

FAMILY SUPPORT FORUM

The Official Newsletter of the Illinois Family Support Enforcement Association

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Guideline Increase, Other Legislation Await the Governor's Signature

by Thomas P. Sweeney

At long last the Illinois General Assembly has passed legislation to increase the statutory percentage for setting minimum child support, albeit only for two children, and then only from 25 to 28%. That bill, H.B. 2863, and eight other bills of potential interest to the Illinois support enforcement community await the Governor's signature. The following is a summary of legislation relevant to family support enforcement passed by the Illinois General Assembly during the Spring, 2003 term.

Summaries of these bills and other bills introduced in the 2003 General Assembly and their status, including direct links to the text of each bill and to Public Acts following their approval by the Governor, are available on IFSEA's web site, www.illinoisfamilysupport.org.

S.B. 0363: Maintenance Modification

Amends the Illinois Marriage and Dissolution of Marriage Act. Sets forth factors to be considered in a proceeding to review, modify, or terminate maintenance after the entry of the judgment of dissolution of marriage, judgment of legal separation, or judgment of declaration of invalidity of marriage. Removes the showing of substantial change in circumstances requirement for a modification of maintenance.

Passed by the Senate, 4/3/03, 58-0-0. Passed by the House, 5/13/03, 118-0-0. Sent to the Governor 6/11/03.

S.B. 0922: UIFSA

Introduced and passed by the Senate as a "shell bill" (a technical amendment to the Child Support Punishment Act), was amended in the House to amend the Uniform Interstate Family Support Act to make numerous changes recommended by the National Conference of Commissioners on Uniform State Laws.

The changes include those concerning the following: personal jurisdiction over an individual; jurisdiction to modify or enforce a child support order; duties of a child support enforcement agency; nondisclosure of information; issuance of a temporary child support order;

registration of orders for enforcement; modification of a child support order of another state; and jurisdiction to modify a child support order of a foreign country or political subdivision. Provides that the amendatory Act becomes operative upon at least one of the following 2 events taking place, whichever occurs first, but in no event prior to July 1, 2004: (1) the amendment by Congress of subdivision (f) of 42 U.S.C. Sec. 666 to statutorily require or authorize, in connection with the approval of state plans for purposes of federal funding, the adoption of the Uniform Interstate Family Support Act as promulgated by the National Conference of

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IDPA, DCSE, Chicago

Asst. Atty. Gen'l., Springfield

(* indicates appointed Directors representing designated agencies or organizations)

(† indicates Directors appointed "At Large")

Newsletter Editor

Thomas P. Sweeney

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

tele. & fax (217) 485-5302

e-mail: tsweeney@pdnt.com

Assistant / Assignment Editor

Christa Fuller

Tele. (312) 803-7361; fax (312) 803-0872

e-mail: christafuller@maximus.com

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

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

Contact the Editor or Assignment Editor for details.

Please Contribute - its YOUR Newsletter!



From the IDPA . . .

. . . ILLINOIS IV-D UPDATE

DCSE Reform Initiative Improving Child Support Services

The Illinois Department of Public Aid (IDPA) is in the midst of a multiyear reform initiative for its Child Support Enforcement (CSE) Program. This initiative, started in late 2001, has already resulted in a number of operational changes and information management system improvements that have significantly improved the level and quality of service offered by the Division of Child Support Enforcement (DCSE).

Two significant improvements to date have been in the quality of the data used to manage the program and the operation of the State Disbursement Unit. The reliability of the Key Information Delivery System (KIDS) has increased markedly through a concentrated database cleanup effort. An example of DCSE's success attained to date is the 75% decrease in tax intercept appeals indicating a much higher degree of reliability in account balances. Major improvements in the efficiency and effectiveness of the DCSE operated State Disbursement Unit were soon apparent after IDPA took over the operation in July, 2000 and for the last two years IDPA has consistently processed 98% of all payments within the Federally required two day deadline.

Business Process Reengineering Project

A third major facet of the ongoing reform initiative is the Business Process Reengineering (BPR) Project that, in its initial efforts, is focused on defining changes to how DCSE operates to ultimately create more support orders and collect more CSE payments. Eventually, the BPR will expand to seek better methods to work with its business partners (e.g., other state agencies, Attorney General's office, States Attorneys Offices, Circuit Clerks, etc.) to both improve operations between partners and coordinate activities necessary to undertake initiatives started through the recent Unified legislation.

Initiated in early 2002, the BPR element of CSE reform is focused on raising overall performance to achieve one bottom line goal, to double the rate of collections and distributions to custodial parents by Federal Fiscal Year 2005. Several other goals, critical to the attainment of doubled collections (e.g., increased paternity and support orders) are key performance indicators that are also specifically targeted for significant

improvement.

Success or failure of the BPR, and ultimately the CSE Program, is properly measured by these metrics for two reasons:

1. Increasing collections means more money being distributed to more custodial parents and therefore improving the quality of life of many Illinois' children.
2. Increasing all of the key BPR metrics has the potential of significantly improving federal reimbursement and thereby providing both higher performance, but doing it in a more cost efficient manner.

Specifically, DCSE has completed planning to re-define how cases are initially processed by DCSE at Intake so that they will be handled according to "case need." That is, cases with all the appropriate information will go to the front of the line and will be moved through quickly, without backlog. Cases needing data development due to missing information (e.g., missing NCP name or SSN, etc.) go to specialists who develop these cases to then be fed into the paternity and support order creation processes.

One Stop Customer Service Center

Simultaneously, DCSE is creating a one-stop Customer Service Center to handle all customer service problems and inquiries. This Center will provide easier access to clients, deliver better customer service, and utilize technology to do it in the most cost efficient manner. Final scheduling is still underway, but these changes should start to be noticed soon. In fact, an Automated Voice Response System that has the functionality to answer 70% of all customer service inquiries without human intervention has been added to the DCSE Hotline (800-447-4278) and provides 24 X 7 access to custodial parents on a number of key case information items. Other major changes will come online in phases during State Fiscal Year 2004.

(Cont'd. on page 12)



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.

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

by Thomas P. Sweeney

High Bond on Body Attachment Properly Set, Applied to Support Arrearage

In Re Marriage of Verstreater, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (5th Dist., No. 5-01-0540, 4/2/03), affirmed issuance of a body attachment requiring a bond nearly equal to support arrearages claimed, and its subsequent application toward those arrearages.

In September, 1999, IDPA, as intervenor, filed a contempt petition against Ted, claiming a support arrearage of \$9,000. After a number of continuances and problems with discovery a hearing on the rule was scheduled for May 18, 2000. Ted failed to appear, later claiming first that his attorney told him he did not have to appear (which his attorney denied) or that he had car trouble. The Court found him in contempt for failure to appear and issued a body attachment, requiring full payment of a bond set at \$13,000. A friend posted the bond when Ted was taken into custody.

On August 28, 2000, the Court found Ted in indirect, civil contempt for failure to pay child support, denied his motion for return of the bond posted, and ordered the bond applied to the support arrearage. The trial court signed a written order on October 4, 2000, but it was not officially filed with the court clerk until November 3, 2000. On October 31, 2000 Ted filed a motion to reconsider. "Despite the untimely filing," the trial court considered but denied the motion to reconsider. Ted's motion to waive an appeal bond, and apparently to stay application of the bond to the support arrearages, was allowed; IDPA's motion to reconsider that order was denied. Ted appeals.

The Appellate Court initially dismissed the appeal for lack of jurisdiction, since Ted's motion to reconsider -- filed prior to the filing of the written order he sought to reconsider -- did not revest the trial court's jurisdiction and Ted's notice of appeal was not filed within 30 days of the November 3, 2000 order. Only at the direction of the Supreme Court did the Appellate Court -- obviously reluctantly -- address Ted's appeal.

Affirmed. The court did not abuse its discretion in denying a continuance of the May 18, 2000 hearing to allow Ted further analysis of discovery. The deadline for discovery had passed, so evidence based on late discovery would have been disallowed. The court had authority to find Ted in contempt for failing to appear, and to issue an attachment with a bond in an amount equal to "a minimum of 20% of the total child support arrearage alleged by the obligee." On appeal Ted failed to meet his burden to provide a record that the court was not provided an arrearage claim at least equal to the \$13,000 bond figure imposed. Section 713 (d) of the IMDMA specifically authorizes the Clerk to disburse to the obligee or public office bond money held in escrow "if the court finds that the amount of arrearages exceeds the amount of the escrow." Since Ted's arrearages exceeded \$13,000 the trial judge "did precisely what the law required."

Loss of Fraudulently Hidden Income No Basis for Reduction of Support

In Re Marriage of Sassano, 337 Ill. App. 3d 186, ___ N.E. 2d ___ (2nd Dist., No. 2-01-0951, 3/13/03), affirmed denial of a reduction in unallocated maintenance and child support based on loss of previously undisclosed income.

The parties' judgment of dissolution of marriage provided for joint custody and payment by Vincent to Ilyse of unallocated maintenance and child support. The settlement agreement recited that it was entered into without formal discovery or investigation of their respective assets, liabilities and income. Neither in the settlement agreement nor in testimony before the court did Vincent state what his income was. At subsequent hearings it was shown through correspondence from his attorney that his annual income was represented to be \$80,000 when the agreement was negotiated.

In actuality, in the months prior to entry of the dissolution judgment Vincent had obtained a second job,

(Cont'd. on page 5)

increasing his projected gross income from \$80,000 to \$202,000. When he lost the second job Vincent petitioned to modify the support order. At the time of the hearing his income was expected to be approximately \$70,000. The trial court found that Vincent "could not use his termination from that [second] job to prove a substantial change in circumstances because it was not in the record or disclosed during discovery." Modification was denied because his \$70,000 income was not substantially less than the \$80,000 upon which the support was ordered. Vincent appeals.

Affirmed. Since Vincent's pleadings had already described his non-disclosure of income Ilyse could defend on the basis of his fraud, and parole evidence as to his claimed income during negotiation of the settlement was admissible to establish the existence of fraud and the true intent and understanding of the parties. "Here, respondent [Vincent] had an affirmative duty to disclose his change in employment status before the court entered the dissolution judgment. [Citation.] Respondent stated that he earned only \$80,000 from one job, and his conscious nondisclosure of his additional income amounted to a false statement of material fact upon which petition reasonably relied to her detriment. The additional information would have certainly affected the settlement negotiations. We agree with the trial court that respondent may not secretly reap a disproportionate share of the economic benefit of his second job and later demand petitioner to shoulder a greater share of the cost when he loses that employment. The court did not abuse its discretion in denying respondent's motion to modify support."

Vincent's affirmative testimony at the prove-up of the dissolution that he had made a full disclosure of all the assets acquired during the marriage "essentially negated the settlement agreement provision in which each party waived his or her right to formal discovery of the other party's assets. Nevertheless, the provision waiving discovery did not authorize respondent to perpetrate a fraud on petitioner and the trial court, as the trial court found."

California Birth Certificate Naming Unmarried Father Does Not Establish Presumed Father Prior to Change in Law

People ex rel. Shockley v. Hoyle, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (2nd Dist., No. 2-02-0795, 5/27/03), affirmed summary judgment of parentage despite appearance of a different man as father on the child's California birth certificate.

In 1999, IDPA filed a UIFSA petition from Montana to establish Ronald Hoyle as the father of Kailynd, a child born to Sharon Shockley in California in 1989. Shockley had listed John Van Olden as Kailynd's father on the birth certificate without his having acknowledged paternity. She did this before learning that Kai-

lynd was born six weeks premature. Her petition included an affidavit that Hoyle is Kailynd's father.

Hoyle responded by seeking a declaratory judgment that, under California law, Van Olden was conclusively presumed to be Kailynd's father, that by California law his paternity has therefore been established and that Illinois is required to give full faith and credit to that determination. The trial court rejected his argument, ordered DNA tests, and entered summary judgment finding Hoyle to be Kailynd's father when the results showed a 99.96% probability of paternity. Hoyle appeals.

Affirmed. The California law now states that a man's name can be included on a birth certificate only if he has acknowledged paternity, which then creates the conclusive presumption of paternity. But that language was added in 1996. So it could not be concluded that Van Olden must have signed an acknowledgment of paternity to get his name on the birth certificate in 1989, and Shockley's statements claimed that he did not do so. And none of the other California statutes in effect in 1989 created a presumption of Van Olden's paternity. Efforts were also rejected to assert that Shockley was estopped to claim anyone other than Van Olden was Kailynd's father.

QDRO May Satisfy Support Arrearages, But Limited to Value Accrued at Time of Dissolution

In Re Marriage of Thomas, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (2nd Dist., No. 2-02-0302, 5/5/03), reversed and remanded calculation of support and maintenance arrearages, affirmed use of a QDRO to satisfy such a judgment, but instructed that the value of the retirement benefit reachable by the QDRO must be limited to the fund value as of the date of dissolution.

In their 1981 dissolution Paul was ordered to pay to Lynn family support of \$650 per month, to be reduced to the greater of \$650 per month or 35% of his net income beginning in June, 1984. In 1999, the court increased Lynn's maintenance then due to \$3,062 per month and, among other things, found an arrearage of more than \$227,000 in unpaid maintenance. In an unpublished order the Appellate Court reversed the arrearage determination, finding fault with how the trial court had calculated Paul's support obligation from June, 1984 until the one child attained his majority in 1989. In its remand the Appellate Court directed that Paul be provided an opportunity to present evidence of his income as of June, 1984 to recalculate the arrearage.

On remand Paul could not come up with his tax return for 1984. When he failed to appear as required by Lynn's notice to appear, the Court refused to consider certified records from the Social Security Administration offered to show Paul's 1984 income, and calculated his support based on documents for 1989 already in the file. The Court found arrearages of

(Cont'd. on page 6)

\$317,753.72 as of January 5, 2002, awarded her attorney's fees and authorized entry of QDRO's against several of Paul's retirement plans to satisfy the judgment. Paul appeals again.

The award of attorney's fees was affirmed, but the calculation of arrearages was again reversed and remanded. The trial court should have followed the directions of the Appellate Court to consider available evidence of Paul's income in June, 1984. Exclusion of the SSA evidence that was available was an abuse of discretion. Because it reversed and remanded the arrearage judgment the Appellate Court also reversed the entry of the QDRO's. But "because the issue is likely to arise on remand, we decide whether the trial court may use QDRO's to assign Paul's pension benefits and retirement accounts to Lynn in payment of a judgment."

Finding this to be a matter of first impression in Illinois, the Court agreed with a "quantum of persuasive authority" from other jurisdictions to hold that ERISA permits a trial court's entry of a QDRO to assign pension and other retirement benefits to a former spouse to satisfy a judgment for past-due maintenance and child support payments. While § 12-1006 of the Code of Civil Procedure protects a debtor's interest in the proceeds traceable to pension plan payments and a debtor's right to receive benefits under a retirement plan, the "Supreme Court has held that it is 'beyond dispute' that retirement benefits are marital property to the extent that the beneficial interest was acquired during the marriage." "Therefore, we conclude that section 12-1006 does not preclude the trial court from entering a QDRO on remand to assign Paul's retirement and pension benefits to Lynn to satisfy a potential judgment. However, the value of the assignment should not exceed the value of the retirement accounts at the time of the marriage dissolution because only that 'beneficial interest was acquired during the marriage.'"

IMDMA Provision for Award of Interim Attorney's Fees Not Applicable to Parentage Actions

In Re Minor Child A. S., ___ Ill. App. 3d ___, ___ N.E. 2d ___ (1st Dist., No. 1-02-0440, 5/28/03), reversed an order requiring petitioner's attorney to disgorge a portion of attorney's fees to respondent's attorney, and the finding of contempt for his failure to do so.

Petitioner, Patrick, had initiated an action to establish his paternity of Pearl's child. Two and a half years into the case Pearl's attorney sought interim attorney's fees under § 17 of the Parentage Act and §§ 508 and 501 (c-1) of the IMDMA. Petitioner's attorney had by then received \$43,870 in fees. The trial court ordered him to disgorge \$20,000 to Pearl's attorney. He refused and requested a contempt finding to enable him to appeal the order.

Reversed. Actions brought under the Parentage Act are entirely statutory in origin and the court's

authority is limited to what is provided by statute. Not all sections of the IMDMA are incorporated into the Parentage Act. Section 17 of the Parentage Act authorizes the court to "order reasonable fees of counsel, experts, and other costs" to be paid by the parties in accordance with the "relevant factors specified in Section 508" of the IMDMA. Section 508 (a) of the IMDMA provides that "interim attorney's fees and costs may be awarded from the opposing party, in accordance with subsection (c-1) of Section 501." But § 17 of the Parentage Act does not refer to disgorgement of fees. Nor does it cross-reference subsection 501 (c-1) of the IMDMA. The only cross-reference to the IMDMA in § 17 of the Parentage Act is to § 508. "More importantly, section 17 does not adopt section 508 of the Marriage Act in its entirety. Rather it expressly adopts only 'the relevant factors specified in Section 508' of the Marriage Act for determining 'reasonable fees of counsel, experts, and other costs.' . . . Although section 508 of the Marriage Act allows the court to award interim fees from the opposing party according to subsection 501 (c-1)(3), section 508 lists no 'relevant factors' to consider in awarding interim fees. . . . The mechanism under which a court may award interim fees and the power to disgorge attorney's fees simply are not 'relevant factors specified in Section 508' of the Marriage Act to determine 'reasonable fees of counsel, experts, and other costs.' Absent a clear legislative directive to the contrary, we hold section 17 of the Parentage Act does not give the courts express authority to order disgorgement under subsection 501 (c-1)(3) of the Marriage Act." Accordingly, the order to disgorge \$20,000 in attorney's fees was improper and was reversed along with the finding of contempt for failing to do so.

Military Retirement Not Exempt from Order to Satisfy Support Arrearages

In Re Marriage of Murphy, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (4th Dist., No. 4-02-0433, 5/1/03), affirmed an order requiring obligor to turn over CD's purchased from proceeds of military retirement toward satisfaction of child support arrearages.

After many years of proceedings to enforce his child support obligation, Dr. Wronke was ordered to turn over to the Sheriff CD's worth \$40,000 toward child support arrearages far exceeding that amount. Dr. Wronke had purchased the CD's from a lump-sum payment of veteran's retirement benefits received during the ongoing litigation. Dr. Wronke appeals, claiming the veteran's retirement benefits are exempt from judgment claims under Illinois law.

Turn-over order affirmed. Contrary to Dr. Wronke's assertion, § 2-1402 of the Code of Civil Procedure does not confer any substantive rights or exemptions on the judgment debtor. And while § 12-1006 of the Code provides that a debtor's interest in payments under a retirement plan – specifically including a

(Cont'd. on page 10)

Costs to Raise Children Increase Slightly

by Thomas P. Sweeney

The latest annual report by the U.S. Department of Agriculture on costs to raise children has again concluded that annual costs continue to increase. But the report, released in May, concludes that continuing trends toward lower inflation rates result in a projection of only slightly increased costs to provide for a child born in 2002 over the next 17 years.

According to the report a middle-income, two-parent family with the younger of two children born in 2002 can expect to spend about \$173,880 (\$231,680 when factoring in inflation) for food, shelter, and other necessities to raise that child over the next 17 years.

The USDA's 2001 report estimated comparable expenses at \$170,460, but adjusted to \$231,470 when factoring in inflation. A decline in the rates of increase in adjusted projections is attributable to a reduction in the projected rate of inflation over the next 17 years, from 3.8% in 2000 and 3.4% in 2001 to 3.2% in 2002.

Now in its 42nd year, the USDA report, "Expenditures on Children by Families," recommends that its results "should be of use in developing State child support guidelines and foster care payments as well as in family educational programs."

Cost Estimated for Husband-Wife Families

The report, compiled by USDA's Center for Nutrition Policy and Promotion, notes that family income affects child rearing costs, with low-income families projected to spend \$127,080; middle-income families \$173,880; and upper-income families \$254,400 (all in 2002 dollars) over a 17-year period. With adjustment for inflation these figures increase to \$169,750, \$231,680 and \$338,370 respectively; see Table 12 below). Of primary focus are the child-rearing cost estimates for middle-income, two-parent families, which in 2002, ranged from \$9,230 to \$10,300 per year, depending on the age of the child. See Table 1 on page 8 for overall estimates for husband-wife families.

(For purposes of this report, a family of four with a year 2002 income of less than \$39,700 is defined as low-income, with income between \$39,700 and \$66,900 is considered middle-income, and with income of more than \$66,900 is considered high-

come tertiles (thirds) of all husband-wife households with two children. In other words, approximately one-third of all four-person households in American fall within one of these categories.)

Single-Parent Family Estimates

Estimates of expenditures by husband-wife families do not apply to single-parent families, which account for an increasing percentage of families with children. The primary difference is that the majority of single-parent households -- 90% of which are headed by women -- are in the lower income group. Accordingly the two higher income groups used for two-parent family estimates were combined for single-parent family estimates, since only 17% of single-parent families had income -- including child support -- above the \$39,700 figure. See Table 7, reproduced on page 9).

A comparison of expenditures by single-parent and husband-wife families in the lower income group (see

(Cont'd. on page 8)

Table 12. Estimated annual expenditures* on children born in 2002, by income group, overall United States

| Year | Age | Income Group | | |
|-------|-----|--------------|-----------|-----------|
| | | Lowest | Middle | Highest |
| 2002 | < 1 | \$6,620 | \$9,230 | \$13,750 |
| 2003 | 1 | 6,830 | 9,530 | 14,190 |
| 2004 | 2 | 7,050 | 9,830 | 14,640 |
| 2005 | 3 | 7,450 | 10,420 | 15,440 |
| 2006 | 4 | 7,690 | 10,750 | 15,940 |
| 2007 | 5 | 7,940 | 11,100 | 16,450 |
| 2008 | 6 | 8,290 | 11,440 | 16,740 |
| 2009 | 7 | 8,550 | 11,810 | 17,280 |
| 2010 | 8 | 8,830 | 12,180 | 17,830 |
| 2011 | 9 | 9,100 | 12,440 | 18,150 |
| 2012 | 10 | 9,390 | 12,840 | 18,730 |
| 2013 | 11 | 9,690 | 13,250 | 19,330 |
| 2014 | 12 | 11,190 | 14,750 | 21,190 |
| 2015 | 13 | 11,550 | 15,230 | 21,870 |
| 2016 | 14 | 11,920 | 15,710 | 22,570 |
| 2017 | 15 | 12,160 | 16,520 | 23,980 |
| 2018 | 16 | 12,550 | 17,050 | 24,750 |
| 2019 | 17 | 12,950 | 17,600 | 25,540 |
| Total | | \$169,750 | \$231,680 | \$338,370 |

(*Estimates are for the younger child in husband-wife families with two children.)

Table 10, page 9), shows that expenditures on a child up to age 18 were, on average, 5 percent lower in single-parent households than in husband-wife households. But more single-parent than husband-wife families fell in the bottom range of this lower income group. Average income for single-parent families in the lower income group was \$16,600, compared with \$24,800 for husband-wife families. For the higher income group of single-parent families (2002 before-tax income of \$39,700 and over), estimates of child-rearing expenses

were about the same (\$254,940) as those for two-parent families (\$254,400) in the before-tax income group of more than \$66,900. However, the average income of single-parent households was much lower (\$60,400 as compared to \$100,100). Thus in both income groups single-parent families spend a larger proportion of their income on their children.

The report also concluded that in single-parent households with two children, about 7 percent less is

(Cont'd. on page 9)

Table 1. Estimated annual expenditures* on a child by husband-wife families, overall United States, 2002

| Age of Child | Total | Housing | Food | Transportation | Clothing | Health care | Child Care and Education | Miscellaneous † |
|---|-----------|----------|----------|----------------|----------|-------------|--------------------------|-----------------|
| Before-tax income: Less than \$39,700 (Average = \$24,800) | | | | | | | | |
| 0 - 2 | \$6,620 | \$2,550 | \$930 | \$770 | \$360 | \$480 | \$890 | \$640 |
| 3 - 5 | 6,780 | 2,520 | 1,030 | 750 | 350 | 460 | 1,010 | 660 |
| 6 - 8 | 6,860 | 2,440 | 1,330 | 870 | 390 | 530 | 600 | 700 |
| 9 - 11 | 6,850 | 2,200 | 1,590 | 950 | 440 | 580 | 360 | 730 |
| 12 - 14 | 7,670 | 2,450 | 1,670 | 1,060 | 730 | 590 | 250 | 920 |
| 15 - 17 | 7,580 | 1,980 | 1,810 | 1,430 | 650 | 620 | 420 | 670 |
| Total | \$127,080 | \$42,420 | \$25,080 | \$17,490 | \$8,760 | \$9,780 | \$10,590 | \$12,960 |
| Before-tax income: \$39,700 to \$66,900 (Average = \$52,900) | | | | | | | | |
| 0 - 2 | \$9,230 | \$3,450 | \$1,110 | \$1,150 | \$420 | \$630 | \$1,470 | \$1,000 |
| 3 - 5 | 9,480 | 3,420 | 1,280 | 1,120 | 410 | 610 | 1,630 | 1,010 |
| 6 - 8 | 9,470 | 3,340 | 1,630 | 1,250 | 460 | 700 | 1,040 | 1,050 |
| 9 - 11 | 9,370 | 3,100 | 1,920 | 1,320 | 510 | 750 | 680 | 1,090 |
| 12 - 14 | 10,110 | 3,350 | 1,940 | 1,440 | 850 | 760 | 500 | 1,270 |
| 15 - 17 | 10,300 | 2,880 | 2,150 | 1,820 | 760 | 800 | 860 | 1,030 |
| Total | \$173,880 | \$58,620 | \$30,090 | \$24,300 | \$10,230 | \$12,750 | \$18,540 | \$19,350 |
| Before-tax income: More than \$66,900 (Average = \$100,100) | | | | | | | | |
| 0 - 2 | \$13,750 | \$5,490 | \$1,470 | \$1,610 | \$560 | \$730 | \$2,220 | \$1,670 |
| 3 - 5 | 14,050 | 5,460 | 1,660 | 1,580 | 540 | 700 | 2,420 | 1,690 |
| 6 - 8 | 13,860 | 5,370 | 2,000 | 1,710 | 600 | 800 | 1,660 | 1,720 |
| 9 - 11 | 13,670 | 5,130 | 2,330 | 1,780 | 650 | 860 | 1,160 | 1,760 |
| 12 - 14 | 14,520 | 5,390 | 2,450 | 1,900 | 1,080 | 870 | 890 | 1,940 |
| 15 - 17 | 14,950 | 4,910 | 2,580 | 2,300 | 980 | 920 | 1,560 | 1,700 |
| Total | \$254,400 | \$95,250 | \$37,470 | \$32,640 | \$13,230 | \$14,640 | \$29,730 | \$31,440 |

*Estimates are based on 1990-92 Consumer Expenditure Survey data updated to 2002 dollars using the Consumer Price Index. For each age category, the expense estimates represent average child-rearing expenditures for each age (e.g., the expense for the 3-5 age category, on average, applies to the 3-year-old, the 4-year-old, or the 5-year old). The figures represent estimated expenses on the younger child in a two-child family. Estimates are about the same for the older child, so to calculate expenses for two children, figures should be summed for the appropriate age categories. To estimate expenses for an only child, multiply the total expense for the appropriate age category by 1.24. To estimate expenses for each child in a family with three or more children, multiply the total expense for each appropriate age category by 0.77. For expenses on all children in a family, these totals should be summed.

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

("Costs to Raise Children," cont'd. from page 8)

spent on the older child than on the younger child at a specific age category. In addition more is spent if a single-parent household has only one child, and less is spent per child if a single-parent household has three or more children.

The report notes geographic variations in the cost of raising a child, with expenses the highest for families living in the urban west, followed by the urban northeast and urban south. Families living in the urban midwest and all rural areas have the lowest expenses.

A limited number of copies of the report are available and may be requested by writing to USDA, Center for Nutrition Policy and Promotion, 3101 Park Center Dr., Rm. 1034, Alexandria, VA 22302. The report is also available on the CNPP web site at www.cnpp.usda.gov (and through a link on the "Useful Links" page of IFSEA's web site, www.illinoisfamilysupport.org).

Table 10. Comparison of estimated expenditures* on children by single-parent and husband-wife families, overall United States, 2002

| Age of child | Single-parent households | Husband-wife households |
|--------------|--------------------------|-------------------------|
| 0 - 2 | \$5,540 | \$6,620 |
| 3 - 5 | 6,260 | 6,780 |
| 6 - 8 | 7,040 | 6,860 |
| 9 - 11 | 6,570 | 6,850 |
| 12 - 14 | 7,040 | 7,570 |
| 15 - 17 | 7,790 | 7,580 |
| Total | \$120,720 | \$127,080 |

(* Estimates are for the younger child in two-child families with 2002 before-tax income less than \$39,700.)

Table 7. Estimated annual expenditures* on a child by single-parent families, overall United States, 2002

| Age of Child | Total | Housing | Food | Transportation | Clothing | Health care | Child Care and Education | Miscellaneous † |
|---|-----------|----------|----------|----------------|----------|-------------|--------------------------|-----------------|
| Before-tax income: Less than \$39,700 (Average = \$16,600) | | | | | | | | |
| 0 - 2 | \$5,540 | \$2,290 | \$1,030 | \$720 | \$320 | \$230 | \$560 | \$390 |
| 3 - 5 | 6,260 | 2,600 | 1,080 | 630 | 340 | 340 | 760 | 510 |
| 6 - 8 | 7,040 | 2,770 | 1,360 | 730 | 400 | 400 | 690 | 690 |
| 9 - 11 | 6,570 | 2,660 | 1,580 | 530 | 410 | 510 | 330 | 550 |
| 12 - 14 | 7,040 | 2,660 | 1,580 | 610 | 690 | 550 | 420 | 530 |
| 15 - 17 | 7,790 | 2,820 | 1,720 | 960 | 810 | 540 | 320 | 620 |
| Total | \$120,720 | \$47,400 | \$15,050 | \$12,540 | \$8,910 | \$7,710 | \$9,240 | \$9,870 |
| Before-tax income: \$39,700 or more (Average = \$60,400) | | | | | | | | |
| 0 - 2 | \$12,690 | \$4,930 | \$1,580 | \$2,200 | \$460 | \$540 | \$1,370 | \$1,610 |
| 3 - 5 | 13,680 | 5,240 | 1,680 | 2,110 | 480 | 720 | 1,720 | 1,730 |
| 6 - 8 | 14,550 | 5,410 | 2,010 | 2,220 | 560 | 830 | 1,610 | 1,910 |
| 9 - 11 | 13,990 | 5,300 | 2,420 | 2,010 | 560 | 990 | 940 | 1,770 |
| 12 - 14 | 14,820 | 5,300 | 2,370 | 2,090 | 930 | 1,040 | 1,340 | 1,750 |
| 15 - 17 | 15,250 | 5,460 | 2,510 | 2,260 | 1,060 | 1,030 | 1,090 | 1,840 |
| Total | \$254,940 | \$94,920 | \$37,710 | \$38,670 | \$12,150 | \$15,450 | \$24,210 | \$31,830 |

*Estimates are based on 1990-92 Consumer Expenditure Survey data updated to 2002 dollars using the Consumer Price Index. For each age category, the expense estimates represent average child-rearing expenditures for each age (e.g., the expense for the 3-5 age category, on average, applies to the 3-year-old, the 4-year-old, or the 5-year old). The figures represent estimated expenses on the younger child in a single-parent, two-child family. For estimated expenses on the older child, multiply the total expenses for the appropriate age category by 0.93. To estimate expenses for two children, the expenses on the younger child and older child after adjusting the expenses on the older child downward should be summed for the appropriate age categories. To estimate expenses for an only child, multiply the total expense for the appropriate age category by 1.35. To estimate expenses for each child in a family with three or more children, multiply the total expense for each appropriate age category by 0.72 after adjusting the expenses on the older children downward. For expenses on all children in a family, these totals should be summed.

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

government retirement plan -- are exempt from judgment, the court’s order “was proper based on the statutory exception to income exemptions for the collection of child support.” Section 15(d) of the Income Withholding for Support Act provides that “‘Income’ means any form of periodic payment to an individual, regardless of source, including * * * pension and retirement benefits. Any other [s]tate or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.” Citing Supreme Court decisions rejecting exemptions of a General Motors pension and income from a testamentary trust from support arrearage claims the Court found Dr. Wronke’s retirement benefits are subject to judicial process for satisfaction of child support arrearages -- *without suggesting any limitation as to when those benefits accrued.*

[Dr. Wronke has gained some notoriety in Champaign County for his persistent resistance to efforts to enforce these orders. Aside from numerous law suits against the many judges who have been involved in this case and repeated appeals, Dr. Wronke – a “retired” veterinarian – spent at least four years in jail refusing to pay the support needed to purge contempt.]

Post-Majority Support Governed by § 513 Standards, Requires Showing of Changed Circumstances

In Re Marriage of Waller, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (4th Dist., No. 4-02-0713, 6/17/03), reversed extension of support for a child still in high school following his 18th birthday without consideration of factors in § 513 of the IMDMA or showing of changed circumstances.

In a modified support order Dennis was ordered to pay support for the parties’ son Joshua until Joshua’s 18th birthday, September 10, 2001. In August, 2001, IDPA filed a petition to extend support until Joshua finished high school in May, 2002. Dennis filed a

response claiming he was unemployed and without any income. After repeated continuances the trial court finally ruled in June, 2002. The only evidence presented was Dennis’ offer of proof that he remained unemployed and without income. The trial court held that since the petition had been filed before the child attained his majority he could extend the support order under § 505 of the IMDMA, that a mere extension of the termination date was not a modification under § 510, and that § 513 doesn’t apply because the support obligation under § 505 hadn’t been terminated. Accordingly the court extended the prior support order through May 31, 2002 and entered judgment for arrearages of \$11,171.14, plus interest, \$2,560.00 of which derived from the extension beyond Joshua’s 18th birthday. Dennis appeals.

Reversed. Absent an agreement or court order to the contrary, support for a child ends by his emancipation at age 18. An award of support for a non-minor child is governed by § 513 of the IMDMA. And extension of the termination date for child support is a modification of that order, requiring a showing of changed circumstances under § 510 of the IMDMA. In this case there was no evidence of any changes in the parties’ circumstances. The mere fact the child would not complete high school until after his 18th birthday does not amount to a change occurring since entry of the last order. Based on the child’s birth date it should have been apparent from the beginning that he would not complete high school before his 18th birthday.

Even had there been evidence of changed circumstances, the court here refused to consider the factors applicable for an award of support under § 513. The cause was remanded for entry of judgment for arrears accrued as of September 10, 2001, plus interest.

[A “hidden” moral: be careful to consider a child’s likely high school graduation date when entering a termination date in child support orders, even those entered before the child even starts school. The recent statutory extension of support to age 19 or completion of high school, whichever occurs first, may add to the confusion.]

In the Next FORUM?

What Will You Contribute?

Kit’s YOUR Newsletter!

("New Legislation," cont'd. from page 1)

Commissioners on Uniform State Laws in 2001; or (2) the approval, either generally or with specific application to Illinois, by the federal office of Child Support Enforcement or by the Secretary of Health and Human Services, of a waiver, exemption, finding, or other indicia of regulatory approval of the Uniform Interstate Family Support Act, as promulgated by the National Conference of Commissioners on Uniform State Laws in 2001, in connection with the approval of state plans for purposes of federal funding.

Passed by the Senate as introduced (i.e., without UIFSA amendment), 3/27/03, 32-16-2. Passed by the House, as amended, 5/14/03, 117-0-0. Senate concurs in House Amendment, 5/29/03, 58-0-0. Sent to the Governor 6/27/03..

S.B. 1503: Income Withholding Penalty

Amends the Income Withholding for Support Act. Provides that a payor who knowingly fails to pay on time the amount designated in an income withholding notice to the State Disbursement Unit (whether or not the payor withheld the amount) must pay a \$100 per day penalty for each day the payment is late. (Present law imposes this penalty only for not paying the amount withheld to the State Disbursement Unit.)

Passed by the Senate, 3/20/03, 55-0-0. Passed by the House, 5/22/03, 117-0-0. Sent to the Governor 6/20/03.

H.B. 0016: Disclosure of Location Information

As amended in the House, amends the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support Punishment Act, and the Illinois Parentage Act of 1984. Provides that upon request by the Department of Public Aid's Child and Spouse Support Unit or another public office responsible for enforcing a child support order, employers, labor unions, and telephone companies must provide location information concerning putative fathers and noncustodial parents for the purpose of establishing a child's paternity or establishing, enforcing, or modifying a child support obligation. (Under current law, the Child and Spouse Support Unit may request and receive such information.) Requires an employer, labor union, or telephone company to respond within 15 days, and provides for a civil penalty for a failure to do so. Provides that an employer, labor union, telephone company, utility company, or cable television company shall not be liable to any person for disclosure of location information under these requirements, except, by Senate amendment, for willful and wanton misconduct. Makes other changes. Effective immediately.

Passed by the House as amended, 2/27/03, 119-0-0. Passed by the Senate, as further amended, 5/15/03, 58-

0-0. House Concurr in Senate amendment, 5/27/03, 114-0-0. Sent to the Governor 6/25/03.

H.B. 0525: Disclosure of IDPA, Unemployment Insurance Recipient Address, Employer

Amends the Illinois Public Aid Code. Provides that the current address of a recipient who was a victim of a felony or a witness to a felony shall be made available upon request to a State's Attorney or a State's Attorney's investigator. Amends the Unemployment Insurance Act. Provides that the Department of Employment Security shall make available to a State's Attorney or a State's Attorney's investigator, upon request, the current address or, if the current address is unavailable, current employer information, if available, of a victim of a felony or a witness to a felony or a person against whom an arrest warrant is outstanding. Effective January 1, 2004.

Passed by the House without amendment, 3/6/03, 112-0-0. Passed by the Senate without amendment, 5/7/03, 56-0-0. Sent to the Governor 6/5/03.

H.B. 1382: Parentage Act, Removal

Amends the Illinois Parentage Act of 1984. Provides that in any action brought under the Act for the initial determination of custody or visitation of a child or for modification of a prior custody or visitation order, the court may enjoin a party having physical possession or custody of a child from removing the child from Illinois pending the adjudication of the issues of custody and visitation. Provides that injunctive relief shall be governed by the relevant provisions of the Code of Civil Procedure. Provides that, in entering a judgment concerning custody, joint custody, removal, or visitation (now, custody, joint custody, or visitation) and in modifying a judgment concerning custody, visitation, or removal (now, custody or visitation), the court shall apply the relevant standard of the Illinois Marriage and Dissolution of Marriage Act. Effective immediately.

Senate amendments added provisions that a court may decline to enjoin a domestic violence victim having physical possession or custody of a child from temporarily or permanently removing the child from Illinois pending the adjudication of issues of custody and visitation, provides a list of factors to be considered in determining whether a person is a domestic violence victim, and a list of factors to be considered when deciding whether to enjoin removal.

Passed by the House without amendment, 3/13/03, 117-0-0. Passed by the Senate, as amended, 5/16/03, 58-0-0. House Concurr in Senate amendments, 5/27/03, 115-0-0. Sent to the Governor 6/25/03.

(Cont'd. on page 12)

("New Legislation," cont'd. from page 11)

H.B. 2863: Child Support Guideline Increase

Amends the Illinois Marriage and Dissolution of Marriage Act. Raises the minimum amount support percentage of the supporting party's net income to 28% for 2 children (from 25%). Effective immediately.

Passed by the House, 3/25/03, 106-7-1. Passed by the Senate, 5/13/03, 56-0-0. Sent to the Governor 6/11/03.

H.B. 2895: IDPA Location Efforts

Amends the Illinois Public Aid Code. Provides that if a custodial parent who is receiving child support enforcement services under the Code provides the Department of Public Aid with credible information concerning the location of the putative father or noncustodial parent of the child, the Department must attempt to locate the putative father or noncustodial parent within 60 days after receiving that information. Effective immediately.

Passed by the House, 3/21/03, 117-0-0. Passed by the Senate, 5/13/03, 57-0-0. Sent to the Governor 6/11/03.

H.B. 3504: Criminal Procedure, Bail Deposit

As amended, amends the Code of Criminal Procedure of 1963. Provides that the court shall not order a bail bond deposited by or on behalf of a defendant in one case to be used to satisfy financial obligations of that same defendant in a different case until the bail bond is first used to satisfy any unpaid child support obligations as well as attorney's fees and court costs in the case in which the bond has been deposited.

Passed by the House, 3/20/03, 116-0-0. Passed by the Senate, 5/13/03, 56-0-0. Sent to the Governor 6/11/03.

("Illinois IV-D Update," cont'd. from page 3)

Business Model Evaluates Activities

Also as part of the BPR Project a comprehensive business model has been developed that for the first time defines all activities included in the CSE Program. DCSE can now both calculate how much program activities cost and how those activities do or do not contribute to more orders and more collections. This economic map of operations has not only created a vast amount of new information and insight on what is being done well and what needs to change within the program, but it has also provided a more complete understanding of CSE transaction costs. From these calculations DCSE can determine if the program is receiving appropriate economic value for these transactions. This tool will be key in managing the evaluation of applications under the Unified legislative initiative.

A recently initiated project team to look at enforcement activities has already implemented one

change to new hire matching on NCPs that should increase annual collections by tens of millions of dollars. The team is now moving on in to find other similar opportunities to improve production from current collection tools or add new ones.

As is widely understood Illinois' CSE Program is a conglomerate of legal and business systems that produce the individual components that are necessary before collections can be made on child support cases. The BPR has modeled how these systems relate to each other and how individual systems within the Program contribute different outcomes that are building blocks toward the achievement of the overall goal of increased collections. The long-term key for DCSE in closing the "Performance Gap" is to radically improve how it produces the elements it creates and then to work with its business partners to find ways to dramatically increase the outcomes they each create (e.g., orders, orders served, etc.).

Mark Your Calendar Now!

| OCTOBER, 2003 | | | | | | |
|---|-----------|-----------|-----------|----------|--------|----------|
| SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 15th Annual IFSEA Conference Stoney Creek Inn, E. Peoria, IL | | | | | | |
| 26 | 27 | 28 | 29 | 30 | 31 | |

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

(Membership year begins and ends at the Annual Conference, usually held in October)

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

- Regular membership - please enclose \$20.00 annual dues.
- Subscription membership (for those not eligible for membership) - please enclose \$20.00 annual fee.
- Affiliate membership - (dues to be determined by Directors upon acceptance).

Applicant's Name: _____

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Is this a New Application Renewal Address Correction ONLY?

Please return with dues to: IFSEA, P. O. Box 370, Tolono, IL 61880-0370

(FEIN: 37-1274237)

(6/03)

IFSEA Conference Coming to E. Peoria

By Scott L. Michalec

IFSEA's 2003 Conference will be held at the Stoney Creek Inn in East Peoria, IL from October 19 through October 21. A block of rooms is reserved for IFSEA attendees. The telephone number of the Stoney Creek Inn is (309) 694-1300. The Conference will begin with the traditional Sunday night dinner and Keynote Address . . . still to be decided. Lunch will also be provided on both Monday and Tuesday, as well as a Continental Breakfast for those who stay at the Inn. We have an interesting list of topics on the agenda and hope to see as many attendees as possible from the Attorney General's Office, State's Attorneys, Clerks and IDPA staff and anyone interested in child support.

If you have any questions please contact me....Scott L. Michalec, First Vice-President (Conference Chair) at (309) 686-7853.



Stoney Creek Inn, E. Peoria, IL: Site of IFSEA's 2003 Conference

Tentative Conference Agenda & Registration Materials Coming in the Next FORUM

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