	9	14	13	12	11	9	8	7
	15	42	21	19	18	17	16	21	20	19	18	17	15	14
	22	43	28	26	25	24	23	28	27	26	25	24	22	21
	29	44			31	30	29				31	29		27
<b>NOV</b>	5	4	2	1	7	6	4	3	2	1	7	5	4	3
	12	46	11	9	8	7	11	10	9	8	7	6	12	11
	19	47	18	16	15	14	13	18	17	16	15	14	19	18
	26	48	25	23	22	21	20	25	24	23	22	21	26	25
				30	29						30	29		27
<b>DEC</b>	3	2	7	6	5	4	2	1	7	6	5	4	3	2
	10	50	9	13	12	11	9	14	13	12	11	10	9	8
	17	51	16	15	14	13	12	16	15	14	13	12	17	16
	24	52	23	22	21	20	19	23	22	21	20	19	24	23
	31	53	30	29	28	27	26	30	29	28	27	26	31	30

### To Determine Number of Weekly Payments due During a Given Period

Locate the number assigned for the Friday of the week in which the **final** payment was due: (e.g., for payment due during the week ending June 30, 1995 = 705)

Locate the number for the Friday of the week in which the **first** payment was due: (e.g., for payment due during the week ending July 28, 1989 = 396)

Subtract the first payment number from the last payment number: (e.g., = 309)

Add 1 (to include both the first and last payment due) + 1

Number of weekly payments due (from 7/28/89 through 6/30/95) = 310

**TABLE OF FRIDAYS, cont'd.**

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>JAN</b>	5 732	3 784	2 836	1 888	7 941	5 993	4 1045	3 1097	2 1149	7 1202	6 1254	5 1306	4 1358	2 1410
	12 733	10 785	9 837	8 889	14 942	12 994	11 1046	10 1098	9 1150	14 1203	13 1255	12 1307	11 1359	9 1411
	19 734	17 786	16 838	15 890	21 943	19 995	18 1047	17 1099	16 1151	21 1204	20 1256	19 1308	18 1360	16 1412
	26 735	24 787	23 839	22 891	28 944	26 996	25 1048	24 1100	23 1152	28 1205	27 1257	26 1309	25 1361	23 1413
	31 788	30 840	29 892				31 1101	30 1153						30 1414
<b>FEB</b>	2 736	7 789	6 841	5 893	4 945	2 997	1 1049	7 1102	6 1154	4 1206	3 1258	2 1310	1 1362	6 1415
	9 737	14 790	13 842	12 894	11 946	9 998	8 1050	14 1103	13 1155	11 1207	10 1259	9 1311	8 1363	13 1416
	16 738	21 791	20 843	19 895	18 947	16 999	15 1051	21 1104	20 1156	18 1208	17 1260	16 1312	15 1364	20 1417
	23 739	28 792	27 844	26 896	25 948	23 1000	22 1052	28 1105	27 1157	25 1209	24 1261	23 1313	22 1365	27 1418
														29 1366
<b>MAR</b>	1 740	7 793	6 845	5 897	3 949	2 1001	1 1053	7 1106	5 1158	4 1210	3 1262	2 1314	7 1367	6 1419
	8 741	14 794	13 846	12 898	10 950	9 1002	8 1054	14 1107	12 1159	11 1211	10 1263	9 1315	14 1368	13 1420
	15 742	21 795	20 847	19 899	17 951	16 1003	15 1055	21 1108	19 1160	18 1212	17 1264	16 1316	21 1369	20 1421
	22 743	28 796	27 848	26 900	24 952	23 1004	22 1056	28 1109	26 1161	25 1213	24 1265	23 1317	28 1370	27 1422
	29 744			31 953	30 1005	29 1057					31 1266	30 1318		
<b>APR</b>	5 745	4 797	3 849	2 901	7 954	6 1006	5 1058	4 1110	2 1162	1 1214	7 1267	6 1319	4 1371	3 1423
	12 746	11 798	10 850	9 902	14 955	13 1007	12 1059	11 1111	9 1163	8 1215	14 1268	13 1320	11 1372	10 1424
	19 747	18 799	17 851	16 903	21 956	20 1008	19 1060	18 1112	16 1164	15 1216	21 1269	20 1321	18 1373	17 1425
	26 748	25 800	24 852	23 904	28 957	27 1009	26 1061	25 1113	23 1165	22 1217	28 1270	27 1322	25 1374	24 1426
			30 905					30 1166	29 1218					
<b>MAY</b>	3 749	2 801	1 853	7 906	5 958	4 1010	3 1062	12 1114	7 1167	6 1219	5 1271	4 1323	2 1375	1 1427
	10 750	9 802	8 854	14 907	12 959	11 1011	10 1063	9 1115	14 1168	13 1220	12 1272	11 1324	9 1376	8 1428
	17 751	16 803	15 855	21 908	19 960	18 1012	17 1064	16 1116	21 1169	20 1221	19 1273	18 1325	16 1377	15 1429
	24 752	23 804	22 856	28 909	26 961	25 1013	24 1065	23 1117	28 1170	27 1222	26 1274	25 1326	23 1378	22 1430
	31 753	30 805	29 857			31 1066	30 1118					30 1379	29 1431	
<b>JUNE</b>	7 754	6 806	5 858	4 910	2 962	1 1014	7 1067	6 1119	4 1171	3 1223	2 1275	1 1327	6 1380	5 1432
	14 755	13 807	12 859	11 911	9 963	8 1015	14 1068	13 1120	11 1172	10 1224	9 1276	8 1328	13 1381	12 1433
	21 756	20 808	19 860	18 912	16 964	15 1016	21 1069	20 1121	18 1173	17 1225	16 1277	15 1329	20 1382	19 1434
	28 757	27 809	26 861	25 913	23 965	22 1017	28 1070	27 1122	25 1174	24 1226	23 1278	22 1330	27 1383	26 1435
			30 966	29 1018						30 1279	29 1331			
<b>JULY</b>	5 758	4 810	3 862	2 914	7 967	6 1019	5 1071	4 1123	12 1175	1 1227	7 1280	6 1332	4 1384	3 1436
	12 759	11 811	10 863	9 915	14 968	13 1020	12 1072	11 1124	9 1176	8 1228	14 1281	13 1333	11 1385	10 1437
	19 760	18 812	17 864	16 916	21 969	20 1021	19 1073	18 1125	16 1177	15 1229	21 1282	20 1334	18 1386	17 1438
	26 761	25 813	24 865	23 917	28 970	27 1022	26 1074	25 1126	23 1178	22 1230	28 1283	27 1335	25 1387	24 1439
		31 866	30 918					30 1179	29 1231					31 1440
<b>AUG</b>	2 762	1 814	7 867	6 919	4 971	3 1023	2 1075	1 1127	6 1180	5 1232	4 1284	3 1336	1 1388	7 1441
	9 763	8 815	14 868	13 920	11 972	10 1024	9 1076	8 1128	13 1181	12 1233	11 1285	10 1337	8 1389	14 1442
	16 764	15 816	21 869	20 921	18 973	17 1025	16 1077	15 1129	20 1182	19 1234	18 1286	17 1338	15 1390	21 1443
	23 765	22 817	28 870	27 922	25 974	24 1026	23 1078	22 1130	27 1183	26 1235	25 1287	24 1339	22 1391	28 1444
	30 766	29 818			31 1027	30 1079	29 1131				31 1340	29 1392		
<b>SEP</b>	6 767	5 819	4 871	3 923	1 975	7 1028	6 1080	5 1132	3 1184	2 1236	1 1288	7 1341	5 1393	4 1445
	13 768	12 820	11 872	10 924	8 976	14 1029	13 1081	12 1133	10 1185	9 1237	8 1289	14 1342	12 1394	11 1446
	20 769	19 821	18 873	17 925	15 977	21 1030	20 1082	19 1134	17 1186	16 1238	15 1290	21 1343	19 1395	18 1447
	27 770	26 822	25 874	24 926	22 978	28 1031	27 1083	26 1135	24 1187	23 1239	22 1291	28 1344	26 1396	25 1448
				29 979					30 1240	29 1292				
<b>OCT</b>	4 771	3 823	2 875	1 927	6 980	5 1032	4 1084	3 1136	1 1188	7 1241	6 1293	5 1345	3 1397	2 1449
	11 772	10 824	9 876	8 928	13 981	12 1033	11 1085	10 1137	8 1189	14 1242	13 1294	12 1346	10 1398	9 1450
	18 773	17 825	16 877	15 929	20 982	19 1034	18 1086	17 1138	15 1190	21 1243	20 1295	19 1347	17 1399	16 1451
	25 774	24 826	23 878	22 930	27 983	26 1035	25 1087	24 1139	22 1191	28 1244	27 1296	26 1348	24 1400	23 1452
	31 827	30 879	29 931				31 1140	29 1192				31 1401	30 1453	
<b>NOV</b>	1 775	7 828	6 880	5 932	3 984	2 1036	1 1088	7 1141	5 1193	4 1245	3 1297	2 1349	7 1402	6 1454
	8 776	14 829	13 881	12 933	10 985	9 1037	8 1089	14 1142	12 1194	11 1246	10 1298	9 1350	14 1403	13 1455
	15 777	21 830	20 882	19 934	17 986	16 1038	15 1090	21 1143	19 1195	18 1247	17 1299	16 1351	21 1404	20 1456
	22 778	28 831	27 883	26 935	24 987	23 1039	22 1091	28 1144	26 1196	25 1248	24 1300	23 1352	28 1405	27 1457
	29 779				30 1040	29 1092					30 1353			
<b>DEC</b>	6 780	5 832	4 884	3 936	1 988	7 1041	6 1093	5 1145	3 1197	2 1249	1 1301	7 1354	5 1406	4 1458
	13 781	12 833	11 885	10 937	8 989	14 1042	13 1094	12 1146	10 1198	9 1250	8 1302	14 1355	12 1407	11 1459
	20 782	19 834	18 886	17 938	15 990	21 1043	20 1095	19 1147	17 1199	16 1251	15 1303	21 1356	19 1408	18 1460
	27 783	26 835	25 887	24 939	22 991	28 1044	27 1096	26 1148	24 1200	23 1252	22 1304	28 1357	26 1409	25 1461
			31 940	29 992				31 1201	30 1253	29 1305				

**To Determine Number of Bi-Weekly Payments due During a Given Period**

- First determine the number of weekly payments that would be due as before.
- If the number of weekly payments is EVEN, divide by two. the next payment is due one week after the final payment date used.
  - If the number of weekly payments is ODD, add 1 and divide by two. The next payment is due two weeks after the final payment date used.

(Notes by Thomas P. Sweeney)

## State Sues Child Support Collection Firm

by Joe Mahr

State authorities claim a Texas company swindled single mothers out of child support money.

The Illinois attorney general's office Tuesday [September 28, 1999] filed suit against Houston-based Child Support Assistance Network. The company, which apparently conducts business across the nation, says that for a fee it can force deadbeat parents to pay their child support.

But many times, according to prosecutors, consumers are left with less money than if they hadn't signed up at all.

"There could be anywhere from 150 to 200 victims right now. It's hard to tell," said agency spokesman Jerry Owens.

Child support collections have been a hot topic in Illinois, with the state's collection efforts rated the worst in the country. In response, legislators have passed new laws to increase jail time, take away drivers' licenses and mandate heavy interest charges for deadbeat parents.

Many lawmakers also want to move collection duties from the Department of Public Aid to the attorney general's office.

In light of the state's dismal record, many single mothers try to find outside help to obtain the money, turning either to lawyers or to companies like Child Support Assistance Network.

The company, which began operating in Illinois in early 1998, says it offers another collection option to "overworked, understaffed state and county agencies and hiring an attorney," according to a sales pitch posted on its Internet site.

"We are a very affordable alternative for those parents who desperately need help but do not have the financial means for an intense legal battle," the company says.

But the deal doesn't come cheap. Clients have to pay a \$35 to \$65 application fee and let the company

take 30 percent of all money collected. Plus, a \$300 fee for new clients isn't disclosed, according to the lawsuit.

The company also claims it can put "deadbeats" in jail and perform asset seizures - powers that only government agencies have, the lawsuit says. In fact, the company isn't even licensed as a collection agency in Illinois, a requirement under state law.

Most of the alleged victims were Public Aid recipients where support agreements had already been established. Hoping to get more money, they turned to the company, which convinced them to assign their support checks to the firm's Texas bank account, Owens said.

In one case, a woman was already receiving child support money from the state when the company convinced her it could do a better job and collect back support as well. Instead, for four months, she received no child support, with the money going to pay the company's administrative fees, Owens said.

Child Support Assistance Network could face fines of as much as \$50,000 per victim. The attorney general's office also wants an injunction banning the company from doing business in Illinois.

A phone message left on a company answering machine was not returned Tuesday.

The attorney general's office said it knows of two other companies offering similar services in the state. The agency sued one of them, Child Support Advocates of Rockford, three weeks ago for allegedly intercepting child support payments illegally and then not passing on the money.

Owens said many support recipients don't realize they may not be able to get the full amount owed no matter what they do.

"People don't realize that there's a maximum amount of someone's paycheck they can get. Sometimes they may turn to a company thinking they can get more than that," he said.

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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)

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## Illinois Child Support Staff Help Make A Difference

Although everyone is working hard to help Illinois families get the child support they need and deserve, Illinois Department of Public Aid, Division of Child Support Enforcement (DCSE) staff in Chicago found time to help some of the neediest people in Illinois -- the homeless. Under DCSE Administrator Robert Lyons' initiative, staff volunteered to participate in the ninth annual *Make a Difference Day*, the largest national day of helping others in the U. S..

"Staff, on their own time, reached out to people in need," says DCSE Administrator Robert Lyons. "This effort was a logical extension of our on-going mission to put children and families first"

This year, *Make A Difference Day* was October 23. In their spare time, staff held a bake sale which brought in over \$600 and solicited donations from Chicago area businesses. The proceeds were distributed to residents at Lamb's Shelter and Clara's House, two Chicago area

homeless shelters. Each shelter received \$385, several cases of soda, and various personal items for the women. Staff visited each shelter and provided information on paternity establishment and child support services to residents. In addition, staff held a raffle for shelter residents. Winners at each shelter received a visit to a local hair salon, a night gown donated by Marshall Field's department store or a bottle of perfume.

Two staff members who visited one of the shelters were so touched by the needs of the residents that they decided to do something special for them. They bought, assembled, and distributed individual baskets of toiletries, candy, and toys for each shelter resident and her children.

"I commend everyone who participated in the event," says Lyons. "Your ongoing generosity makes a difference in the quality of life for Illinois' children and families."

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## Families Moving From Welfare to Work

The White House reports that people are moving in record numbers from welfare to work.

- Welfare rolls are down by more than half since 1992 to their lowest level in 30 years.
- The 12,000 companies in the Welfare to Work Partnership launched in 1997 have hired nearly 650,000 former welfare recipients.
- More than 1.3 million welfare recipients nationwide went to work in 1998 alone; the percentage of adults still on welfare who were working nearly quadrupled between 1992 and 1998, with all fifty states meeting the welfare reform law's overall work requirement.
- Today, there are 2.2 million fewer children living in poverty than in 1993, and the child poverty rate declined from 22.7 percent to 18.9 percent - the largest five year drop in nearly 30 years.
- The overall poverty rate fell to 12.7 percent in 1998, with 4.8 million fewer people in poverty than in 1993.

## IDPA Announces SDU Technical Assistance Centers

On December 10, 1999, IDPA Director Dr. Ann Patla, announced the establishment of a Statewide Center in Springfield and Regional Technical Assistance "hubs" across the state to provide training requested by circuit clerks in conjunction with the State Disbursement Unit (SDU). The training will include assistance on operating personal computers, Lotus Notes and other new software that has been implemented at the SDU. Technical assistance training will also help the Circuit Clerks to facilitate in getting payment data.

"We believe this is something that will provide a solution for a critical need. The clerks have asked for more training, and we think that establishing these hubs that are accessible to them will be a valuable addition to how we can help them," said Patla.

A Statewide Center based in Springfield will be coordinated by DPA. Technical Assistance personnel assigned by HUB area will be based in the Statewide Center and at least one person will be assigned to each HUB. Cook County and DuPage County are operating with their own, internal systems and do not need to be included in any technical assistance HUB.

The following is the tentative schedule of new regional hubs released December 10, 1999:

### CIRCUIT COURT CLERK TECHNICAL ASSISTANCE CENTER AND HUBS

#### Tentative Roll Out Schedule & Implementation Date

1. Statewide Regional Technical Assistance Center/Springfield. Coordinator: Department of Public Aid (12/09/99)
2. North West Regional Technical Assistance HUB/Rockford. Coordinator: Winnebago County Circuit Clerk Marc Gasparini (12/1999)
3. South West Regional Technical Assistance HUB/Jerseyville. Coordinator: Jersey County Circuit Clerk Charles Huebener (12/1999)
4. Central Regional Technical Assistance HUB/Bloomington. Coordinator: McLean County Circuit Clerk Sandra K. Parker (1/2000)
5. Central East Regional Technical Assistance HUB/Champaign. Coordinator: Champaign County Circuit Clerk Linda S. Frank (1/2000)

Additional Hub Locations To be Determined

6. Metropolitan North Regional Tech. Assist. HUB.
7. Central West Regional Technical Assistance HUB.
8. Southern Regional Technical Assistance HUB.

## IDPA Schedules SDU Employer Training Sessions

The Department of Public Aid is holding a series of regional training programs for employers. Staff will provide an overview of the State Disbursement Unit, discuss information needed for processing child support income withholding payments and answer questions about child support.

Date and Time	Location
<b>Wednesday, January 26, 2000 1:00 to 3:00 p.m.</b>	<b>Belleville Area College Campus Theater, 2nd Floor 2500 Carlyle Avenue Belleville, Illinois</b>
<b>Wednesday, February 2, 2000 2:00 to 4:00 p.m.</b>	<b>Thompson Center Auditorium 100 West Randolph Chicago, Illinois</b>
<b>Thursday, February 3, 2000 9:00 to 11:00 a.m.</b>	<b>Thompson Center Auditorium 100 West Randolph Chicago, Illinois</b>
<b>Wednesday, February 9, 2000 1:00 to 3:00 p.m.</b>	<b>Illinois Veterans Home Lippincott Hall 1707 North 12th Street Quincy, Illinois</b>
<b>Thursday, February 17, 2000 2:00 to 4:00 p.m.</b>	<b>Univ. of Illinois Student Union Illini Room C, Main Floor West Entrance 1401 West Green Urbana, Illinois</b>
<b>Tuesday, February 22, 2000 2:00 to 4:00 p.m.</b>	<b>Holiday Inn Off Broadway Room 222 Potomac Boulevard Mt. Vernon, Illinois</b>
<b>Monday, February 28, 2000 2:00 to 4:00 p.m.</b>	<b>Giorgi Center Auditorium, Lower Level 200 South Wyman Street Rockford, Illinois</b>

Source: SDU web page on IDPA's web site:  
[www.state.il.us/dpa/1\\_20\\_00\\_employers\\_announcement.htm](http://www.state.il.us/dpa/1_20_00_employers_announcement.htm).



## *News From Washington*

# **FEDERAL IV-D UPDATE**

## **Child Support Enforcement Breaks New Records**

On January 27, 2000, U. S. Department of Health and Human Services (HHS) Secretary Donna E. Shalala announced that the federal and state child support enforcement program broke new records in nationwide collections in fiscal year 1999, reaching \$15.5 billion, nearly doubling the amount collected in 1992.

"We are working harder than ever to ensure children get the support they deserve and need from both parents," said Secretary Shalala. "We make no apologies for using tough measures, but we also are striving to help those parents who can't meet their responsibilities [to] find the means to do so. Every child deserves the financial and emotional support of both parents."

### **More Federal Income Tax Refunds Seized**

For tax year 1998 the federal government collected a new record amount of \$1.3 billion in overdue child support from federal income tax refunds, an 18 percent increase over the previous year and a 99 percent increase from the \$661 million collected in tax year 1992. Nearly 1.4 million families benefited from these collections, including more than 919,000 families with children receiving TANF and more than 492,500 non-TANF families. For tax year 1998, the overall average collection per family was \$933. The average collection for TANF families was \$923, and for non-TANF families was \$952. Of these totals, \$39,049,178 was collected on behalf of 42,667 Illinois families, for an average of \$915 per family.

### **Financial Institution Data Match Shows Early Success**

In addition, the Financial Institution Data Match Program established by the 1996 welfare reform law found 662,000 accounts since August 1999, with a value of about \$1 billion. The program, which matches records of delinquent parents with financial institutions, requires states to identify accounts of delinquent parents and use existing state laws to "freeze and seize" the dollars. In 1998, Congress made it easier for multi-state institutions to match records by using the federal Office of Child Support Enforcement. Over the past year, with the cooperation of the financial industry and their associations, HHS negotiated agreements with more than 2,300 financial institutions. *[See page 14.]*

### **Criminal Arrests, Convictions Increase**

Secretary Shalala also reported that multi-agency regional task forces organized under the criminal child support enforcement initiative "Project Save Our Children" have investigated 800 cases resulting in 275 arrests, 210 convictions and the payment of \$5.3 million in owed child support to date. These teams include representatives from the HHS Office of Inspector General and Office of Child Support Enforcement and from the Department of Justice, state child support agencies and local law enforcement organizations.

### **Access and Visitation Grants**

The 1996 law also established grants to states and territories to support and facilitate non-custodial parents' access and visitation with their children. In 1997, HHS awarded \$10 million in grants to all states and territories. Based upon preliminary information from 28 states and 2 territories, the program served almost 20,000 individuals with most individuals receiving parenting education, assistance in the development of parenting plans, and mediation services.

"The 1996 welfare reform law gave the child support enforcement program the toughest measures ever enacted. Our new enforcement tools are beginning to deliver on their promise," said Olivia A. Golden, HHS assistant secretary for children and families. "As we succeed in finding every available dollar from parents to support their children financially, we are also striving to help children grow healthy and strong with the emotional support of both parents."

In other developments:

- The National Directory of New Hires, which matches child support orders to employment records, found more than 2.8 million delinquent parents in its two years of operation.
- Paternity establishment rose to 1.45 million in 1998, a more than three-fold increase from 516,000 in 1992.
- The Passport Denial Program has collected more than \$2.25 million in lump sum child support payments and is currently denying 30 to 40 passports to delinquent parents per day.

## More News From Washington

### **White House Unveils New Responsible Fatherhood Initiative To Promote Work and Boost Child Support Payments**

In a press release dated January 26, 2000, the White House announced a major new initiative to promote work, child support, and responsible fatherhood. The responsible fatherhood initiative, part of the Administration's FY 2001 budget, will include new measures to 1) collect child support from parents who can afford to pay, 2) ensure that more child support goes directly to families, and 3) provide funds to help more "deadbroke" fathers who owe child support go to work.

The White House also announced new data showing that thanks to the Administration's child support crackdown, collections have nearly doubled since the Clinton administration took office.

#### **Collecting More Child Support From Fathers Who Can Pay**

The Administration's budget will include new initiatives to crack down further on parents who owe child support. New initiatives expected to collect nearly \$2 billion for children over the next five years include:

- Booting the Cars of Deadbeat Parents. This will take nationwide a policy adopted in Virginia that immobilizes vehicles owned by deadbeat parents until they begin to pay what they owe. During a pilot phase, this initiative collected an average of \$5,000 from each deadbeat parent. [See article on Virginia's booting program on page 14.]
- Intercepting Gambling Winnings to Collect Past-Due Child Support. Under this initiative, gambling establishments will check whether individuals with large winnings owe child support as they complete existing procedures for withholding federal income taxes. Gamblers owing child support will have their winnings seized.
- Denying Passports to Parents Who Owe \$2,500 or More in Child Support. This expands the current passport denial program, which rejects passport applications or renewal requests if child support arrearages exceed \$5,000 – a program that currently results in 30-40 denied passports per day.
- Prohibiting Medicare Participation by Providers Owning Child Support. This bars doctors and other health providers who owe child support from becoming Medicare providers.

#### **Streamlining Child Support Rules So Mothers Get More Reliable Child Support Income.**

The new proposals will enable states to simplify distribution rules and provide incentives to states that pass through more child support payments directly to families. In states that adopt the new options, families that have left welfare will be able to keep all the child support paid by the non-custodial parent; families still working their way off welfare will be able to keep up to \$100 a month.

#### **Helping Low-Income Fathers And Working Families Support Their Children.**

The Administration's budget also proposes \$255 million for the first year of a new "Fathers Work/Families Win" initiative to help low-income non-custodial parents and low-income working families work and support their children.

- Fathers Work. The Administration's budget will include \$125 million for new "Fathers Work" grants to help approximately 40,000 low income non-custodial parents (mainly fathers) work, pay child support, and reconnect with their children. As part of this effort, states will need to require more parents who owe child support to pay or go to work, including parents of children not on welfare.
- Families Win. The Administration's budget will include \$130 million in new grants to help approximately 40,000 low-income, working families get the supports and skills they need to succeed on the job and avoid welfare. These funds will leverage existing resources to help families retain jobs and upgrade skills, and get connected to critical work supports, such as child care, child support, health care, food stamps, housing, and transportation.

#### **Extending Welfare-To-Work Grants.**

The Administration's budget will give state, local, tribal, and community- and faith-based grantees an additional two years to spend Welfare-to-Work funds, ensuring that roughly \$2 billion in existing resources continues to help those most in need.

***More Items of Interest IN THE NEWS . . .***

**Virginia Deadbeats Getting the Boot  
In Pink and Blue**

Richmond, Va. – Virginia is going to clamp down on deadbeat parents by immobilizing their cars with baby blue and pink “boots.”

Since 1998, Fairfax County in suburban Washington has been clamping the colorful boot on the front tires of parents who are delinquent in paying child support. In January, 2000., Virginia is taking the idea statewide.

A sticker also will be glued to the windshield: “THIS VEHICLE HAS BEEN SEIZED BY THE SHERIFF FOR UNPAID CHILD SUPPORT.”

The state is hoping the boots and conspicuous sticker will embarrass parents into making payments.

“There’s a certain amount of shame factor,” said Nick Young, director of the Virginia Division of Child Support Enforcement.

The state has recovered about \$347,000 from 70 parents whose vehicles were booted in Fairfax County. One man even slung a blanket over his immobilized car so his neighbors wouldn’t see it, Young said.

Teresa Myers, a child-support enforcement expert with the National Conference of State Legislatures, said many states are considering using boots on deadbeat parents’ cars, but Virginia is the first to do so statewide.

Wayne County, Mich., uses neon pink and blue boots, and Cape May County, N.J., uses the common orange boots.

“We’re probably going to see more of it” as state agencies find money in their budgets to try innovative programs, Myers said.

Virginia and other states use the boot most often to force payment of overdue parking tickets.

**\$1 Billion Found in Accounts  
Of People Owing Child Support**

Washington – Using powers granted by Congress, the federal government found \$1 billion in the accounts of parents who owe overdue child support payments. States are seizing the accounts and getting parents to pay.

Washington state officials have seized hundreds of accounts and collected \$2 million from deadbeat parents. Florida has seized 232 accounts and collected \$191,706.

In Ohio, one county child support office froze the accounts of 40 people who owed \$90,000. So far, more than \$40,000 owed to children has been collected and paid back.

An additional 17 people have been notified their accounts could be seized.

“It’s a very important tool for us,” said Maricarol Torsok, director of a county child support office near Toledo, Ohio.

Torsok received the names of parents with bank accounts from the Department of Health and Human Services, which has been working with 2,300 banks across the country since August to find the accounts of 3 million parents who owe child support.

The department sends a computer tape with the names and Social Security numbers of delinquent parents to large multi-state banks and brokerages, which in turn search their records to find a match.

So far 662,000 accounts have been matched with names.

States get the information within 48 hours of the match and move quickly to freeze the account and collect what’s owed.

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***In the Next FORUM?***

***What Will YOU Contribute?***

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## Parents to Get Interim Support Payments Next Week

by Richard Locker and Lela Garlington  
The Commercial Appeal

NASHVILLE – The Tennessee Department of Human Services expects next week to begin making interim child-support payments to parents who have not received their funds on time.

It can't happen too soon for Donna Launius of Cordova.

Launius hasn't been paid since the state took over the system in October. She's now facing having the utilities cut off at the home she shares with two daughters, ages 9 and 12.

"I just don't know what to do" about the \$1,000 in back child support owed to her, she said. "I was told today that after a period of time if the money is not disbursed, it's sent back to the person paying it."

State legislators told DHS officials in a hearing Wednesday that some parents have complained that they have not received their child-support checks for several weeks in the wake of the massive switchover Oct. 1 of the processing of child-support payments. Under a congressional mandate, the collection and payment system was switched from local court clerks to a centralized receipt-and-payment system at the state Department of Human Services.

DHS receives about 10,300 checks daily from noncustodial parents and employers, totaling about \$1.1 million. Once the money is received, checks are supposed to be written and sent within 48 hours.

The department says that about 10 percent of the state's custodial parents are failing to get their support checks in a timely manner.

The Children and Family Affairs Committee of the state House of Representatives asked DHS officials to explain a rash of problems arising from the switch-over and how they are resolving them.

"There are people who haven't received checks for a couple of months now and some could face eviction," said Rep. Carol Chumney (D-Memphis), the committee chairman. "They are under financial pressure. How soon could they receive a check?"

DHS Commissioner Natasha Metcalf told the committee that the department expects "to have in place a system by early next week in which we can address" such situations. "We are still

working out the details, but we anticipate that they would be able to call us and give us (verifying) information and we would hope to be able to get a check mailed within 48 hours."

After the meeting, DHS spokesman Patricia Marris-Moorehead said the department hopes to have a "major announcement the early part of next week on the details of implementing interim child support payments to help those families who are having difficulty due to the changeover. We will announce the criteria for being eligible for such payments," she said.

Illinois last month implemented an emergency payment system for custodial parents whose state-collected child support payments are misdirected by the new centralized system.

Metcalf also told the committee that DHS plans to pay fees such as insufficient-funds bank charges, that resulted from the erroneous mailing last month of 1,275 duplicate checks to child-support recipients in Shelby County. When the error was discovered, DHS stopped payment on the second checks – some of which were cashed by their recipients who believed the department was merely catching up on past-due payments.

"For those who have incurred fees, we intend to pay them," Metcalf said. She said recipients may call the child support toll-free number, (800) 838-6911, or DHS's fiscal office long-distance at (615) 313-5348 to discuss the fees.

DHS's child-support customer service contractor is considering adding another 23 phone lines for the toll-free number to deal with the overloaded telephone system, Metcalf said. That will bring the total to 92 lines.

Metcalf also notified the committee of a new opinion issued Tuesday by the state attorney general, which says local court clerks who collected child support payments before the Oct. 1 switch-over must continue to accept payments and deposit those payments for the state to access.

Rep. Kim McMillan (D-Clarksville) said some clerks have been sending the checks they receive on to DHS or returning them to the noncustodial parents or their employers who have deducted them from payrolls.

In a strongly worded opinion, Atty.

Gen. Paul Summers wrote that all the clerks "may not refuse to accept any child support payments." His opinion will be sent this week to more than 200 chancery, circuit and juvenile court clerks across the state who have handled child support payments in the past.

In Shelby County, both Juvenile Court Clerk Bob Martin and Circuit Court Clerk Jimmy Moore weren't surprised that an emergency fund was being set up. Both their offices have been swamped with custodial parents complaining about the problems with the new system.

"If they (state DHS officials) had taken care of their business on the front end, it wouldn't be a necessity," said Martin. "I just talked to a lady who literally needs food in the house. Right now people are panicking."

Martin is working with DHS officials to see if an escrow or a hold account can be set up for custodial parents rather than the money going back to a company or to the noncustodial parent who sent the payment.

Moore said he fears the state will foul up any emergency fund as well. "They can't even disburse what they are getting now," he said. With an emergency fund, he added, "They don't have anybody smart enough to know who gets what. They probably won't know who to charge with what."

Regarding the attorney general's opinion, Martin said his office already is processing any child support check that comes there.

Morre has taken a different approach with the annual \$7 million in child support payments he formerly collected. His office has been returning any child-support checks sent to his office after Oct. 1 back to the sender.

Moore's office has been returning about 15 checks each day to the sender or the employer with an explanation of where future payments are to be made.

Moore also said that, despite the Attorney General's opinion, he will continue to return the checks. "I'm not willing to take the liability (of processing the state's child support checks) until it's straightened out."

**DOES THIS  
SOUND FAMILIAR?**

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*("SDU Problems Prompt Calls. . .," cont'd. from page 1)*

ing since day one," said Rep. Julie Curry (D-Decatur), co-chair of the Legislative Audit Commission.

"I don't know what the Bank One audit will be about," Curry said. "(Our) audit is clearly different. It will go back to when discussions began and how the process was supposed to work and how it did work."

Holland said his audit would be done by March 15 with existing state resources and be more in-depth than Bank One's. Further, Holland's audit will be open to the public, whereas it is unclear if the Bank One audit will be.

IDPA Director Ann Patla told the Commission her agency would cooperate with Holland's auditors, and said she takes full responsibility for "all of the planning up front for the project and the delivery."

Reacting to the call for the state audit, DuPage County Circuit Clerk Joel Kagann, director of the SDU, reportedly told the Associated Press, "We have nothing to hide and if they want to send in 20 more auditors I don't really care."

### **Committee Urges New Contract**

In other legislative action, the House Child Support Enforcement Committee on January 20, 2000, approved and sent to the full House a bill calling for termination of the contract with DuPage County, and requiring IDPA to enter into a contract with a private entity to serve as SDU no later than April 1, 2000. H.B. 3054, introduced December 27, 1999, by Rep. Mary K. O'Brien (D-Coal City), was approved by a 9-0 vote.

In addition to terminating the current SDU contract, the bill would require the contract be given to a private entity rather than any state or other local governmental unit. It further requires any contract to include performance standards and penalties for nonperformance of required duties, and would require the private entity to work cooperatively with clerks and employers, including "provision of direct, on-site assistance in complying with standards and procedures necessary for the effective processing and disbursement of support payments."

SDU Director Joel Kagann, who has expressed his regrets for ever entering into the SDU contract, has nevertheless cautioned that switching to a new contractor now could cause new glitches in a system that is slowly being fixed.

### **Progress Reported**

According to published reports, a 32-page report released by IDPA Director Ann Patla to selected legislators in early January reported that as of the end of December there were an average of 3,600 support payments hung up in the SDU, down from the backlog of 10,000 such payments in October. Through

December the SDU had processed nearly 775,000 support checks, worth more than \$80 million. And the unit was having problems with only 2% of payments received, as compared to 11% in October.

"We are encouraged by the recent progress that has been made," Patla wrote. "However, we understand the gravity of the problems and know that progress, as good as it is, is not good enough or fast enough."

Efforts to implement the federal requirement for a centralized processing unit have not come cheap. In addition to the \$8.5 million contract with DuPage County, IDPA Director Patla is reported to have told the Senate Appropriations Committee on January 19, that approximately \$10.5 million in emergency checks had been issued to parents waiting for delayed support payments. While IDPA officials have asked lawmakers to set policy for repayment of those "loans," any such recoupment is at best uncertain. In addition, Patla reported the costs of the Bank One audit plus overtime and other personnel costs incurred for IDPA employees who were enlisted to help process payments and answer calls will total another \$2.25 million. She also advised that the SDU still lacks adequate staff to get the job done, and that additional staff will cost more money, predicting that the next contract could cost more than double the current \$8.5 million.

And there may yet be additional costs. Two bills were introduced in the fall veto session calling for payment to support recipients of civil penalties equal to 2% (H.B. 2920) or 3% (H.B. 2921) of the amount of support payments not forwarded to the recipient by the SDU within timeframes dictated by federal regulations. H.B. 2920 was passed by 118-0 vote of the House on November 18, and remains pending Senate action.

### **Class Action Law Suit Possible?**

Meanwhile a group of approximately 60 custodial parents whose support payments have been interrupted by the SDU met in Kewanee on January 13 to discuss bringing a class action law suit. An organization formed by custodial parent Diana DeSmit, "Victims of No Child Support," has conducted meetings at several locations around the state to gather signatures from as many interested parents as possible and plans to meet with attorneys again February 5 in Peoria. By then she hopes a Chicago attorney will give them details about their options.

On January 20 DeSmit and others representing their new organization met for four hours with Governor Ryan's deputy chief of staff and IDPA Director Patla. State officials agreed to attend regional meetings being planned by the organization to answer questions and try to resolve problems. The state also agreed to provide information for the group's Web site ([www.nochildsupport.com](http://www.nochildsupport.com)) on resources for families in financial trouble. More information is on the web site.

## More SDU-Related Legislative Activity

Additional SDU-related bills include:

**H.B. 2903**, introduced 10/20/99, by Rep. Black Eliminates provisions of P.A. 91-212 establishing the SDU, and restores prior law. Remains in committee.

**H.B. 2920**, introduced 11/4/99, by Rep. Moffitt As amended, amends § 10-26 of the Public Aid Code to impose a 2% civil penalty on support payments not disbursed by the SDU within the timeframes prescribed by federal guidelines, such penalty to be paid out of funds allocated for operation of the SDU. *Passed by the House, 118-0, 11/18/99.*

**H.B. 2921**, introduced 11/4/99, by Rep. Moffitt. Amends § 10-26 of the Public Aid Code to impose a 3% civil penalty on support payments not disbursed by the SDU within 3 business days. Remains in committee.

**H. B. 2922**, introduced 11/4/99, by Rep. Moffitt. Amends § 10-26 to suspend operation of the SDU until 4/30/2000, subject to reinstatement on a county-by-county basis upon certification by the circuit clerk of each county that the unit is able to disburse payments within one day. Remains in committee.

**H.B. 3054**, introduced 12/27/99, by Rep. O'Brien. Amends § 10-26 to require IDPA to terminate the current contract for operation of the SDU, and enter into a new contract with a private entity no later than April 1, 2000, to perform that function; any new contract is to include performance standards and penalties for non-performance. *Bill approved by House Child Support Enforcement Committee, by a 9-0-4 vote, 1/20/2000.*

**H.B. 3202**, introduced 1/13/00, by Rep. Hoffman. Amends § 10-26 to require IDPA to establish an electronic funds transfer system whereby the SDU would transfer funds to the clerks and the clerks would send out the support payments. Remains in committee.

SDU-related resolutions include:

**H.R. 444**, introduced 10/27/99, by Rep. Dart, and **S.R. 204**, introduced 11/4/99, by Sen. Welch. Reciting complaints with the SDU in different terms, each resolution calls for the State Auditor General to conduct an audit of the SDU. Neither resolution has been adopted by its respective house.

**H.R. 456**, introduced 11/8/99, by Rep. Hoffman. Citing the SDU's failure to issue "thousands of child support payments due to bad planning and program mismanagement," urged the House to ask the Governor to issue an Executive Order temporarily transferring the duties of the SDU back to the Circuit Clerks and seek a six month extension of federal deadlines for implementation of the SDU. Remains in committee.

**H.R. 462**, introduced 11/15/99, by Rep. J. Lyons. Citing the SDU's inability to issue thousands of child support payments "due to insufficient data from employers, lack of communication with numerous circuit court clerks, and seriously underestimating the magnitude of the problems we are now experiencing with the centralized system," urges IDPA and the Governor to continue to provide immediate relief for families whose support payments have been delayed, to develop a plan with the federal government to reduce the workload at the SDU to allow time to correct start-up problems; pursuant to a motion adopted by the Illinois Association of Circuit Court Clerks on 10/22/99, recommends that policies and procedures be adopted to allow the Circuit Clerks to resume collection and disbursement of support payments. *Adopted 11/18/99 by a vote of 118-0.*

**S.R. 202**, introduced 11/4/99, by Sen. Noland. Citing potential inability to make timely bill payments by parents whose support payments are delayed by the SDU, urges utility companies, day care centers, landlords, mortgage companies and other creditors to recognize the difficulties faced by custodial parents, and asks all creditors to exercise restraint by not terminating services or otherwise penalizing custodial parents for delays. *Adopted 11/17/99 by a vote of 59-0.*

\* \* \*

## Governor's Vetoes Addressed

Two bills vetoed by the Governor following passage in the Spring, 1999, session were addressed by the General Assembly in the fall veto session.

### **H. B. 421            Amendatory Veto Accepted**

The bill sent to the Governor in June would amend § 505 of the IMDMA to permit entry of support orders expressed as a percent of income "in addition to or in lieu of" fixed dollar terms. At the urging of IFSEA's Board of Directors the Governor amendatorily vetoed the bill to provide that percent of income terms may be ordered, but only *in addition to* specified dollar amounts. In the fall veto session the sponsors of the bill accepted the Governor's amendatory veto. The resulting legislation, **P. A. 91-655**, takes effect 6/1/2000.

### **H.B. 1232            Total Veto Stands**

The bill sent to the Governor in June sought to amend the Public Aid Code to require IDPA to pass through to TANF recipients either two-thirds of child support collected during the month or the amount of support collected established by administrative rule, whichever is greater. The Governor vetoed the bill on August 13, 1999. In the fall session the House voted to override the veto by a vote of 102 to 15, but the Senate vote (35-7-14) fell short of the 3/5 majority needed to override the veto.

\* \* \*

(Cont'd. on page 18)

# Reminder!

You MUST Reserve

Early

for lodging at  
**Starved Rock Lodge**  
for IFSEA's 2000  
Annual Conference,  
Oct. 15-17, 2000.

*There are a limited number of rooms  
at the Lodge, so reserve early to get the  
full advantage of the scenic location  
for the conference.*

**Call Starved Rock Lodge at  
(815) 667-4211**

***(You must mention you are with the  
IFSEA Child Support Conference to  
get a room for these dates.)***

## ***Meeting & Conference Calendar***

- IFSEA Mid-year Board of Directors' Meeting, March 30, 2000, 11:30 a.m., Utica Room, Starved Rock Lodge & Conference Center, Starved Rock State Park, Utica, IL. Contact: Jeanne Fitzpatrick, (815) 433-7063.
- IFSEA 2000 Conference Agenda Committee Meeting, March 30, 2000, approx. 2:00 p.m. (following Board of Directors' Meeting). Contact: Jeanne Fitzpatrick, or Agenda Committee Chair Matt Ryan, (217) 782-9080.
- National Child Support Enforcement Assoc. (NCSEA), "For Attorneys Only" Training Program, April 17-19, 2000, Chicago, IL. Contact: Carol Henry, NCSEA, (202) 624-8180.
- Eastern Regional Interstate Child Support Assoc. (ERICSA), 37th Annual Conference, May 19-25, 2000, Marriott at the Renaissance Center, Detroit, MI. Contact: John Graham, (724) 830-3263, or check ERICSA's web site, [www.ericso.org](http://www.ericso.org).
- National Child Support Enforcement Assoc. (NCSEA), 49th Annual Conference & Expo., July 30-August 3, 2000, Town & Country Hotel, San Diego, CA. Contact: NCSEA, (202) 624-8180.
- IFSEA 12th Annual Conference, October 15-17, 2000, Starved Rock Lodge & Conference Center, Starved Rock State Park, Utica, IL. More information to follow.

*("Legislative Update," cont'd. from page 17)*

## **Other Legislative Activity**

In what is supposed to be a short legislative session, the following non-SDU, child support related bills have already been introduced:

**H.B. 2979**

**Rep. Bellock**

Amends various acts, provides that evidence of a responsible relative's ability to pay support obtained by subpoena shall be admitted without further foundation if the parent was served with discovery requests, he failed to comply with the request, and fails to appear at the hearing to determine support.

**H.B. 3356**

**Rep. Black**

Amends numerous acts; transfers the IV-D child support program from IDPA to the Office of the Attorney General, effective July 1, 2000.

**H.B. 3461**

**Rep. Schmitz**

Amends Code of Civil Procedure; provides that notice of a lien arising out of an order for child support may also be filed in the office of Statewide Recorder of Child Support Liens (without explaining what that is).

**S.B. 1264**

**Sen. Noland**

Amends § 505 (a) of the IMDMA to provide that amounts deducted for federal income tax purposes for farm machinery depreciation shall be deducted from net income for purposes of calculating child support.

**S.B. 1269**

**Sen. O'Malley**

Amends § 713 of the IMDMA, provides that, if an attachment order has been issued to take a support obligor into custody, law enforcement officers may not notify the obligor of the existence of the order before it is executed.

("Table of Fridays," cont'd. from page 6)

1983, and the order was modified effective April 3, 1986. You are trying to figure the arrearage which existed as of February 13, 1989.

From the table you can see that the payments began on Thursday, June 30, 1983. The reference number for that week is 79. The order was modified effective April 3, 1986. From the table you can see that April 3, 1986, was also a Thursday, but that is the date of the first payment under the modified order, so it cannot be the date for the last payment under the original order. The last payment under the original order was due a week earlier, or March 27, 1986, for which the reference number is 222. To find the number of payments due under the original order the calculation would be:

Ends:  
March 27, 1986 - Thursday of week 222  
Begins:  
June 30, 1983 - Thursday of week 79  
 $143 + 1 = 144$

The next question is the number of payments due under the modified order. The order was effective April 3, 1986, and the reference number for that date is 223. You want to know the arrearage as of February 13, 1989, and need to know how many payments were due up to that date. From the table you can see that February 13, 1989, was the Monday of week 373. But the last payment would have been on February 9, for which the reference number is 372. Once again the calculation is simple:

Ends:  
February 9, 1989 - Thursday of week 372  
Begins:  
April 3, 1986 - Thursday of week 223  
 $149 + 1 = 150$

The table on pages 7 and 8 tells you everything you need to know in order to figure arrearages correctly every time. And the use of the table is far simpler and much faster than other ways of doing it.

**ILLINOIS FAMILY SUPPORT ENFORCEMENT ASSOCIATION**  
**Application for Membership / Address Correction**

Please:  accept my application for membership in IFSEA.  correct my address as noted below.

- Regular membership - please enclose \$20.00 annual dues.  
 Subscription membership - please enclose \$20.00 annual fee.  
 Affiliate membership - (dues to be determined by Directors upon acceptance).

Applicant's Name: \_\_\_\_\_  
Position/Title: \_\_\_\_\_  
Employer/Agency: \_\_\_\_\_  
Office \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_ Office Phone: \_\_\_\_\_  
Preferred Mailing Address: \_\_\_\_\_

Is this a  New Application  Renewal  Address Correction ONLY?  
Please return with dues to: IFSEA, P. O. Box 370, Tolono, IL 61880-0370

**(FEIN: 37-1274237)**

(12/99)

**"Box Scores" from OCSE's 22nd Annual Report to Congress  
for the FFY Ending 9/30/97**

(Compared to FFY '96 Totals)

	<b>Illinois</b>		<b>Nationwide</b>	
	Totals	% Change from FFY '96	Totals	% Change from FFY '96
<b>Collections Distributed</b>				
Total	\$267,359,518	7.0	\$13,352,329,644	11.1
TANF/Foster Care	\$77,682,722	7.3	\$2,830,931,492	- 0.8
Non TANF	\$189,676,796	6.9	\$10,521,398,152	14.8
<b>Total Expenditures</b>	\$130,721,000	25.9	\$3,431,841,078	12.3
<b>Collect./Expense Ratio Total</b>	\$2.05	- 15.0	\$3.89	- 1.1
TANF/Foster Care	\$0.59	- 14.8	\$0.82	- 11.7
Non TANF	\$1.45	- 15.1	\$3.07	2.2
<b>Paternities Established</b>	76,736	146.7	1,291,183	22.0
IV-D	47,516	79.4	813,742	10.9
Acknowledgments	29,220	531.6	477,441	47.1
<b>Support Orders Established</b>	29,660	30.1	1,260,075	15.3
<b>Absent Parent Locations</b>	68,849	25.3	6,440,065	10.9
<b>Full Time Equivalent Staff</b>	1,665	3.5	52,462	- 2.7
<b>Total Caseload</b>	739,941	1.3	19,056,860	- 1.4
TANF/Foster Care	405,343	- 8.9	9,109,182	- 8.6
Non TANF	[334,598]	[17.3]	9,947,678	6.4

Source: OCSE's 22nd Annual Report to Congress, at [www.acf.dhhs.gov/programs/cse/rpt/22t/](http://www.acf.dhhs.gov/programs/cse/rpt/22t/)

**Illinois Family Support  
Enforcement Association**

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