

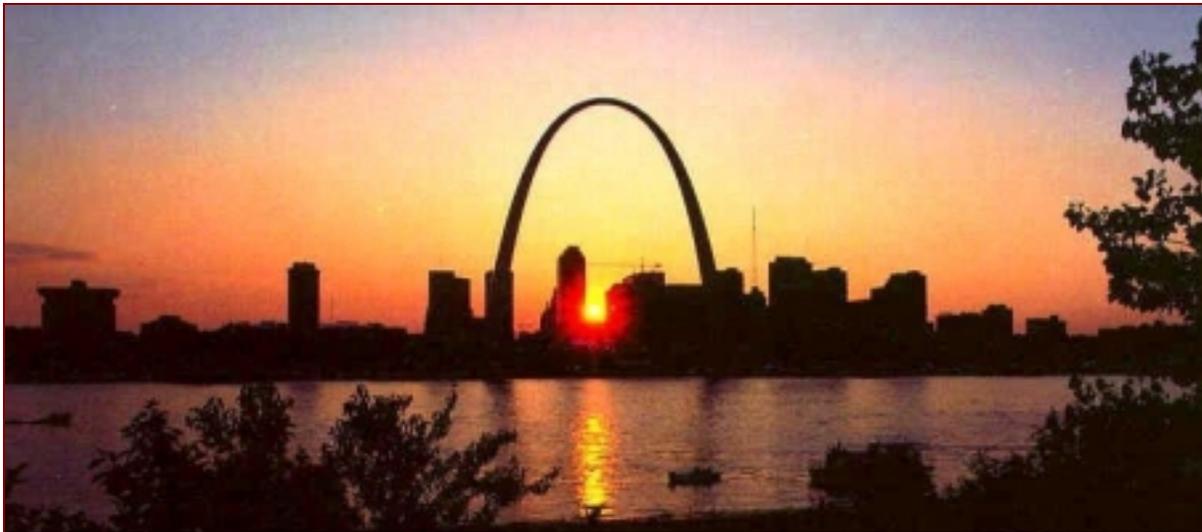
**FAMILY SUPPORT
FORUM**

The Official Newsletter of the Illinois Family Support Enforcement Association

Vol. 13

AUGUST – SEPTEMBER, 2001

No. 3



IFSEA's 2001 Conference: In the Shadows of the Arch

IFSEA's 13th Annual Conference and Members' Meeting will be held in the shadows – well, in the vicinity – of the St. Louis Gateway Arch, offering all the attractions of the riverfront city with possibly the most ambitious agenda of any IFSEA conference to date.

The conference will be held October 14-16, 2001, at the Holiday Inn in Collinsville, Illinois, a mere 10 miles from downtown St. Louis. A tentative agenda for the conference and information about accommodations, attractions and registration begins on page 3.

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FAMILY SUPPORT FORUM

is the official newsletter of the

ILLINOIS FAMILY SUPPORT ENFORCEMENT ASSOCIATION

P.O. Box 370
Tolono, IL 61880

published quarterly and distributed free to members of the Association.

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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

***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.

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

Contact the Editor for details.

Please Contribute - its YOUR Newsletter!

**THE ILLINOIS FAMILY SUPPORT
ENFORCEMENT ASSOCIATION**

invites you to its

**THIRTEENTH ANNUAL SUPPORT ENFORCEMENT CONFERENCE
AND MEMBERS MEETING**

OCTOBER 14-16, 2001
HOLIDAY INN
COLLINSVILLE, ILLINOIS

TENTATIVE AGENDA

SUNDAY, OCTOBER 14, 2001

5:00 - 7:00 PM	REGISTRATION	Lobby Area
5:30 - 7:00 PM	RECEPTION/CASH BAR	Ballroom
7:00 - 9:00 PM	ANNUAL BANQUET	Ballroom
	Introductions: Madalyn Maxwell, IFSEA First Vice-President	
	Keynote Address: Hon. John Shimkus, U.S. Representative, 20 th Congressional District	
9:00 - 11:00 PM	HOSPITALITY SUITE	Presidential Suite

MONDAY, OCTOBER 15, 2001

At your pleasure	CONTINENTAL BREAKFAST (Complimentary for Holiday Inn guests)	Porter's Restaurant
8:00 - 4:00 PM	REGISTRATION	Lobby Area
8:30 - 9:45 AM	PLENARY SESSION I	Ballroom
	Opening Remarks: Jeanne Fitzpatrick, IFSEA President	
	Case Law Update: Diane Potts, Assistant Attorney General, Chicago	
	Federal IV-D Update: Mike Vicars, Regional Manager, Federal OCSE, Chicago	
	Illinois IV-D Update: Nancy Woodward, IV-D Administrator, IDPA-DCSE, Chicago/Springfield	
	Attorney General Update: Bob Lyons, Deputy Attorney General, Chicago	
	Legislative Update: Rick Saavedra, Office of Deputy Counsel, IDPA-DCSE, Springfield	
	N.C.S.E.A. and E.R.I.C.S.A Reports.: Madalyn Maxwell, Assistant Attorney General, Chief, Public Aid Bureau, IFSEA First Vice President, Springfield	

(Cont'd. on page 4)

TUESDAY, OCTOBER 15, 2001

At Your Pleasure **CONTINENTAL BREAKFAST** Porter=s Restaurant
(Complimentary for Holiday Inn guests)

9:00 - 10:15 AM **LEGISLATIVE PANEL** Ballroom
A group of legislators will discuss pending and proposed legislation dealing with child support and IV-D program problems as they see them.
Moderator: Jeanne Teter, Assistant Attorney General, Supervisor, Southern District, Belleville
Panelists: To Be Announced

10:15 - 10:30 AM **COFFEE BREAK** Ballroom Area

10:30 - 11:30 AM **JUDICIAL PANEL - GUIDELINES, DEVIATIONS AND CONTEMPT** Ballroom
Judges are the final arbiters of the cases we work so hard to prepare. We will hear their ideas on cases that come before them.
Moderator: Christine Kovach, Assistant State's Attorney, Edwardsville
Panelists: To Be Announced

11:30 - 12:00 N **ANNUAL MEMBERS' MEETING – Part II:** Ballroom
 • **ELECTION RESULTS**
 • **AWARDS PRESENTATIONS (See Below)**
 • **DOOR PRIZES (Must be Present to win)**

12:15 - 1:00 PM **DIRECTORS' LUNCH** TBA

1:00 - 2:00 PM **DIRECTORS' ORGANIZATION MEETING** TBA

Nominations Sought for IFSEA Awards

This year IFSEA plans to recognize one or more Illinois child support professionals who have made a difference in children's lives due to that "extra effort" in child support enforcement.

If you know someone who is involved in child support enforcement -- maybe a judge, clerk, account reviewer, family support specialist, attorney, secretary, or supervisor -- who makes a difference in child support, please send a letter nominating that person for this special award to:

Jeanne Fitzpatrick,
Assistant Attorney General
690 Centennial Drive
Ottawa, IL 61350

The deadline for nominations has been extended to September 15, 2001. A committee will review the letters and will choose worthy recipients. The letter will be read at the award presentation at the IFSEA Conference in Collinsville in October.

IFSEA's "Lucky" 13th Annual Conference Beckons You!

We hope triskaidekaphobia will not keep anyone away from the IFSEA Conference of that number, to be held at the Holiday Inn, Collinsville, October 14-16, 2001. (It is pure coincidence that we've scheduled 13 program sessions for this conference.)

All functions and sessions will be held at the Collinsville Holiday Inn. The site is located just 10 miles northeast of the St. Louis riverfront, just off Exit 11 of I-55 & 70 (Rte. 157). (*See map inset on page 8.*) The Holiday Inn can be reached by cab from St. Louis' Lambert International airport (est. \$50 fare) or from the Amtrak station (est. \$25 fare), or by Metrolink to the Casino Queen stop in E. St. Louis, and then by a shorter cab ride from there. The Holiday Inn will provide shuttle service to and from the airport for \$15 per person (\$30 per person round trip) with a minimum of three days advance reservation; call the hotel at 618 346-2800 to schedule. The hotel no longer offers scheduled shuttle service to the Casino Queen and Metrolink into St. Louis, but the Casino Queen (tele. 1-800-777-0777) may provide a shuttle if a group wants to go there.

Monday and Tuesday sessions will be filled with informative child support training sessions. Sunday evening our keynote speaker will be Congressman John Shimkus of Collinsville. Legislative and judicial panels will discuss problems and resolutions on Tuesday morning. You will be fed generously at the Sunday banquet, Monday lunch, and two continental breakfasts, all of which are included with your registration and room cost.

ACCOMMODATIONS

A block of 100 rooms will be held at the Holiday Inn (1000 Eastport Plaza Drive, Collinsville, IL 62234, phone 618-345-2800 or hotel direct 1-800-551-5133; or e-mail www.HolidayInnCollinsville.com) The conference room rate is \$59 plus tax (single) or \$89 plus tax (double). Attendees can get the reduced conference rate from Saturday, October 13 to Wednesday, October 17. Cut off date for reservations at the conference rate is **September 14, 2001**. Be sure to mention that you are attending the IFSEA conference when making reservations. The room rate includes continental breakfast at Porter's Restaurant in the hotel.

The Collinsville Holiday Inn proudly proclaims itself to be "Southern Illinois' Premier Hotel and Conference Center." In addition to its 229 guest rooms and 34 suites, the hotel also features Porter's Steakhouse restaurant and Porter's Cigar Bar on site, a 24 hour Fitness Center and an indoor pool.

If rooms are completely booked at the Holiday Inn, rooms may be available at the following nearby hotels:

Fairfield Inn, contact Sandra at 618-346-0607;
Ramada Limited, contact Vivian at 618-345-2000.

EXTRACURRICULAR

For your pre- and post-conference or after hours entertainment, the nearby mighty Mississippi, the Metro to St. Louis, its parks, zoo, restaurants, theaters, and Laclede's Landing are within a short commute. Downtown St. Louis is ten minutes away.

Cahokia Mounds State Historic and World Heritage site is just west of Collinsville, and contains archeological remains of the largest prehistoric native city north of Mexico, peaking between 1100 and 1200 AD/BCE. This preservation of Mississippian life is open through October. A new visitors' center adds to the experience.

CONFERENCE REGISTRATION

The single cost for all conference materials, events and 2001-2002 IFSEA Membership is \$100 for registration received by October 4th, and increases to \$125 after that date. You can, of course, register as a

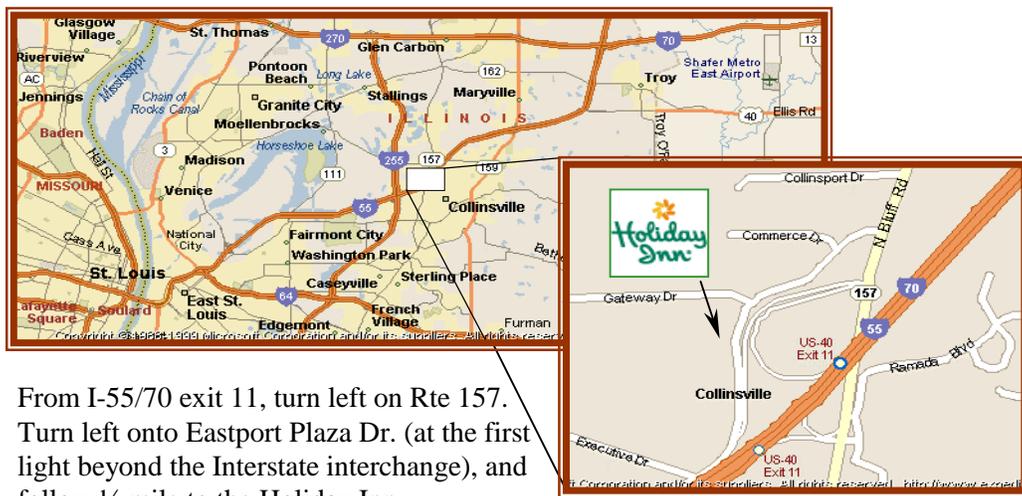
(Cont'd. on page 8)

walk-in. The fee includes the Sunday evening banquet and Monday luncheon. Extra tickets may be purchased (see registration form, page 9). Let us know if you require vegetarian meals. TO HELP US INSURE ADEQUATE SPACE FOR EACH SESSION PLEASE INDICATE YOUR PROBABLE SESSION PREFERENCES ON YOUR REGISTRATION FORM.

Payment of registration fees must accompany registration forms or be arranged by the beginning of the Conference. Checks payable to IFSEA and separate registration forms for each attendee should be mailed to **Illinois Family Support Enforcement Association, P O Box 370, Tolono, IL 61880-0370.**

CANCELLATIONS AND REFUNDS

Registration fees in excess of \$20.00 (membership dues for 2001-2002) will be refunded if notice of cancellation is received by Tom Sweeney, IFSEA Registration, **before October 4, 2001.**
NO REFUNDS WILL BE GIVEN FOR CANCELLATIONS RECEIVED AFTER THAT DATE.



OFFICIAL NOTICE TO MEMBERS

The Thirteenth Annual Members' Meeting & Election of Directors of the Illinois Family Support Enforcement Association

will be held in two parts:

Part I: Monday, October 15, 2001, at 11:30 a.m.

Part II: Tuesday, October 16, 2001, at 11:30 a.m.

both sessions in the Ballroom

**of the Collinsville/St. Louis Holiday Inn
1000 Eastport Plaza Drive
Collinsville, IL 62234**

The primary items of business will be the nomination and election of Directors for 2001-2003 (see page 11) and the proposed Amendment to the IFSEA By-Laws (see page 10)

2001 Conference Registration Form

(Please submit separate registration for each person attending)

I will attend IFSEA's Thirteenth Annual Conference on Support Enforcement, October 14-16, 2001.

PLEASE TYPE OR PRINT LEGIBLY.

Name (to appear on Membership Certificate): _____

Title & Employer: _____

Office Address: _____

City/State/Zip _____ Phone: _____

Preferred Mailing Address: _____

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

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.)

(\$100.00 fee required for registrations received on or before October 4, 2001, \$125.00 required thereafter)

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 answer: I [] will [] will not be attending the Sunday dinner. _____

[] } Vegetarian Meals preferred.

(If any of your meal plans change, please notify Madalny Maxwell as soon as possible at (217) 782-9080.)

Please include ____ additional tickets for the Sunday dinner (include \$25.00 extra for each additional ticket).

Please include ____ additional tickets for all meals (include \$50.00 extra for each additional set of tickets).

(Guest's Meal Preferences: _____ Regular meals _____ Vegetarian meals.)

I am particularly interested in the following Sessions: (please circle)

- | | |
|--|---|
| 1. Plenary Session I - General Session | 2. Plenary Session II - Accountability |
| 3. Clerks: In or Out of Child Support? | 4. Ethical Considerations for Support Workers |
| 5. Paternity Testing / Uniform Parentage Act | 6. Administrative Process |
| 7. Extraordinary Enforcement Techniques | 8. Stress Relief: How to Deal with Problem People |
| 9. Interstate Cases & Procedure | 10. SDU Records: How to Get, Read, Use Them |
| 11. Enforcement of Administrative Orders | |

Tuesday morning sessions:

- | | |
|-----------------------|--------------------|
| 12. Legislative Panel | 13. Judicial Panel |
|-----------------------|--------------------|

Please return with Registration Fee to:

IFSEA Conference Registration

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

(FEIN No. 37-1274237)

Proposed By-Law Amendment

The following Amendment to the By-Laws of the Illinois Family Support Enforcement Association has been proposed and will be presented to the Membership for its approval at the Thirteenth Annual Members' Meeting, October 15, 2001. (Proposed new language is underscored; language to be deleted is ~~lined through~~.)

Proposed Amendment # 1: To amend Paragraph A (2) (a) of Article VI (Board of Directors) as follows:

ARTICLE VI: Board of Directors.

- A. Composition of Board of Directors: The Association shall be governed by a Board of Directors, comprised as follows:
1. Initial Board of Directors: From the date of its incorporation until the first Annual Meeting the Board of Directors shall consist of the Directors named in the Articles of Incorporation;
 2. Commencing with the election of Directors to be conducted at the first Annual Meeting, the Board of Directors shall consist of ~~28~~ 29 Directors determined as follows:
 - (a) Appointed Directors: Each of the following shall be authorized to serve as a Director of the Association:
 - The Director of the Illinois Department of Public Aid, or such other person within said agency designated either by name or position, as he/she may designate;
 - The Attorney General of Illinois, or such other ~~person~~ representative of that office as he/she may designate;
 - The State's Attorney of Cook County or such other ~~person~~ representative of that office as he/she may designate;
 - The President of the Illinois Association of Court Clerks, or such other ~~person~~ representative of that association as he/she may designate;
 - ~~The Director of the Administrative Office of the Illinois Courts, or such other person as he/she may designate;~~
 - The ~~Chairman~~ Chair of the Child Support Advisory Committee ~~of the Illinois Conference of Chief Circuit Judges established pursuant to Section 12-4.20c of the Illinois Public Aid Code~~, or such other representative of that committee as he/she may designate;
 - The Chair of the Family Law Section Council of the Illinois State Bar Association, or such other representative of the Council as he/she may designate;
 - The Chair of the Child Support Enforcement Committee of the Illinois House of Representatives, or such other representative of that Committee as he/she may designate;
 - Two individuals appointed by the President of the Illinois Family Support Enforcement Association at the conclusion of each annual election, to serve as "At Large" Directors.

* * *

Nominations Sought for IFSEA Director Election

Half of the twenty member-elected IFSEA Director positions will be subject to election at the Annual Members' Meeting to be held during the 13th Annual Conference on Support Enforcement. Two directors are to be elected from Cook County plus four from each of the two downstate regions. Terms of office for Directors elected this year extend until 2003.

This year the Annual Meeting will again be split into two parts during IFSEA's Conference program. The election of Directors (including any nominations from the floor) will take place Monday, October 15th at 11:30 a.m. in the Ballroom of the Holiday Inn in Collinsville. Results will be announced at the Annual Members' Meeting on Tuesday, October 16th.

Pursuant to Art. VII of the By-Laws, nominations for election are to be submitted in writing to the Nominations & Resolutions Committee at least seven days prior to the election - i. e., by October 8, 2001. Nominations may also be made from the floor if supported by five members from the region to be represented by the elected Director. However, time is limited at the meetings, so advance nominations are urged.

If you would like to be elected to the IFSEA Board of Directors, or you know someone you would like to see elected, please complete the Director Nomination form provided below and return it to: IFSEA, Nominations & Resolutions Committee, P.O. Box 370, Tolono, IL 61880-0370. Incumbents seeking re-election also require nomination. Only regular members in good standing (membership dues paid for 2001-2002) may be elected or appointed to the Board of Directors.

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

Region	1999 – 2001*	2000- 2002
1.	Stephanie Cummings, (Asst. State's Atty.); James W. Ryan, (Atty. at Law);	Anne M. Jeskey, (IDPA, DCSE); Durman Jackson, (Asst. State's Atty.)
2.	Joel A. Kagann, (Circuit Clerk); Jeffrey McKinley, (Asst. Atty. Gen'l.); Lawrence Nelson, (Asst. Atty. Gen'l.); Yvette Perez-Trevino, (IDPA, DCSE);	Deanie Bergbreiter, (IDPA, DCSE); Patrick Dunn, (Atty. at Law); Jeanne Fitzpatrick, (Asst. Atty. Gen'l.); Deborah Seyller (Circuit Clerk)
3.	Cheryl Drda, (Asst. State's Atty.); Christine Kovach, (Asst. State's Atty.); Thomas P. Sweeney, (Atty. at Law); Thomas M. Vaught, (Asst. Atty. Gen'l.)	Marilynn Bates, (IDPA, DCSE); Linda Engelman, (Atty. Gen'l's Support Staff Coord.); William Henry, (Asst. Atty. Gen'l.); Matthew J. Ryan III, (Asst. Atty. Gen'l.)

* Directors whose terms end this year. The one-year terms of "At-Large" Directors Joseph Mason, Community Outreach Manager for IDPA, DCSE, and Jerome Stermer, President of Voices for Illinois Children, both of Chicago, also expire at this year's election.

**NOMINATION FOR ELECTION TO THE BOARD OF DIRECTORS
ILLINOIS FAMILY SUPPORT ENFORCEMENT ASSOCIATION
October 15 – 16, 2001
For a two-year term of office
2001 - 2003**

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

Nominee: _____

Position/Employer: _____

Office Address (County): _____

Credentials/Comments: _____

Person Making Nomination if other than Nominee: _____

Office Address (County): _____

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

**Return before October 8, 2001, to:
IFSEA, Nominating & Resolutions Committee
P.O. Box 370, Tolono, IL 61880-0370**



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. Any one 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

Genetic Tests Improperly Ordered Where Paternity Acknowledgment Not Properly Challenged; Now a Published Opinion

Dept. of Public Aid ex rel. Allen v. Dixon, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (3rd Dist., No. 3-00-0647, 7/9/01), reversed entry of an order for genetic tests requested without a timely or adequate challenge to a voluntary acknowledgment of paternity.

Fred Dixon had executed a written Voluntary Acknowledgment of Paternity admitting to being the father of Fred, Jr.. But when subsequently faced with the prospect of paying child support and providing health insurance for Fred, Jr., he moved for genetic testing. The trial court granted the motion and ordered DNA tests. IDPA filed its interlocutory appeal.

In its unpublished order entered June 5, 2001, but subsequently released as an opinion July 9, 2001, the Third District Appellate Court reversed. His execution of the voluntary acknowledgment created the presumption that Fred is Fred, Jr.'s father, and that presumption became conclusive when neither party attempted to rescind that acknowledgment in a timely fashion. He cannot challenge the acknowledgment except on the basis of fraud, duress or mistake, none of which he has alleged. By signing the acknowledgment he waived rights to contest paternity or have genetic tests done. "Statutory and constitutional rights may be waived as long as the waiver is knowing, voluntary, and intentional. [Citation] A waiver is permanent and cannot be withdrawn without an unequivocal showing that it was unknowing, involuntary, or unintentional." The order for genetic tests is reversed.

Modification Ruling is Final, Appealable, Despite Pendency of Attorney's Fee Claim

In Re Marriage of Carr, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (1st Dist., No. 1-00-0997, 6/20/01), dismissed as untimely an appeal of support modification orders brought more than thirty days after entry of the orders.

In September, 1998, Wayne sought modification of child support orders contained in the parties' judgment of dissolution based on the emancipation of one of the parties' two children. On April 28, 1999, the court granted the modification retroactive to March 1, 1999, setting support for the remaining child at a level well below statutory guidelines. Both parties filed motions to reconsider. On August 27, 1999, the court granted Wayne's motion to reconsider, making the modification retroactive to the date he had filed his petition, and denied Peggy's motion to reconsider.

Prior to the court's decision Peggy had filed a petition for contribution of attorney's fees on August 16, 1999. On October 4, 1999, Peggy filed a petition for rule to show cause related to payment of college expenses for the adult child. On March 9, 2000, an agreed order was entered resolving the attorney's fees and college expense issues. Only then did Peggy file her notice of appeal of the modification orders.

Appeal dismissed. Although the petition for attorney's fees was pending when the court ruled on the modification issues, that petition was unrelated to the issues fully disposed of by the court's orders of August 27, 1999. Petitions for attorney's fees in conjunction with post-decree matters are not as necessarily related to attorney's fee claims incident to the initial dissolution proceedings. The March 9, 2000, order addressed separate and unrelated claims from those issues raised in Wayne's petition to set child support. Peggy was required to file her notice of appeal within 30 days of the August 27, 1999 ruling, which she failed to do.

Maintenance Ends When Continuing, Conjugal Relationship Begins

In Re Marriage of Snow, ___ Ill. App. 3d ___, ___ N.E. 2d ___ (3rd Dist., No. 3-00-0369, 6/14/01), affirmed termination of maintenance based on evidence of a continuing, conjugal relationship, but remanded

(Cont'd. on page 13)

to determine when that relationship began.

In their February, 1998, judgment of dissolution William was ordered to pay \$1,800 per month in maintenance to Dawn through May, 1999, and reduced amounts according to a schedule thereafter. On May 14, 1999, William petitioned to terminate the maintenance alleging existence of a continuing, conjugal relationship between Dawn and Jaime between August, 1997 and February, 1999. Evidence at the hearing indicated Jaime had lived in Dawn's home for a year and a half. Dawn's and Jaime's testimony differed as to whether he paid rent and how they shared expenses. Jaime testified they had sex relations three to four times

per week while he lived there. Dawn denied any sexual relationship other than one occasion in January, 1999, when she "had too much to drink." The trial court found Jaime's testimony more credible and terminated William's maintenance obligation, as of the date of his petition. Both parties appeal.

Termination of maintenance was affirmed. The trial court's finding of sufficient evidence of a de facto husband-wife relationship between Dawn and Jaime was not against the manifest weight of the evidence. However, "the triggering period for termination of maintenance is the time the conjugal cohabitation began and not when the petition to terminate maintenance is filed." Cause remanded to determine when that was.

An Update from Last Time

Wisconsin Supreme Court Affirms: "No More Kids!" Is Proper Probation Condition Against Deadbeat Dad

On July 10, 2001, the Wisconsin Supreme Court affirmed an order requiring a deadbeat dad not to have any more children unless he can support the nine children he already has.

As reported in the last issue of the *FORUM*, David Oakley was convicted of criminal non-support for failing to pay \$25,000 in support for nine children born to four different women. He was sentenced to three years in prison, followed by five years of probation with the condition that he "not have any further children while on probation unless it can be shown to the Court that he is meeting the needs of his other children and can meet the needs of this one." Oakley appealed, claiming this denied his constitutional right to procreate. The Appellate Court affirmed, finding the condition of probation was "narrowly drawn and reasonably related to Oakley's rehabilitation and protection of the public." Oakley appealed to the Wisconsin Supreme Court.

In a 4-3 opinion – with six separate opinions and the Court's three female justices dissenting – the Wisconsin Supreme Court agreed with the Appellate Court.

"We conclude that in light of Oakley's ongoing victimization of his nine children and extraordinarily troubling record manifesting his disregard for the law, this anomalous condition – imposed on a convicted felon facing the far more restrictive and punitive sanction of prison – is not overly broad and is reasonably related to Oakley's rehabilitation. Simply put, because Oakley was convicted of intentionally refusing to pay child support – a felony in Wisconsin – and could have been imprisoned for six years, which would have eliminated his right to procreate altogether during those six years, this probation condition, which infringes on his right to procreate during his term of probation, is not invalid under these facts."

Upon conviction for intentional failure to pay child support the defendant could be sentenced under Wisconsin law to prison for up to five years and fined up to \$10,000. But the trial court may grant probation, with broad discretion to fashion conditions designed to rehabilitate the defendant while protecting society.

"[B]ased on the atypical facts presented by this case, the Constitution does not shield Oakley – whose record evidences consistent disregard for the law and ongoing victimization of his own nine children – from this unique probation condition where he has intentionally refused to support his children. Under the exceptional factors presented by this case, the probation condition is not overbroad and it is reasonably related to the probationary goal of rehabilitation. Indeed, this condition is narrowly tailored to serve the compelling state interest of requiring parents to support their children as well as rehabilitating those convicted of crimes. Moreover, this condition will assist Oakley in conforming his conduct to the law and is therefore reasonably related to his rehabilitation."

The dissenting opinions argued that, since it was apparent Oakley would never be able to show an ability to support all his children, the condition amounted to an unconstitutional denial of a fundamental right to procreate.

"[T]he stakes are high in this case. The majority's decision allows, for the first time in our State's history, the birth of a child to carry criminal sanctions. Today's decision makes this court the only court in the country to declare constitutional a condition that limits a probationer's right to procreate based on his financial ability to support his children. Ultimately, the majority's decision may affect the rights of every citizen of this state, man or woman, rich or poor."



From the Statehouse . . .

. . . LEGISLATIVE UPDATE

Two Bills Signed by the Governor

By Thomas P. Sweeney

Of the seven bills reported in the last *FORUM* as awaiting the Governor's signature only two had been signed into law as of July 31st. They are:

S.B. 0163 P. A. 92-044 eff. 7/1/01
SDU, Extended IDPA Operation;
Contract Requirements; Administrative Fund

Originally a 'shell bill,' amended by Senate to extend authority of IDPA to operate State Disbursement Unit for 24 months after July 1, 2001, and place SDU Administrative Fund under control of the Director of IDPA rather than under the State Treasurer. House amendments added new section to the Public Aid Code specifying a list of requirements to be included in contracts entered into for operation of the SDU and other specifics for administration of the SDU Administrative Fund, including requirement that IDPA submit to the General Assembly by December 1, 2001, a corrective action plan to establish accurate accounts in the Child Support Enforcement Trust Fund. Signed 6/29/01.

H.B. 3576 P. A. 92-114 eff. 1/1/02
Clerk of Court Funding;
Charges for Credit Cards, Returned Check

Amends Clerk of Courts Act, authorizes Clerks in counties under 180,000 to charge \$25 for checks not honored on two occasions; changes state funding for Clerk's offices in counties where prisons are located, and authorizes local government entities to charge higher fees for accepting credit cards under specified situations. Signed 7/20/01.

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

Governor Proclaims August Child Support Awareness Month

On June 12, 2001, Governor Ryan signed a Proclamation designating August as Child Support Awareness Month in Illinois. The Proclamation reads:

***WHEREAS**, Illinois recognizes that our children are our future, and their well-being is our highest priority, and*

***WHEREAS**, the Department of Public Aid, Division of Child Support Enforcement has been given the responsibility of providing child support services to all Illinois families, and*

***WHEREAS**, Illinois recognizes that children need strong family support, and the Illinois Division of Child Support Enforcement works to focus attention on the needs of fathers as well as mothers, and*

***WHEREAS**, the Illinois Division of Child Support Enforcement is working in collaboration with Head Start and Child Care agencies statewide to assure that children receive the emotional and financial support of both parents, their extended families, and their communities so that they can grow up in a nurturing environment, and*

***WHEREAS**, the Illinois Division of Child Support Enforcement is taking the lead in many national child support initiatives to help Illinois families gain independence, and*

***WHEREAS**, the Department of Public Aid, Division of Child Support Enforcement is working closely with the Departments of Human Services, Public Health and Children & Family Services and other state agencies, as well as community groups to increase the number of children for whom paternity is established;*

***THEREFORE**, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001 as **CHILD SUPPORT AWARENESS MONTH** in Illinois.*

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed. Done at the Capitol, in the City of Springfield this Twelfth day of June, in the Year of Our Lord two thousand and one, and of the State of Illinois the one hundred and eighty-third.

*Signed: George H. Ryan,
Governor*

From the I D P A . . .

. . . ILLINOIS IV-D UPDATE

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

Child Support Helps Chicago's Teen Parents Hold Fast To Their Dreams

The Illinois Department of Public Aid, Division of Child Support Enforcement (DCSE), Community Outreach continues to encourage two parent involvement in children's lives and is making special efforts to help teen parents assume their new responsibilities. These efforts include ongoing involvement within the Chicago Public Schools' (CPS) *Cradle to Classroom Program*. Since 1997, staff from DCSE have worked with CPS staff to ensure that information on paternity establishment and child support is included in the comprehensive services made available for the families and children in the program. Virginia York, Executive Director of CPS's Department of Early Childhood Education 0-3 Services, says, "This program is designed to help teens who are currently pregnant or have a baby. The program focuses on the education and cognitive development of the infant." *Cradle* staff works with teen parents to help them raise and nurture their children, stay in school, and postpone any future pregnancies.

DCSE made the initial contacts and exploration with CPS to enable DCSE to be involved in the developing stages of the program. DCSE's Community Outreach staff developed a paternity establishment training module for the program, which was incorporated into the program's curriculum. New materials, entitled "Hold Fast to Your Dreams" and adapted from DCSE's "Be Responsible" materials, help teen mothers increase their awareness and understanding of responsible parenting. The lessons also address the problems and difficult decisions facing teens with children. Teen mothers may find their "dreams" are no longer as easy to achieve. We changed our materials to reflect this by focusing on their need to finish high school, go to college or trade school, and/or get a job.

Community Outreach staff provides biannual training and *Cradle To Classroom* Family Advocates serve as liaisons with the hospitals involved in the program. In the past four years, DCSE staff have trained new advocates and have retrained returning advocates. Training also includes information on the Voluntary Acknowledgment of Paternity process.

Recently, the *Cradle To Classroom Program* expanded to include teen fathers. Staff from both agencies realized that the young fathers also needed information and guidance to be more involved in their child's life, be a responsible parent, and stay in school. DCSE staff provided training for 40 new Male Mentors, which included much of the same information given to the Family Advocates. Mentors received lesson plans, which were revamped to make them more father-friendly. Additionally, mentors learned about services of DCSE's Non-Custodial Parent Services Unit, which include referrals for job training and/or placement; paternity establishment for children of unwed parents, including prison inmates; and Cook County's access, visitation, and mediation program. Representatives from the Cook County State's Attorney's Office also provided information about what happens when parents go to court to address paternity or child support issues. Currently, Male Mentors are working with almost 100 teen fathers.

Joseph Mason, Manager of DCSE's Community Outreach, states, "These last four years working with *Cradle To Classroom* personnel have been productive in helping young mothers make sound decisions for their baby's future and themselves, and we are happy to do the same for teen fathers."

Missouri “Parents' Fair Share” Helps Non-Custodial Parents Support Their Kids

By Dave Damico *

The Parents' Fair Share (PFS) program in Missouri is a program of the Division of Child Support Enforcement. PFS is a program that is non-custodial parent driven, designed to utilize an effective assessment process to identify strengths and barriers, to establish a plan to enable participants to gain self-sufficiency. PFS is considered another enforcement remedy to collecting child support. The major difference is in PFS, we try to determine why the NCP's are not paying child support and work with them to overcome the barriers that prevent them from doing so.

PFS has two goals:

- 1) To increase the employment and earnings of non-custodial parents who are unable to support their children, and
- 2) To increase the number of non-custodial parents who assume an active, positive role in their children's lives.

To be eligible to participate in PFS, an NCP must:

- 1) Reside in Missouri,
- 2) Have a current child support order for a child who does not live with them,
- 3) Be unemployed or underemployed,
- 4) Be 18 years of age ,
- 5) Have an active IV-D case.

Voluntary Participation

Participation is voluntary. The NCP does not have to be in arrears (most if not all of the participants are in arrears) and they do not have to have a child on TANF or public assistance. The program is available state-wide. The courts do have the option of ordering an NCP to participate in PFS.

NCP's are referred to PFS by the child support technician who is handling their case. Referrals are also received from other agencies and service providers. We also have NCPs who come to us as self-referrals.

When an NCP enrolls in PFS, the first thing that we do is an assessment to determine their strengths and

barriers to employment. This assessment covers such things as housing, health, education, clothing, transportation, employment history, substance abuse, legal issues, domestic violence and parenting skills. The assessment can take 1-2 hours. From this a self-sufficiency plan is developed outlining what the NCP wants/will accomplish and how PFS will ASSIST them in accomplishing their goals.

“The Key is Assisting Them”

The key is *assisting* them. PFS will assist them in meeting their goals and overcoming their barriers. We utilize community resources to meet their goals. As an example, if the NCP has a housing problem, we will refer them to the local housing authority. If they have a substance abuse problem we refer them to a treatment center. We use Workforce Development and the Missouri Career Centers to assist them in finding employment. If they need/want training, we have funds available to pay for training. A common example is truck driving school and welding schools. We have funds available to assist them in obtaining their GED. We will not pay for an NCP to earn a college degree. We also have funds to purchase work related items needed to find and/or maintain employment. We can spend up to \$350 in a 12-month period of time for these items. This would include car repairs, work clothes, work boots, eyeglasses, tools, etc. We will ask the NCP to pay for part of the cost (if they can) and PFS pays for the rest. In addition while in PFS, the NCP receives MC+(Medicaid).

Payments Made Toward Support

We can enter into a temporary payment plan with the NCP. This is not a modification of their order. What we do is negotiate an amount (not to be less than \$50 a month) that they can pay towards their child support each month. As an example: they are obligated to pay \$200 a month, we enter into a payment agreement for \$75 a month. The remaining \$125 goes to arrears. They must begin paying this amount the following month. If they miss 3 months they are exited from PFS. This amount stays in place until they find employment. Once they are employed, depending on their salary, the amount will go back to full current support or gradually be increased to full current support by the 3rd month of employment. Once an NCP has been employed for 3 consecutive months and paid full current support for 3 consecutive months, they are successfully exited from PFS.

(Cont'd. on page 18)

(* David Damico is the Program Manager for the Parents' Fair Share program of the Missouri Department of Social Services' Division of Child Support Enforcement, Kansas City, MO.

The *FORUM* wishes to thank Mr. Damico for contributing this article for publication.)

[DuPage County] Mediation Pilot Project Helps Never-Married Parent Population

By: Honorable Thomas C. Dudgeon *

In September 1998, a new mediation program began in DuPage County Domestic Relations Division Courtroom 2003. While similar to the mediation program in place throughout the Domestic Relations Division, the impetus for this pilot project arose from concerns for a unique population: that of never married parents.

These families often lack the professional and financial resources available to divorcing couples. Never married couples, unlike divorcing couples, have no marital estate to underwrite the costs of mediation and typically cannot afford the cost of the Circuit's mainstream mediation program.

Litigants are usually pro se and are not very sophisticated in advancing their visitation rights.

Yet, children from these families are entitled to the same love and involvement from both parents, as are children of the divorcing population. To allow the issues of visitation and custody to go unaddressed in the never married population because of a lack of finances is unacceptable.

The program is administered by the DuPage County Psychological Services, upon referral and consultation with the Presiding Judge of the Domestic Relations Division and the judge currently assigned to Courtroom 2003. Referrals to this no-cost mediation program can occur in two ways.

Referrals Occur in Two Ways

The first is when a motion for custody or visitation is filed by one of the litigants. If one party is a child support program participant, or if the parties clearly cannot afford the standard domestic relations for-cost mediation program, the couple is referred to no-cost mediation to resolve the dispute.

However, referrals are not limited to this process. When parentage is established, the court asks if any

custody or visitation issues exist. If they do, and if the financial criteria are met, the couple is referred to no-cost mediation without filing a special petition for custody or visitation-if they agree to waive this requirement.

The goals are to involve both parents in the child's life as soon as the parent-child relationship is legally established and to treat the noncustodial parent as more than just a financial resource for the child.

Parents referred to the no-cost mediation program can begin the mediation process immediately, because a mediator is present in Courtroom 2003 each morning, Monday through Thursday. Each parent is given a brief questionnaire to screen for facts that may make the couple inappropriate for mediation, such as a history of domestic violence.

Mediation May Begin Immediately

If no obstacles to mediation are present, the couple's first mediation session is held that morning in the conference room of Courtroom 2003. Attorneys representing the parties are requested to leave their telephone, fax, and address information with the mediator, who will fax the mediation results to them.

If a full agreement on all issues is reached that morning, the parties are returned to court before the morning call concludes. If neither party is represented by counsel, the mediator reduces the parties' agreement to writing, and the court incorporates the agreement into the form of a court order.

If, however, one or both parties are represented by counsel, a layman's draft of the agreement is prepared by the mediator and faxed to the attorneys for final review and approval. The court then sets a status date for the presentation of the visitation order to the court. Counsel maintains the right to reject the agreement or modify it as the parties' interests dictate.

At times, the initial mediation session does not result in an agreement. In that case, if the mediator and both parents agree to continue the mediation process, a future mediation session, along with a status date, is scheduled.

A Work in Progress

As a general rule, no more than three mediation sessions are held unless the parties agree to additional sessions and the mediator believes an agreement is

* *The Honorable Thomas C. Dudgeon is an associate judge of the 18th Judicial Circuit, DuPage County, Illinois. He currently presides in Courtroom 2003, which hears all parentage and child support cases in the county.*

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(Cont'd. on page 18)

("Missouri Patents' Fair Share . . .," cont'd. from page 16)

An NCP can be in PFS for a total of 24 months. Average length of time as been 9-10 months.

The PFS program began in Missouri in April, 1998. We average 1,600 participants in the program each month. Of these 54% are employed and paying child support. 79% of those that have successfully exited PFS are still paying full current support after exiting PFS. The average starting [hourly] salary for PFS participants ranges from \$7.98 in the rural areas and \$9.18 in the metropolitan areas. The most common job placements are in transportation, construction trades,

factory jobs and as laborers. Less than 4% find jobs in fast food restaurants and convenience stores.

Since April, 1998, 7,347 NCP's have enrolled in PFS. 5,878 jobs have been found for PFS participants.

For the period April, 1998 through June, 2001, PFS has collected \$7,239,569.11 in child support.

If you would like further information concerning the Parents' Fair Share program, please contact: Dave Damico , Program Manager, Missouri Division of Child Support Enforcement, 301 E. Armour Blvd, Suite 100, Kansas City, Mo 64111; Email: ddamico@mail.state.mo.us

("DuPage County Mediation Project," cont'd. from page 17)

likely to result. When an agreement occurs, the mediator faxes the results to the parties' attorneys, who have the responsibility to draft the agreement in the form of an appropriate court order.

As noted, this is a pilot program and for that reason can be considered a work in progress. Yet, those of us involved in its creation and in its day-to-day operations believe it provides a long-needed service to a popula-

tion of families whose visitation concerns have often gone unaddressed.

Its focus remains on the children of the never married population, children who often grow up not knowing one of their parents. It is hoped that this program, by providing a forum where parental differences can be aired and resolved, will help the parents accept their mutual responsibilities to their children. In turn, those children may gain the opportunity to begin a healthy relationship with a parent that can last a lifetime.

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IFSEA's web site is a work in progress. Your input and suggestions are both welcomed and encouraged.

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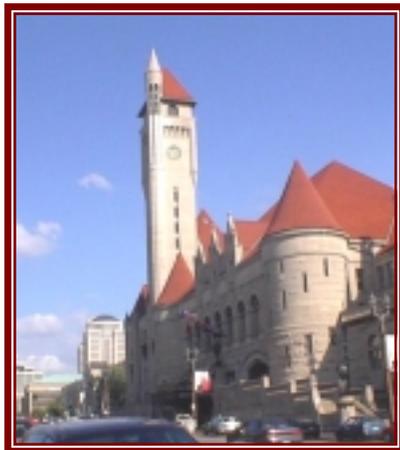
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