

FAMILY SUPPORT FORUM

The Official Newsletter of the Illinois Family Support Enforcement Association

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IFSEA Joins NCSEA for Chicago Conference

By Anne Jeskey

This August, IFSEA members will have a rare opportunity to participate in a National Child Support Enforcement Association (NCSEA) conference. A preliminary agenda for the NCSEA conference, along with registration information, is provided as an insert to this *FORUM*. A more specific agenda for the NCSEA conference will soon be mailed to IFSEA members. IFSEA's 11th Annual Conference & Members' Meeting is scheduled for a combined session Tuesday, August 10, 1999, from 5:00 to 7:00 p.m. A separate IFSEA registration form is provided on page 11. Our goal is to have at least 600 Illinois practitioners attend the combined 1999 annual child support conferences.

The Palmer House in Chicago is the site of the conference, and all IFSEA and NCSEA activities will take place at the Palmer House. NCSEA has blocked out over 900 rooms at the Palmer House for conference attendees and most of the rooms are available at a

nightly rate of \$140, single or double occupancy. IFSEA will have a hospitality room at the Palmer House that will be open all day for our members

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FAMILY SUPPORT FORUM

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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!

From the Statehouse . . .

. . . LEGISLATIVE UPDATE

The following is a summary of new bills most relevant to family support enforcement introduced in the Illinois Legislature so far in 1999, as they now appear after amendments, their respective primary sponsors, and whether or not they have been adopted by the house in which they were introduced. For specifics reference should be made to the bill itself.

by Thomas P. Sweeney

S.B. 19 **P. O'Malley**
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. *Approved by Senate.*

S.B. 257 **J. Cullerton**
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. *Approved by Senate.*

S.B. 469 **T. Sieben**
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. *Approved by Senate*

S.B. 576 **K. Parker**
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. *Approved by Senate*

S.B. 664 **K. Parker**
Child support spending accounting: Amends IMDMA; provides that if non-custodial parent paying child support believes custodial parent is not spending enough money to support the minor child, the non-custodial parent may petition court to order the custodial parent to account for spending on the child's behalf, and the court may order such an accounting.

S.B. 750 **J. Cullerton**
Interest on judgments: Amends Code of Civil Procedure and the Interest Act; replaces provisions concerning interest on judgments and interest allowed to creditors; specifies methods for calculating rates of prejudgment and postjudgment interest [based on

(Cont'd. on page 8)

Illinois Statutes, Pending Legislation Now on the Internet

On March 29, 1999, Illinois became the latest state to provide access to its statutes and pending legislation through the Internet. The web site of the Legislative Information System (LIS) of the Illinois General Assembly, at www.legis.state.il.us, now includes the Illinois Compiled Statutes and Constitution, bills addressed by the 90th General Assembly plus bills and amendments pending before the 91st General Assembly. Further additions and refinements are in the works.

In addition to the complete Compiled Statutes, the web site now provides access to bills introduced in the

90th General Assembly by bill or public act number or through a topic search. Bills pending in the 91st General Assembly are also available by bill number or through the topic search.

For each bill the site provides the text of the bill as introduced, the text of each amendment offered, and the full text of the bill as it may have been approved by the respective house ("engrossed" by the house in which it was introduced, "engrossed and enrolled" when passed by both houses, etc.)

(Cont'd. on page 10)

From the Courthouse . . .

. . . CASES & COMMENTARY

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

by Thomas P. Sweeney

Extensive Visitation Does Not Require Deviation From Guidelines

In Re Marriage of Demattia, 302 Ill. App. 3d 390, 706 N.E. 2d 67 (4th Dist., 1/28/99), affirmed an award of child support consistent with guidelines despite the obligor's extensive visitation.

Darlene and James were married in 1985. In their 1997 divorce the parties agreed to joint custody of their three children, with Darlene having primary physical custody and James having extensive visitation, providing their day care during Darlene's work hours and providing their health insurance. Despite James' argument for a downward deviation, he was ordered to pay child support of \$714 per month – 32% of his net income of \$2,231.60 per month. James appeals.

The Appellate Court affirmed. While the court could consider extended visitation as a basis for deviation from guidelines, the law does not mandate downward deviation in cases of joint custody with extended visitation. Thus the court did not err as a matter of law.

Nor did the record show an abuse of discretion. The parties had similar incomes, James had sufficient income available to pay what was ordered, Darlene was primarily responsible for all of the children's living expenses and did not end up with a windfall. Were he not watching the children while Darlene worked James could have been ordered to pay additional sums for day care costs. "There should not be an automatic deduction in child support because a noncustodial parent has the opportunity to spend substantial time with the children and fulfill a parental responsibility. Caring for one's own children is not day care nor is it a chore for which to be compensated. Our decision is not a criticism of respondent for asking this interesting question, but we decline the invitation to add a new layer of complexity to custody and support decisions."

Non-Custodial Parent Lacks Standing to Seek Change in Child's Name

In Re Marriage of Charnogorsky, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (1st Dist., No. 1-97-4463, 12/18/98), affirmed dismissal of a non-custodial parent's petition to change the name of the parties' child.

When Sheri and Jeffrey Charnogorsky were divorced, Sheri was pregnant. Shortly after the dissolution Meagan was born. By that time Sheri had begun using the name Sheri Hickey. The Judgment of Dissolution entered before Meagan's birth, and a Supplemental Judgment entered afterward, gave full custody and decision-making authority for "the child" to Sheri with visitation to Jeffrey, but never specified "the child's" name. Jeffrey apparently believed there was an agreement to name the child Meagan Elyse Charnogorsky-Hickey, as her birth certificate stated, but discovered she was registered in school simply as Meagan Hickey. Jeffrey petitioned to enforce what he thought was the agreement for Meagan's name. When the court found no agreement, he sought a name change. When that petition was dismissed for lack of standing, he appealed both decisions.

Affirmed. Regardless of the name appearing on the birth certificate, there was no insufficient evidence of an agreement regarding Meagan's name; thus, the directed verdict against Jeffrey on that claim was correct. And while there is authority allowing a name change to be addressed as a part of custody proceedings, Jeffrey had sought the name change under §§ 21-101 and 21-102 of the Code of Civil Procedure. And under those sections only a custodian can seek change in a minor's name. "We do not believe respondent has yet sought the proper remedy from the court and we can only rule on the matter properly before us at this time." The name change statutes have a rational basis for limiting standing to custodial parents, so Jeffrey's claim of unconstitutionality was also rejected.

Paternity Finding in Dissolution Bars Subsequent Paternity Action on Behalf of Child

In Re Parentage of Griesmeyer, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (1st Dist., No. 1-98-0905, 12/18/98), reversed the denial of a § 2-619 motion to dismiss a parentage action brought on behalf of a child whose parentage was determined in a marriage dissolution action in which the child had a guardian-ad-litem.

(Cont'd. on page 5)

Nathalie and Brian were married in November, 1991. A daughter, Ryan, was born seven months later. In 1994 Brian filed for dissolution. Nathalie alleged in her counterpetition that Brian was not Ryan's father. Brian denied the claim of non-paternity. The court appointed a guardian ad litem for Ryan. In January, 1996, an uncontested judgment of dissolution was entered including a finding that the child was "born as a result of this marriage," and incorporating a marital settlement and a joint parenting agreement.

In August, 1997, Nathalie filed a petition "on behalf of" the child to establish that Thomas LaRosa, her new husband was Ryan's father. Brian filed a motion to dismiss, asserting the position taken by the child through her guardian ad litem, and the judgment entered in the dissolution action bars relitigation of the paternity issue. Nathalie responded that the child was not a party or in privity to a party in the dissolution and had an absolute right to a parentage determination. Brian's motion was denied, but he was granted leave for an interlocutory appeal.

Deeming it an "issue of first impression," the Appellate Court reversed. While not formally a "party" to the dissolution proceedings, the child was represented in what was a contested paternity dispute by a guardian ad litem, whose responsibility was to represent to the court the best interests of the child. "[T]o exclude the minor as a nonparty or nonprivity of the dissolution judgment where the minor was represented by a court-appointed guardian ad litem renders such legal representation a nullity." Thus the Court concluded that when a child's interest is represented by a guardian ad litem at a prior proceeding, collateral estoppel bars a child from relitigating the paternity issue. Denial of Brian's motion to dismiss is reversed.

Better Standard of Living Sufficient Basis for Support Modification

In Re Marriage of Koenigsknecht, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (1st Dist., No. 1-97-4196, 12/21/98), affirmed child support modification based on need to maintain children's prior standard of living, but reversed extension and modification of maintenance where efforts toward self sufficiency were lacking.

Michael and Laura were married in 1977. In their 1993 dissolution Michael's income (as a lawyer) was found to be between \$13,000 and \$14,000 per month, Laura had "made a decision to be the custodial parent and child care provider at the expense of the furtherance of her career," and that \$5,000 per month was a reasonable sum necessary for Laura to maintain a lifestyle for herself and the two children. The Court further found that the parties lifestyle warranted deviation from the statutory 25% support guideline, and ordered Michael to pay \$2,500 per month in child support plus \$2,500 per month in maintenance to terminate in four

years unless a petition for extension were filed prior to termination.

In December, 1996, Laura petitioned for extension of the maintenance and increase in child support. Though finding Laura's efforts to find employment were "not commensurate with her education and abilities," the Court extended the maintenance for two years at a lowered rate of \$1,500 per month. Child support was increased to \$3,145 per month, calculated at 25% of Michael's income, despite evidence that he had remarried and had another child and that his income had declined to \$12,815 per month. The Court found the expenses the parties claimed "now suggest that the children would enjoy a different standard of living had the marriage not been dissolved; and it's on that basis that the Court finds that that very fact is the substantial change in circumstances," and that there was no reason not to conform to guidelines. Michael appeals both modifications.

The Appellate Court affirmed the child support modification. "The change in the standard of living was one of the appropriate factors for the court to consider. Accordingly, we do not find that the circuit court abused its discretion in modifying the child support, especially considering that the modified amount was raised to conform to the statutory guidelines." The maintenance extension was reversed as an abuse of discretion in light of the finding that Laura's job search efforts were insufficient.

IDPA Has Standing to Seek Support Modification On Behalf of Public Aid Recipient

Dept. of Public Aid ex rel. Marshall vs. Ringo, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (4th Dist., No. 4-97-0487, 1/27/99), reversed dismissal for lack of standing of a petition to modify child support filed by IDPA on behalf of a public aid recipient.

In 1980, IDPA obtained a support order of \$25 bi-monthly (?) in this paternity action brought on behalf of Pamela Marshall. In January, 1996, IDPA petitioned to modify based on a substantial increase in defendant's income. At the close of IDPA's case the court granted defendant's motion to dismiss for lack of standing, as there had been no evidence showing Pamela was then receiving public assistance. On July 22, 1996, the court granted IDPA's motion to reconsider. At a hearing certified records were introduced showing that Pamela was a public aid recipient. After taking the matter under advisement, the court finally ruled on April 29, 1997, denying IDPA's motion to reconsider. IDPA appeals.

Reversed. "Where the standing of an administrative agency is at issue, the interest or duty of the agency, as prescribed by statute, determines whether the agency has standing in a judicial proceeding. * * * Section 10-1 of the Public Aid Code mandates that the Department provide child support services to public aid

(Cont'd. on page 6)

(“Cases & Commentary,” cont’d. from page 5)

recipients. * * * After carefully reviewing both the federal and state statutory framework regarding the provision of public aid, we hold that the filing of a petition to modify a child support obligation is a support service contemplated under the Public Aid Code.”

20-Year Limitation Applies to URESA Arrearage Enforcement Actions

People ex rel. Brady vs. Butler, No. 4-98-0409 (4th Dist., Rule 23 Order, 2/8/99), reversed application of a 5-year limitation to bar portions of an arrearage claim being enforced under URESA.

A URESA petition initiated in Hawaii was filed in the Illinois court in 1990, seeking continuing support and enforcement of arrearages accrued under a 1976 Hawaii divorce. The respondent agreed to resume current support, but moved to dismiss the arrearage claim as barred by either Illinois’ 5-year or Hawaii’s 10-year statute of limitations. The arrearage issue lingered until after continuing support terminated upon the child’s attaining majority.

Over the years the respondent filed numerous motions to dismiss, affirmative defenses and motions to reconsider, most dealing with the limitation claim. Each time the court rejected his claim, finding Illinois’ 20-year limitation applied. At a bench trial finally held in September, 1995, the court took the matter under advisement, stating that counsel would be advised of the court’s ruling by letter. On October 12, 1995, the court entered a written order, again rejecting respondent’s limitations and estoppel defenses, and entering judgment for the full \$17,684.28 arrearages,

However, neither counsel was informed of the order until it was discovered by the Assistant State’s Attorney in January, 1996. When it was called to the attention of respondent’s counsel he filed a “Motion to Reconsider and Vacate,” in March, 1997. At the hearing on this motion the court accepted respondent’s argument that this motion should be allowed as a § 2-1401 motion. In April, 1996, the court announced its decision to allow respondent’s latest motion to recon-

sider, finding that the decision in *In Re Marriage of Kramer* (253 Ill App. 3d 923, 625 N.E. 2d 808, 4th Dist., 11/30/93) – a case previously argued unsuccessfully by the respondent – controlled, and Illinois’ 5-year limitation applied. The court subsequently entered its written order in June, 1996, changing the arrearage judgment to \$6,934.28. Petitioner’s motion to reconsider was finally denied on April 30, 1998. The State appeals.

Reversed and remanded. With one dissent the court concluded that the trial court abused its discretion in considering respondent’s March, 1996 motion under § 2-1401. Although the parties were not informed by the court of its October 12, 1995 order, that order was nevertheless a final order; accordingly respondent’s motion was too late to be considered under § 2-1301. And a § 2-1401 motion must assert new information, not merely reargue what had already been presented. Clearly respondent was merely trying to obtain a new 30-day period to pursue an appeal, which he cannot do. (The unstated moral: watch closely cases taken under advisement to preserve your rights to appropriate relief from unreported rulings.)

The Appellate Court also concluded that, in any event, arrearages sought through URESA are governed by the 20-year limitation. *In Re Marriage of Kramer* had held that an arrearage judgment enrolled under the Foreign Judgments Act is subject to the 20-year limitation, but arrearages accrued before the Foreign Judgments Act was enacted were barred by the 5-year limitation then applicable to such judgments. But, unlike *Kramer*, this action was initiated under URESA. And during the entire time from entry of the Hawaii divorce until the petition was filed here URESA has included language (most recently at 750 ILCS 20/40(a)) similar to that which led the *Kramer* court to conclude that the 20-year limitation applied to judgments enrolled under the Foreign Judgments Act.

[Ed Note: Thanks, Dianne. Nice work on the appeal!]

In the Next FORUM?

What Can YOU Contribute?

(Deadline for the next FORUM – June 8, 1999)

From the IDPA . . .

. . . ILLINOIS IV-D UPDATE

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

Special Illinois Program Gets Fathers on the Daddy Track

Illinois' Child Support Program (CSP) and Catholic Charities of Chicago are working together to get unmarried fathers on the daddy track by helping them acknowledge paternity for their children.

Since 1996, CSP staff have worked with Catholic Charities to offer Women, Infant and Children (WIC) clients at four selected WIC Food Centers the opportunity to give their children a legal dad. These centers, located in various Chicago neighborhoods, are unique to Chicago, providing a safe, friendly, and appealing environment for WIC clients to purchase food and receive social services, including information on paternity establishment and other child support services.

This year IDPA's Child Support Program received a federal grant of \$149,686 to expand the pilot from the four initial sites to 16, giving even more parents the opportunity to put children first. To mark the occasion, in December, staff from CSP and Catholic Charities co-sponsored a kickoff event at a local WIC Food Center.

PSA's Promote Acknowledgment

The kickoff included the launching of a TV PSA promoting paternity acknowledgment. It features a couple who established paternity for their child through the Catholic Charities WIC program. The PSA encourages unmarried parents to sign voluntary acknowledgment forms at WIC and other sites in Chicago. The couple, Larietha Woods and Tandika Jackson, brought their daughter Amaria to the event and told the audience why they decided to give Amaria a legal dad.

"We acknowledged paternity because he is the father and he wanted to be recognized," said Woods.

"She's my daughter and I want everyone to know that," said Jackson. "Children feel loved and become better persons if both parents are around."

Since the pilot began in October, 1996, more than 500 parents have signed paternity forms at WIC Food Centers. "The process to acknowledge paternity at WIC sites is easy and quick, and the results can be tremendously important for the children," said Dennis McSwain of Catholic Charities. "We are pleased to collaborate with Public Aid's Child Support Program to make paternity establishment as accessible as possible," he said.

Ann Patla Named IDPA Director

Governor George H. Ryan appointed Ann Patla as Director of the Illinois Department of Public Aid, effective January 19, 1999. The department has an annual budget of \$6.2 billion and 2,800 employees who administer Medicaid, KidCare and the Child Support Program.

Prior to joining the department, Ms. Patla was a senior consultant with the University of Illinois at Chicago, where she worked on managed care issues, juvenile treatment, research and evaluation and was involved in designing a new center on aging and geriatric medicine.

She served as Associate Secretary of the Illinois Department of Human Services (DHS) from July 1, 1997 to August 14, 1998.

Ms. Patla had been appointed by then Governor Jim Edgar to serve as Director of the Illinois Department of Mental Health and Developmental Disabilities (DMHDD), effective March 20, 1995. DMHDD joined DHS on July 1, 1997.

Prior to that, she held various positions in Illinois and Massachusetts, including serving as co-founder of SPS, a consulting firm specializing in health care, land use, housing development and employment and job training programs; CEO of the Pioneer Center and Pioneer Foundation, Inc., of McHenry, Illinois; Community Program Director of the Department of Mental Health in Massachusetts and Senior Planner in the Governor's Office of Administration/Finance in the Commonwealth of Massachusetts.

Ms. Patla holds a Doctorate in Humane Letters from the Chicago School of Professional Psychology. She has been working at the dissertation level on a Ph.D. in Public Policy Analysis at the University of Illinois at Chicago. She also holds a Master's Degree in Interdisciplinary Business Administration and Public Administration from Roosevelt University in Chicago and a Bachelor's Degree in Sociology/Psychology from DePaul University in Chicago.

changes in coupon rates on U.S. Treasury bills]; other provisions. [Child support judgments are not specifically addressed.]

S.B. 761

K. Parker

Hidden marital assets disclosures: Amends IMDMA; adds provisions which may be cited as the Hidden Marital Assets Law; provides that, if a party to an action knowingly refuses to disclose an asset that is material to a property determination and the asset has a value of at least \$10,000, the other party may seek relief; sets forth determination factors when such cases have been reopened.

S.B. 821

K. Parker

Divorce/separation monetary affidavit: Amends IMDMA; requires petition for separation or divorce to be accompanied by affidavit containing specified information regarding expenses, assets, and liabilities. Requires submission of other statements and information on continuing basis. Documents filed are confidential, to be used for divorce and separation proceedings and are not public records; makes other changes.

S.B. 1063

L. Donohue, J. Phillip

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. *Approved by Senate*

S.B. 1067

L. Donahue, J. Phillip

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. *Approved by Senate*

H.B. 377

J. Lang, J. Turner

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 who will have the same power and authority as an attorney; other provisions. *Approved by House*

H.B. 421

R. Winkel, Jr.

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 and that court may also enter any other appropriate order to properly apply the % support guidelines so that the proper support amount is collected on a timely basis. *Approved by House*

H.B. 531

M. O'Brien, J. Curry

Drivers license suspension – without contempt finding: *As introduced*, would amend Vehicle Code to require Circuit Clerks to certify to IDPA persons who are 90 or more days delinquent in court ordered child support payments but not held in contempt, and provide that IDPA. may request the Sec. of State to suspend driver's license of such persons following notice and an opportunity for administrative hearing by IDPA in Sangamon or Cook County. *As amended*, requires Circuit Clerks to certify to the Secretary of State persons who are 90 or more days delinquent but not found in contempt after those persons are given notice by the Clerk of intent to so certify and an opportunity for court hearing to contest delinquency or make payment arrangements; requires Secretary of State to suspend drivers license until support is paid or payment plan is approved.. *Approved by House, as amended*

H.B. 540

T. Schmitz

Delinquent child support web page: Amends Public Aid code, provides that IDPA. shall create and maintain one or more World Wide Web pages with information on individuals who are delinquent in child support obligations; requires prior notice and opportunity to be heard to obligors before inclusion on such web pages; authorizes Clerks to cooperate with and supply information to counties and cities wishing to create/maintain web pages identifying obligors delinquent in support and found in contempt.

H.B. 852

J. Turner

Waiver of court costs: Amends Code of Civil Procedure; replaces existing provisions concerning waiver of court costs for poor persons with provisions authorizing court to waive costs and other fees of person who meets specified income criteria or who receives certain types of public assistance; other provisions.

H.B. 884

G. Scully, Jr.

Child support wage deductions/employers: Amends Wage Payment & Collection Act; provides that before employing a person, an employer shall ask the person whether he/she currently owes a duty to pay child support. Provides that if employer pays wages in cash to a person owing child support, then the employer commits a business offense punishable by fine equal to 3 times the amount of owed support. Upon collecting the fine, clerk shall pay amount of fine to custodial parent/guardian.

(Cont'd. on page 9)

H.B. 885 **E. Coulson**

Fraudulent transfers to evade support obligation: Amends IMDMA, Non-Support of Spouse & Children, Revised Support Enforcement Acts, and Public Aid Code. Provides that for purposes of child support order enforcement, a transfer made by obligor is fraudulent if transfer is made with intent to defraud the obligee or if equivalent value for transfer is not obtained. In a relief from transfer action, State's Attorney may obtain avoidance, attachment or asset transferred, injunction, receiver appointment, or any other required relief circumstances. [See H.B. 1435.]

H.B. 934 **E. Lyons**

Pro Se support, paternity petitions, Clerk's assistance: As amended, amends IMDMA and Parentage Acts authorizing court 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. *Approved by House*

H.B. 1186 **P. Bellock**

Child support - cost-of-living adjustment: Amends Public Aid Code, IMDMA, and related Acts; provides that orders for maintenance or child support must provide for an adjustment, at least once every 2 years, in the amount to be paid based on a change in the cost of living; allows waiver of such adjustments upon certain findings by the court or by agreement of the parties.

H.B. 1232 **J. Hamos, C. Howard**

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 collected or the amount of monthly child support collected and required to be paid to the family under administrative rule, whichever is greater. *Approved by House*

H.B. 1233 **J. Hamos, C. Howard**

Child support payment priorities, late payment penalties: Amends Public Aid Code; provides that IDPA shall distribute child support payments collected in accordance with the priorities and time frames established by Title IV-D of the federal Social Security Act and implementing regulations; imposes penalty of 2% per month for delays in payment by IDPA.

H.B. 1401 **M. Crotty**

Child support -- two continuances: Amends Public Aid Code, IMDMA, and certain related acts; provides that each party shall be granted no more than 2 continuances in a court proceeding for the enforcement of a support order. *Approved by House*

H.B. 1414 **P. Bellock**

Evidence of financial information against absent party: Amends Public Aid Code, IMDMA, and certain related acts; regarding discovery of financial informa-

tion in child support cases and failure to comply with such by a court order; provides that when a parent is not present to determine support despite having received proper notice, then such information obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission. *Approved by House*

H.B. 1435 **J. Lang, G. Scully, Jr.**

(a) Fraudulent transfers to evade support obligation: Amends Public Aid Code, IMDMA, Non-Support of Spouse & Children Act and other related Acts; provides that, for purposes of enforcement of a child support order, a transfer made by a child support obligor is fraudulent as to an obligee if the obligor made the transfer with intent to defraud the obligee or without receiving equivalent value for the transfer;

(b) Summary criminal contempt: amends IMDMA to provide a person who willfully defaults on a judicial or administrative child support order may be subject to summary criminal contempt proceedings;

(c) License suspension: provides that each state agency shall withhold, suspend, or restrict the use of any license or certificate issued by that agency to a person found guilty of criminal contempt;

(d) Location information: authorizes IDPA, State's Attorneys and other agencies to receive location information from employers, labor unions, telephone and utility companies for child support establishment and enforcement purposes; and

(e) UIFSA subpoenas: amends UIFSA to provide for issuance of subpoenas *duces tecum* requiring person to appear and produce information regarding finances and ability to pay support ordered in another state.

Approved by House [See H.B. 885 & 2083]

H.B. 1444 **J. Lyons**

Income withholding : Amends Income Withholding for Support Act; deletes requirement to include calculation of delinquency in notice of delinquency.

H.B. 1557 **G. Scully, Jr.**

Summary criminal contempt; License suspension: Amends IMDMA; provides that person who willfully defaults on an order for child support may be subject to summary criminal contempt proceedings; provides that each State agency shall suspend any license or certificate issued to a person found guilty of criminal contempt. *Approved by House*

H.B. 1774 **P. Bellock, T. Schmitz**

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). *Approved by House*

(Cont'd. on page 10)

("Legislative Update," cont'd. from page 9)

H.B. 1941 **A. Saviano**
Bad check / child support payments: Amends Criminal Code, provides that it is a deceptive practice to issue or deliver a check upon a real or fictitious depository for payment of child support fee to circuit clerk or maintenance payment knowing that the obligation will not be paid by depository.

H.B. 2083 **G. Scully, Jr.**
Fraudulent transfers to evade support obligation: Amends IMDMA and other related Acts; provides that, for purposes of enforcement of a child support order, a transfer made by a child support obligor is fraudulent as to an obligee if the obligor made the transfer with the intent to defraud the obligee; other provisions. [See H.B. 1435]

H.B. 2232 **M. Giglio**
Child support fund accounting: Amends Public Aid Code, IMDMA and other related Acts; provides that the court may order the custodial parent to provide an accounting of expenditures of child support funds under certain conditions and enter any orders necessary to ensure that the funds are spent in the best interest of the child.; as amended, requires party seeking accounting to certify the request is made in good faith, allows costs and attorney's fees as penalties for abuse.

H.B. 2617 **J. Franks**
License suspensions: Amends Administrative Procedure Act, Civil Administrative Code and other Acts; provides, in addition to other penalties for non-payment of spouse or child support, that drivers license and pro-

fessional licenses may be suspended for violators more than 60 days delinquent. *Approved by House*

H.B. 2673 **W. Black**
Attorney General IV-D Transfer: Amends Attorney General Act, and a whole host of acts dealing with collection support collection; transfers child support collection functions from the IDPA to the Attorney General's Office.

H.B. 2700 **C. Skinner, Jr.**
Attorney General IV-D Transfer: Amends Attorney General Act, and a slew of related Acts that deal with child support collections; transfers such collection functions to the Attorney General's Office).

H.B. 2845 **T. Ryder**
Court clerk attorney appointment: Amends Clerks of Courts Act; provides that the circuit clerk may appoint a full-time or part-time attorney to represent the office in the collection of debt due the circuit clerk, collection of child support administrative fees, reviewing of contracts, and collection of bad checks. *Approved by House*

H.B. 2846 **T. Ryder**
Circuit clerk support processing fees: Amends Court Clerks Act; provides that certain fees collected by Court Clerk shall be used for maintaining child support records and processing of support orders to KIDS system and recording of payments issued by Disbursement Unit (now for admin. collection and distribution of maintenance or child support payments). *Approved by House*

("Illinois Legislation on the Internet," cont'd. from page 3)

At present the web site does not show when and by whom bills or amendments were introduced, where the bill stands, or (unless the bill has been engrossed or enrolled) which if any amendments have been adopted. There is one warning: the general summary of each bill which appears at the beginning of "engrossed" bills describes the bill as originally introduced, and may not reflect the amended text of the bill in its final form.

LIS Executive Director Jack Hatcher says these latest additions to the web site are just the beginning. Public Act 90-666, eff. 7-30-98, requires that the Administrative Code also be available on the Internet by July 1, 1999.

There are also plans for a bill tracking system to allow Internet surfers to monitor progress of a given piece of legislation. "That will allow you to see where a bill is at a given time - whether it's in committee,

whether it passed, whether it's in the governor's office or wherever," Hatcher said.

The information on the web site will fill some of the functions of a revenue generating online service LIS has provided to subscribers for more than a decade. That service allowed users to dial into an LIS modem and search through pending and existing laws for a fee of about \$200 for 200 online minutes. LIS's pay service, which brought in nearly \$158,000 in revenue last year, will continue to operate for a time while the web site is under construction, but may eventually be phased out, Hatcher said.

Illinois is reportedly one of the last states to put its laws on the Internet. Almost every other state has some kind of government-run Web site listing their constitution, laws and pending legislation. "We've been slower (to use the Internet), but we've been providers of this information through our on-line service for probably 15 years," Hatcher says.

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)

(3/99)

(“IFSEA / NCSEA Conference,” cont’d. from page 1)

who are not staying at the Palmer House and need a place to relax and meet with other conference attendees.

The registration fee for the NCSEA conference is \$375 for Illinois practitioners. Registration for the IFSEA conference is an additional \$20. The IFSEA Board is committed to working with all IFSEA members to facilitate approvals for attendance and funding for these registrations. As part of those efforts, IFSEA has selected the Chicago Hilton and Towers at 720 S. Michigan as IFSEA’s accommodation headquarters, at the state rate of \$104.44, single or double occupancy.

We encourage all IFSEA members to contact the person(s) in their organization who approves funding and attendance for these types of conferences and request approval as soon as possible. We also encourage attendees who need to find accommodations at state rates to contact the Hilton at their general reservation number, 1-800-445-8667, and specify that you wish to make reservations thru the State of Illinois IFSEA block.

There are some IV-D child support service providers who do not have sufficient funding in their budgets for these types of training activities and IDPA has offered to work on identifying scholarships for these IV-D service providers. Anne Jeskey of IDPA’s Child Support Program, is the IFSEA 1st Vice President this year and is heading up the 1999 IFSEA conference planning. If you have questions about arranging conference attendance or need assistance with getting information necessary to obtain approval, please contact Gina Caruso, in Anne Jeskey’s office, at (312) 793-7141 or (312) 793-0055.

If you are a legal representative or Clerk, we would appreciate it if you would share a copy of this news-

letter with the Judges you know and suggest that they may wish to participate in this combined state and national conference. If they are interested, please let us know when you send in your IFSEA registration and we will be glad to have someone follow up with their office to facilitate attendance and possible participation as a panel member.

We have great expectations for the training and networking benefits that attendance at a national conference can offer, and look forward to meeting, learning and socializing with you next August!

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 the nomination and election of Directors for 1999-2001.

See the next *FORUM* for election details.

**Illinois Family Support
Enforcement Association**

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

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