

**FAMILY SUPPORT
FORUM**

The Official Newsletter of the Illinois Family Support Enforcement Association

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No. 3

**Attorney General, IDPA, County Officials Join Forces
In Child Support Recovery Task Force**

By Christa Fuller

To streamline the collection of past due child support the Office of the Illinois Attorney General has forged a cooperative effort with the Illinois Department of Public Aid's Division of Child Support Enforcement, the Secretary of State, MAXIMUS and local county officials in a new Child Support Recovery Task Force.

This new task force focuses its attention to identify those individuals in a given geographic area who have refused to comply with their child support orders and promises the use of all legal remedies available to gain compliance.

Efforts put forth by the joint task force are in addition to current practices. Deputy



Staffers greet NCP's at the Knox County Settlement Session of the Child Support Recovery Task Force. Pictured (l. to r.) are Attorney General intern Melissa Hunt, MAXIMUS Operations Manager Tiffani Brooks, and MAXIMUS staffers Lisa Roland and Larracini Murphy. (Photos by Christa Fuller)

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FAMILY SUPPORT FORUM

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ILLINOIS FAMILY SUPPORT ENFORCEMENT 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.

Contact the Editor or Assignment Editor for details.

Please Contribute - its YOUR Newsletter!

***The ILLINOIS FAMILY SUPPORT
ENFORCEMENT ASSOCIATION***

I invites you to its

***FOURTEENTH ANNUAL CONFERENCE
ON SUPPORT ENFORCEMENT
& MEMBERS' MEETING***

October 20-22, 2002
Hickory Ridge Marriott Conference Center
Lisle, Illinois

IFSEA's 14th Annual Conference on Support Enforcement and Members' Meeting will be held October 20-22, 2002, at the Hickory Ridge Marriott Conference Center at 1195 Summerhill Drive, in Lisle, Illinois. The conference center is located 40 minutes west of Chicago, just off I-355, south of I-88, so it is easily accessible by car. (See the inset on page 4 for map and directions.) The hotel uses My Chauffeur and American Limousine service for transportation to and from Chicago airports. The rates are \$18.00 per person to and from O'Hare and \$23.00 per person to and from Midway. For reservations and information call 630-920-8888 or 1-800-762-6888.



Hickory Ridge Marriott Conference Center, Lisle

The conference center is situated on 26 wooded acres and features an indoor pool, racquetball court, 24-hour fitness center, saunas and aerobic classes. Sand volleyball, basketball, tennis and fitness trails are available for outdoor recreation. The conference center has a restaurant onsite, where buffet style meals will be provided during the conference. The Arbors Sports Bar and Grill is also on-site for use of conference participants. The Conference Center provides a shuttle service free within a 5-mile radius. Simply reserve a time at the front desk for a seat on the shuttle. Located within five miles are downtown Naperville and Downers Grove, offering fine dining and excellent shopping, two bowling alleys and a movie theater. A shuttle is also provided for shopping at Fox Valley, Oak Brook or Yorktown shopping centers; check the front desk for scheduled departure times. For a virtual tour of the conference center visit their website at www.conferencecenters.com/chihhr.

Accommodations

A block of 40 rooms on Sunday and 50 rooms on Monday is being held for the conference at the state rate of \$79.00 for a single or double room, which includes a full buffet breakfast at the Crossings restaurant, located in the conference center. Guess rooms feature complimentary coffee and USA Today, hair dryers, irons and ironing boards. The double rooms have adjoining separate sleeping quarters and bathrooms. Rooms can be reserved by calling the conference center at 630-971-5030. Please reference the IFSEA conference for group rates.

(Cont'd. on page 4)

Registration

The cost for this year's conference, including all materials and IFSEA membership for 2002-03, is \$110 if received by October 7, 2002, and \$135 for registrations received later. You may, of course, register as a walk-in at the conference. The registration fee includes the Sunday banquet and Monday luncheon. Participants staying at the Hickory Ridge Marriott Conference Hotel also receive complimentary buffet breakfasts each day. Extra tickets for conference meals may be purchased (see the registration form, page 9). Let us know if you prefer vegetarian meals. And to help us plan for adequate space for each session, please indicate your probable session preferences on your registration form.

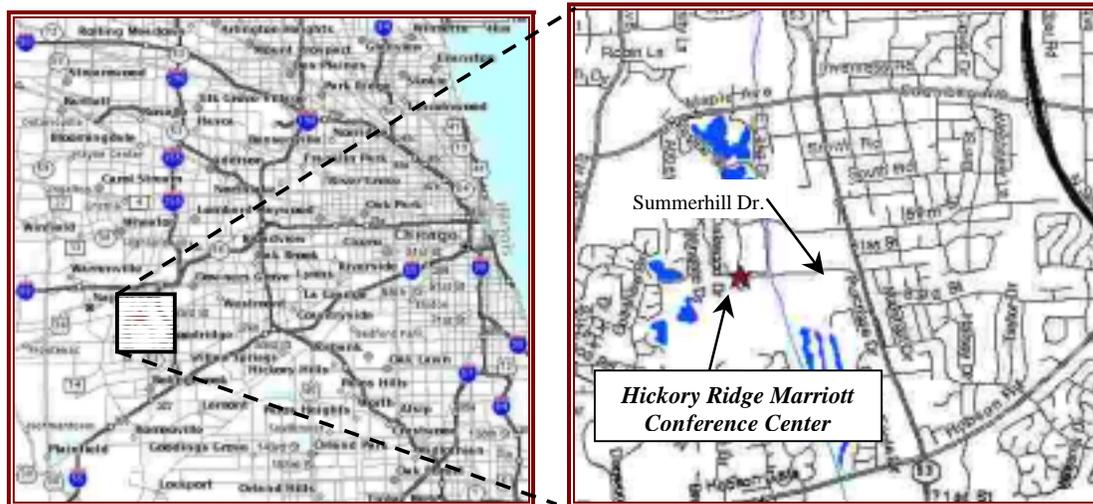
Payment of Registration fees must accompany registration forms or be arranged by the beginning of the conference. Checks made payable to IFSEA and separate registration forms for each attendee should be mailed to **Illinois Family Support Enforcement Association, P. O. Box 370, Tolono, IL 61880-0370.**

Cancellations and Refunds

Registration fees in excess of \$20 (membership dues for 2002-03) will be refunded if notice of cancellation is received by Tom Sweeney, IFSEA Registration, **before October 7, 2002.** **NO REFUNDS WILL BE GIVEN FOR CANCELLATIONS RECEIVED AFTER THAT DATE.**

See following pages for Tentative Agenda and Registration Form

Maps and Driving Directions to Hickory Ridge Marriott



Driving directions to Hickory Ridge Marriott

From Chicago: Take Eisenhower/ I-88 west to I-355 South. Exit Maple Ave. Westbound; turn left (South) on Rte 53, approx. 3/4 mi. to Summerhill Dr. (on your right).

From West & Northwest: Take I-88 or I-90 east to I-355; South to Maple Ave; follow directions above.

From South & Southwest: From I-55 take I-355 North. Exit 75th St. Westbound. Turn right (North) on Rte 53, approx. 1-1/2 mi. to Summerhill Dr. (on your left).

*The ILLINOIS FAMILY SUPPORT
ENFORCEMENT ASSOCIATION*

*FOURTEENTH ANNUAL CONFERENCE
ON SUPPORT ENFORCEMENT
& MEMBERS' MEETING*

TENTATIVE AGENDA

SUNDAY OCTOBER 20, 2002

4:00 - 7:00 p. m.	REGISTRATION	Main Lobby
5:30 - 7:00 p. m.	RECEPTION / CASH BAR	TBA
7:00 - 9:00 p. m.	ANNUAL BANQUET	TBA
	Introductions: Yvette Perez-Trevino, IFSEA 1st Vice President	
	Keynote Address: Jackie Garner, Director, IDPA, Springfield	
9:30 - 11pm	HOSPITALITY SUITE	TBA

MONDAY, OCTOBER 21, 2002

At your pleasure	CONTINENTAL BREAKFAST (Buffet Breakfast complimentary for Conference Hotel guests at the Crossings Restaurant)	Conference Lobby
8:00 a. m. - 4:00 p. m.	REGISTRATION	Conference Lobby
8:30 - 10:00 a. m.	PLENARY SESSION	
	Opening Remarks: Madalyn Maxwell, IFSEA President	
	Case Law Update: Diane Potts, Assistant Attorney General, Civil Appeals Division, Chicago	
	Federal IV-D Update: Mike Vicars, Regional Manager, OCSE, Chicago	
	Illinois IV-D Update: Nancy Woodward, IV-D Administrator, IDPA DCSE, Chicago/Springfield	
	Legislative Update: Rick Saavedra, Office of the General Counsel, IDPA DCSE, Springfield	
10:00 - 10:30 a. m.	ANNUAL MEMBERS MEETING - PART 1 <i>Nominations and Election of Directors for 2002-04</i>	
10:30 - 10:45 a. m.	COFFEE BREAK	

(Cont'd. on page 6)

2:15 - 2:30 p. m. BREAK

2:30 - 3:30 p. m. BREAKOUT SESSIONS

7. Hot Tips

Topics will include bankruptcy issues, deviation issues and extraordinary collections (attaching lump sums).

Moderator: Christine Kovach, Assistant State's Attorney, Madison County, Edwardsville
Panelists: TBA

8. Medical Support

Panelists will discuss the recent federal regulation, how Illinois implemented it and the experiences we've had so far with the new notice, with employers' acceptance and the new unit's experiences with custodial parents and non-custodial parents.

Moderator: Pam Compton, Deputy Administrator, IDPA DCSE, Springfield
Panelists: Barb McDermott, Policy, IDPA DCSE, Springfield
 Rhonda Romano, IDPA DCSE, Springfield
 Joan Kiaschko, IDPA DCSE, Springfield
 Matthew Ryan, Assistant Attorney General, Springfield (tentative)

9. Negotiations - Part I

This is a two part session: Negotiation and Mediation techniques will be taught in this first session; participants will be asked to practice strategies learned by breaking into smaller workgroups in the following session: Negotiations Part II.

Moderator: Deanie Bergbreiter, Judicial Liaison, IDPA DCSE, Aurora
Panelist: Judy Hogan, Attorney at Law and Licensed Mediator, Batavia

3:30 - 3:45 p. m. BREAK

3:45 - 5:00 p. m. BREAKOUT SESSIONS

10. Clerks' Issues

This panel will present the issues of transferring the volume of cases Clerks retained (collection and disbursement) after the beginning of SDU -- how it will work and how it will affect the partners. The panel will also address the issue of providing payment and distribution information to the parties and partners, and the development of the new information source: the "clerk extranet," currently being developed by IDPA.

Moderator: Carla Bender, Logan County Circuit Clerk, Lincoln
Panelists: David Kelber, Project Director, SDU, Wheaton
 Deneen Omer, Chief Information Officer, IDPA, Springfield
 Beverly Virden, Manager of Technical Support, IDPA DCSE, Springfield

11 Administrative Process & Enforcement of Administrative Orders

The session will deal with an overview of the Administrative Process, establishment of administrative orders and how these orders are enforced both administratively and judicially.

Moderator: Ralph Abt, Technical Advisor and Attorney, IDPA DCSE, Chicago
Panelists: Charles Kirian, Manager, Cook County Field Operations, IDPA DCSE, Chicago
 Mary Donoghue, Manager, Cook County State's Attorney's Child Support Enforcement Division, Chicago
 Elizabeth Lingle, Assistant Attorney General, Public Aid Bureau, Champaign
 Yvonne Kennedy, Policy Unit, IDPA DCSE, Springfield

12. Negotiations - Part II

This is the second of a two part session. Negotiation and Mediation techniques will be taught in Negotiations Part I. In this session participants will be asked to practice strategies learned by breaking up into practice workgroups.

Moderator: Deanie Bergbreiter, Judicial Liaison, IDPA DCSE, Aurora

Panelist: Judy Hogan, Attorney at Law and Licensed Mediator, Batavia

5:00 - 9:00 p. m. DINNER ON YOUR OWN

9:00 - 11:00 p. m. HOSPITALITY SUITE Arbors Sports Bar

TUESDAY, OCTOBER 22, 2002

At your pleasure CONTENTIAL BREAKFAST Conference Lobby
(Full Buffet complimentary for Conference Hotel guests at the Crossings Restaurant)

9:00 - 10:00 a. m. General Session

13. CUSTOMER SERVICE

Woodlands Room

The panelists will discuss some of the innovative ways customer service is being provided. Panelists will give their insights on the strengths and weaknesses of some of the new and pilot programs across the state, including night court, expedited child support, "one-stop shops," night and weekend customer appointments, amnesty programs and others.

Moderator: Mary Donoghue, Director, Cook County Child Support Division, Chicago

Panelists: TBA

10:00 - 10:15 a. m. COFFEE BREAK

10:15 - 11:15 a. m. General Session

14. JUDICIAL PANEL: Deviation from Guidelines

Woodlands Room

A panel of judges will tackle such issues as the allocation of day care expenses, allowances for self-employed business expenses and multiple-family support obligations in relation to deviation from support guidelines.

Moderator: Yvette Perez-Trevino, Deputy Administrator, Judicial Liaison, IDPA DCSE, Aurora

Panelists: Hon. Moshe Jacobius, Chief Judge, Domestic Relations Division, Chicago
Hon. Jane Herd Mitton, Associate Judge, DuPage County
Hon. Wiley Edmondson, Associate Judge, Kane County
Hon. James Donnelly, Associate Judge, DeKalb County
Anthony Mannina, Hearing Officer, DuPage County
Others (?) TBA

11:15 - 11:30 a. m. BREAK

11:30 a. m. - Noon ANNUAL MEMBERS MEETING - Part II Woodlands Room

- *Election Results*
- *Awards Presentations*
- *Door Prizes (must be present to win)*

12:15 - 2:00 p. m. DIRECTOR'S LUNCH & MEETING

2002 Conference Registration Form

(Please submit separate registration for each person attending)

Please Register me for IFSEA's Fourteenth Annual Conference on Support Enforcement, October 20-22, 2002.

PLEASE TYPE OR PRINT LEGIBLY.

Name (to appear on Membership Certificate): _____

Title & Employer: _____

Office Address: _____

City/State/Zip _____ Phone: _____

Preferred Mailing Address: _____

E-mail address: _____

My Registration fee of \$_____ [] is enclosed [] will be paid by (agency): _____

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.)

(\$110.00 fee required for registrations received on or before October 7, 2002, \$135.00 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 the conference Chair at least 5 days before the conference.)

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 (tentative, subject to change): (please circle)

- | | |
|--|---|
| G. Plenary Session I - General Session | 1. Interstate Issues |
| 2. Access & Visitation | 3. Paternity Determination & "Unadjudication" |
| 4. Conflicts | 5. Non-Custodial Parent & Training Programs |
| 6. Interest on Support Obligations | 7. Hot Tips |
| 8. Medical Support Enforcement | 9. Negotiation – Part I |
| 10. Clerks' Issues | 11. Administrative Process & Enforcement |
| 12. Negotiations – Part II | |

Tuesday morning sessions:

- | | |
|-----------------------------|---|
| 13. Customer Service Issues | 14. Judicial Panel: Deviation from Guidelines |
|-----------------------------|---|

Please return with Registration Fee to:

IFSEA Conference Registration

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

(FEIN No. 37-1274237)

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 14th 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 2004.

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 21st at 10:30 a.m. in the Grand Ballroom of the Hickory Ridge Marriott Conference Center in Lisle. Results will be announced at the Annual Members' Meeting on Tuesday, October 22nd.

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 14, 2002. 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 2002-2003) 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	2000- 2002 *	2001 – 2003
1.	Christa Fuller, (Project Mgr., MAXIMUS); Durman Jackson, (Asst. State's Atty.)	Norris A. Stevenson, (Mgr., IDPA DCSE); James W. Ryan, (Atty. at Law);
2.	Deanie Bergbreiter, (IDPA, DCSE); Patrick Dunn, Atty. at Law); Jeanne Fitzpatrick, (Asst. Atty. Gen'l.); Deborah Seyller (Circuit Clerk)	Jeffrey McKinley, (Asst. Atty. Gen'l.); Lawrence Nelson, (Asst. Atty. Gen'l.); Yvette Perez-Trevino, (IDPA, DCSE); Daun Perino, (Asst. State's Atty.)
3.	Marilynn Bates, (IDPA, DCSE); Linda Engelman, (Atty. Gen'ls Support Staff Coord.); William Henry, (Asst. Atty. Gen'l.); Matthew J. Ryan III, (Asst. Atty. Gen'l.)	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.)

* Directors whose terms end this year. The one-year terms of "At-Large" Directors Scott Michalec, Asst. Attorney General from Peoria, and Isa Lee Wolf, attorney for the Legal Aid Bureau of Metropolitan Family Service of Chicago, also expire at this year's election.

**NOMINATION FOR ELECTION TO THE BOARD OF DIRECTORS
ILLINOIS FAMILY SUPPORT ENFORCEMENT ASSOCIATION
October 21 – 22, 2002
For a two-year term of office
2002 - 2004**

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 14, 2002, to:
IFSEA, Nominating & Resolutions Committee
P.O. Box 370, Tolono, IL 61880-0370**

Criminal Non-Support Prosecution: A Potent Weapon - But Handle With Care

By Caroline.Kennedy *

Effective October 1, 1999, the Non-Support Punishment Act (NSPA) went into effect in Illinois, making failure to pay child support a Class 4 felony under certain circumstances.¹ This Act replaced the “Non-Support of Spouse and Children Act.”² The new felony provisions up the ante for those non-custodial parents willing to gamble that the benefits of non-payment will outweigh the consequences. Unfortunately, the deadbeat parent still enjoys favorable odds of avoiding imprisonment, despite the availability of felony prosecution.

Criminal sanctions for non-support have been on the books in Illinois for years. Nevertheless, criminal prosecutions of deadbeat parents have not been widely pursued. While it is easy to blame this apparent lack of prosecutorial zeal on the prosecutors, the decision to charge recalcitrant non-payers for this crime involves calculations more complex than a mere determination of arrears. Like every tool available for child support enforcement, criminal prosecution has its limitations, but has also produced demonstrable results.

Proof of Ability to Pay -- Beyond a Reasonable Doubt

In order to successfully prosecute, the State must prove beyond a reasonable doubt every element of failure to support, including ability to pay. At present, it is unclear how “ability to pay” will be interpreted in a criminal non-support proceeding. Typically, the way a reviewing court inter-

prets a statute acts as a roadmap for the lower courts. No such roadmap exists for the NSPA.

Most non-custodial parents who have avoided payment to the tune of \$20,000 have at some point been subjected to civil contempt proceedings, to no avail. In many cases, the failure of civil enforcement proceedings can be attributed to a lack of evidence of ability to pay. Prosecutors must ask if ability to pay cannot be proved by a preponderance of the evidence in a civil proceeding, can it possibly be proved beyond a reasonable doubt in criminal court?

The Appellate Courts in Illinois have upheld lower civil court decisions where the trial court has looked beyond the non-custodial parent’s checkbook balance to determine whether or not he possessed an “ability to pay.” While there is no precedent (yet) in Illinois which defines “ability to pay” in a criminal proceeding, federal courts interpreting the Child Support Recovery Act and the subsequent Deadbeat Parent’s Punishment Act³ have also shown a willingness to define “ability to pay” liberally, and to look beyond the four corners of a defendant’s financial statement to the other facts and circumstances of his or her life.⁴

Prosecutors Wary of “Long Shots”

The existence of favorable precedent, however, does not necessarily insure results. This is evident from the number of non-custodial parents who, while possessing an “ability to pay”, have nonetheless evaded contempt findings. This is also evident from the fact that the legislators deemed criminal sanctions necessary at all. In a case where civil enforcement mechanisms have failed, the custodial parent and the prosecutor must turn to the criminal courts to achieve some level of justice (if not cash). Understandably, prosecutors are taking an approach to criminal non-support that more closely resembles backing the favorite,

(Cont’d. on page 12)

¹ 750 ILCS 16/15 Failure to Support §15. Failure to Support

- (a) A person commits the offense of failure to support when he or she:
- (3) leaves the State with the intent to evade a support obligation required under a court or administrative order for support, if the obligation, regardless of when it accrued, has remained unpaid for a period longer than 6 months, or is in arrears in an amount greater than \$10,000; or
- (4) willfully fails to pay a support obligation required under a court or administrative order for support, if the obligation has remained unpaid for a period longer than one year, or is in arrears in an amount greater than \$20,000, and the person has the ability to provide the support.

² 750 ILCS 15/1 to 15/12.2

³ 18 U.S.C.S. §228

⁴ See, for example, U.S. v. Satterly, 36 F.Supp.2d 71; U.S. v. Williams, 121 F.3d 615 (11th Cir. 1997); U.S. v. Crawford, 115 F.3d 1397 (8th Cir. 1997); U.S. v. Ballek, 170 F.3d 871 (9th Cir. 1999)

instead of betting the long-shot. After all, the deterrent effect of prosecution can be enhanced if there also appears to be a high probability of being convicted. During the early days of criminal enforcement, this effect could also be diminished if non-payers are acquitted and seen by an attentive public as “getting away with it.”

Practical Obstacles

A further obstacle to criminal prosecution is not legal, but practical. The paramount purpose of criminal sanctions is to punish the offender. Punishment under the felony provisions of the NSPA can include imprisonment for up to three years.⁵ In deciding whether to seek criminal charges, a custodial parent must first decide whether the recovery of child support via restitution outweighs the negative effects of punishment. A deadbeat parent is bad enough. A deadbeat parent with a felony conviction can bring a new level of frustration to an already difficult situation. After a “successful” felony prosecution, the obligee may be stuck with an obligor who does not pay, is a convicted felon, is unemployed and, due to his conviction, is less likely to obtain gainful employment. After an unsuccessful prosecution, the custodial parent must endure the humiliation, discrimination, and frustration caused by a system that, once again, lets the deadbeat parent off the hook.

Do Risks Outweigh Benefits to Custodial Parent, Children?

In addition, custodial parents must consider the effects of prosecution on their children. For a felony prosecution to proceed, one parent must decide to participate in a process that may send the other parent to jail.⁶ Prior to making that decision, the custodial parent must assess the psychological damage to their children when their father (or mother, as be the case) is made a felon and perhaps goes to prison. For some custodial parents, the risk of compounding the damage done to their kids by a parent who fails to pay support can never be outweighed by any possible benefit of prosecution. Such parents may be willing to endure years of fruitless civil litigation, but cannot endure the prospect of making the father or mother of their

children a criminal. For them, *jail* is a four-letter word. In other cases, however, the risk to the children may be minimal and therefore acceptable, particularly where there is no relationship between the children and the absent parent.

Money Should be the Bottom Line

Prosecutors, too, must weigh these factors before deciding whether or not to seek charges. While exacting punishment may be appealing in the abstract, it should not be at the expense of the practical. In most cases, the bottom line—MONEY--should be the bottom line. While many cases may qualify, they are not necessarily amenable for felony prosecution where monies can be obtained through garnishment, attachment, liens, citations, or other civil enforcement mechanisms. For example, why prosecute Dr. Deadbeat and put his ability to earn a living at permanent risk when you can temporarily suspend his professional license until he pays up? When wielded indiscriminately, prosecution can be a double-edged sword that could ultimately harm those we seek to protect. Therefore, we should use criminal prosecution as a last resort, and not before civil remedies have been exhausted.

All caution aside, the felony failure to support statute is being used successfully. Felony convictions, indictments, and numerous investigations have yielded tens of thousands of dollars in past-due support payments, as well as increased compliance with current support orders. As the number of felony prosecutions increases, the odds are changing in favor of custodial parents.

⁵ Section 16/15(b).

⁶ Section 16/5 of the NSPA permits prosecution by State’s Attorneys only upon the filing of a verified complaint by the person or persons receiving child or spousal support. Section 16/7 of the Act permits prosecution by the Attorney General in cases referred by the Illinois Department of Public Aid, but the Department must first notify the person receiving child and spouse services of its intent to refer the case to the Attorney General for prosecution.

(* Caroline Kennedy is a Supervising Assistant State’s Attorney in the Child Support Enforcement Division of the Cook County State’s Attorney’s Office in Chicago.)

From the IDPA . . .

. . . ILLINOIS IV-D UPDATE

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

IDPA Notes Child Support Performance Improvements

By David E. Scoville

The ultimate goal of the Division of Child Support Enforcement (DCSE), Illinois Department of Public Aid, is the collection of child support for every client. Before child support can be collected, however, paternity of the child must be established and a support order must be obtained. There are many other functions and intermediary steps that DCSE and its partners carry out, but to collect on child support, those two steps are the most crucial. Fortunately, major performance improvements have occurred in the last year in establishing paternitys and support orders, leading directly to significantly increased collections.

Establishment of Paternity

The first step in collecting child support is the establishment of paternity. Illinois' child support program has focused its energies upon voluntary establishment. If that crucial first step can be done voluntarily, the case can proceed immediately to a support order, saving time and effort. Towards this end, IV-D staff work with hospitals, WIC programs, and many other organizations to promote the benefits of voluntary establishment of paternity. All voluntary paternitys are matched monthly with the IV-D data base to see if a child support case exists for that mother and child. If a case does exist, the paternity is immediately entered, and the case is referred for a support order.

Through these efforts, as well as normal judicial and administrative paternity establishment procedures, the number of newly established or acknowledged IV-D paternitys in FFY01 increased almost 30% over the number established in FFY00. In fact, the total number of paternitys established or acknowledged in Illinois in FFY01 exceeded the number of out of wedlock births in the state in that year. Continued efforts in this area will ensure that the next step, support order establishment, can proceed smoothly.

Establishment of Support Orders

Support orders are the next required step in collecting child support. In FFY00, 30.0% of the child support cases in Illinois had a support order. To receive federal incentive money for this factor for FFY01, and to avoid a financial penalty to the TANF block grant, that percent had to be increased to 35.0%. With well over a million child support cases, this required a massive, coordinated effort.

Every IV-D field office was advised of the need to increase the production of support orders. Staff were reassigned from other duties where practical. Overtime hours were scheduled to enable clients and non-custodial parents to come in on Saturdays. These weekend schedules were particularly aimed at working clients and non-custodial parents. Additional overtime was allocated to prepare case referrals to IDPA's legal representatives. As a result of these efforts, the number of support orders established in FFY01 increased 16% over FFY00. The number of support orders established in FFY01 was the highest ever in the history of the program. Coupled with a massive data base clean up effort, which resulted in the closure of tens of thousands of duplicate cases, the percent of cases with a support order increased to 35.4%.

Child Support Collections

Once a support order is established, child support collections can begin. The most effective means to collect child support is through income withholding. This is done automatically anytime an employer is found. The new hire reporting process is particularly effective in finding non-custodial parents who are newly employed. Other tools are used when income withholding is not an

(Cont'd. on page 16)

Madison Punishes Deadbeats: County Enforces License Suspension *

By Brian Brueggemann

EDWARDSVILLE –June 30, 2002 - Allen Pierson was behind on his child support payments for years. A few weeks ago, though, he took out a second mortgage on his home so he could come up with \$10,700 he owed in support.

Why? Because he didn't want to lose his driver's license.

Prosecutors in the child-support division of the Madison County state's attorney's office told Pierson they'd ask a judge to suspend his driver's license if he didn't pay.

And when Madison County prosecutors make that threat, it's for real. They've gotten more than 900 driver's licenses suspended since 1996 because people weren't paying child support.

Madison County has suspended twice as many licenses as any other county in Illinois since the state's "Deadbeats Don't Drive" program began in 1996.

Pierson, 32, of St. Louis, operates a carpet-cleaning service. He has a daughter with an Alton woman and was far behind in his support payments.

"I need my driver's license, so I took out a second mortgage on my house," he said.

Christine Kovach, a prosecutor in charge of the child-support division at the state's attorney's office, said cases like Pierson's aren't uncommon. She said the mere threat of suspending a driver's license is often enough to get a parent to make payments.

"It especially is for people who depend on their license to perform their job duties," Kovach said.

In Madison County, judges have suspended 944 driver's licenses under the program -- usually at the request of prosecutors but occasionally at the request of private attorneys.

The county with the next-most suspensions is Macon, with 431, followed by St. Clair, with 143.

Kovach said one reason for Madison County's high number is a willingness on the part of judges to suspend licenses. She said prosecutors in other counties have told her that some judges believe it's "something a little drastic."

But Kovach said parents in Madison County are given ample opportunity to make payments before license suspension is sought. And if the person begins making payments consistently for at least six months, the suspension is usually put on hold, even if back support is still owed.

"The keys are in their own hands," Kovach said.

She estimates that about 300 people have gotten their licenses back by paying what they owed or have had their suspensions put on hold.

A person with a license suspended under the program can ask the court for a permit that allows work-related driving. Kovach said her office doesn't fight the granting of those permits, and she estimates that 150 have been granted.

The law allows a driver's license to be suspended when the noncustodial parent owes more than 90 days of child support and has the ability to pay.

Pierson doesn't think it's fair. He complained that he doesn't get to visit his daughter.

"It made me mad," he said.

Pierson did have his license suspended briefly in March, until he came up with a \$5,000 payment. He said when he made that payment, prosecutors were "high-fiving" his daughter's mother.

"It was like they brought in Osama bin Laden or something," Pierson said.

(* Reprinted, by permission, from the June 30, 2002 edition of the Belleville News-Democrat, Belleville, Illinois.)



News From Washington

FEDERAL IV-D UPDATE

Pay Your Child Support - Will Travel: Passport Denial Success Stories *

The Passport Denial Program, which is operated as part of the Federal Offset Program, is designed to help states enforce the child support obligations of the most egregious delinquent obligors. Under the program, non-custodial parents certified by a state as having arrearages exceeding \$5,000 are submitted by OCSE to the Department of State (DoS), which "flags" their names and denies them U.S. passports upon application or the use of a passport service. The state can then remove their names from the program once the child support has been paid or appropriate arrangements have been made to satisfy the debt.

The program was implemented jointly by OCSE and DoS in June of 1998. Currently, an average of 60 passports per day are denied, up from 30 to 40 at the start of the program. Since June of 1998, the caseload has grown from two million to over three million cases.

Since its inception, this program has collected over \$14 million in lump-sum payments. Significantly, this total does not include those obligors who set up payment plans and wage withholding as a result of being submitted for passport denial and represents only the amount that states voluntarily report.

Traveling overseas for employment purposes typically garners large lump-sum payments. Quite a few work-related payments have been made to California. An obligor working in Bahrain came back to the U.S. for vacation. While he was here, his passport expired. He paid \$137,350, all of which went to the custodial parent. In order to

travel to Europe to train U.S. troops stationed overseas in self-defense, an obligor paid \$31,450. Another obligor, who wanted to travel to Europe for pleasure and business, made a lump-sum payment of \$29,642.

Other states have also received employment-related payments. Arizona received a \$45,900 payment from an obligor who was about to lose his job if he could not travel immediately. An obligor did a wire transfer to Maine from Japan in the amount of \$42,500 so that he could continue working overseas. Still another, who also resides in Japan, made a \$27,351 payment to Wisconsin. While working in Saudi Arabia, an obligor from Florida paid his case in full: \$20,061. Washington State received a \$15,000 payment from an obligor who needed to travel to Rome for employment purposes. Finally, a priest from Hawaii, who was scheduled to perform a wedding ceremony in India, borrowed \$5,450 to put toward his arrears so he could travel.

Visiting family and friends overseas often brings in large collection amounts. An obligor in California made a \$110,000 cash payment so he could visit his family in Malaysia. The State of Washington collected \$34,255 from an obligor who had plans to visit his girlfriend in the Philippines. Another obligor from Washington state wanted to accompany his wife on a trip, but couldn't get a passport. Her father, as a graduation gift, had given her a trip to Russia. Tacoma County child support office insisted on payment in full. The obligor borrowed \$7,601 from his grandmother and was able to accompany his wife. New York received \$28,781 from an obligor so he could visit family overseas. Illinois collected \$17,511 when an obligor wanted to visit his elderly mother and \$9,218 from another who

(*Reprinted, by permission, from the July, 2002, issue of *Child Support Reports*, published by the U.S. Dept. of HHS, Administration for Children and Families, OCSE, Washington, D.C.)

(Cont'd. on page 16)

("Federal IV-D Update," cont'd. from page 15)

wished to visit his family in South America.

Entertainers frequently need to travel, and they make sizeable payments in order to obtain their passports. A special effects coordinator from California paid \$14,000 so he could obtain his passport to work on a film in Europe, and a singer from Montana paid \$11,000 towards his arrearages so that he could perform with a gospel group on tour in Japan and Germany.

Sometimes there are circumstances that just do not fit into any one specific category. An obligor from New York, who had no travel plans at all, and paid \$65,321 just so he could have his passport. A California passport release case

actually started back in October 2001. The obligor had no verifiable job or means of income. After many different stories, he finally claimed that his father had just died in Japan and he had to travel for the funeral. When the death certificate was received, it was for a woman who had died the month before! His request for a passport release was refused, and the office never heard from him again until he went to the county and paid his account in full: \$55,545.

For more information on the passport denial program or to report your own success story, please contact OCSE's Rebecca Hamil at (202) 690-5378 or email the Special Collections Unit at scollections@acf.hhs.gov

("Illinois IV-D Update," cont'd. from page 13)

option: federal tax offsets, state payment offsets, asset seizures, private collection agencies, etc. In total, due to the increased number of support orders, as well as vigorous collection actions, distributed collections increased 13% in FFY01 over the previous year. (Note: preliminary FFY01 statistics show that total distributed collections rose 6.2% in the U.S.) Additionally, 10% more cases received a collection than had received collections in the prior year.

FFY02 Improvements

FFY02 does not end until September 30, 2002, so final data are not yet available. However, through the first nine months of FFY02, the number of support orders has increased 38% over the same time period in FFY01. Distributed collections have improved 16% percent over the same time period a year ago. The Illinois Child Support program has a long way to go, but if the improvements that have been seen in the past two years are continued, many more families will be getting the child support they are entitled to, and Illinois will have a child support program it can be proud of.

Check out IFSEA on the Web!

www.illinoisfamilysupport.org

- *Direct links to the most recent court decisions,*
 - *Summaries of proposed legislation, with direct links to bills and legislative activity as it develops,*
 - *Extensive list of links to agencies, organizations, research sources and other useful information,*
 - *News on the 2002 Conference, & more.*

***IFSEA's website is a work in progress.
Your input and suggestions are welcomed and encouraged.***

(“Support Recovery Task Force,” cont’d. from page 1)

Attorney General Robert Lyons leads this effort.

“The development of the new Child Support Recovery Task Force is a great step forward for the children and families of Illinois. I am hopeful that the lessons learned will be practiced throughout the state in the collection of child support,” said Lyons.

Richard Falen, Child Support Liaison with the Office of the Illinois Attorney General, is the task force’s coordinator. Falen, along with summer law clerk Kurt Newsom and summer intern Melissa Hunt, coordinated and deployed a pilot program of this task force earlier this year.

Streamlined, Innovative Procedures

The new Child Support Recovery Task Force is dramatically streamlining current practices and procedures relating to the collection of child support. Custodial parents are contacted through the mail – eliminating the need for an intake appointment. So far, 514 custodial parents have been contacted in this new way, and it is anticipated that another 1800 will be contacted in August 2002.

A particularly progressive feature of this Task Force is that a down payment is demanded during settlement sessions. Payments are accepted in cash, money order, certified check, credit card or wire transfer to the State Disbursement Unit’s (SDU) bank.

Local county officials have been crucial to the early success of this program. Pat Hermann, Bureau County’s State’s Attorney, was among the



Knox County Circuit Clerk Kelly Cheesman and Attorney General’s Task Force Coordinator Richard Falen review a case file at Knox County settlement session.



Asst. Attorney General Larry Nelson, left, and Knox County Asst. States’ Attorney Steve Watts work together on Knox County Task Force settlements.

first to embrace the idea. He and Bureau County Circuit Court Clerk, Michael Miroux, hosted the first settlement session on May 29, 2002. The payoff for Bureau County was the collection of just over \$10,000.00 in down payments.

Local Support Crucial to Success

Two settlement sessions were subsequently held in Knox County on July 9, 2002. Key to the success of these sessions, was the support and assistance of Paul Mangieri, Knox County State’s Attorney, Steve Watts, Assistant State’s Attorney, and Kelly Cheesman, Circuit Court Clerk. Carla Bender, Circuit Court Clerk of Logan County, joined the task force and hosted two more sessions on July 26, 2002.

The Child Support Recovery Task Force is currently working on future sessions for Champaign, Winnebago, Cook, Bond, Putnam and Livingston counties.

Impressive Early Results

The early initiatives of the task force have met with impressive results. Since the first settlement session, \$18,693.82 has been collected in down payments towards judgments totaling \$305,262.89. These are revenues that, without the efforts of the new recovery task force, would not have been collected.

(Cont’d. on page 18)

NCP's, System Benefit

Non-custodial parents (NCPs) also benefit from this new structure. It provides an opportunity for NCPs to participate in the child support process and have their questions answered. Because the NCPs come in on their own, they are offered dignity and respect.

Another advantage is that legal action referrals are now generated automatically by KIDS reports, instead of being prepared manually by caseworkers. Automating the process eliminates the potential for human error and enhances accuracy for Illinois' families.

These initiatives ensure that the Illinois Child Support Program focuses the most time and energy on cases where both the custodial and non-custodial parents are engaged and participatory in the process.

Case files are developed by the Attorney General's staff and used in the settlement sessions. Supervised by Tom Vaught, Public Aid Claims Enforcement Bureau Chief, Assistant Attorneys General complete the necessary paperwork to obtain a judgment and an exact balance is determined at the sessions.

IDPA Accountants Assist NCP's

Lonnie Nasitor, Deputy Administrator, coordinated the efforts of the Illinois Department of Public Aid's Division of Child Support Enforcement's Centralized Enforcement Unit and provided accountants at the settlement sessions. Under the direction of Michele Nevins, Supervisor of Centralized Enforcement Unit Three, on-site accountants met with non-custodial parents (NCPs) to review and answer questions about their payment histories and determined the exact balance due.

"The non-custodial parents that the account-

ants met with admitted knowing they had past due support but were shocked at how much money they actually owed." Nevins said. "The accountants felt that they had provided a service to the non-custodial parents by explaining how the debts accrued."

MAXIMUS, a subcontractor with the Illinois Department of Public Aid, participates in the joint-task force by providing customer service to the NCP's as they arrive at the settlement sessions. Tiffani Brooks, Operations Manager with MAXIMUS, commented, "We really help them understand the process. Most appreciate the chance they are given to pay and make settlement arrangements."

"In fact," said Brooks, "one NCP told me that he was waiting for something like this to happen because he didn't know how to get things started."



NCP's review their files at Knox County settlement sessions

No-Shows Risk Criminal Prosecution

In some cases, the NCP failed to show for their settlement session. In cases such as these, the Office of the Illinois Attorney General is coordinating review and follow-up to move forward with criminal charges. Currently, the Bureau County State's Attorney's Office (SAO) is reviewing eight cases for misdemeanor prosecution and four for felony prosecution. The Knox County SAO is working with Lyons and Falen to review an additional 30 cases for misdemeanor charges. Logan County cases will be heard on August 30, 2002 for possible contempt of court charges.

Richard Falen, Child Support Liaison with the Office of the Illinois Attorney General, believes that the innovative new task force will produce immediate results state-wide.

"The success of this pilot has shown that if we are aggressive in the ways we collect child

(Cont'd. on page 19)

("Support Recovery Task Force," cont'd. from page18)

support, NCP's will pay." He said. "We must have the expectation that they will pay their child support one way or another."

But as all involved in the Child Support Recovery Task Force already know, the only true success of this program is measured by the benefits we are able to provide to Illinois families who depend on child support payments to make ends meet. That's why stories such as Connie

Howell's are so empowering: due to the task's forces efforts in Logan county, Ms. Howell will be receiving \$400 in past-due child support from her estranged husband. What will Ms. Howell do with the money?

"This year," said Lyons, "her kids will get new school clothes."

For more information regarding the Child Support Recovery Task Force contact Richard Falen or Robert Lyons at 312-814-7183.

IFSEA Membership Applications / Renewals Are Now Being Accepted For 2002 – 2003

***IFSEA membership is included with your registration for
IFSEA's 14th Annual Conference***

***But if you can't make it to the conference
DON'T FORGET TO RENEW YOUR MEMBERSHIP!***

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)

(8/02)

OFFICIAL NOTICE TO MEMBERS

**The Fourteenth Annual Members' Meeting
& Election of Directors**

**of the Illinois Family Support
Enforcement Association**

will be held in two parts:

Part I: Monday, October 21, 2002, at 10:00 a.m.

Part II: Tuesday, October 22, 2002, at 11:30 a.m.

both sessions in the Grand Ballroom of the

Hickory Ridge Marriott Conference Hotel

1195 Summerhill Drive

Lisle, IL 60532

The primary items of business will be the nomination
and election of Directors for 2002-2004 (see page __)

SEE YOU AT THE CONFERENCE!

See Pages 3 through 10 for Details!

**Illinois Family Support
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