

## FAMILY SUPPORT FORUM

The Official Newsletter of the Illinois Family Support Enforcement Association

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Vol. 11

MAY - JUNE, 1999

No. 2

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### **Governor Expands KidCare Enrollment Efforts**

CHICAGO – On April 12, 1999, Governor George H. Ryan joined with educators, clergy, business, labor and health care professionals to launch an expanded public outreach campaign to promote the state's KidCare Program, which provides health insurance coverage for poor children.

"I've been disappointed with KidCare; not with the goals of the program, but with the way we've tried to sign kids up," Ryan said. "Today we're announcing a program to get KidCare enrollments up to where they should be.

"This is important because if we can get quality health care services to more children at an early age, they will need less care as they grow up," he added. "KidCare is a case where an ounce of prevention is truly worth more than a pound of cure."

Although the number of children in Illinois eligible for KidCare is difficult to estimate, some calculate that between 100,000 and 200,000 low-income children and pregnant women might meet the program's enrollment requirements. Thus far, however, only 31,820 children and pregnant women had been enrolled in the KidCare program.

In order to increase KidCare awareness and enrollments, Ryan said the Illinois Department of Public Aid has initiated a number of outreach programs designed to spread the word to families with potentially eligible children.

In particular, Ryan said the state was undertaking a number of enrollment initiatives with the Chicago Public School system. KidCare Regional Centers were being created in Chicago to assist the parents with KidCare applications, to answer questions and help

distribute 430,000 informational flyers. Trained KidCare professionals were also scheduled to be on hand during the Chicago Public Schools' "Report Card Pick Up Days," April 14 and 15, to hand out information, help applicants and answer questions.

In order to further increase awareness, advertisements calling attention to KidCare were played on radio stations throughout Illinois during the last half of April. Advertisements are also being placed on CTA and PACE busses in Chicago and the city's suburbs from May 1 until the end of October.

Ryan said the revised KidCare plan will also stress greater involvement from health care providers, employers, labor unions, churches and local chambers of commerce in Chicago, the Collar Counties, Peoria,

*(Cont'd. on page 12)*

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

Governor Expands KidCare Efforts	1
Officers / Directors	2
1999 CONFERENCE AGENDA	3 – 4
Legislative Update	5
SDU News / Frequently Asked Questions	6
Illinois IV-D Update	7 – 8
Collecting Support from Workers Comp	9
Cases & Commentary	10 – 11
NOTICE OF ANNUAL MEETING	12
USDA Report on Child Rearing Costs	13 – 15
Proposed IFSEA By-Law Amendments	16 – 17
Director Nominations Sought	18
Conference Registration / Member App.	19

## ***FAMILY SUPPORT FORUM***

is the official newsletter of the

### **ILLINOIS FAMILY SUPPORT ENFORCEMENT ASSOCIATION**

P.O. Box 370

Tolono, IL 61880

published quarterly and distributed free to members of the Association.

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**1998 - 1999**

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*Rev. 11/98*

STATEMENTS AND OPINIONS EXPRESSED IN THE ***FAMILY SUPPORT FORUM*** ARE THOSE OF THE AUTHORS AND DO NOT NECESSARILY REFLECT THOSE OF THE OFFICERS, DIRECTORS OR MEMBERSHIP OF THE ASSOCIATION

**The *FORUM* is published four times per 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!***

# The ILLINOIS FAMILY SUPPORT ENFORCEMENT ASSOCIATION

Invites you to its

## ELEVENTH ANNUAL CONFERENCE ON SUPPORT ENFORCEMENT And MEMBERS' MEETING

**August 10, 1999**  
**Palmer House Hilton**  
**17 E. Monroe St., Chicago, Illinois**

IFSEA's 11th Annual Conference and Members' Meeting will be combined into a single, two-hour session, **from 5:00 to 7:00 p.m.**, on **Tuesday, August 10, 1999**, as part of the 48th Annual Conference and Exposition of the National Child Support Enforcement Association (NCSEA). An announcement and agenda for the NCSEA conference has been sent separately to each IFSEA member of record. Please note that the times shown for the IFSEA program in the NCSEA agenda are incorrect. The specific room location for the IFSEA program will be available at the conference site.

### Tentative Agenda

**Registration (with NCSEA Registration)**      { Sunday, August 8 – 1:00 – 7:30 p.m.  
Monday, August 9 – 7:30 a.m. – 5:00 p.m.  
Tuesday, August 10 – 7:30 a.m. – 5:00 p.m.

**Tuesday, August 10, 1999**

#### **IFSEA's 11th Annual Conference & Members' Meeting, 5:00 – 7:00 p.m.**

- A. Greetings & Introductions: IFSEA President William C. Henry.
- B. Annual Members' Meeting – Part I: Election of Directors – 5:00 – 5:30 p.m.
  - Nominations *[see page 18]*
  - Balloting
- C. Conference on Support Enforcement: General Session – 5:30 – 6:45 p.m.
  - Case Law Update: Dianne Buschmann Potts, Asst. Attorney General, Chicago.
  - Legislative Update: James W. Ryan, Attorney at Law, Hillside.
  - Illinois IV-D Update: Robert Lyons, Administrator, IDPA, DCSE, Chicago.
  - State Disbursement Unit (SDU) Update: Joel Kagann, DuPage County Circuit Clerk, Wheaton *[tentative]*.
- D. Annual Members' Meeting – Part II: Business Meeting Continues – 6:45 – 7:00 p.m.
  - Committee Reports
  - Proposed By-Law Amendments *[see pages 16 – 17]*
  - Announcement of Election Results
  - Announcements, Presentations, Awards
- E. Adjournment.

*(Cont'd. on page 4)*

(“Conference Agenda,” cont’d. from page 3)

**Thursday, August 12, 1999**

**Board of Directors’ Meeting**

12:30 – 2:00 p.m., Chicago Hilton & Towers (specific site to be announced)

- Election of 1999-2000 Officers

**Conference Facilities & Activities**

As noted, IFSEA’s conference will be held in conjunction with the NCSEA Annual Conference & Exposition at the Palmer House Hilton, 17 E. Monroe St., in the heart of the Chicago Loop. Each IFSEA member should have received a detailed agenda for the NCSEA conference. If not, contact Heather Tonks at NCSEA, (202) 624-8180. In addition to more than 70 educational workshops and displays from dozens of vendors, NCSEA is planning a number of events to keep participants entertained, including the Tuesday evening fundraiser at Navy Pier and a Wednesday gala including a performance by the Second City comedy troupe. The Palmer House is in the center of the State Street shopping district and within blocks of Chicago’s famed Art Institute. And for the sports fan the Cubs are at home that week, with night games Monday and Tuesday and afternoon games Sunday and Wednesday (the way it was meant to be!). Word has it NCSEA has obtained a block of tickets for one of the games; more about that at the conference.

**Registration**

Registration for NCSEA conference is \$375 for Illinois participants. (See the NCSEA announcement for details) Registration for the IFSEA conference is \$20 – basically the annual membership dues. Please complete and forward the registration form on page 19 with your payment to IFSEA, P. O. Box 370, Tolono, IL 61880-0370. Registration for the NCSEA conference must be made separately to NCSEA. (Those whose registration fees are being paid by IDPA are asked to route their registration forms through Anne Jeskey’s office *no later than June 30.*)

**Accommodations**

NCSEA has arranged for a block of rooms at the Palmer House for its conference participants, at \$140 to \$163 (plus taxes) per night. To reduce costs for our members IFSEA has arranged for a block of rooms at the Chicago Hilton & Towers, 720 S. Michigan Ave (at Balboa) for state rates of \$104.44 per night. That’s a short cab ride to the Palmer House. (For the heartier souls, its a nice walk up Michigan Ave. – or for the more adventurous, a two-stop ride on the subway!) Reservations at the Hilton can be made at (312) 922-4400, or 1-800-HILTONS. Be sure to ask for the “State block” reserved for IFSEA to get the reduced rate. The number of rooms is limited and they have been going fast, so **RESERVE EARLY!**

**Scholarships**

To encourage as much participation as possible in both the NCSEA and IFSEA conferences the Illinois Department of Public Aid is extending a limited number of “scholarships” to assist county offices with conference registration fees. Contact Gina Caruso in Anne Jeskey’s office (312 793-0055) for details.



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# From the Statehouse . . .

## . . . LEGISLATIVE UPDATE

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*The following is a summary of bills relevant to family support enforcement passed by the Illinois Legislature during the Spring term, and the dates they were passed or sent on to the Governor. In some cases the bill being sent to the Governor differs significantly from the bill originally introduced or as described in the last issue of the FORUM. For specifics reference should be made to the bill itself.*

by Thomas P. Sweeney

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**S.B. 19**                      **Passed by both houses 5/27/99**

**Non-support Punishment Act:** Creates the Non-Support Punishment Act and repeals the Non-Support of Spouse and Children Act; lists four levels of failure to pay support for a spouse, ex-spouse or child from refusal to provide support to willful failure to comply with a support order; penalties range from Class A misdemeanor to Class 4 felony.

**S.B. 257**                      **Sent to the Governor 5/26/99**

**Special court process servers:** Amends Code of Civil Procedure; provides that on motion and in its discretion, the court may appoint as a special process server a private detective agency certified under the Private Detective & Locksmith Act; under the appointment, any worker of the detective agency who is registered under that Act may serve the process.

**S.B. 469**                      **Sent to the Governor 6/4/99**

**Interest on delinquent support:** As amended, amends Public Aid Code, IMDMA, Non-Support of Spouse & Children Act and Parentage Act; provides that a support obligation, or any portion of a support obligation, which becomes due and remains unpaid for 30 days or more shall accrue interest at the rate of 9% per year.

**S.B. 576**                      **Sent to the Governor 6/3/99**

**Post majority support:** Amends IMDMA; as amended, authorizes a court to order parents to make contributions for a child's educational expenses, before or after the child has attained majority, until the child receives a baccalaureate degree; requires parties to consent to release academic records to paying parent as a condition of continued educational support.

**S.B. 1063**                      **Sent to the Governor 6/3/99**

**Child support disbursement unit:** Amends Public Aid Code; requires IDPA to establish a State Disbursement Unit to collect and disburse support payments made under court and administrative support orders; provides for agreements with State or local governmental units or a private entity; provides that all support orders entered or modified after Oct. 1, 1999 involving IV-D service recipients or payment through income withholding shall require that support payments be

made to the State Disbursement Unit; authorizes redirection of payments to the State Disbursement Unit by IDPA notice; requires specified information about the parties to every order entered administratively or by the court be provided to State Case Registry and updated by the Clerk or administrative agency within five days.

**S.B. 1067**                      **Sent to the Governor 6/4/99**

**Child support trust fund:** Amends Public Aid Code; authorizes the Child Support Enforcement Trust Fund may contain gifts, grants, donations, or awards from individuals, private businesses, nonprofit associations, and governmental entities.

**H.B. 377**                      **Sent to the Governor 6/15/99**

**Representation of child:** Amends IMDMA and Parentage Act; replaces existing provisions regarding appointment of an attorney to represent a child with a provision authorizing the court to appoint, in cases involving support, custody, visitation, etc. either an attorney, a guardian ad litem or a child's representative with the same power and authority as an attorney; requires entry of an order for assessment of fees for that representation, but by Senate amendment prohibits such assessment against IDPA.

**H.B. 421**                      **Sent to the Governor 6/4/99**

**Child support percent orders:** Amends IMDMA; in provision requiring that the final child support order in all cases state the support level in dollar amounts provides that dollar amount requirement shall be complied with "to the extent possible," but if all or a portion of the obligor's income "is uncertain as to source, time of payment or amount" the court may order percentages "in addition to or in lieu of a dollar amount," and may also enter any other appropriate order to properly apply the percent guidelines so that the proper support amount is collected on a timely basis.

**H.B. 1232**                      **Sent to the Governor 6/17/99**

**TANF/support payments:** Amends Public Aid Code; provides that IDPA shall pay to families receiving assistance under the TANF Article an amount equal to either two-thirds of the monthly child support col-

*(Cont'd. on page 20)*

## SDU Subcommittee News \*

The State Disbursement Unit (SDU) Subcommittee of the Child Support Advisory Committee meeting in January featured presentations from the DuPage County Circuit Clerk's office regarding the development and implementation of the SDU.

Dewey Hartman, who will oversee the SDU, distributed the "Implementation Information for the Circuit Clerk" document produced by his staff. Hartman emphasized that the communication process between the SDU and the circuit clerk's office will be through the KIDS system. It was also noted that the SDU will not maintain account balances, but will notify KIDS of payments.

Once the SDU begins, circuit clerks will have the option on how checks are printed for distribution to custodial parents. The options available: checks printed with the circuit clerk's name or the SDU. Hartman believes that eventually the checks can be printed in the circuit clerk's own office. However, that option will not be available initially.

Joel Kagann, circuit clerk from DuPage County, announced that IDPA or the Illinois Association of Court Clerks will propose an amendment to current clerks of the court statute. The amendment will eliminate the "collecting, disbursing" role of circuit clerks in the child support process.

It was also announced that all SDU non-sufficient funds (NSF) check collection cases will be filed in DuPage County, rather than the check-writer's county of residence.

Proposed legislation regarding the SDU was discussed and analyzed. The subcommittee unanimously passed a motion for minor language changes and the elimination of a fine for non-compliant businesses.

IDPA agreed to allow the subcommittee to review informational material that will be distributed to businesses to inform them about the SDU process.

For more information about the SDU subcommittee please contact Deb Seyller at 630-208-2161.

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## State Disbursement Unit Frequently Asked Questions \*

By Dewey Hartman  
Chief Deputy Circuit Court Clerk, DuPage County

Responding to 1996 federal welfare reforms, Illinois has been developing a State Disbursement Unit (SDU) for the collection and disbursement of child support payments. The SDU, which will be located in DuPage County, must be operational by Oct.1, 1999, according to federal law.

### *Employer Outreach*

#### **Q: How will employers be notified of the SDU?**

A: Notices will be sent in 1999 to inform employers where to send the payments. This will be done by the Illinois Department of Public Aid.

#### **Q: Will the notification of the SDU include a notification of electronic funds transfer and electronic deposit capabilities?**

A: Yes.

#### **Q: Will the SDU encourage employers to utilize both capabilities?**

A: Yes, both IDPA and the SDU will encourage the use of both.

#### **Q: Will non-IV-D incoming withholding documents show the SDU as the remittance address?**

A: Yes.

### *Non-Sufficient Funds (NSF)*

#### **Q: How will personal checks be handled by the SDU?**

A: The SDU will take responsibility for any check payable to the SDU. Any checks that come to the circuit clerks will be handled, as they are today, by the clerk.

#### **Q: Should personal checks be disallowed if the payor has a history of checks that are dishonored?**

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(\* Both articles on this page reprinted from the April, 1999, edition of *Open Lines*, published by the Illinois Dept. of Public Aid, Office of Legislation & External Affairs, Springfield, IL)

(Cont'd. on page 8)

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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, Office of Child Support)*

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## **Illinois Launches "Be Their Dad" Parental Responsibility Campaign**

The Illinois Department of Public Aid (IDPA) has asked fathers to be there for their kids emotionally and financially through an advertising campaign developed with the Advertising Council, three other states and the federal government. The radio and television campaign has been aimed at fathers who are not paying child support and are not involved in their children's lives.

The public service campaign stresses the importance of fathers by showing the consequences for children when fathers do not play a positive role in their children's lives. The Ad Council has distributed the public service announcements in Illinois and the rest of the country. The campaign also includes billboards and print ads.

Illinois viewers of the public service announcement can reach the Illinois Department of Public Aid, Division of Child Support Enforcement through the special toll-tree number provided on the screen.

More than a quarter of American children --nearly 17 million -- do not live with their fathers. Girls without a father in their lives are two and a half times as likely to get pregnant and 53 percent more likely to commit suicide. Boys without a father in their lives are 63 percent more likely to run away and 37 percent more likely to abuse drugs. Children are twice as likely to drop out of high school, twice as likely to end up in jail, and nearly four times as likely to need help for emotional or behavioral problems.

"Most parents work hard to give their children the emotional and financial support they need." says Robert Lyons, Administrator of IDPA's Division of Child Support Enforcement (DCSE). "But unfortunately there are many parents who are not connecting with their kids, and those kids suffer now and later. We want all children to have a good start in life and that means having both parents in their lives, whether the parents are married, separated, divorced or never married."

Illinois' child support staff worked on the development of the campaign for more than two years with staff of the other co-sponsoring states, Ohio, Maryland, and Indiana, as well as staff from the federal Office of Child Support Enforcement and the Advertising Council. Their efforts included scripting the messages and reviewing and selecting graphics and music. Division

staff also helped organize focus groups in Chicago of mothers and fathers of various income levels to gauge response to the ads.

The "Be Their Dad" campaign is the latest in a series of radio and TV spots launched by IDPA's Division of Child Support Enforcement to appeal to fathers. Previous campaigns included television public service announcements featuring Cubs greats Sammy Sosa and Ryne Sandberg and former Chicago Bears' Chris Zorich, who urged fathers to put their children first.

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## **Child Support Services Expanded to West and Southwest Chicago Suburbs**

In May, representatives from the Illinois Department of Public Aid and the Circuit Court of Cook County spoke at a special ceremony highlighting a new child support service available to parents in Chicago's west and southwest suburbs.

Since March, DCSE Family Support Specialist (FSS) Kathy Willis has been stationed one day every other month at the 5th Municipal District Court House in Bridgeview. She helps parents set up child support cases, eliminating the need for them to travel to downtown Chicago to start the process.

"Customers are pleased that we are here," she said. "I am happy to help make it easier for residents to secure child support services."

To celebrate the success of the program, Robert Lyons, Administrator of IDPA's Division of Child Support Enforcement, Judge Timothy C. Evans, Presiding Judge Domestic Relations Division, and Judge Susan Snow, Family Court Judge, Fifth Municipal District, spoke at a special presentation at the 5th Municipal District Court House on May 7. DCSE Deputy Administrator Anne Jeskey, Assistant Deputy Administrator Robert Carbine, Technical Advisor II Ralph Abt and Willis also attended the event.

"We believe that the availability of a family support specialist on site will help more parents secure child support services," said Lyons. "We are working hard to become more 'parent friendly' and this is just one of the initiatives we have to help us better serve customers."

*(Cont'd. on page 8)*

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(“State Disbursement Unit FQA’s,” cont’d. from page 6)

A: Checks that are processed through the SDU are an SDU policy issue. The SDU will accept personal checks and disallow personal checks for an individual based on history.

**Q: What should the threshold be to notify the payor that personal checks will not be accepted?**

A: Each case will be handled based on the facts and communication with the payor.

**Q: How long should the bar on acceptance be in effect?**

A: Decisions will be made on a case-by-case basis.

**Q: To what extent should an attempt be made to pursue the non-custodial parent or the employer for replacement of the dishonored check?**

A: If the non-sufficient funds (NSF) occurs through the SDU, the SDU will attempt to collect from the issuing party.

**Q: Should we differentiate between IV-D and non-IV-D accounts in processing responsibilities for NSF check handling?**

A: No.

#### *Debits/Return Payments*

**Q: How will employer requests for refunds of misdirected payments be handled?**

A: The SDU will, if the check has not been processed and applied, return the check to the employer. Once a payment has been applied and disbursed, returns are not possible. The SDU policy is in line with the current IDPA policy and will be supported in the same way.

#### *Adjustments/Misapplied Payments*

**Q: How should the SDU handle errors?**

A: The SDU will handle errors in much the same way as circuit clerks do today.

**Q: If the SDU posted a payment to an account based on the information provided, but the information was faulty, should the person who was harmed be compensated by the SDU?**

A: If the SDU is in error, the SDU will take responsibility for its actions. We will disburse to the payee the amount of money that a payor has provided for that payee. The SDU will correct any errors for which it is responsible.

**Q: If the employer lists wrong information for applying payments, what should the SDU do?**

A: If the SDU has been made aware of the employer error before the payment is applied and processed, the SDU will make every effort to correct the problem and stop the payment from being sent to the incorrect party. If the SDU has applied and disbursed the payment as directed by the employer's instructions, the SDU will not take any action. The SDU policy is in line with the current IDPA policy and will be supported in the same way.

**Q: In cases where the incorrect payment was made from a clerk's account, how should this be handled?**

A: If the SDU causes any error, the SDU will take full responsibility for such error. If the SDU writes checks on a circuit clerk's account, the SDU will take full responsibility for the error. Each error will need to be handled individually. The SDU will send the correct payment amount received to the payee even if the check is created from a circuit clerk account. The circuit clerk will not be held responsible for an SDU error.

#### *Undeliverables*

**Q: IDPA must account for returned or uncashed checks. What mechanism or procedure will best allow the state to meet these federal requirements?**

A: If money cannot be identified to a proper payee, the SDU will forward the money to IDPA.

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(“Illinois IV-D Update,” cont’d. from page 7)

Judge Snow, who was instrumental in establishing the program to Bridgeview, is pleased with the results of the pilot and looks forward to the program's continued success. "We think it fits the mission of the court, especially our Unified Family Project, to bring more services into our community," she said. "Child support is such an important part of the court's work for families and children. This is one way to make the process more accessible."

"Our goal is to provide families with as broad a range of support services as possible, and we are pleased that the Illinois Department of Public Aid is contributing to our efforts," said Judge Evans.

Dates for the service are set through the end of the year and plans are underway to keep the service on site in the year 2000 and beyond. "The Bridgeview project is a shining example of various child support enforcement partners working together to help families get the support they need and deserve," said Lyons.



# Collecting Child Support from Worker's Compensation

by Jeanne M. Fitzpatrick

Worker's compensation claims provide a good source of income for payment of current and past due child support. Worker's compensation benefits compensate an employee for loss of earnings and for any medical or rehabilitation costs related to an injury sustained in the ordinary course of business. All medical bills related to the injury are paid. If a case goes to a contested hearing and compensation is awarded, then all related medical or rehabilitation costs are paid for the life of the injured party. If the case settles, the employer's liability for medical or rehabilitation ends or is part of the settlement agreement. Workers' compensation income is intended to be used for the expenses of an injured worker's family.

## Temporary vs. Permanent Disability

There are two types of income that an injured employee may receive. Temporary Total Disability (TTD) payments are generally paid weekly. An injured employee receives two-thirds of the employee's average weekly wage. Worker's compensation benefits are tax-free. Income from TTD can be used to establish or set child support, or to collect child support and arrearage payments already ordered. Although benefits are otherwise not subject to lien, attachment, assignment or garnishment, child support may be withheld from worker's compensation benefits. 750 ILCS 28/15.

An injured employee may also receive permanent partial disability (PPD) or permanent total disability payments, which are usually paid by a lump sum settlement. In a settlement, the injured party can choose whether to receive lump sum payments or periodic payments. If the case goes to a hearing before the industrial commission, the hearing officer decides. PPD compensates the employee for past and future loss of income due to a work-related injury. PPD is more problematic for collection of child support, as we may not find out about the lump sum payment until after it has been paid to the obligor.

If a worker's compensation case is pending, the court can order that the obligor report any income or settlement from worker's compensation, and that he/she not dispose of any income from worker's compensation until further order of the court. I send a copy of this order to the worker's comp carrier and/or the attorney who is handling the worker's compensation case. Depending on the amount of the PPD settlement, the court may order that the settlement be used to pay off a child support arrearage. The court may also award a percentage of the settlement as additional child support.

Worker's compensation is considered income for

purposes of child support. *In Re Marriage of Dodds*, 222 Ill. App. 3d 99 (2nd Dist., 1991) In the *Dodds* case the court awarded 21% of the lump sum award of \$108,544.00 for additional support of the three children. The children were receiving social security disability payments for current support. The court did not explain why it varied from the guidelines.

In 1997, the Third District decided *Jennings vs. White*, 286 Ill.App. 3d 213 (3rd Dist., 1997) which involved a Federal Employee Liability Act award. The court stated that 750 ILCS 5/505 creates a rebuttable presumption that all of the award is income unless specifically excluded by statute. The court awarded 15% of the net award of \$129,120.98 for the support of the minor child, awarding less than the guideline amount due to the fact that the obligor had three other children, the award was large, and the obligor had been without income for a substantial time.

## Workers' Comp. vs. Personal Injury Settlements

Workers' compensation, unlike personal injury awards, is clearly intended to compensate an injured party for lost wages. Personal injury awards include compensation for pain and suffering, compensatory damages such as for damaged property, future medical, and punitive damages. Personal injury settlements are subject to liens, and medical liens are common. A personal injury settlement constitutes net income for purposes of child support, but only to the extent that it reimburses a party for lost earnings. *Villanueva vs. O'Gara*, 282 Ill.App. 3d 147 (2nd Dist., 1996) In a recent case the court limited net income to the lost wages which would have been earned during the minority of the child. *In Re Marriage of Wolfe and Wolfe*, 298 Ill.App. 3d 510 (2nd Dist., 1998). The dissenting opinion pointed out that the minor's right to support might not necessarily terminate at majority, the child may continue to require support through college.

## Show Me the Money!

To find out whether a noncustodial parent has a worker's compensation claim you can contact the State of Illinois Industrial Commission for employees in this state. The commission can provide you with the claim number, whether payments are being paid, the amount of the payments and the identity of the payor. Many businesses have worker's compensation insurance carriers who cover these claims. You can contact the worker's comp carrier to find out the status of a worker's comp claim. Some large companies carry their own worker's compensation program. Employers are usually willing to provide the name and address of the worker's compensation insurance carrier.

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# From the Courthouse . . .

## . . . CASES & COMMENTARY

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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

### **Full Cost Due When Insurance Not Provided; Support Due From Unreported Income; Income Miscalculation Not Corrected Retroactively**

*In Re Marriage of Takata*, \_\_\_ Ill. App. 3d \_\_\_, \_\_\_ N.E. 2d \_\_\_ (2nd Dist., Nos. 2-98-0344, 2-98-0622, 2-98-0886 & 2-98-1156, 4/9/99), reversed an award of less than the full cost of unpaid insurance premiums, but affirmed modification based on child's needs rather than percent guidelines, award of retroactive support based on unreported income and denial of retroactive correction of support miscalculation.

Christine and Fred were divorced in 1990. In September, 1991, Fred's support order was modified to \$35.38 per week, based on the court's erroneous calculation of his gross income being \$395 bi-weekly (when the court actually found it to be \$595 bi-weekly). In so doing the court allowed deductions of \$115.34 bi-weekly, including \$57.50 paid for insurance for Fred and the two children, which Fred was ordered to continue. He was also ordered to report by affidavit within 30 days any income from sources other than his job as bartender at Schooner's. In September, 1992, Fred stopped paying support or providing health insurance. Christine and the children went on public assistance; IDPA provided Medicaid benefits.

In November, 1997, Christine filed petitions to enroll the earlier orders in DeKalb County, and for *nunc pro tunc* correction of the erroneous support order. Enrollment was granted, but the *nunc pro tunc* correction was denied. Christine filed her first appeal.

In January, 1998, Christine filed two petitions for rule, one for failure to pay support, and the other for failure to provide health insurance. Each petition also asserted that Fred was not reporting other income and sought an order requiring Fred to disclose his employers and income. The Court found Fred in contempt, ordered full payment of the child support arrearage, but granted Christine only 25% of the unpaid insurance premiums--\$3,223.50 rather than \$12,894.03 in unpaid premiums. The Court's theory in limiting the insurance cost recovery was that 25% was the equivalent of additional child support that would have been due if insurance had not been ordered, and anything more would

have been a windfall for Christine since insurance coverage had been provided to her at no cost by IDPA. Christine appeals denial of the full amount of unpaid premiums.

In April, 1998, Christine filed a petition to increase support and to require Fred to pay costs for health insurance and obtain life insurance to secure future support. At the hearing on this petition evidence was presented of deposits in Fred's checking account well beyond explained income, plus his admissions of income that he had not reported over the last six years. The Court found itself unable to determine what Fred's real income was, but concluded that there was no showing that he didn't or couldn't have income at least equal to what he had made when the parties were married. Rather than fixing support according to guidelines the Court modified support to half of the children's shown needs, and required Christine to provide health and life insurance. Christine again appeals, citing failure to apply guidelines.

Finally, in light of Fred's admissions of unreported income, Christine filed another petition for rule for Fred's failure to report income as ordered, claiming \$3,750 per child per year in additional support. The Court denied Fred's motion to dismiss, and awarded \$17,093.46 in additional support. Fred appeals this one.

Only the ruling on reimbursement for unpaid health insurance premiums was reversed. "The plain and ordinary meaning of section 505.2(d) [of the IMDMA] is that the dollar amount of court-ordered insurance premiums are considered as child support and that the obligor is liable to the obligee for the unpaid premiums. Significantly, the statute does not require the obligee to cover the cost of insurance in order to recover unpaid premiums from the obligor." So Christine is entitled to the full amount of unpaid premiums, even though IDPA provided the insurance Fred failed to provide. (Any claim or interest IDPA might have is not discussed.)

The Appellate Court affirmed denial of the *nunc pro tunc* correction. Orders can be amended *nunc pro tunc* to correct clerical errors or matters of form that are not the result of a judicial function. However, calcula-

(Cont'd. on page 11)

tion of income and support are judicial functions. The calculation errors in this case were judicial errors, outside the power of a *nunc pro tunc* order.

The Court also affirmed the award of support based on the children's needs rather than the guidelines. Section 505 (a)(5) allows the court to set support "in an amount considered reasonable in the particular case" if net income cannot be determined. Here the Court found Fred's testimony incredible, and that it could not determine his income. Under the circumstances the Court was not required to apply guidelines, and its order was reasonable.

Also affirmed was the award of additional support derived from previously unreported income. Specifically the Court affirmed denial of Fred's motion to dismiss Christine's last petition seeking that award. In her earlier petitions Christine had alleged that Fred had unreported income. Though the trial court had found Fred in contempt for failures to pay support or provide health insurance, it apparently also dismissed those petitions. Fred claimed that those dismissals barred the later petition again raising claims arising from the unreported income. The Appellate Court held the specific claims that support was below guidelines, and for an arrearage judgment based on the unreported income, were not made in the earlier petitions, so they were not barred by principles of *res judicata*. (The decision does not indicate that Fred had been ordered to pay a percentage of any additional income, and does not explain why the additional support awarded did not amount to a retroactive modification.)

### **Intertwined Finances, Not Sexual Relationship Creates "Continuing, Conjugal Relationship" to End Maintenance**

*In Re Marriage of Weisbruch*, \_\_\_ Ill. App. 3d \_\_\_, \_\_\_ N.E. 2d \_\_\_ (20d Dist., No. 2-98-0392, 4/14/99), affirmed termination of maintenance based on the non-sexual relationship between two women being found to be a "continuing, conjugal relationship."

In 1997, John petitioned to terminate unallocated child support and maintenance ordered in 1980. The parties' two children had attained majority by 1990, and John claimed his ex-wife, Carol, no longer needed maintenance because she was living with another woman, Sandra, in a "continuing, conjugal relationship." Evidence showed that Carol and Sandra lived together in a three-bedroom home they purchased as joint tenants, they shared a joint credit union account, shared in paying bills, and were co-owners of their cars. Sandra is named as executor and primary beneficiary of Carol's will and primary beneficiary of Carol's retirement fund and deferred compensation plan; each is primary beneficiary of the other's life insurance policy. There was little indication of affection and no evidence of a sexual relationship between them.

A clinical psychologist testified that he defined "conjugal" as a relationship between people "who reside together, are intimately and intricately interwoven and intertwined on a psychological, social, and financial basis," and despite never having met them, opined that Carol and Sandra were in a conjugal relationship that was better than many marriages he had counseled. The trial court found a "continuing, conjugal relationship," and terminated maintenance. Carol appeals.

Affirmed. "[M]aintenance is predicated on the need for support by the receiving spouse. Thus, it is the financial implications of the relationship that are most relevant to determining the need for maintenance, not the presence or absence of sex." \* \* \* "[T]he purpose of the statute is to prevent the injustice of requiring the paying spouse to continue paying maintenance to an ex-spouse who uses the money to support someone else or is receiving support from someone else."

While the trial court found Carol was still in need of maintenance, it was proper to terminate it entirely. Section 510 (c) of the IMDMA does not provide for partial reduction of maintenance. "The inquiry . . . is whether the receiving spouse has formed a new relationship wherein the partners *look to* each other for support, not whether the support provided is in fact adequate to meet the receiving spouse's needs."

### **"Temporary" Support, Pending Paternity Determination, Not Retroactively Modifiable**

*In Re Marriage of Pettifer*, \_\_\_ Ill. App. 3d \_\_\_, \_\_\_ N.E. 2d \_\_\_ (3rd Dits., No. 3-98-0259, 4/21/99), reversed an order retroactively modifying support ordered for a child while his paternity was disputed

In their 1982 divorce Michael was ordered to pay \$40 per week (per child?) for two children born during his marriage to Dena, and "temporary" support of \$20 per week for the third child, Justin, whose paternity was "in question." Apparently that agreed order provided that if Michael was proved to be Justin's father, Justin would be awarded child support in an equitable amount "retroactively to the date of [the court's] order." The decision does not indicate if or when the paternity issue was ever decided. More than 13 years later Dena petitioned to modify support, including an increase in Justin's support to \$40 per week retroactive to October, 1982. After evidence on child-rearing costs from 1982, the court ordered retroactive modification to \$30 per week for Justin, plus 9% interest on each unpaid installment as it accrued. Michael appeals.

Reversed and remanded. Since the child was born during the parties' marriage he was presumed to be born of the marriage. Thus the situation is governed by the IMDMA, not the parentage act. And § 510 (a) prohibits modification for periods prior to the filing of a petition for modification. The majority opinion does not discuss the significance, or lack thereof, of the order having been agreed to as a "temporary" order.

*("Governor Expands KidCare Efforts," cont'd. from page 1)*

Rockford and Springfield. A toll-free information number will be established through the Chicagoland Chamber of Commerce to specifically aid employers who may have questions or need more information about KidCare.

"The Pastors Network welcomes the opportunity to work with Governor Ryan and his administration to spread the good word about KidCare in our communities," said the Rev. Tyrone Crider, president of the Pastors Network. "The Pastors Network, through our local churches, will provide information to families and help those who qualify to complete the applications," Crider added.

A "clip and save" ad with KidCare information was to be published in an issue of *Illinois Medicine*, a publication of the Illinois State Medical Society that reaches 20,000 physicians and health care professionals. Each county medical society will be asked to educate their members about KidCare. Training materials are readily available for health care providers on the KidCare Helpline (800-226-0768).

"This administration is to be applauded for moving forth in such an aggressive manner to assure that as many children as possible will have access to health care," said Ruth M. Rothstein, chief of the Cook County Bureau of Health Services.

KidCare is a state program that offers health care coverage to children and pregnant women. The program helps pay employer-sponsored or private insurance plan premiums. Eligible children through age of

18 and pregnant women who are Illinois residents, U.S. citizens or qualified legal immigrants are eligible for the KidCare program if they meet income requirements. Children qualify if they live in families with incomes up to 185 percent of the federal

poverty level, and pregnant women qualify if their family income is up to 200 percent of the federal poverty level.

KidCare covers doctor and nursing care, hospital and clinic care, laboratory test and x-rays, prescription drugs, medical equipment and supplies, medical transportation, dental care, eye care, psychiatric care, podiatry, chiropractic care and physical therapy. Pregnant women are eligible for pre-natal care and other medical services.

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***"KidCare is a case where an ounce of prevention is truly worth more than a pound of cure."***

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## **OFFICIAL NOTICE TO MEMBERS**

### **The Eleventh Annual Members' Meeting & Election of Directors**

of the

### **Illinois Family Support Enforcement Association**

*will be held*

**Tuesday, August 10, 1999**

**5:00 – 7:00 p.m.**

**Palmer House Hilton  
17 E. Monroe St., Chicago, IL**

The primary items of business will be:

- Nomination and election of Directors for 1999-2001 [See page 18].
- Amendments to the IFSEA By-Laws [See pages 16 – 17].

# USDA Report Estimates Child Rearing Costs of \$240,000

WASHINGTON, April 22, 1999--A family with a child born in 1998 can expect to spend about \$156,690 (\$240,000 when factoring in inflation) for food, shelter and other necessities to raise that child over the next seventeen years, Agriculture Secretary Dan Glickman announced today in releasing USDA's annual report, "Expenditures on Children by Families."

"While those numbers might seem a bit intimidating to a new parent," Glickman said, "the good news is that with America's strong economy and low inflation, the annual cost of raising a child is up less than \$200 from last year."

"This report is a very valuable resource for state agencies and courts in determining child support guidelines and foster care payments," said Glickman. "Of primary note to states is the 1998 child-rearing cost estimate for middle income, two-parent families, ranging from \$8,240 to \$9,340, depending on the age of the child."

The report notes that family income affects child rearing costs, with low-income families projected to spend \$115,020, middle-income families \$156,690, and upper-income families \$228,690 (all in 1998 dollars) over seventeen years. In 1960, a middle-income family could expect to spend \$25,229 to raise a child through age seventeen. The expenditure estimates for two-parent families for the overall United States is summarized in Table 1, reproduced on page 14.

For the average family, housing was the single largest expenditure on a child, averaging \$52,140, or 53 percent of the total costs over seventeen years. Food was the second largest expense, averaging \$27,450, or 18 percent of the total.

"As any parent with more than one child knows," said Under Secretary for Food, Nutrition, and Consumer Services Shirley Watkins, "raising a second or third child is less expensive than raising one alone." Watkins noted that families with one child spend approximately 24 percent more on a per-child basis than families with two children, and families with three children spend 23 percent less per child than those with two children.

The report notes geographic variations in the cost of raising a child, with expenses the highest for families living in the urban West, followed by the urban Northeast and urban South. Families living in the urban Midwest and rural areas have the lowest child-rearing expenses.

## Expenditures in Single-Parent Families

Most of the data in the report focuses on costs for two-parent families. It notes that the estimates of

expenditures on children by husband-wife families do not apply to single-parent families, which account for an increasing percentage of families with children. Separate estimates were made of child-rearing expenses in single-parent households--90 percent headed by a woman.

In the single-parent study the two higher income groups from the two-parent family study were combined, because only 17 percent of single-parent households had before-tax income of \$31,000 and over. Single-parent income included child support payments. Estimates of child-rearing expenses for single-parent families are in Table 7, reproduced on page 15.

A comparison of estimated expenditures on the younger child in a two-child, lower-income, single-parent family with those in a lower-income, husband-wife family is presented in Table 10, reproduced below.

**Table 10. Comparison of estimated expenditures\* on children by single-parent and husband-wife families, overall United States, 1998**

Age of child	Single-parent households	Husband-wife households
0 - 2	\$5,010	\$5,950
3 - 5	5,640	6,060
6 - 8	6,340	6,180
9 - 11	5,940	6,210
12 - 14	6,400	7,020
15 - 17	7,120	6,920
Total	\$109,350	\$115,020

\*Estimates are for the younger child in two-child families with 1998 before-tax income less than \$36,000.

Eighty-three percent of single-parent families and 33 percent of husband-wife families fall in this lower income group. Total expenditures on a child up to age 18 were, on average, 5 percent lower in single-parent households than in two-parent households. But more single-parent than husband-wife families fell in the bottom range of this lower income group. Single-parent families in this lower income group, therefore, spend a larger proportion of their income on their children.

The report concludes that estimates of child-rearing expenses for the higher income group of single-parent families were about the same as those for the highest income group of two-parent households. However, the average income of single-parent households was much lower. Therefore, child-rearing expenses in the higher

(Cont'd. on page 14)

income group of single-parent families consume a larger proportion of income than they do in husband wife families.

In short, the report concludes, "Expenditures on children do not appear to differ very much among single-parent and husband-wife households. What differs is household income levels. As single-parent families have one less potential earner (the absent partner), their total household income is lower and child-rearing expenses consume a greater percentage of income."

The single-parent estimates only covered out-of-pocket child-rearing expenditures made by the parent with primary care of the child. Expenditures by the noncustodial parent were not estimated. The report concludes, therefore, that overall expenses paid by both parents on a child in a single-parent household are likely to be greater than the study's estimates.

Copies of the report may be requested by writing to USDA's Center for Nutrition Policy and Promotion, 1120 20th Street, NW, Suite 200 North Lobby, Washington, DC 20036-3406. The report is also available on the CNPP web site at [www.usda.gov/cnpp](http://www.usda.gov/cnpp).

**Table 1. Estimated annual expenditures\* on a child by husband-wife families, overall United States, 1998**

Age of Child	Total	Housing	Food	Transportation	Clothing	Health care	Child Care and Education	Miscellaneous †
<b>Before-tax income: Less than \$36,000 (Average = \$22,500)</b>								
0 - 2	\$5,950	\$2,270	\$850	\$720	\$390	\$410	\$720	\$590
3 - 5	6,060	2,240	940	690	380	390	820	600
6 - 8	6,180	2,170	1,210	810	420	450	480	640
9 - 11	6,210	1,960	1,450	880	470	490	290	670
12 - 14	7,020	2,180	1,520	990	780	500	210	840
15 - 17	6,920	1,760	1,650	1,330	690	530	340	620
Total	\$115,020	\$37,740	\$22,860	\$16,260	\$9,390	\$8,310	\$8,580	\$11,880
<b>Before-tax income: \$36,000 to \$60,600 (Average = \$47,900)</b>								
0 - 2	\$8,240	\$3,070	\$1,010	\$1,070	\$450	\$540	\$1,190	\$910
3 - 5	8,460	3,040	1,170	1,040	440	520	1,320	930
6 - 8	8,520	2,970	1,490	1,160	490	590	850	970
9 - 11	8,470	2,760	1,750	1,230	540	640	550	1,000
12 - 14	9,200	2,980	1,770	1,330	910	640	400	1,170
15 - 17	9,340	2,560	1,960	1,690	810	680	700	940
Total	\$156,690	\$52,140	\$27,450	\$22,560	\$10,920	\$10,830	\$15,030	\$17,760
<b>Before-tax income: More than \$60,600 (Average = \$90,700)</b>								
0 - 2	\$12,260	\$4,880	\$1,340	\$1,490	\$600	\$620	\$1,800	\$1,530
3 - 5	12,530	4,850	1,520	1,470	580	600	1,960	1,550
6 - 8	12,440	4,780	1,830	1,580	640	680	1,350	1,580
9 - 11	12,320	4,570	2,120	1,650	700	730	940	1,610
12 - 14	13,170	4,790	2,230	1,760	1,150	740	720	1,780
15 - 17	13,510	4,370	2,350	2,130	1,050	780	1,270	1,560
Total	\$228,690	\$84,720	\$34,170	\$30,240	\$14,160	\$12,450	\$24,120	\$28,830

\*Estimates are based on 1990-92 Consumer Expenditure Survey data updated to 1998 dollars using the Consumer Price Index. The figures represent estimated expenses on the younger child in a two-child family. Estimates are about the same for the older child, so to calculate expenses for two children, figures should be summed for the appropriate age categories. To estimate expenses for an only child, multiply the total expense for the appropriate age category by 1.24. To estimate expenses for each child in a family with three or more children, multiply the total expense for each appropriate age category by 0.77. For expenses on all children in a family, these totals should be summed.

† Miscellaneous expenses include personal care items, entertainment, and reading materials.

**Table 7. Estimated annual expenditures\* on a child by single-parent families, overall United States, 1998**

Age of Child	Total	Housing	Food	Transportation	Clothing	Health care	Child Care and Education	Miscellaneous †
<b>Before-tax income: Less than \$36,000 (Average = \$15,100)</b>								
0 - 2	\$5,010	\$2,040	\$940	\$670	\$350	\$200	\$450	\$360
3 - 5	5,640	2,320	980	590	370	290	620	470
6 - 8	6,340	2,460	1,240	680	430	340	560	630
9 - 11	5,940	2,360	1,440	490	440	430	270	510
12 - 14	6,400	2,370	1,440	560	740	460	340	490
15 - 17	7,120	2,510	1,570	890	860	460	260	570
Total	\$109,350	\$42,180	\$22,830	\$11,640	\$9,570	\$6,540	\$7,500	\$9,090
<b>Before-tax income: \$36,000 or more (Average = \$54,700)</b>								
0 - 2	\$11,410	\$4,380	\$1,450	\$2,040	\$500	\$450	\$1,110	\$1,480
3 - 5	12,270	4,660	1,530	1,960	520	610	1,400	1,590
6 - 8	13,040	4,810	1,830	2,050	600	700	1,300	1,750
9 - 11	12,610	4,710	2,210	1,860	600	840	760	1,630
12 - 14	13,370	4,710	2,160	1,940	990	880	1,080	1,610
15 - 17	13,830	4,860	2,290	2,100	1,140	870	880	1,690
Total	\$229,590	\$84,390	\$34,410	\$35,850	\$13,050	\$13,050	\$19,590	\$29,250

\* Estimates are based on 1990-92 Consumer Expenditure Survey data updated to 1998 dollars using the Consumer Price Index. The figures represent estimated expenses on the younger child in a two-child family. For estimated expenses on the older child, multiply the total expense for the appropriate age category by 0.93. To estimate expenses for two children, the expenses on the younger child and older child—after adjusting the expense on the older child downward—should be summed for the appropriate age categories. To estimate expenses for an only child, multiply the total expense for the appropriate age category by 1.35. To estimate expenses for each child in a family with three or more children, multiply the total expense for each appropriate age category by 0.72—after adjusting the expenses on the other children downward. For expenses on all children in a family, these totals should be summed.

† Miscellaneous expenses include personal care items, entertainment, and reading materials.

*In the Next FORUM?*

*What Will YOU Contribute?*

*(Deadline for the next FORUM – September 8, 1999)*

## Proposed By-Law Amendments

The following Amendments to the By-Laws of the Illinois Family Support Enforcement Association have been proposed, and will be presented to the Membership for its approval at the Eleventh Annual Members' Meeting, August 10, 1999. (Proposed new language is underscored; language to be deleted is ~~lined through~~.)

**Amendment # 1:** To Amend Paragraphs A and C of Article IV (Membership) as follows:

ARTICLE IV: Membership.

A. Regular Membership: Regular Voting Membership in the Association shall be open to:

1. Any attorney licensed to practice in the State of Illinois;
2. Any Circuit Clerk, ~~or~~ Deputy Circuit Clerk or other employee of a Circuit Clerk engaged in activities related to family support collection, distribution or enforcement;
3. Any Judge in any court in the State of Illinois;
4. The Director and any professional employees of the Illinois Department of Public Aid engaged in activities related to family support enforcement, including management and supervisory personnel, regional managers and family support specialists of the Division of Child Support Enforcement;
5. Any elected official within the state of Illinois;
6. Any paraprofessional or administrative employees of individuals entitled to regular membership who are engaged in activities related to family support enforcement;
7. Representatives of parent advocacy groups;
8. Any other individuals approved for membership by the Board of Directors upon recommendation by the Membership Committee.

\* \* \*

C. Term of Membership: The annual term of membership ~~Membership~~ in the Association shall extend from commencement of the Association's Annual Training Conference until commencement of the Association's next Annual Meeting and Training Conference, or for one year, whichever is longer, and shall be indefinitely renewable for additional yearly terms upon tendering of the appropriate renewal application and dues.

**Amendment # 2:** To Amend Paragraph A (2) of Article VI (Board of Directors) as follows:

ARTICLE VI: Board of Directors.

A. Composition of Board of Directors: The Association shall be governed by a Board of Directors, comprised as follows:

\* \* \*

(Cont'd. on page 17)



2. Commencing with the election of Directors to be conducted at the first Annual Meeting, the Board of Directors shall consist of ~~30~~ 28 Directors determined as follows:
- (a) Appointed Directors: Each of the following shall be authorized to serve as a Director of the Association:
- The Director of the Illinois Department of Public Aid, or such other person within said agency designated either by name or position, as he/she may designate;
  - The Attorney General of Illinois, or such other person as he/she may designate;
  - The State's Attorney of Cook County or such other person as he/she may designate;
  - The President of the Illinois Association of Court Clerks, or such other person as he/she may designate;
  - ~~- The Executive Director of the Illinois Task Force on Child Support, or such other person as he/she may designate;~~
  - The Director of the Administrative Office of the Illinois Courts, or such other person as he/she may designate;
  - ~~- The Director of the Legal Assistance Foundation of Chicago, or such other person as he/she may designate;~~
  - The Chairman of the Child Support Advisory Committee of the Illinois Conference of Chief Circuit Judges, or such other representative as he/she may designate;
  - Two people individuals appointed by the President of the Illinois Family Support Enforcement Association at the conclusion of each annual election, to serve as "At Large" Directors.

**Amendment # 3:** To Amend Paragraph C of Article VII (Election of Directors) as follows:

ARTICLE VII: Election of Directors.

\* \* \*

- C. Election: Directors subject to election pursuant to Article VI, Section A 2 (b) of these By-Laws shall be elected by ~~majority~~ vote of all regular members in attendance entitled to vote. Nominees in each region shall be elected in a number equal to positions subject to election in each region, and shall be those nominees who receive the highest number of votes. Ties shall be decided by coin flip to be conducted by the President. The Nominations and Resolutions Committee may recommend to the membership a slate of candidates for election.

## Nominations Sought for IFSEA Director Election

Half of the twenty member-elected IFSEA Director positions will be subject to election at the Annual Members' Meeting to be held during the Eleventh Annual Conference on Support Enforcement. Two directors are to be elected from Cook County plus four from each of the two downstate regions. Terms of office for Directors elected this year extend until 2001.

This year the Annual Meeting will be combined with IFSEA's abbreviated Conference program presented on August 10, 1999, in conjunction with the annual conference of the National Child Support Enforcement Association (NCSEA).

Pursuant to Art. VII of the By-Laws, nominations for election are to be submitted in writing to the Nominations & Resolutions Committee at least seven days prior to the election - i. e., by August 3, 1999. Nominations may also be made from the floor at the Annual Meeting, if supported by five members from the region to be represented by the elected Director. However, since time will be limited for the Annual Meeting and balloting, advance nominations are urged.

If you would like to be elected to the IFSEA Board of Directors, or you know someone you would like to see elected, please complete the Director Nomination form provided below and return it to: IFSEA, Nominations & Resolutions Committee, P.O. Box 370, Tolono, IL 61880-0370. Incumbents seeking re-election also require nomination. Only regular members in good standing (membership dues paid for 1999-2000) may be elected to the Board of Directors.

Those holding elected positions on the current IFSEA Board of Directors and their terms of office are as follows (see page 2 for the complete Board and officers):

Region	1997 – 1999*	1998- 2000
1.	Steve Rissman, (Asst. State's Atty.); James W. Ryan, (Atty. at Law);	Anne M. Jeskey, (IDPA, OCS); Durman Jackson, (Asst. State's Atty.)
2.	Lawrence Nelson, (Asst. Atty. Gen'l.); Linda Nicot, (IDPA, OCS); Laura Otten-Grahek, (IDPA, OCS); Les Zegart, (Asst. Atty. Gen'l.)	Deanie Bergbreiter, (IDPA, OCS); Jeanne Fitzpatrick, (Asst. Atty. Gen'l.); Scott Michalec, (Asst. Atty. Gen'l.); Deborah Seyller (Circuit Clerk)
3.	Christine Kovach, (Asst. State's Atty.); Thomas P. Sweeney, (Atty. at Law); Judy Townsend (IDPA, OCS); Thomas M. Vaught, (Asst. Atty. Gen'l.)	Marilynn Bates, (IDPA, OCS); William Henry, (Asst. Atty. Gen'l.); Debra Roan, (IDPA, OCS); John Rogers, (IDPA, OCS)

\* Directors whose terms end this year. The one-year terms of "At-Large" Directors Cheryl Drda (Sangamon County Asst. State's Attorney) and Nancy Waites (Lake County Asst. State's Attorney) also expire at this year's election.

### NOMINATION FOR ELECTION TO THE BOARD OF DIRECTORS ILLINOIS FAMILY SUPPORT ENFORCEMENT ASSOCIATION August 10, 1999

**For a two-year term of office  
1999 - 2001**

I hereby nominate the following person for election to the IFSEA Board of Directors:

Nominee: \_\_\_\_\_

Position/Employer: \_\_\_\_\_

Office Address (County): \_\_\_\_\_

Credentials/Comments: \_\_\_\_\_

Person Making Nomination if other than Nominee: \_\_\_\_\_

Office Address (County): \_\_\_\_\_

To be eligible for election the nominee must be a regular member of the association,  
in good standing (with dues paid for the upcoming year) prior to the election.

**Return before August 3, 1999, to:  
IFSEA, Nominating & Resolutions Committee  
P.O. Box 370, Tolono, IL 61880-0370**

**1999 IFSEA Conference Registration Form**

*(Please submit separate registration for each person attending)*

***PLEASE NOTE: IFSEA and NCSEA conferences require SEPARATE registrations and fees***

I will attend IFSEA's 11th Annual Conference on Support Enforcement, August 10, 1999.

Name (to appear on Membership Certificate): \_\_\_\_\_

Title & Employer: \_\_\_\_\_

Office Address: \_\_\_\_\_

City/State/Zip \_\_\_\_\_ Phone: \_\_\_\_\_

Preferred Mailing Address: \_\_\_\_\_

***Please indicate: I will be attending: [ ] both NCSEA & IFSEA conferences [ ] IFSEA meeting only***

My Registration fee of \$ 20.00 [ ] is enclosed [ ] will be paid by \_\_\_\_\_

***Conference registration fee includes IFSEA membership for 1999-2000.***

*Please confirm, in advance, with the appropriate authority if you think your agency is paying your registration! (Registration fees must be paid in full, or firm billing arrangements made, prior to the start of the conference.)*

***NOTE: If payment is not enclosed, the signature of an official authorized to guarantee payment is required.***

The undersigned hereby certifies that (s)he is authorized to guarantee payment by the agency indicated below.

Signature: \_\_\_\_\_

Agency: \_\_\_\_\_

**Please return with Registration Fee to:**

**IFSEA Conference Registration**

**P.O. Box 370, Tolono, IL 61880-0370**

**(FEIN No. 37-1274237)**

**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)**

(6/99)

lected or the amount of monthly child support collected and required to be paid to the family under administrative rule, whichever is greater. By Senate amendment, further requires IDPA, in consultation with the Child Support Advisory Committee, to conduct an evaluation of the program by December 31, 2003.

**H.B. 1774 Sent to the Governor 6/11/99**

**Mailed notice of hearing: Body attachment:**

Amends IMDMA; provides for service of notice for attachment of the body of an obligor, in a proceeding to enforce an order for support, by regular mail addressed to the obligor at the last known address (now, by certified mail with delivery restricted to obligor).

**H.B. 2845 Passed both houses 5/27/99**

**Fee for support record maintenance:** As completely rewritten by Senate amendment, amends fee provisions of the Clerk of Courts Act to authorize Circuit Clerks to collect the \$36 annual fee to maintain child support records, process payments to the KIDS system and record payments by the State Disbursement Unit. Provisions of original bill, for appointment of attorney to represent Circuit Clerks, were eliminated.

**Other Bills of Interest**

**H.B. 934**, as initially approved by the House, amended IMDMA and Parentage Acts to *authorize* the courts to provide to pro se individuals through Circuit Clerk's offices simplified forms and assistance in their preparation to establish paternity and support and to enforce support orders. As amended and approved by the Senate the bill *requires* the Circuit Clerk's offices to assist pro se litigants in the writing and filing of such pleadings. House concurrence on the Senate amendment had not occurred when the Spring session adjourned.

**H.B. 1233**, amending the Public Aid Code to require IDPA to transmit support payments to families within federally prescribed time frames or pay interest of 2% per month for delays, was reassigned to a House committee after IDPA filed a note indicating the fiscal impact of the legislation could exceed \$6 million.

**H.B. 2673**, and **H.B. 2700**, virtually identical bills calling for transfer of the IV-D program from IDPA to the Attorney General's office, have been held in committee since shortly after their introduction.

**Bill Tracking on the Web**

As anticipated, the web site for the Illinois General Assembly ([www.legis.state.il.us](http://www.legis.state.il.us)) has been expanded to provide on-line tracking of bills as they work their way through the legislature. In addition to the text of each bill and amendment introduced, bills as approved by the initiating chamber (engrossed) and as passed by both houses (enrolled), the site now provides (under "Status") each bill's sponsor(s), dates and brief description of any action on the bill, and votes taken in committee and by each legislative body.

As previously noted, the general summary of the bill that precedes even the final form of text continues to describe the bill as originally introduced, even though the content, and even the subject matter, may have changed completely in the legislative process.

**Illinois Family Support  
Enforcement Association**

P. O. Box 370  
Tolono, IL 61880-0370

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