

FAMILY SUPPORT FORUM

The Official Newsletter of the Illinois Family Support Enforcement Association

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No. 2

iPads Utilized In Cook Court

By Durman Jackson

The Cook County State's Attorney's Office
Child Support Enforcement Division

(CSED) has been on the forefront of technology for a number of years. Years before the advent of K.I.D.S., CSED created a proprietary Foxpro database to track all CSED child support matters. This database, which was later transitioned over to Microsoft Access, helps the CSED monitor nearly one million child support case files which are housed at CSED headquarters in downtown Chicago.

In addition to the database, CSED has long espoused technology in the courtroom. Years before it was fashionable, CSED had

a pilot project that placed laptops and portable printers in courtrooms to generate court orders. Unfortunately, this pilot was



not a success as portable printers were too slow at that time to keep up with the heavy demands of the Cook County courtrooms. Approximately five years ago CSED revisited the use of laptops and printers in the courtroom. This pilot project used much more powerful laptops than the first pilot, and substituted desktop laser printers for the portable inkjet printers used in the first incarnation. The second pilot was a success, but proved cost

probativ e with then existing technology. CSED could not fund the cost of Windows based laptops and laser printers for the more than twenty courtrooms and eight hearing

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rooms that the CSED handles child support matters on a daily basis. As a result, the pilot was never implemented division wide.

This year as part of CSED's continuing efforts to improve efficiencies within our budgetary limitations, CSED Office Manager Kyle Mallon, along with Division Deputy Supervising Assistant State's Attorneys Christopher Johnson and Durman Jackson, created a new pilot project that uses Apple iPad tablet computers and HP wireless inkjet printers in CSED courtrooms and hearing rooms.

The iPad and HP wireless printers were selected as the medium for the current pilot due to their low cost in comparison to an equivalent laptop-printer combination. In fact, CSED found that an iPad and printer cost less than a laptop without a printer. Even when compared to a bargain basement laptop, the iPad was determined to be more cost effective due to the significantly lower cost of iPad software (apps) versus Windows software.

To date, CSED has acquired 12 iPads and eight printers, and has deployed the iPads in post-decree courtrooms in the Daley Center and in the suburban court districts of Cook County. Assistant State's Attorneys and CSED court assistants generate court orders on iPads, and after explaining the terms of the orders, instruct the litigants to sign the iPads. Yes, the iPad software that creates the court orders allows parties to sign electronically, something that also would not have been possible with an inexpensive laptop.

ASAs signatures are also electronic, except that ASAs only sign the iPads once a day, as their signatures are then "pasted" onto the court orders. Once orders are signed by the litigants and ASAs, the ASAs or court assistants send print commands to the

wireless printers from the iPads. Judges are then presented the orders for their handwritten signatures.

After the orders are signed by the judges and file stamped by the clerks, the orders are then scanned to the wireless printers, which are also photo copiers and scanners. The scanned copies of the orders are saved as PDFs on SD cards as an electronic backup. At the end of the day, the SD cards' contents are downloaded to the CSED database, which then allow an ASA to view to the orders from his or her desktop computer immediately.

It goes without saying that this pilot has met with great success. All of the participants, including the judiciary have fully embraced this initiative. One judge in particular, Judge Barbara Meyers, has indicated that she is going to spend her own money to buy the exact same setup so that the private bar can create orders in the same manner. Judge Meyers is also going to buy a second setup for her own use.

CSED is well into the second month of the pilot. During the third month the pilot will be expanded to the heaviest volume section, the Parentage & Child Support courts. Supervising Judge Martha Mills has expressed great enthusiasm for this pilot, and looks forward to the use of iPads in her courtrooms and hearing rooms.

When funds permit, CSED intends on expanding the pilot to all of its courtrooms and hearing rooms.

In a future newsletter article, CSED will detail how the iPads are being used in interstate misidentified party matters (wrong man cases) as well as the current state of the pilot.



From the President . . .

. . .IFSEA UPDATE

By Debbie Packard

It seems impossible that yet another year has passed as we prepare for the 23rd Annual IFSEA conference. This past year may have seemed a little disjointed as we did not hold an in-person conference. In conjunction with the board of directors, we hope that the delivery format for the two training sessions worked out well and that you all benefited from the expertise that was shared via the web and video conferencing.

As IFSEA president, I was afforded the luxury of attending NCSEA's conference in Atlanta, Georgia. It was an honor to be representing the State of Illinois and IFSEA as a speaker and a moderator at the conference. What a breath of fresh air to have Illinois in the limelight!! It serves as a reminder of how hard we have all worked to get the Illinois child support program above and beyond an acceptable level. I am truly proud of the work that all of us do as professionals in the child support world. While we have come a long way, there is still a long way to go.

This year's conference will be full of ideas and potential solutions to the face of child support. The face of our program is ever-changing and we as an organization must continue to strive toward supporting programs and training geared toward the best interests of the children that we serve. Please register for the conference!! I'd love to see you there.

Thanks to you for electing me as the 2010-2011 IFSEA President and allowing me to serve.

Regards,
Debbie Packard



From HFS...

...ILLINOIS IV-D UPDATE

By Pamela Lowry

The long hot days of summer are behind us and IFSEA's annual training conference is on the horizon. I'll be very glad to welcome all of you to my hometown on October 23rd through 25th.

The IV-D program is staying strong, even through a very tough economic cycle. We continue to see many, many of our custodial and non-custodial parents being unemployed or taking jobs for lower wages. Over the last few years, we've worked to get the message out that parents who have child support obligations may apply for a review of the child support terms if they have become unemployed.

As many of you are aware, the Illinois Supreme Court issued a ruling on civil contempt practices for child support cases. I understand that ruling will be the topic of an IFSEA workshop, and HFS has issued a policy memorandum related to the ruling.

DCSS continues to engage in long-term strategic thinking, even in these tough times. Right now we have three "big ideas" that we are working on statewide:

- collaboration with the Child Support Advisory Committee on creating a new guidelines model,
- taking the first steps towards KIDS modernization with a focus on document generation, utilizing the HFS data warehouse, and identifying enhancement opportunities for the SDU Extranet connection between Clerks of Court systems, the SDU, and KIDS, and
- collaborating with our Cook County intergovernmental partners on improving service delivery coordination and on improving service delivery statewide.

While we continue to be focused on improving our performance on the 5 key performance elements, our strategic focus at this time is improvement of the way we provide service while we continue to maintain and improve our performance.

I look forward to seeing all of you at the conference, and to hearing your thoughts and your own "big ideas".

Sincerely,
Pam

Current Regulations surrounding UIFSA

By Debbie Packard

HFS is diligently working in response to OCSE AT-10-06 and the Intergovernmental Child Support Final Rule as published on July 2, 2010. The final rule describes revised federal requirements for establishing and enforcing intergovernmental support obligations in child support program cases receiving services under title IV-D of the Social Security Act. The following identifies some of the changes with regard to intergovernmental case processing to meet the revised federal requirements.

- The responsibility of referring overdue support to Consumer Reporting Agencies (CRA) has been changed from the initiating state to the responding state.
- The revised federal requirements clarified that a responding agency can only close a case by either:
 - 1) permission from the initiating agency, even if the NCP is located in a different state, or
 - 2) the responding agency documents failure by the initiating agency to take an action which is essential for the next step in providing services. Responding cases may no longer be closed based on case closure criteria as set 45 CFR 303.11 (b) (1) through (b) (11).
- In regards to case closure, a responding agency must provide more information when requesting case closure. They must specify that they are keeping their case open, but no longer require the services of the responding jurisdiction, or that they want the responding jurisdiction to terminate withholding and then close the case. The responding jurisdiction is required to take this action within 10 working days of receipt of a request to close from an initiating agency. The initiating agency must notify the responding agency that the appropriate closure request has been processed.
- The revised federal requirements require the initiating agency to notify the responding agency, at least annually and upon request, of interest charges, if any, owed on overdue support on an initiating states order that is being enforced by the responding agency..
- In regards to genetic testing, the responding jurisdiction is now responsible for both the scheduling and payment of the genetic test.

Please use the following links if you wish to read more details regarding the regulations surrounding UIFSA. <http://www.acf.hhs.gov/programs/cse/pol/AT/2010/at-10-06a.pdf> and <http://www.acf.hhs.gov/programs/cse/pol/AT/2010/at-10-06.htm>

Civil Contempt: How Much Process is Due?

By Diane Potts

On June 20, 2011, the United States Supreme Court decided the case of *Turner v. Rogers*, 131 S.Ct. 2507, and found that Michael Turner's constitutional right to due process had been violated by the child support proceedings in South Carolina. The Court held that if a State does not provide counsel for an indigent obligor in a civil contempt proceeding, the State must have procedural safeguards in effect to assure against wrongful incarceration.

What went wrong in Turner?

In 2003, the Family Court in Oconee County ordered Turner to pay \$51.73 per week in child support to Rebecca Rogers. Turner was unemployed at the time, but the court imputed income in setting support. The clerk filed four contempt petitions against Turner over the next two years for not paying support. Each time, the court held Turner in contempt of court and, each time, Turner purged his contempt – twice without being jailed, twice after spending about three days in custody. After the clerk filed another petition in 2005, the court found Turner in contempt again and sentenced him to six months in jail until he paid his support arrearage in full. He remained in jail for the full six months. When he was finally released in January 2006, Turner owed over \$1,900 in past due child support.

The clerk in Oconee County filed a sixth petition for civil contempt against Turner, and the court held a hearing in January 2008. No attorneys were involved, and only Rogers and Turner appeared before the court. The clerk informed the judge that Turner was \$5,728.76 behind in support payments, and the judge asked Turner if there was anything he wanted to say. Turner testified that he was a drug addict and had started using marijuana and methamphetamine when he was released from jail in 2006. Turner then explained that he was able to find a job, but fell and broke his back in September 2007. He stated that he applied for disability and SSI, and that he finally stopped using drugs. The court found Turner in willful contempt of court and sentenced him to 12 months in the Oconee County Detention Center, with the purge set at the total amount of arrearage owed.

Turner remained incarcerated for a year. While in jail, Turner secured *pro bono* counsel who filed a notice of appeal on his behalf, arguing that he had a constitutional right to the assistance of counsel prior to incarceration. The South Carolina Supreme Court certified the appeal before the appellate court could decide the issue, and affirmed the trial court. The Court found that Turner had a “conditional sentence” with the ability to purge himself of contempt and avoid jail by paying his arrears in full. Turner filed a petition for writ of certiorari on June 25, 2010, presenting the following as the question for the highest court to decide:

Whether the Supreme Court of South Carolina erred in holding – in conflict with twenty-two federal courts of appeals and state courts of last resort –

that an indigent defendant has no constitutional right to appointed counsel at a civil contempt proceeding that results in his incarceration.

On November 1, 2010, the United States Supreme Court granted certiorari.

What happened in the United States Supreme Court?

The United States Solicitor General filed an *amicus* brief on Turner's behalf, arguing that his constitutional rights to due process had been violated by the South Carolina proceeding, but urging the Court not to find an automatic, constitutional right to counsel whenever incarceration is at stake. The US explained that confinement for civil contempt is meant to be coercive, not punitive, and the ability to comply with a court order is a required predicate to any civil contempt sanction. In its brief, the US reasoned that if an obligor does not have the ability to comply with a court order to pay support, "he does not truly hold the keys to the prison; to confine him nonetheless would render the confinement punitive and thus a sanction that may be imposed only after compliance with criminal case safeguards." (*Amicus Br.*, p.11). The focus of any civil contempt proceeding, therefore, must be on the obligor's present ability to pay his child support and the procedures must be adequate to ensure an accurate determination to prevent an erroneous deprivation of liberty. According to the US, the procedures in South Carolina were inadequate to make an accurate determination of Turner's ability to pay his child support arrears.

In a split 5-4 opinion, the majority of the Supreme Court agreed with the Solicitor General and reversed the South Carolina Supreme Court. The Court recognized that a defendant's present ability to comply with a court order to pay child support is the key difference between criminal and civil contempt. 131 S.Ct. at 2518; *Hicks v. Feiock*, 485 U.S. 624, 635, n. 7 (1988) ("The critical feature that determines whether the remedy is civil or criminal in nature is not when or whether the contemnor is physically required to set foot in a jail but whether the contemnor can avoid the sentence imposed on him, or purge himself of it, by complying with the terms of the original order."). The Court also found that freedom from incarceration "lies at the core of the liberty protected by the Due Process Clause," making it "obviously important" that the State's procedures must "assure accurate decision-making in respect to the key 'ability to pay' question." *Id.*

Appointing counsel for an indigent defendant is sufficient due process protection against wrongful incarceration *but* there are alternative procedural safeguards that also may suffice, especially in cases where the custodial parent like the obligor is unrepresented and proceeding *pro se*. *Id.* at 2520. The Court expressly recognized the following safeguards for civil contempt proceedings:

- 1) Notice to the defendant that his ability to pay is a critical issue in the contempt proceeding;
- 2) Use of a form to elicit relevant financial information;

- 3) An opportunity at the hearing for the defendant to respond to statements and questions about his financial status; and
- 4) An express finding by the court that the defendant has the ability to pay child support.

Id. at 2519. The majority concluded that, in *pro se* proceedings, the due process clause does not automatically require counsel for indigent obligors *as long as* the State provides alternative procedural safeguards designed to ensure an accurate decision on ability to pay. *Id.* at 2520. The Supreme Court expressly reserved the issue of whether counsel is constitutionally required in cases 1) where counsel for the State prosecutes the contempt; and 2) that are unusually complex. *Id.*

What is happening in Illinois?

Illinois, like South Carolina, does not provide counsel for indigent obligors in civil contempt proceedings. In compliance with *Turner*, Illinois uses alternative procedural safeguards, including two new legal forms – a notice and a financial affidavit for civil contempt. On September 16, 2011, the Conference of Chief Judges voted to recommend the use of those two forms in civil contempt proceedings in all circuits throughout Illinois.

Diane Potts and Mary Morrow will join New York City Magistrate Nick Palos and South Carolina law professor Libba Patterson in presenting an NCSEA Webtalk , Thursday, October 20. The CLE Webtalk, “Civil Contempt After Turner: How Much Process is Due?” will begin with a summary of contempt activities prior to the Supreme Court decision on *Turner v Rogers*.

The panel will cover the general principles of contempt, take a look at what the states were doing as far as appointment of counsel for civil contempt, and share a study on the use of incarceration in South Carolina. The group will then turn to the facts and decision in *Turner*, and finally they will discuss the *Turner* aftermath – contributions and problems of the decision, trying a contempt case post-*Turner*, state IV-D program compliance with *Turner* mandates, and alternatives to contempt.

For more information on the Webtalk go to:

<http://ncsea.peachnewmedia.com/store/provider/provider09.php>

‘Family-Centered Services’ Means Good Customer Service

By Vikki Turetsky, OCSE Commissioner

Reprinted with permission from the OCSE Child Support Report September 2011

Part of the meaning of “family-centered services” is providing good customer service. It means developing the habit of seeing yourself and your office through the eyes of the parents who interact with you, and reorganizing your work to become more responsive. Customer service is right in the center of the bubble chart—part of our core business.

What do you want from the child support program as a custodial mom, as a custodial dad, as a grandmother? First of all, you want results. You want the other parent to pay. You don’t want to waste your time. You don’t want to sit in a waiting room or in a phone queue. You don’t want to fill out paperwork over and over again. You want to get your questions answered. You want a clear understanding of what will happen to you in the process. You want to feel safe. You might want to apply for other programs, such as SNAP and SSI, if only someone would ask you. You don’t want to be judged. You want your worker to know what you are up against.

And if you are a noncustodial dad or mom? You want the worker to understand the complexity and sorrow of your life. You want to be treated as a parent, not a wallet. You want to be respected and understood. You want the system to work with you, not against you. You don’t want to be judged. You don’t want to be humiliated. You want a chance to make things right. You need a job. You want to see your kids. You want for your children what you might never have had.

Every one of us has had good and bad customer experiences. And we can identify precisely what went right or wrong in those experiences. Usually, when things go right, we feel that we matter, we feel heard, we are engaged in the process, and we can maintain some control over the outcome—whether we are ordering online, fixing a problem with a bill, or sitting in a hospital waiting room.

The child support program has a deep culture of innovation. Innovation starts with every worker and every manager saying out loud:

Do you know what I saw?

What I heard?

What I read?

What if we ...?

Why do we...?

We ought to try....

As child support offices around the country know, technology is part of the answer to providing good quality customer service, especially in a time of budget cutbacks. Technology can help us reach a new generation of parents, many of whom get their information through the internet. We can expand customer-friendly, interactive websites and voice response systems. We can use cell phone texts and email alerts to parents. We can post short videos with real customers to speak for our program and develop apps that make our internet services easy to use. We can encourage parents to apply for services online and link parents to such resources as benefit calculators and program navigators.

But technology is not the whole answer. When states were implementing statewide computer systems in the 1990s, the prevailing idea was that we would become efficient collection agencies—highly automated, impersonal, with minimal caseworker intervention. Now we know that that approach is not enough. We need to build in the missing ingredient in our program—parental engagement. The money is important. But what we know now is that child support is about more than just money; it’s about families.



Located in the historic downtown area of Springfield, Illinois, the newly remodeled Hilton Springfield hotel in Springfield, Illinois is the ideal choice for the leisure, business or convention traveler. The 30-story Hilton hotel features 360 beautifully appointed guest rooms, each with a spectacular, panoramic city view.

The Hilton hotel in Springfield is the closest hotel to most of the Abraham Lincoln historic sites. The [Abraham Lincoln Presidential Museum and Library](#) and [Lincoln's Home Site](#) are both two blocks away. The [Old State Capitol](#), the Frank Lloyd Wright designed [Dana-Thomas House](#), [Governor's Mansion](#) and [Lincoln's Tomb](#), as well as many other sites are less than five minutes away. The [Illinois State Fairgrounds](#), [Knight's Action Water Park](#), [Route 66](#), and [White Oaks Mall](#) are all easily accessible from our front door.

Visitors will enjoy the many quaint shops, cozy bistros and the vibrant nightlife that downtown Springfield, Illinois offers. These are just some of the reasons that downtown Springfield is referred to as "The jewel of the city".



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**ILLNOIS FAMILY SUPPORT
ENFORCEMENT
ASSOCIATION ANNUAL
CONFERENCE**

OCTOBER 23 - 25 2011

**Hilton Hotel
Springfield, IL**

What is IFSEA?

IFSEA is a not-for-profit organization dedicated to the improvement of the administration of family support programs in Illinois. One of the goals of IFSEA is to provide ways and means whereby state and county officials, organizations, and individual practitioners involved in family support enforcement can exchange information, ideas and experience and obtain expert advice.

The IFSEA conference gathers together child support professionals from throughout the State of Illinois to learn, explore, and discuss issues affecting the child support community. IFSEA welcomes the opportunity to hold this annual conference and offer its members the ability to meet and network with other child support professionals.

Contact Information:

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CONFERENCE AT A GLANCE

SUNDAY, OCTOBER 23rd, 2011

4:00-7:00 Registration
 6:00-7:00 Meet and Greet
 7:00-9:00 Annual Banquet
 9:00-11:00 Hospitality Suite

MONDAY, OCTOBER 24TH, 2011

8:00-5:00 Exhibitors
 8:30-10:00 Plenary Session I
 10:00-10:15 Refreshment Break
 10:15-11:15 Break-out Session I
 A. Civil Unions
 B. UIFSA
 11:20-12:15 Annual Meeting I
 12:30-1:30 Lunch
 1:35-2:35 Break-out Session II
 A. NCP Services
 B. Contempt Changes I
 2:40-2:55 Refreshment Break
 2:55-3:55 Break-out Session III
 A. Contempt Changes II
 B. Foster Care
 4:00-5:00 Break-out Session IV
 A. Soft Skills
 B. Ethics for Attorneys
 5:05-6:05 IFSEA Board Meeting
 5:15-7:15 Hospitality Suite
 7:15-11:30 Social Events

TUESDAY, OCTOBER 25th, 2011

8:00-10:00 Exhibitors
 8:30-9:45 Plenary Session II
 Judge's Panel
 9:45-10:00 Refreshment Break
 10:15-12:00 Annual Meeting II
 Elections

-Door Prizes (Must be present to win)

Registration Form:

(Please submit separate registration for each person attending)

| <i>SIGN UP</i> | <i>PRICE</i> | <i>TOTAL</i> |
|---|---------------------|---------------------|
| <input type="checkbox"/> Registration Fee (Before 9/30/11) | \$110.00 | _____ |
| <input type="checkbox"/> Registration Fee (After 9/30/11) | \$135.00 | _____ |
| <input type="checkbox"/> Illinois CLE Fee Illinois ARDC# _____ | \$15.00 | _____ |
| <input type="checkbox"/> I will be attending Sunday Banquet | | |
| <input type="checkbox"/> I will not be attending Sunday Banquet | | |

Additional Sunday Dinner tickets
 _____ needed \$32.00 ea _____

Additional Meal Package
 (includes all meals)
 _____ needed \$75.00 ea _____

TOTAL _____

Make checks payable to: IFSEA
 1018 North Scott St. Wheaton, IL 60187

Name (to appear on Membership Certificate) _____

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Title & Employer _____

Address _____

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FAMILY SUPPORT FORUM

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ILLINOIS FAMILY SUPPORT ENFORCEMENT ASSOCIATION
Application for Membership / Address Correction

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

- Regular membership - please enclose \$20.00 annual dues.
- Subscription membership - please enclose \$20.00 annual fee.
- Affiliate membership - (dues to be determined by Directors upon acceptance).

Applicant's Name: _____

Position/Title: _____

Employer/Agency: _____

Office _____

City/State/Zip: _____ Office Phone: _____

Preferred Mailing Address: _____

Preferred Phone: _____ Preferred Fax: _____

E-Mail Address: _____

Send Forum to E-Mail Address

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

(FEIN: 37-1274237)

(1/05)