

# FAMILY SUPPORT FORUM

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## *HFS – DCSE U.S. Attorney Success*

In September 2005, Nancy Newman, project leader for the U.S. Attorney project, submitted an NCP to the U.S. Department of Health and Human Services for Federal Prosecution by the U.S. Attorney's Office for Failure to Pay Child Support. The NCP at the time owed almost \$75,000. The case was accepted by the U.S. Attorney's office in April of 2007. Over the next several months, Nancy, along with CSSI Jennifer Martin, spent many hours researching the case and obtaining information from various child support agencies. The NCP was arrested on 5/12/09 in Canada and returned to Illinois on 6/12/09. The NCP went to trial on 10/26/09.

Jennifer was one of the first witnesses to testify and provided crucial testimony regarding how the account review was conducted, payments the NCP had made and interpretations of the court orders. At the time of the hearing, the NCP's balance was over \$236,000. On 10/30/09, the NCP was found guilty of failure to pay child support. He was scheduled to be sentenced on 2/3/10. At the time of his arrest, the NCP owned 4 luxury vehicles and traveled all over the world.

Prior to sentencing, the NCP wanted to make a substantial payment in hopes of receiving leniency from

the court. A payment of \$90,000 was mailed to the SDU and the NCP closed a bank account in Canada and wired an additional \$76,479.93 to the SDU. The entire \$166,479.93 was sent to the CP who was overjoyed and stated the money would be used for her child's educational expenses. The NCP, who was hoping for leniency by making these payments right before sentencing, received the maximum penalty – 2 years in prison and full restitution. The judge told the NCP it was shameful and ridiculous the way he has evaded his obligation and more so his obligation as a father.

During the trial, Jennifer had the opportunity to meet with the CP. Jennifer stated, "When I was in Chicago to testify, I was pleased to spend a little time with the CP as we waited to testify. Having met her, it makes it even more rewarding to know that our efforts resulted in such a large payment to her."

After having worked with this project for several years, Nancy stated, "This is a very important project and I am gratified to see such a great success. This helps energize us to continue our efforts."

### *- In This Issue -*

HFS US Attorney Success	1
IFSEA President's Update	2
Lake County Retirements	3
Criminal Contempt	4
Project CHILD	6
Legislative Update	7
Foster Care	10
Tribal	11
Intergovernmental Cases	12
NCSEA Scholarship Information	13
IFSEA Officers and Directors	17



*From the President . . .*

*...IFSEA UPDATE*

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By Irene Halkias Curran  
IFSEA President

Another year has come and gone. It feels as if it were just yesterday that we attended the IFSEA conference in Mundelein, Illinois. The Lake County State's Attorney's office hopes that those of you who attended the conference enjoyed the experience. We hope that you found the topics to be thought provoking and interesting.

This year we are hoping that some of you will be able to attend the National Child Support Enforcement Association Annual Conference and Expo. The Conference will be held August 9-11 in Chicago at the Sheraton Chicago Hotel and Towers. The cost of the conference will be \$510.00 for Illinois State Employees. This is a important opportunity for our organization as well as our child support partners to showcase the State of Illinois. Please try to attend. Should you need more information please go to [www.ncsea.org](http://www.ncsea.org). IFSEA will be offering two scholarships of \$510 registration fees for this year's national conference. Check the website or wait for the next forum for the scholarship applications.

Your IFSEA board is working hard on this coming years conference. Because of the national convention, we are working on an different kind of conference. Keep looking at your emails to get the most recent updates from the board to find out what we have in store for our membership this year.

**Hope to see you soon at the National Conference!!!**

## Two Dedicated Employees Retire from Child Support

### *Thank You, John, for 20 years of service*

by John Carnick, Paralegal, Child Support Division

John Graeff is retiring after 20 years of service with Lake County. John started his employment with the Lake County Clerk's Office as a Criminal Clerk and then moved to the Civil Clerk's Division. In 1993, John then took a position with Court Administration as a DUI Coordinator. In May of 1995, John was hired as a Paralegal in the Lake County States Attorney's Office Child Support Division. As a paralegal, John drafts orders and legal documents, assists the attorneys in and out of court, and handles case preparation for child support court proceedings. Prior to his employment with Lake County, John was a stockbroker with Merrill Lynch.

In his free time, John is an avid golfer and he plans to play a lot of golf in his retirement years. His hobbies include dogs and model ship building. His work ethic and dependability make John one of the most valued employees in our Division. John will be greatly missed.



*John Graeff (left) and Ann Conroy (right) are both retiring after dedicating their lives to serving Lake County.*

### *"She has done more for the children of Lake County than any other attorney."*

by Marykay Foy, ASA, Felony Division

The above quote is an apt evaluation of Ann's tenure in the Lake County Child Support Division given by the late Eva Schwartzman to honor Ann Buche Conroy. The AWALC honor, the Carnegie Award, the Prairie State Award, the Alumni Merit Award from Saint Louis University and many other such honors have been given to Ann during her twenty years working in the Child Support Division of the Lake County State's Attorney's Office. In addition to the more customary awards, a tree grows outside St. Louis University's Griesedieck Hall for an admired alumna, and there is a street named after Ann in Beaver Dam, Wisconsin, honoring her work helping the homeless. Ann co-founded the PADS program in Waukegan, where she has worked for over 20 years and developed sources for Lake County's food pantries. When she was appointed to find the funds for education, after all other attempts failed, a high school in Wisconsin was finally expanded due to Ann's efforts. To list all of the awards garnered by Ann during her career would take pages; to list how much Ann has contributed to our community would take days, and to describe how much the children of

Lake County have been helped by Ann would take even longer.

Attending law school while supporting five children on her own may have been a harbinger of the work Ann would pursue. Ann's studies in advanced Economics, her work at St. Mary's Convent High School and her leadership with Columbia County Adult Work Activity Center helped prepare her to collect child support payments in Lake County. If the always polite, kind, and gracious Ann is placed between the possibility of money and a noncompliant parent, the child will get the money. Ann Conroy has pursued her calling with a tenacity, fervor and ability that deadbeat parents dread. If there is any money available from any source, Ann will find it and turn it over to support children. People who shirked their responsibilities have found that they cannot "run" and cannot "hide" from the ever-vigilant Ann. Instead, they are more likely to find that they have lost their cars (she once sold a Jeep for child support) and their "safe havens" (Ann continues to pursue a doctor in Pakistan who owes child support).

Ann has helped train over twenty judges during her tenure with the State's Attorney's Office. In the process of training these judges, she has earned the respect and devotion of every one of them. These judges welcome the always civil and respectful Ann into their courtrooms for they have observed that, with Ann on the case, it is only a matter of time before the parent becomes compliant.

Her legacy includes the countless children that have been cared for due to her tireless efforts. Ann's beautiful personal legacy includes having nurtured six wonderful children of her own who are all quite accomplished. Most of us know that a person as devoted and skilled as Ann cannot be replaced. Her loss in the Division will be felt for years. Fortunately, Ann's volunteer work within the legal system will continue. For that and everything Ann has contributed to this Office and to the people of Lake County, we thank you, Ann. We have been truly enriched and are deeply grateful for your service to our children and our community.

# Criminal Contempt Use In IV-D Cases

By ASA Christopher A. Johnson, Deputy Supervisor  
Cook County State's Office, Child Support Enforcement Division

IV-D legal representatives routinely face the challenge of how to effectively set and enforce child support orders against non-custodial parents who are often determined to either improperly minimize their support obligation or willfully disregard orders entered by the court. Although the usual approach to ensure compliance with court orders is by initiating civil contempt proceedings with the filing of a Petition for Rule to Show Cause, under certain circumstances seeking indirect criminal contempt against the non-custodial parent may prove to be a more expeditious and effective mechanism to obtain an appropriate remedy. This article will seek to provide a general overview of indirect criminal contempt, the due process requirements for its use, and the major distinctions existing between it and indirect civil contempt of court.

Broadly speaking, contempt, both civil and criminal, is verbal or non-verbal conduct which:

Embarrasses or obstructs the court in its administration of justice or derogates from its authority or dignity; brings the administration of justice into disrepute; or constitutes disobedience of a court order or judgment.  
*In re Marriage of Betts*, 200 Ill.App.3d 26, 558 N.E.2d 404 (4<sup>th</sup> Dist. 1990)

Contemptuous conduct may occur either in the presence of the court (direct contempt) or outside the presence of the court (indirect contempt). Direct contempt proceedings are summary in nature and do not require the filing of a formal petition or charge while indirect contempt actions require the filing, and service, of the appropriate formal written petition.

The principal difference between civil and criminal contempt is the sanction sought against the non-custodial parent. Civil contempt sanctions must always be prospective and coercive in nature while criminal contempt sanctions are retrospective and punitive in their effect. This distinction is illustrated by the judicial axiom that in setting civil contempt sanctions the court must insure that the contemnor is "provided with the keys to his cell." Simply stated, the court must allow the contemnor a means to purge himself of the civil contempt finding. As the primary purpose of criminal contempt is to punish the contemnor for his past disobedience of the court order, criminal contempt sentences do not require that the contemnor be allowed an opportunity to purge himself of the contempt finding.

A further practical consideration of the distinction between civil and criminal contempt, one which is often misapplied by practitioners and the courts, is the permissible nature and duration of any incarceration ordered by the court. In civil contempt proceedings any incarceration ordered must be conditional and of a non-definite length of time, while in criminal contempt cases the contemnor may be sentenced to jail term of a specific set duration.

As the nature of the sanction imposed is the primary distinguishing characteristic between civil and criminal contempt it is important for the IV-D practitioner to remember that the non-custodial parent's conduct may constitute both civil and criminal contempt simultaneously. Thus, if all procedural and due process requirements are met a contemnor may be found in both civil and criminal contempt for the conduct.

When evaluating a case for possible criminal contempt proceedings the IV-D legal practitioner should give careful consideration as to whether the non-custodial parent engaged in conduct which is not amenable to coercive sanctions. Examples of such conduct could include a non-custodial parent's willful dissipation of assets (ie. lump-sum workers' compensation and social security claim settlements/distributions, inheritances, and proceeds from real estate transactions); the non-custodial parent's deliberate attempt to hide and/or transfer assets following an order to disclose all such assets; or the non-custodial parent's intentional submission of false or misleading financial documents to the court.

Although civil contempt proceedings are most often used to coerce the non-custodial parent's compliance with paying child support orders, the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/1 et seq.)

provides that a non-custodial parent's failure to comply with an order for support may also constitute criminal contempt in addition to civil contempt. Specifically, section 750 ILCS 5/505(b) states:

...In addition to other penalties provided by law the Court may, after finding the parent **guilty** of contempt, order that the parent be:

- (1) placed on probation with such conditions of probation as the Court deems advisable;
- (2) sentenced to periodic imprisonment for a period not to exceed 6 months;...

These provisions, which have also been incorporated into section 750 ILCS 45/15(b) of the Illinois Parentage Act, providing for the use of sanctions not available through civil contempt proceedings, offer the IV-D legal representative an effective alternative to bringing misdemeanor charges pursuant to the Illinois Non-Support Punishment Act against a non-custodial parent with a history of repeated willful non-compliance with child support orders.

If the decision is made to utilize criminal contempt against a non-custodial parent the action must be brought as a separate and distinct proceeding from the original domestic relations' case. Such an action must be initiated with the filing of a Petition for Adjudication of Criminal Contempt. As the criminal contempt petition is not part of the underlying proceeding where the contemptuous act occurred the non-custodial parent must be served with a new summons or arrest warrant for the criminal contempt case.

Unlike a civil contempt proceeding where the petitioner need only establish prima facie evidence of contempt by a preponderance of the evidence, a non-custodial parent charged with indirect criminal contempt must be proven guilty beyond a reasonable doubt as in any other criminal case. Further, because of the inherent nature of a criminal contempt proceeding, the defendant is entitled to heightened due process protections and extra care must be exercised to ensure that both the defendant and the court are advised of these. These protections include:

- Personal Notice of the Criminal Contempt Charge;
- Right to deny the charge against him;
- Presumption of innocence;
- Right against self-incrimination;
- Right to appointed counsel;
- Right to jury trial if sanctions are to exceed 6 months jail time and/or \$500 fine;
- Right to cross-examine witnesses.

Given that many courts do not have substantial experience in handling criminal contempt matters, the IV-D legal representative should inform the court at the defendant's initial appearance of the need to advise the defendant of his due process rights, as well as make a determination of whether the sentence will exceed six (6) months incarceration and/or \$500 fine if the defendant were to be found guilty, which triggers the defendant's right to demand a trial by jury. Following the initial appearance, an indirect criminal contempt proceeding is conducted in the same manner as any other criminal case.

As space limitations allow only for an introductory overview of the criminal contempt process in this article, the IV-D practitioner seeking additional information on its use should acquaint themselves with the Illinois Appellate Court's 4<sup>th</sup> District Opinion in *In re Marriage of Betts*, 200 Ill.App.3d 26, 558 N.E.2d 404 (4<sup>th</sup> Dist. 1990) which is considered the seminal case in Illinois on the subject of both criminal and civil contempt.

Given the challenge often present in crafting a suitable strategy to deal with non-custodial parents who repeatedly disobey child support orders or willfully attempt to manipulate the judicial process for their own financial benefit at the expense of the custodial parent and/or children, the astute use of the criminal contempt process can provide an additional and effective enforcement tool to the IV-D legal representative.

## Project CHILD

By Maggie Tuerk, Paternity Establishment Liaison  
Division of Child Support Enforcement, Peoria Regional Office

Project CHILD (*COLLABORATION HELPS INMATES LESSEN DEBT*) is a collaborative effort between Healthcare and Family Services' Division of Child Support Enforcement (DCSE), the Attorney General's Office and the Department of Corrections (DOC). It is an excellent example of an intergovernmental collaboration whose goal is to assist individuals that cross various systems. Project CHILD is a very important step in assisting the incarcerated non-custodial parent (NCP) to not only avoid accumulating debt but also to prepare for re-entry into society.

The program was designed in 2006 to assist the incarcerated NCP request a modification to an existing child support order. Upon review, the order may be reduced due to the NCP's inability to pay. Payments do not continue to accumulate during the time of incarceration which helps both the NCP and the state reduce debt. Upon release, the support order may revert to the original or another amount based on the NCP's ability to pay.

Since the program's inception, the incarcerated NCP learned of Project CHILD through DOC counseling staff. Nearly 800 cases have been referred for a modification review, with almost 500 completed and over 400 resulting in a zero order. Prior to modification, the 800 cases would have had an amount due of nearly \$200,000 a month. That amount has been reduced to approximately \$17,000 a month for those cases completed.

DCSE staff is currently working on an improved process to increase the number of incarcerated NCPs participating in a modification review. In addition to the NCP contacting DCSE, the Paternity Establishment Liaisons (PELs) will begin contacting NCPs using case information obtained from reports for each of their assigned correctional centers. The PELs will work in concert with regional office staff and legal partners to complete the modifications using the new process. The new process will be piloted at Sheridan and Lawrence Correctional Centers.

Questions regarding Project CHILD may be referred to Maggie Tuerk at 309-686-7813 or [maggie.tuerk@illinois.gov](mailto:maggie.tuerk@illinois.gov).

# Legislative Update

By Barb McDermott, Child Support Policy Manager  
IFSEA Board of Directors

The past 96<sup>th</sup> legislative session was a busy one for the General Assembly with many child support-related bills passed and signed by the Governor. These bills cover various aspects of the child support program as well as the importance of securing confidential information.

The following lists the bills passed with a short synopsis of each.

## **Senate Bill 0100 (Public Act 96-0053) - INCOME WITHHOLDING-PROCESS SERVER**

Amends the Income Withholding for Support Act. Provides that a finding of a payor's nonperformance within the time required under the Act must be documented by a certified mail return receipt or a sheriff's or private process server's proof of service (instead of by a certified mail return receipt) showing the date the income withholding notice was served on the payor. Effective: January 1, 2010

Link to new law: <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-0053>

## **House Bill 0547 (Public Act 96-0874) - IDENTITY PROTECTION ACT**

Creates the Identity Protection Act. Defines "identity-protection policy". In provisions concerning the public inspection and copying of information and documents, provides that a person or State or local government agency must redact social security numbers from information or documents containing all or any portion of an individual's social security number. Requires each State or local government agency to develop and approve an identity-protection policy within 12 months after the effective date of the Act. Deletes provisions requiring each State and local government agency to include in their respective identity-protection policy penalties for violating the policy and a description of how to properly dispose of information and documents that contain social security numbers. Effective date: July 1, 2010

Link to new law: <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-0874>

## **Senate Bill 1274 (Public Act 96-0212) – JUVENILE COURT-PATERNITY DISCLOSURE**

Amends the Juvenile Court Act of 1987. Provides that findings and exclusions of paternity entered in proceedings occurring under the Abused, Neglected, or Dependent Minors Article of the Act shall be disclosed, in a manner and form approved by the Presiding Judge of the Juvenile Court, to the Department of Healthcare and Family Services when necessary to discharge the duties of the Department of Healthcare and Family Services under the Determination and Enforcement of Support Responsibility of Relatives Article of the Illinois Public Aid Code. Effective: immediately.

Link to new law: <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-0212>

## **Senate Bill 1628 (Public Act 96-0333) – PATERNITY DNA TEST REQUIRED**

Amends the Illinois Public Aid Code, the Vital Records Act, the Criminal Code of 1961, the Illinois Marriage and Dissolution of Marriage Act, and the Illinois Parentage Act of 1984. Provides that the Department of Healthcare and Family Services' form for voluntary acknowledgement of paternity in connection with child support collection shall be the same form prepared by the Department and distributed to county clerks and registrars under the Vital Records Act. Provides that an acknowledgement of paternity and denial of paternity form shall include a statement informing the mother, the alleged father, and the presumed father, if any, that they have the right to request DNA tests regarding the issue of the child's paternity and that by signing the form, they expressly waive such tests. Requires that the statement on the acknowledgement and denial of paternity form concerning the right to request DNA tests be set forth in bold-face capital letters not less than 0.25 inches in height. Provides that in an action brought under the Illinois Parentage Act of 1984 to determine the existence of the father and child relationship or to declare the non-existence of the parent and child relationship, the court or Administrative Hearing Officer in an Expedited Child Support System shall, prior to the entry of a judgment in the case, advise the respondent who appears of the right to request an order that the parties and the child submit to DNA tests to determine inherited characteristics; provides that the advisement shall be noted in the record. Changes the name of the offense "unlawful visitation interference" to "unlawful visitation or parenting time interference" in the Criminal Code of 1961 and the Illinois Marriage and Dissolution of Marriage Act. Effective: immediately

Link to new law: <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-0333>

**House Bill 2440 (Public Act 96-0682 – SUNSET ORTHOTICS PROSTHETICS)**

Amends the Regulatory Sunset Act. Extends the repeal date for the Orthotics, Prosthetics, and Pedorthics Practice Act and the Perfusionist Practice Act from January 1, 2010 to January 1, 2020. Amends the Orthotics, Prosthetics, and Pedorthics Practice Act. Replaces all references to "Director" with "Secretary". Provides that the Department may suspend or revoke a license, or deny a license or renewal, or take any other disciplinary action against a person who is more than 30 days delinquent in the payment of child support if the Department of Healthcare and Family Services has certified the delinquency to the Department. Effective: immediately

Link to Law: <http://www.ilga.gov/legislation/publicacts/96/096-0682.htm>

**House Bill 4008 (Public Act 96-0474) - PATERNITY-DNA TEST REQUIRED**

Amends the Illinois Public Aid Code, the Vital Records Act, and the Illinois Parentage Act of 1984. Provides that the Department of Healthcare and Family Services' form for voluntary acknowledgement of paternity in connection with child support collection shall be the same form prepared by the Department and distributed to county clerks and registrars under the Vital Records Act. Provides that an acknowledgement of paternity and denial of paternity form shall include a statement informing the mother, the alleged father, and the presumed father, if any, that they have the right to request DNA tests regarding the issue of the child's paternity and that by signing the form, they expressly waive such tests. Requires that the statement on the acknowledgement and denial of paternity form concerning the right to request DNA tests be set forth in bold-face capital letters not less than 0.25 inches in height. Provides that in an action brought under the Illinois Parentage Act of 1984 to determine the existence of the father and child relationship or to declare the non-existence of the parent and child relationship, the court or Administrative Hearing Officer in an Expedited Child Support System shall, prior to the entry of a judgment in the case, advise the respondent who appears of the right to request an order that the parties and the child submit to DNA tests to determine inherited characteristics; provides that the advisement shall be noted in the record. Effective: immediately

Link to new law: <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-0474>

**Senate Bill 0931 (Public Act 96-858) - CIVIL LAW-TECH**

Amends the Income Withholding for Support Act. Provides that a copy of an income withholding notice or a National Medical Support Notice, along with a proof of service, shall be filed with the clerk of the circuit court only when necessary in connection with a petition to contest, modify, suspend, terminate, or correct an income withholding notice or a National Medical Support Notice, an action to enforce an income withholding notice or a National Medical Support Notice, or the resolution of other disputes involving an income withholding notice or a National Medical Support Notice (instead of providing that copies of the income withholding notices and National Medical Support Notices, together with proofs of service on the payor and the obligor, shall be filed with the clerk of the circuit court). Provides that these changes apply on and after September 1, 2009. Effective: January 8, 2010

Link to new law: <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=096-0858>

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Of course, with any new legislative session we again have to focus on the new legislation proposed by the General Assembly. Even though the majority of the business may be hinging on budget issues, there are still a fair amount of new child support bills that are keeping our attention. Although it is early in the session, the following will synopsise a few of the **proposed** bills that may affect our child support world.

**Senate Bill 2570 – DISSOLUTION - POST JUDGMENT MOTION**

Amends the Code of Civil Procedure and the Illinois Marriage and Dissolution of Marriage Act. Provides that a monetary child support or maintenance order shall not be suspended or stayed due to a post-judgment motion.

**Senate Floor Amendment No. 1**

Further amends the Code of Civil Procedure. Provides that an order requiring (instead of directing payment of money for) maintenance or support of a spouse or a minor child or children entered under this Act or any other law of this State (instead of the minor child or children) shall not be suspended or the enforcement thereof stayed pending the filing and resolution of post-judgment motions or an appeal (instead of pending the appeal). Makes other changes.

### **SB 2606 - PARENTAGE-DNA TESTING STANDARDS**

Amends the Illinois Parentage Act of 1984. Provides how the lab shall determine the databases to use in calculating the probability of paternity based on the ethnic or racial group of an individual. Provides that if the genetic testing does not identify the father, additional testing may be required. Provides that if the alleged father is not excluded by the testing, the report shall contain statistics (instead of contain a combined paternity index relating to the probability of paternity) based upon a prescribed statistical formula. Provides that if the test shows that the alleged father is not excluded, any party may demand that other qualified experts perform tests using blood types or other tests of genetic markers (instead of genetic markers found by Human Leucocyte Antigen (HLA) tests). Provides that if the tests show that the alleged father is not excluded and that there is at least a 99.9 percent probability of paternity (instead of and that the combined paternity index is less than 500 to 1), the alleged father is presumed to be the father, and this evidence shall be admitted (instead of admitted and weighed with other competent evidence). Provides that a man identified as the father may rebut the DNA test results by other genetic testing that satisfies the Act which exclude the man as the father or identifies another man as the possible father (instead of any parentage presumption is rebutted if the court finds that the conclusion of an expert excludes paternity). Provides that if more than one man is identified as the possible father, the court shall order each identified person to submit to DNA testing. Provides that the test expenses shall be paid by the party requesting the tests, except that the court may apportion the costs between the parties, upon request (instead of paid by the party requesting the test).

### **House Bill 4684 - CHILD SUPPORT-INCOME-FOSTER CARE**

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that for purposes of determining an amount of child support, the list of items that are deducted from income (such as income tax and FICA withholding, pension contributions, union dues, health insurance, and specified expenditures) is expanded to include foster care payments paid by the Department of Children and Family Services for providing licensed foster care to a foster child. Effective immediately.

There may be other bills proposed but they do not seem to have the momentum that these do for passage. A final legislative update for all the proposed bills that are passed during this current session will occur on a webtalk in October, 2010, for all IFSEA members. Look to future FORUM issues for more details on this webtalk.

## **HFS Field Operations Reorganization**

HFS Field Operations Assistant Deputy Administrators Iris A. Roman and Deborah Finney retired in late 2009. Their departure created the need to reorganize field operations. Today, Field Operations under the direction of Norris Stevenson, Deputy Administrator, has a new look. HFS Downstate Field Operations is divided into two sections, Northern and Southern. The Southern section consisting of Marion Region, Belleville Region, Springfield Region, Champaign Region and Downstate Accounting is headed by Debra Roan. The Northern Section including Peoria Region, Rockford Region, Aurora Region, Joliet Region and Cook County Account Maintenance Unit are headed by Mary Morrow. Cook County Administrative Operations including Interstate, the Administrative Process Unit, and Cook Intake Response Unit are headed by Marcia-Taylor Martin, Roxy Schumann heads up the three Cook County Intake Regions and Cook County Collections.

# Establishing and Enforcing Child Support for Children in Foster Care

By Ginie Anderson, CSSII  
HFS/DCSE-PRO and Chairman, HFS/DCSE Foster Care CPI Team

The Illinois Department of Healthcare and Family Services - Division of Child Support Enforcement (DCSE) is charged with the responsibility of establishing and enforcing child support for all customers who apply for IV-D services, as well as customers who receive cash and medical assistance. In addition, DCSE has the same responsibility for children who are now in the foster care program and have been reported to DCSE by the Illinois Department of Children and Family Services (DCFS). DCSE has, for many years, had processes in place to enforce existing support orders for children entering foster care, and has been collecting and distributing monies to DCFS. However until recently, DCSE did not have comprehensive processes for our legal community to establish child support on behalf of DCFS.

A development team was formed to address the cooperative process. Once the team was able to bring together the two agencies, their respective general counsels, their legal partners, and the DCFS Guardian, solutions to the problems faced with establishing orders were formulated and the processing statewide could begin. In October 2009, the team completed easy to understand procedures to establish child support on behalf of DCFS. These procedures resulted from a collaborative effort of many staff from DCSE, DCFS, the Attorney General's Office, representatives from several State's Attorney offices, as well as members of the judiciary. After thoroughly testing in several regions of DCSE, which included Champaign, Peoria and Springfield Regions, the new procedures were rolled out statewide.

To say there have been challenges dealing with foster care cases would arguably be an understatement. But the team managed to deal with these issues, such as determining if paternity had been established for a child and obtaining information regarding the possible marriage and divorce of parents of a child in foster care. The decision was made that DCSE would not establish paternity for children in foster care because the juvenile court case is sealed. Rather that responsibility would lie with DCFS in the juvenile court. Although the final process to accomplish paternity establishment has not been completed by the judiciary, we hope it will happen soon.

Along those same sensitivity lines regarding information of a child that is in foster care, the issue of how DCFS could share information with DCSE in order to accomplish the work needed was pursued and is currently being developed. Various other issues unique to a foster care case versus any other type of case, including but not limited to, who signs the petition to establish support, and how the petition is captioned were discussed and resolved.

During the month of October 2009, the Foster Care Team traveled the entire state to present a brief training session to each DCSE region to help assist staff in understanding the new processes that were published. These sessions included DCSE staff, Assistant Attorney General and State's Attorney staff. Not only did these sessions allow the Foster Care Team to demonstrate characteristics specific to working foster care cases, but also it provided a great opportunity for the team to learn situations specific to a certain county or circuit that may need special attention when working these cases.

The Foster Care Team continues to work on other issues that need to be addressed and to provide answers to questions raised from establishing orders for DCFS. It has also moved on to the next stage of issues, including modification of support while child remains in foster care, determining when the child leaves the guardianship of DCFS, and the various specific scenarios that continue to arise during support enforcement while child remains in foster care.

# **Tribal Inter-Jurisdictional Enforcement**

By Sherrie Runge  
Marion Regional Manager

With the expansion of tribal child support systems and the numbers of non-custodial parents who are employed by tribal employers, it has become ever more critical for all states to understand the similarities and differences in child support policies and practices between states and tribal nations. On December 1, 2009 many HFS managers and Legal partners attended a presentation on tribal child support by Sally Kolanowski and Mike Vicars of the OCSE and Tami Lorbecki from the Forest County Potawatomi Tribal Child Support. This presentation provided valuable information needed to effectively work with IV-D customers who may also be members of a tribal nation or who may be employed by tribal employers. The following is a summary of information received which may assist in working child support cases with Tribal inter-jurisdictional involvement.

Indian Country was defined by Congress in 1949 and in short is: all land within the limits of any Indian Reservation; all dependent Indian Communities; and all Indian allotments. There are over 562 federally recognized tribes located in 39 states. Federally recognized tribes are listed in the Federal Register: Department of the Interior/Bureau of Indian Affairs.

Although no state or federally recognized tribes exist in Illinois we need to know about Tribal Inter-jurisdictional case processing due to the large urban populations and involvement with tribal employers. Not all tribes have IV-D programs, as of 2009 there are 35 comprehensive Tribal IV-D programs and 10 start-up Tribal IV-D Programs in the United States. If the Non-Custodial parent or child is a tribal member or the Non-custodial parent is employed by a Tribal enterprise the child support case may need to be enforced inter-jurisdictionally. The easiest way to determine this is by contacting the non-custodial parent; contacting the Tribal Child Support Agency or contacting the employer.

Once a determination has been made that the case will need inter-jurisdictional enforcement the necessary steps will need to be taken to request enforcement from the appropriate tribal nation. Most tribal nations require registration of foreign orders, including Income withholding orders. The registration process can be different from Tribe to Tribe. Some tribes will accept UIFSA forms, others will not. There are many tools available to help determine what documents are required including contacting the Tribal IV-D Agency, Tribal court or Tribal Administration; review of the Tribal Nations website; NTCSA resource guide [www.supporttribalchildren.org](http://www.supporttribalchildren.org) and Intergovernmental resource guide. Additional information is also available at [www.indianz.com](http://www.indianz.com) and [www.americanindiansearch.com](http://www.americanindiansearch.com).

## Intergovernmental Cases

By Deborah Packard  
Child Support Field Operations

Over the course of the past few years, HFS has taken a hard look at the processing of its intergovernmental (formerly referred to as interstate) caseload. HFS developed a Business Process Reengineering (BPR) team to attack issues surrounding intergovernmental child support issues. The goal was to improve the handling of this caseload while working within current resource allotments. Given that challenge, the team was able to successfully implement several changes. Some of the changes were with regard to systems and others pertained to re-training our staff at both the central and local levels.

One of the most critical components of intergovernmental cases is to ensure that all entities involved in the case are communicating effectively. For Illinois, that meant that we had to begin to review all information that came to us from other jurisdictions electronically from the Child Support Enforcement Network (CSENet). CSENet was built into the Illinois' IV-D computer system when we converted to KIDS in 1998. However, CSENet remained a mystery that was never unraveled. All that changed late in 2007 when a core group of workers dedicated themselves to "making CSENet work". For Federal Fiscal Year, 2009 Illinois received over 63,000 CSENet transactions requiring review. On average, HFS staff reviewed 70% of these transactions within the month they were received. What this means is that information that formerly was unnoticed was acted upon. CSENet transactions are now an integral part of the daily routine of HFS child support staff in the field. This results in better service to both our colleagues in other jurisdictions as well as the families who rely on us for assistance in obtaining child support services.

Another communication barrier was discovered through the Interstate Case Reconciliation (ICR) project. Each year, all states submit a file to OCSE providing them with all cases including case numbers and participant information on its intergovernmental caseload. OCSE then takes the data and does a comparative analysis to determine what the match rate is. Logically, the higher the match rate, the better the communication will be. We soon learned that sometimes we thought that we had a two state case open only to find out that the other jurisdiction had closed their case with us. The first ICR report in May, 2004 showed Illinois' match rate to be 27.4%. In September of that same year, we had increased our match rate to 62%. Between January, 2006 and April, 2008, the match rate climbed to nearly 76%. Last year's results were the best ever with a match rate of 81%, 4% above the national average.

Continued concentration on and practical training of intergovernmental case situations has been a large focus during the past year. All HFS staff in the field have been given an opportunity to participate in a training session. It seems that the mysteries that used to surround these often complex cases are beginning to make sense and we hope to continue our upward trends in this arena to ensure that our stakeholders are receiving the best child support services possible.

The Winds of Change are Blowing... Keep Your Child Support Program on Course!

**2010 NCSEA Annual Conference & Expo**  
**"Child Support Winds of Change are Blowing"**  
**August 9-11, 2010**  
**Chicago, IL**  
**Sheraton Chicago Hotel & Towers**

Here is a preview of one of the many exciting activities that will make up the 2010 Annual Conference:

**OCSE Commissioner Vicki Turetsky** will present at the **Keynote Luncheon** at NCSEA's Annual Conference & Expo. Who better to frame for us the evolution of the national child support program and the national conversation about its future? The Commissioner will discuss the program's opportunity to serve as a portal, or connector, to combine enforcement with individualized assessment for referral to comprehensive services. And she will bring us up to speed on federal collaborations to assist underserved parents and families, as well as other federal initiatives.

Come join NCSEA and OCSE Commissioner Turetsky in Chicago!  
For more information go to [www.ncsea.org](http://www.ncsea.org)

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Apply for the NCSEA President's Educational Scholarship!



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**NCSEA President's Educational  
Scholarship**

**2010**

**Application Packet**

**Applications must be received  
by April 30, 2010**

# General Instructions

- **The NCSEA President’s Scholarship is for a public or private child support line staff person who has never attended our Annual Training Conference & Expo.**
- **The scholarship includes a one year individual NCSEA membership PLUS registration, air fare (up to \$500), and hotel accommodations for NCSEA’s Annual Training Conference & Expo in Chicago August 9-11, 2010.**

Please be sure to submit all items (1 through 5). If you have questions about the application, call Colleen Eubanks at NCSEA (703-506-2880) or e-mail her [ColleenEubanks@ncsea.org](mailto:ColleenEubanks@ncsea.org).

## 1. Applicant Information

A. Please provide us with the following information about yourself:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

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

Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

B. For what type of child support agency do you work? Check one:

- State Agency                       County Agency                       City Agency  
 Private Sector Agency       Tribal IV-D Agency       International IV-D Agency  
 Affiliated Governmental Agency                       Nonprofit Agency

C. Please provide us with the following information about your supervisor:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

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

Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

## 2. Job Description

Please attach a brief description of the type of work you do.

## 3. Essay

In 250-750 words, please tell us why you are interested in applying for the scholarship and how attending the NCSEA Training Conference & Expo will benefit you, your customers and your colleagues.

## 4. Letter of Recommendation/Approval from Your Supervisor

Please attach a letter from your supervisor recommending you for a scholarship award and stating that you would be approved for out-of-state travel.

## 5. Digital Photo of Applicant

Please e-mail a digital photo (jpg format) to [ColleenEubanks@ncsea.org](mailto:ColleenEubanks@ncsea.org)

**Please return this application and related documentation to:**

**E-mail: [ColleenEubanks@ncsea.org](mailto:ColleenEubanks@ncsea.org)**

**FAX: 703-506-3266**

**Digital Photo of Applicant (E-mail in jpg format to  
[ColleenEubanks@ncsea.org](mailto:ColleenEubanks@ncsea.org))**

**Thank you for your application!**

**Applications must be received by April 30, 2010**



# ***FAMILY SUPPORT FORUM***

is the official newsletter of the

## **ILLINOIS FAMILY SUPPORT ENFORCEMENT ASSOCIATION**

335 E. Geneva Road  
Carol Stream, IL 60188

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**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: \_\_\_\_\_

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Office \_\_\_\_\_

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

Preferred Phone: \_\_\_\_\_ Preferred Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Send Forum to E-Mail Address

Is this a  New Application  Renewal  Address Correction ONLY?  
Please return with dues to: IFSEA, 335 E. Geneva Road, Carol Stream, IL 60188

**(FEIN: 37-1274237)**

(1/05)

## Call for Forum Articles!

*Do you have any news to share with your colleagues? Write an article and submit it to Christine Towles*

*[Christine.towles@illinois.gov](mailto:Christine.towles@illinois.gov) for publication in your Forum.*

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