Child Support

In Cook County, Illinois

A Call for Reform

A Report Prepared by

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and
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Note: While some of the Advisory Board members who participated in the project may have reservations about particular recommendations contained in this report, all support the basic structure and organizational changes set out herein to improve child support for the families of Cook County and Illinois.
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I. Introduction

The Council and Chicago Appleseed form a strategic alliance to work on projects in the public interest. This project benefited from the work of both the Council and Chicago Appleseed as well as other organizations.

The Council began its work with child support in 1992 with a qualitative research study aimed at the Cook County State’s Attorney’s Division of Child Support Enforcement. A report detailing the results of the study, and recommendations for improvement, was released in May 1996.1

The Fund for Justice of the Chicago Council affiliated with the Appleseed Foundation in 1997 and became known as Chicago Appleseed. The Appleseed Foundation is a national organization designed to effect and enable constructive system change leading to a more just, equitable society by establishing “Appleseed Centers” throughout the country. In Chicago, the Appleseed Center is Chicago Appleseed.

After releasing this report, the Council and Chicago Appleseed recognized that reforming one part of the child support system would not be sufficient. We found that Illinois’ child support system was comprised of a collection of uncoordinated activities being conducted by at least five government bodies. Fixing one part of the system would not fix the rest of the process.

In June 1996, the Council brought together representatives from nineteen government agencies, legal services providers, and community groups involved in the Cook County child support system for a series of meetings. The goal of these meetings was to devise solutions to improve Cook County’s exceptionally poor record in establishing, enforcing, and collecting on child support orders. This group was called the Child Support Panel and was facilitated by former Illinois Supreme Court Justice Seymour Simon.

After a year and a half of meetings, the Child Support Panel produced a report, Child Support in Cook County: A Model for Improved Performance, which provides a model for how the group believed the agency should function in Cook County.2 All participants of the Child Support Panel agreed to support the basic structure and organizational changes set out in the Model.

Recent statistics show that Illinois is still one of the worst functioning child support agencies in the country.3 Out of 53 reporting States and Territories, Illinois consistently ranks at the very bottom in collections, distributions, and cost-effectiveness. As you can see from Chart 1.1, the percent of child support due that was distributed to families in Fiscal Year 2000 was lower in Illinois than any other state that we researched and much lower than the national average. (See Appendix 1 for all state child support statistics.)

Chart 1.1: Percent of support due that was distributed in FY 2000

Chart 1.2 shows that the cost effectiveness of Illinois’ IV-D agency continues to be substantially lower than the national average.

**Chart 1.2: Cost Effectiveness**

![Chart 1.2](chart.png)


Finding these performance statistics unacceptable, Chicago Appleseed, assisted by the Council, began a research and advocacy project in September 2000. We interviewed over eighty parents, lawyers, government officials, and experts. We collected and analyzed data from the child support programs in eleven states outside of Illinois. We observed courtrooms and hearing rooms at the Cook County Circuit Court Domestic Relations Division and the Expedited Child Support Division of the Domestic Relations Division. As an innovative approach to an otherwise sociological research project, we also provided legal representation, counseling, and advice to custodial and non-custodial parents on child support matters. This allowed us to gain real world experience that helped put our research into perspective.

This project was conducted by individuals with legal background. The research portion of the effort, however, was designed and conducted with the advice and consultation of social scientists with expertise in qualitative data analysis.

This Report is the culmination of the research and advocacy conducted by Chicago Appleseed Fund For Justice with the assistance of the Chicago Council of Lawyers. Each section of the Report describes the results of our work and offers recommendations for change. We provide in the appendices statistics relating to child support in Illinois and other states. We provide in Appendix 4 the verbatim response to the Report offered by the Cook County State’s Attorney’s Office.

The project was managed by Kristina Smith, the 2000 – 2002 Equal Justice Works (formerly National Association for Public Interest Law) Fellow for the Chicago Appleseed, with oversight from the Executive Director of Chicago Appleseed, Malcolm Rich.
II. Research Methods

Use of the Qualitative Research Method

Qualitative research methods were developed by social scientists to study social and cultural phenomena. Examples of qualitative data sources include observation, interviews and questionnaires, documents and texts, and the researcher’s impressions and reactions. The goal of qualitative research is to understand an issue from the point of view of the participants and the issue’s particular social and institutional context.

Chicago Appleseed decided to study the Cook County child support system using qualitative research methods in an effort to uncover the experiences of parents and frontline workers in the child support system. Our aim was not to limit the responses of the participants, but to allow them to shape our understanding of the dynamics of the system, the problems with the system, and practical solutions to these problems.

Interviews

Chicago Appleseed gathered qualitative data for this study by conducting interviews, observing courtrooms and hearing rooms, providing direct representation, researching other states’ child support systems, and analyzing reports and other literature on child support in Illinois and nationally.

Interview participants. Eighty-two interviews were conducted of parents, attorneys, Cook County clerks of the Circuit Court, Cook County assistant state’s attorneys, Maximus employees, national and local experts, and judges.

Sources of participants. Custodial and non-custodial parents were recruited for interviews by advertising our telephone number at legal services agencies and on our website, and by arranging interview appointments directly with community-based organizations. Private and legal services attorneys, experts, and judges were recruited for interviews through referrals. Clerks of the Circuit Court, assistant state’s attorneys, and Maximus employees were recruited for interviews through contact with agency management who facilitated arrangements of interviews with staff.

The interview process. Interviews of clients, attorneys, clerks of the Circuit Court, Maximus employees, some experts, and a judge were conducted one-on-one through partially directed interviews. The interviews were partially directed in that a standardized set of questions was asked of each participant, but whenever a promising or interesting lead presented itself, researchers were able to pursue it and ask follow-up questions. Interview questions were tailored to the position of the participant. Therefore, each group of interview participants was asked a different set of questions. However, some questions were asked of all participants. Each interview was approximately one hour in duration.

A group interview was conducted of nine assistant state’s attorneys. We conducted informal interviews and data gathering with current and former IDPA staff. We also spoke informally with some attorneys and parents, asking them about their experiences with the IV-D program.

Interviewers. Interviews were conducted by the Chicago Appleseed child support project manager and Executive Director, pro bono attorneys from Holland & Knight, LLC, and law students. Interviewers were trained in proper interviewing techniques by social science consultants.

Location of interviews. The site of the interview varied with the group being interviewed. Parents were interviewed at community-based organizations, Chicago Appleseed offices, and in some instances, by telephone. The majority of attorneys were interviewed at their offices; however, some were interviewed at Holland & Knight, LLC. All other interviews were conducted at the agency where the participant was employed.
Confidentiality. Interview subjects were told that their responses might be quoted in our report, but their names and any other names they gave us would not be used, and that we would not use any information that might identify them. Consequently, any names used in this report in association with an interview, other than experts, have been changed or deleted.

Recordation. Interviews were recorded by note taking during the interview. This method of recordation was selected, as opposed to tape or video recordation, to provide a level of comfort to the participant. After the interview, the notes were organized by topic and response, and the data was analyzed and put into a coherent format.

State Research

We selected eleven states and collected data regarding their child support programs and compared this data to Illinois. States were selected based on size and amount of collections. We selected the seven states with the largest caseloads other than Illinois: California, Florida, Michigan, New York, Ohio, Pennsylvania, and Texas. Together with Illinois, these states collect almost half of the nation’s child support. See Chart 2.1 for the caseload of our selected states.

Chart 2.1 Selected States’ IV-D Caseloads

We also selected Vermont, Minnesota, Washington, and Wisconsin. These are some of the states ranked highest by the Children’s Defense Fund in terms of percentage of child support collected by caseload. See Chart 2.2 for the percentage of child support cases with collections in the IV-D programs in our selected states.

Chart 2.2: IV-D Cases with Collections

Observers were law students and the Chicago Appleseed child support project manager. Observers were given a guideline of things to look for while observing, but were free to diverge from the guideline if a particular observation struck them as relevant.

Observers told hearing officers or judges that they were working on a research project only when asked.

Direct Representation

Chicago Appleseed staff provided legal representation to custodial and non-custodial parents having problems with Illinois’ child support program by Chicago Appleseed staff. Custodial parents selected for representation had to unsuccessfully attempt to obtain services from the child support system on their own and have a case in Cook County. Our representation was limited to helping custodial parents obtain child support services from the IV-D program. Non-custodial parents selected for representation presented a variety of issues, including setting of initial support, modification and termination of support orders, and incorrect arrearage or payment amounts. Non-custodial parents were not required to contact the IV-D program for these services.

Our goal was to help parents work within the child support system, and by doing so to experience first hand how the system functions. For example, we made telephone calls and sent letters on behalf of parents using the telephone numbers and addresses that any other parent or attorney would use. We represented non-custodial parents at administrative and court hearings. We visited local child support offices and spoke with child support workers on behalf of our clients. We assisted most of these parents through months of dealing with the child support program, and continue to assist them because as of this writing almost none of their issues have been fully resolved. Through these and other experiences, we are able to report on the real-world experiences of parents and attorneys who deal with the child support program on a regular basis.

Information about parents that we represented is included within this report; however, names and any identifying information have been changed.
III. Results

Section A  INTRODUCTION TO RESULTS

Results are organized under broad topic headings. Where the 1998 Chicago Appleseed Child Support Panel made a relevant recommendation in its Model for the Cook County child support agency, this recommendation is included within the appropriate section. Additional topics that were not addressed in the 1998 Model are included throughout the report along with new recommendations.

In Section A, we provide a description of the current Illinois child support system, including statistics and relevant academic literature. In Section B, we discuss the concept of customer service, including the ways in which the Illinois system lacks this critical component. In Section C, we discuss the operations of the current child support agency in Illinois; and in Section D, we provide an overview of the expedited child support program.

Section E is concerned with pro se litigants in the child support system, and Section F discusses the role of the Cook County State’s Attorney’s Office. Section G discusses the distinctions between administrative and judicial child support case processing, and we present the results of our research on mediation in Section H.

Sections I and J deal with record keeping, and Section K discusses issues related to non-custodial parents. Section L is concerned with the enforcement process within the child support system. In Section M, we present additional recommendations.

Terms

Within the report the following designations are used:

Assistant state’s attorney: attorney who works in the Cook County State’s Attorney’s Division of Child Support Enforcement.

Attorney: private or legal services attorney who practices in Cook County and specializes in family law or child support.

Child support worker: Employee of IDPA who handles intake and child support case follow-up.

Clerk: Employee of the Cook County Circuit Clerk Child Support Division who works in the Customer Service or Financial Services Department.

Courtroom clerk: Employee of the Cook County Clerk of the Circuit Court Child Support Division who works in the courtrooms at the Expedited Child Support Division.

Maximus, Inc: A private, for profit, company that contracts with government agencies to provide certain services. In Cook County, Maximus is responsible for conducting reviews and modifications of child support orders, following up with Income Withholding Orders that are automatically generated through a computer system, calculating and adjusting arrears, and drafting petitions for enforcement.
Overview of the IV-D Program

Title IV of the Social Security Act, Part D authorizes creation of state-operated child support agencies, which are called IV-D agencies. Each state has a IV-D agency which functions to establish paternity, locate missing parents, establish and enforce child support and medical orders, and modify child support orders at no or very low cost to the parent who utilizes the services.

The Illinois Department of Public Aid ("IDPA") is the IV-D agency in Illinois. Any custodial parent can apply for child support enforcement services from IDPA. The services are free for welfare recipients, and cost between $15 and $25 for those not receiving welfare, depending on income level. Child support services provided by IDPA include parent locating services, genetic testing to establish paternity, child support order establishment, enforcement, and modification, medical support, wage withholding, computerized accounting and billing, and interception of federal and state income tax refunds.

Custodial parents not receiving welfare that wish to obtain child support services contact IDPA and complete an application for services. Parents who do receive welfare may be enrolled by the State's IV-A program, the Department of Human Services, which has an interface with the IV-D program. After a mother applies for services (the great majority of custodial parents seeking child support services are women), she will come in for an intake appointment where she will fill out paperwork that contains all information she knows about the alleged or presumed father. If the father's work or home address is not known, the case will be sent for location services.

Once the father is located, the next step is to establish paternity and child support. At this point, IDPA may send the case to the State's Attorney's Office which will prepare the court documents and serve the father. Alternatively, IDPA may retain the case, prepare the administrative documents and serve the father. The State's Attorney's Office and IDPA may utilize the Sheriff's office to complete service if they are unsuccessful at serving by certified mail.

Once the father has been served, an administrative or judicial hearing will take place. If the hearing is administrative, it will be handled at IDPA. If the hearing is judicial, it will take place either at the Expedited Child Support Division, which utilizes hearing officers and judges, or at the Domestic Relations Division, which uses only judges. Cases involving married or formerly married parents are typically handled by the Domestic Relations Division; whereas unmarried parents will have their cases heard through either the expedited or administrative systems. The decision on whether the case is heard at the Expedited Division or at IDPA by the administrative process is made by IDPA based on which forum has a more crowded docket at the time.

After paternity is established and child support is set, an income withholding order (IWO) will most likely be drafted and sent to the non-custodial parent's employer. IWOs are generated automatically by a computer program. Maximus, Inc. is responsible for following up on IWOs. Payments will be sent to the State Disbursement Unit, which will keep a record of checks that come in and go out. The Cook County Clerk of the Circuit Court also keeps payment records, but only for judicial orders.

Funding of the IV-D Agency

State IV-D programs are funded through two sources. First, the federal government provides 66% of the funding for all usual and necessary administrative expenses. The State must come up with the remaining 34%. There is no cap on this money, the federal government will match whatever the states contribute to their programs. The most recent statistics show that Illinois will receive approximately $120 million in federal money, while contributing $60 million in state funds to the program in 2002.

The second way that IV-D programs are funded is through incentive payments given by the federal government to states. Incentives are calculated using a formula that has been changed over the last few years. There is a cap in the total amount of incentives available and State's compete to get their share. Illinois has performed worse under the new incentive measures, which will be completely phased-in in 2002. For example, in 1998, Illinois received $11.8 million in incentives, compared with only $9.3 million in 2000.12 The new performance measures include paternity establishment,
support order establishment, current collections, arrearage collection, and cost-effectiveness.  

Responsibility of Contractor Agencies

The Cook County State's Attorney's Office. The State's Attorney's Office ("SAO") is IDPA's legal representative in Cook County. By representing IDPA, the SAO assists custodial parents in court by establishing parentage, obtaining child support orders, obtaining medical insurance, enforcing orders, modifying orders, serving income withholding notices, intercepting tax refunds, filing liens, and holding non-custodial parents in contempt for non-payment of support. However, it is important to remember that the SAO represents IDPA and IDPA's interest, and not that of the custodial parent. For the most part the interest is the same, but not always. Furthermore, the SAO is only involved in judicial matters; therefore, for cases handled administratively, there is no representation by the SAO.

Cook County Clerk of the Circuit Court. The Child Support Division of the Clerk of the Circuit Court is comprised of court operations clerks who work in the courtrooms at the Expedited Child Support Division; customer service clerks who answer questions and help parents resolve problems with child support; and financial services clerks who handle the accounting and process, disburse, and keep permanent records of court-ordered child support payments.

Sheriffs. The Sheriff is responsible for serving and executing all writs, warrants, processes, orders, and decrees that may be legally directed and delivered to the Sheriff in connection with Child Support Enforcement cases; engaging in location services when necessary to carry out these duties; and notifying IDPA when a determination is made that the non-custodial parent cannot be served.

Private Collection Agencies. IDPA has contracts with private collection agencies to assist in the collection of child support in cases where no money has been paid for at least 90 days.

State Disbursement Unit. The State Disbursement Unit ("SDU") is the clearinghouse for child support checks in the State of Illinois. All checks, including those for Cook County cases, are required under federal mandate to be processed by one centralized check-processing unit in each state. The SDU began processing the child support payments received from obligors and issuing checks to the receiving families in October of 1999. Previously, the individual circuit clerks in the state handled this function. IDPA currently operates the SDU with help from Lockheed Martin IMS, but it is looking for a permanent private vendor to take over the operations of the SDU.

Maximus, Inc. Maximus, Inc. is a private, for-profit company that contracts with government agencies to provide certain services. In Cook County, Maximus is responsible for conducting reviews and modifications of child support orders, following up with Income Withholding Orders that are automatically generated through a computer system, calculating and adjusting arrears, and drafting petitions for enforcement.

Responsibilities of Other Agencies Involved in Child Support

Department of Employment Security. Collects names of new employees hired in the state and shares them with IDPA for tracking people who owe child support.

Illinois State Comptroller. Intercepts state income tax refunds, unemployment and workers’ compensation checks, lottery winnings, and other state payments to collect unpaid child support.

Internal Revenue Service. Intercepts federal income tax refunds of persons owing child support and sends the money to the IDPA.

Department of Insurance and Professional Regulation. Suspends or denies licenses to state professional and occupational license holders who do not pay child support.

Illinois Department of Public Health. Helps to establish paternity and provides information for non-custodial parents.
Illinois Department of Revenue. Uses its tax collection powers to collect child support debts.

Secretary of State. Works with county officials to suspend driver’s licenses for persons failing to pay child support and provides information to IDPA to locate persons owing child support.

U.S. Department of State. Can deny, revoke, or suspend U.S. passports for persons owing more than $5,000 in child support.

U.S. Department of Treasury. Intercepts some federal payments to be used to collect child support.

Cook County Tribunals for Child Support Matters

Domestic Relations Division. The Domestic Relations Division hears petitions for dissolution, invalidity of marriage, joint simplified dissolution of marriage, custody and visitation, legal separation, civil orders of protection, and post-decree issues. If the parties are or were married, the Domestic Relations Division will handle child support matters.

Expedited Child Support Division. The Expedited Child Support Division is comprised of four Domestic Relations judges and nine hearing officers employed by IDPA. They hear cases that do not involve divorce. Hearing officers may enter recommended orders that establish child and medical support, enforce or modify existing orders of child or medical support, or establish parentage. The judge enters the recommended order or hears the matter if the parties disagree with the recommended order. Judges also hear matters involving visitation, custody, or any domestic relations matter other than parentage and child support. The State’s Attorney’s Office will represent IDPA in parentage and support matters if the custodial parent is a IV-D client, before both the hearing officers and judges.

Administrative Hearings. IDPA has an administrative alternative to the Expedited Division’s judicial process. If the parents are unmarried, IDPA makes the decision regarding which system, judicial or administrative, each case will go through based on docket level. Therefore, if there happen to be many cases in the judicial system at the time the case is assigned, it will go to the administrative system and vice versa. For parents who have more than one child, it is not uncommon to have both judicial and administrative cases. If a case proceeds administratively, the State’s Attorney’s office will not be involved, so both the father and mother will most likely be unrepresented because the majority of these parents cannot afford to hire a private attorney.

Administrative Law Judges are employed by IDPA to hear these cases and may hear almost all of the same issues that are heard in the Expedited Division, including paternity, child and medical support, and modifications. A decision by an ALJ is final and enforceable if not judicially reviewed under the Administrative Review Law.

A flow chart of the Cook County system can be found in Appendix 3.
CUSTOMER SERVICE: A Failing of the Illinois System

We believe that the citizens of Cook County deserve to receive courteous, prompt, and hassle-free service from the IV-D program, and that the agencies involved in this program should do everything possible to provide quality service. Unfortunately, the people of Cook County often receive service that is neither courteous nor of high quality.

The Case of Y.T.

Y.T., a custodial mother, called Chicago Appleseed last year to tell us of the many frustrations she has experienced with the customer service provided by Cook County’s IV-D agency. This mother tried for ten years to work with the child support workers at IDPA, but never received any support for her son. By the time we spoke with her, she was completely frustrated and disillusioned with the child support program. After fighting for a decade for support for her son, she felt like she was about to lose the battle.

Unfortunately, Y.T.’s story is not uncommon. Like many mothers, after applying for services from IDPA, Y.T. heard the same thing from caseworkers over and over again – her case was “pending” and the father could not be served with the papers needed to bring him to court. The child support workers would never give her any more information on her case. They would speak in legal terms and use acronyms that she did not understand and would not take the time to provide explanations. Y.T. could not understand why IDPA did not serve the father since she gave IDPA the address where he was living. All she could do was wait and hope that sooner or later something would happen. Invariably, she would be disappointed when she would call a child support worker and hear the same story: her case was still pending.

Y.T. discovered that she could not rely on what she was told by the child support workers. At one point, IDPA told Y.T. that the father would be served within six months. Y.T. called a few months later and was told that no attempt at service had been made. She wondered how IDPA was ever going to serve the father if they did not even try. She felt she was getting the run-around.

After not seeing any progress in her case for many years, Y.T. was shocked to receive a letter from IDPA stating that it was going to stop trying to get child support for her “because there was no other activity associated with her case.” Upon further investigation, we found that IDPA had no record of work on Y.T.’s case or her contacts with it before 1999. Once provided with proof that Y.T. contacted IDPA many years earlier than 1999, IDPA agreed to re-open the case, and a summons was sent to the Sheriff to try to serve the father. Here we go again.

At this point, Y.T. is understandably not optimistic that she will ever get child support for her son. She believes that it should not take ten years to bring her son’s father to court and that child support workers should work with her, not against her. We agree.

Problems with Customer Service

The system has thus far failed Y.T., and she is not an exception. There are serious problems with customer service at the IV-D agency in Cook County. The following are some problems identified by our interview participants.

It is Difficult to Obtain Help. Most custodial mothers we interviewed told us that they were given poor customer service and that the child
support workers were not helpful to them in securing child support.

Non-custodial fathers we interviewed often told us that they could not find anyone at IDPA to answer their questions or help them with the child support enforcement process.

In assisting parents, we found that follow-up by child support workers is often poor, and we were often unable to locate the same IDPA worker for a subsequent contact.

Discourteous Treatment. A mother told us that she was treated “very rudely” by the child support workers. She said the workers would never tell her what information she needed to bring with her to IDPA for an appointment about her child support case, but when she got there they “treated her like she didn’t know anything.” But how could she understand her situation if IDPA personnel failed to provide her with necessary information?

A custodial mother told us that she was treated like a “drain on society,” and fathers told us that IDPA telephone staff treated them without any respect.

No follow-up. We often heard from mothers that they heard nothing about their case after meeting with a child support worker. Other employees of the child support system complained about a lack of follow-up from child support workers.

Most of the custodial mothers we interviewed said that they did not believe the child support workers were concerned with their best interest or the best interest of their children.

A parent told us that each time she had to come in about her case, she had to take the whole day off of work. She speculates that many people probably just walk away, as she did, and simply give up.

Suggestions for Improved Customer Service

Training on customer service. We were told again and again that child support workers need to be more user-friendly and have the skills and desire to resolve problems. One interviewee said, “They should not take short cuts; you miss information when you short cut.”

In his experience, “when IDPA corrects a problem, it resurfaces.” He believes that IDPA employees “treat the symptom and not the cause so the problem resurfaces over and over again.”

We believe that training IDPA employees and their contractors more extensively on the process of serving clients will help to improve customer service.

Increase availability of customer service personnel. Another common complaint is the inability to reach child support workers. There needs to be increased access to child support workers. Workers should transfer calls to the person who can actually resolve the caller’s problem. An attorney told us that she found a child support worker who gave out her direct telephone number and the days she worked. This was very helpful because the attorney had someone to call who was familiar with the file and could bring the case up on her computer when the attorney called. This type of service should be the normal mode of operation at the IV-D agency and not the exception.

Resolve issues in a timely manner. We often heard from parents who experienced exceptionally long waiting periods in trying to seek child support. A custodial mother said that having to wait “6 hours for 10 minutes” with a child support worker is “ridiculous.”

In our experience as advocates, we had to wait an average of one hour to speak to a child support worker about a case.

Improve the Grievance Procedure. Custodial parents have the right to file a complaint with IDPA called an Administrative Accountability Analysis (AAA) for such things as inaction on a case, failure to act on information, or failure to obtain a support order. IDPA is required to provide a written explanation within 30 days of receiving that AAA. In our experience, IDPA not only does not respond within 30 days, its workers will not respond at all unless telephone calls are repeatedly made reminding them to respond. In one case, after filing an AAA and calling several times, we were told that the person who formerly handled AAAs
had relocated and that any correspondence sent to the old location was missing. So we had to write up an entirely new AAA and start the process all over again.

Research from Other States

Operating hours. Similar to Illinois, most of the states we researched keep their offices open only during regular business hours. However, Los Angeles county offices are open two Saturdays per month, and customer service operators are available from 6 a.m. to 8 p.m. M-F and from 8 am to 12 p.m. on Saturdays.15 Michigan also told us that its child support offices are open late at least one night per week, but it is up to each county to decide when that may be.16

Having flexible office hours can be a big help to parents who work during the day and are unable to take time off to file paperwork or check the status of their child support cases.

Caseload per worker. As you can see in Chart 3.1, at 642 cases per full-time equivalent (FTE) staff person, Illinois’ caseload is much larger than any of the other states we researched.17 The closest state to Illinois in terms of caseload is Texas, with 415 cases per FTE. New York’s caseload is about half of Illinois’ at 326 cases per FTE. The state with the lowest caseload of those we researched was Minnesota with 158 cases per FTE.

Chart 3.1: Caseload per Full Time Equivalent

A study by the Lewin Group found that the more CSE staff employed by a state’s IV-D program, the higher the percent of IV-D cases with paternity established and with support orders in place.18 Similarly, a staffing demonstration study was performed in Virginia to determine the role that staffing standards play in the performance of local child support offices. The study found that increasing the number of employees improves office performance on parent location, paternity establishment, dollars collected, cost-effectiveness, and employee and customer satisfaction.19 There was also some improvement in administrative obligations and wage withholdings.20

Chicago Appleseed believes that caseloads should be significantly reduced at the IV-D agency in Cook County to reflect national levels.

Automated customer service telephone systems. Of the eleven states we researched, ten have some form of automated telephone system.21 New York has three, toll-free, automated telephone numbers. The first number gives callers information about contacting their county office. The second number provides callers with access to 24-hour information regarding their child support check. The third number provides information about child support in general. An interviewee told us that the centrally located, state-wide voice response system in New York has mitigated much of the customer service activity in the district offices by freeing up time to help with

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<th>State</th>
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<td>CA</td>
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<td>FL</td>
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Like New York, many of the states we researched have interactive voice response systems.
(IVR) systems to assist parents with child support matters. In this type of system, the caller communicates with the IVR application by pressing buttons on the telephone keypad, while the IVR application speaks in a digitized or synthesized voice in response to the caller. Callers can be assigned a PIN or password in order to access the system.

Pennsylvania has an automated voice response system that is available 24 hours a day, seven days a week for inquires concerning the State Collection and Disbursement Unit (SCDU). Florida, Ohio, and Minnesota also have IVR systems.

We received information from IDPA that it is considering establishing an automated customer service telephone system. This is critical to provide case information to parents and to free up customer service workers’ time for more complicated issues. Therefore, we recommend that IDPA implement such a system and support its efforts to do so.

Training. California has been selected to pilot a federal program to develop a model curriculum for child support staff, including exploring establishment of a certification program for child support professionals. Federal assistance will provide full funding and a contractor to develop the model based on California’s need to establish a new program. The model will become available to other state training programs in the future. California’s Department of Child Support Services executive team envisions a formal training curriculum for child support professionals at both the state and local levels that includes a customer service component.

In Michigan, support specialists have three months of training when they begin work at the child support agency. There is mandatory training for domestic violence issues. There is also on-going training and a conference every year where workers from each county get together and share ideas.

Employee evaluations. In Michigan employees are evaluated every six months on their performance.

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<th>Recommendations</th>
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<td><strong>1998 Panel Recommendation:</strong> The Child Support Agency should be open and available at several convenient locations, and at convenient times, including evenings and weekends.</td>
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**Additional Recommendations:**

1. **Caseload should be reduced.** Caseload per worker should be reduced to reflect the national average. More child support workers should be hired in order to reduce the caseload so that individual attention can be given to each case.

2. **Grievance procedure.** Child support staff should be trained on proper handling of Administrative Accountability Analyses (AAAs). The AAA unit should be adequately staffed so that it can properly respond to AAAs within 30 days. A procedure should be established so that non-custodial parents can also file grievances.

3. **Employee evaluations.** Performance of employees of the child support agency and its contractors should be closely monitored. Employees should receive performance reviews at least annually and be evaluated on criteria directly related to their duties. Should an employee fail to meet performance indicators, that employee should be disciplined and/or terminated. Good performance, including customer service, should be rewarded.

4. **Employee accountability.** Employees should be accountable for individual cases. The computer database should require entry of the child support worker’s name after each activity performed on the case. Parents should be given their child support worker’s name and direct telephone number.
5. **Voice mail.** Each child support worker should have his or her own voice mail box so that parents can leave messages. Child support workers should respond to their messages within 24 hours. Parents should not have to call back repeatedly.

6. **Automated telephone system.** A state of the art automated customer service telephone system should be implemented. Parents should be able to call one toll-free telephone number and get information on their cases through this system by entering a PIN or password. It should be available 24 hours a day, 7 days a week. Parents should not have to wait on hold and the telephone lines should not be busy no matter when parents call.

7. **Child support worker certification.** Child support workers should go through mandatory training and have to be certified on various tasks, including operation of KIDS (or other computer programs), proper delivery of customer service, domestic violence, state and federal child support and welfare laws, intake procedures, and how all aspects of the agency work together. Certified child support workers should be able to answer parents’ questions and should not have to transfer parents to another child support worker. In rare instances where the child support worker does not know the answer, he or she should find out and call the parent back within 24 hours.
THE STRUCTURE OF THE CHILD SUPPORT, IV-D AGENCY

The Case of C.H.

C.H., a non-custodial father we represent, received a notice of delinquency from the Illinois Department of Revenue stating that he owed a child support arrearage. An employee at IDPA told C.H. to send $50 a month to the Department of Revenue to pay off the arrearage. In addition to the current support withheld from his paychecks, C.H. dutifully sent $50 to the Department of Revenue.

We requested payment records from the State Disbursement Unit on C.H.'s behalf and were upset to find that two of the three $50 payments that he had made at that point were not credited to his account, even though C.H. was able to obtain verification that the money orders he sent to the Department of Revenue had been cashed by IDPA.

C.H.'s problem illustrates the difficulties that many parents face because too many agencies are involved in the child support system and are duplicating services.

Problems with the IV-D Agency

We recognize that there are many hard working, dedicated people at all agencies involved in the child support system who are invested in making the system better. We also recognize that there have been some recent efforts to correct some of the problems experienced by child support clients.

The following are some of the structural problems that we have uncovered through our individual advocacy and research efforts.

Too much bureaucracy. Agencies involved in child support do not communicate with each other sufficiently. There is also not enough cooperation among the various agencies. A nearly universal complaint about the system is that “the right hand does not know what the left hand is doing.” Interviewees believe that there needs to be greater coordination and integration among the various agencies, so “everyone understands what the other is doing and supposed to be doing.”

One interviewee summed it up: “No one looks at the whole picture of the child support system, but instead looks only at one piece of the puzzle a dozen times with no results . . . Cases go back and forth between agencies while the family has to sit and wait.”

IDPA makes mistakes and it is hard to correct them. For example, we witnessed a case where IDPA incorrectly withheld over $1000 from a father’s paycheck to pay for arrears that were not in fact due. The judge in the case explained that she could not order IDPA to pay the money back, and that the father would have to go to IDPA and request a refund.

Attorneys told us that they work to get something resolved, only to find out years later that it is still a problem.

Delays. In general, parents and lawyers complain about the time that it takes to collect child support. As custodial parents have told us, if IDPA sits on the information for too long, the obligor will no longer be at the known address or workplace. Some non-paying obligors require aggressive pursuit, and delays will only help them to continue to avoid payment.

Unreliable and hard-to-get information. IDPA is described as an “information bottleneck,” and information from the agency is often unreliable.

An attorney we interviewed said that she tries to call IDPA, and the telephone will ring 50 times with no answer. Many times the telephone numbers IDPA provides are wrong or mixed up with other IDPA numbers, she said.

In our experience trying to call the IDPA child support hotline, we have never been able to get through.

Parents are not aware of the IV-D program. Many custodial parents think they have to be on
public aid to get help with child support from IDPA. One attorney experienced in child support matters summed up a commonly held belief: "Many people do not know the IV-D program is there, and they think that, because it is handled by the Department of Public Aid, they have to be on public assistance to use the IV-D program."

No "go-to" person. Most custodial parents we interviewed told us that they did not have a consistent go-to person or child support worker at IDPA. One custodial mother told us that new child support workers were being assigned to her case all the time.

Child support workers need to be more knowledgeable. Most of the custodial parents we interviewed thought that the child support workers were not knowledgeable enough to answer their questions adequately. One mother said that they were unable to tell her what to do after she obtained a child support order but failed to receive any child support. Interviewees also told us that many IDPA workers do not know how to use the computer program set up to keep records of child support cases--the Key Information Delivery System ("KIDS").

Lack of explanation about the process. Most of the custodial parents we interviewed told us that the child support workers they saw gave them no explanation of the child support process whatsoever. A mother said that they "did not volunteer information, that's for sure." Another mother said that the child support worker did not tell her it would take many months to serve the father, or that her case would go to the State's Attorney's Office. She said the child support worker also did not tell her that, after a certain amount of time passed, the information she gave them would become outdated and she would have to come in again to re-file the paperwork.

We did see brochures and pamphlets in at least one waiting room at IDPA offices; however, we did not see them in all waiting rooms or at the Expedited Division. Not only should the brochures and pamphlets be in all waiting rooms, but the child support workers should distribute them to parents.

Child support workers are overloaded. An attorney told us that IDPA child support workers seem overloaded. A custodial mother said that there are too many people working in the system to provide any individualized attention. National statistics show that IDPA does indeed have an extremely high caseload per child support worker. (See Chart 2.1 above.)

Problems with files received from IDPA. Assistant state's attorneys told us of problems with the files received from IDPA. One explained that the assistant state's attorney sees the file weeks or months after the parent has been interviewed by an IDPA child support worker. By the time the file gets sent to the State's Attorney's Office, the information in it may be outdated. Intake workers may also record information incorrectly or fail to include information that is important to the case. As a result, the file will have to be sent back to the IDPA intake worker so the information can be corrected or updated, causing further delay.

Problems with intake. Some assistant state's attorneys believe that the problems with the files are a result of intake being conducted by non-legal personnel. An assistant state's attorney explained that, when an attorney does the intake, she or he can catch mistakes earlier and make the files more complete. A demonstration project being conducted by Cook County Assistant State's Attorneys in the Markham courthouse allows assistant state's attorneys to conduct intake interviews.

Domestic violence issues. None of the custodial mothers we interviewed said that their IDPA child support worker asked them about domestic violence.

Lack of services to non-custodial parents. If the goal is to get money to the children, as we believe it is, then services need to be provided to both parents. For example, many non-custodial parents are unaware that they need to go to court if they lose their jobs and that they need to inform IDPA as soon as they change jobs. These obligors sometimes assume that IDPA will automatically be notified. In the meantime, the child is not receiving support. For custodial parents who are struggling to make ends meet, this break in support can be devastating. Therefore, we believe that it is incumbent upon the IV-D agency to provide
information and answer questions for the obligor.

Suggestions From Experts Regarding the Structure of the IV-D Agency

Independent state agency. We interviewed Vicki Turetsky, Senior Staff Attorney at the Center for Law and Social Policy (CLASP). Ms. Turetsky specializes in child support at CLASP and has worked on child support issues for more than 20 years. She suggested that Illinois create an independent state child support agency (as California has done) to increase program visibility within the legislature and the governor’s cabinet.

In May of 2000, California began transitioning its counties from a child support model operated by local District Attorney’s offices, to a model operated from a newly created agency, the Department of Child Support Services (“DCSS”). DCSS is an independent state agency. This move was made in response to the well publicized failure of California’s IV-D program.

Change funding source. Ms. Turetsky also suggested that Illinois convert its financing to general appropriations to replace the declining retained welfare collections and lost performance incentive payments.

Initially, Illinois was able to recoup its child support costs through federal funds, performance incentives, and child support paid to the state for welfare cases. Over the past several years, the number of families receiving welfare has substantially decreased. Illinois can no longer count on the child support collected from families on welfare to pay for its child support program. Furthermore, the amount of money Illinois receives in federal incentives has decreased from $11.8 million in 1998 to $9.3 million in 2000.

Increase funding. Illinois needs to increase its level of state funding, because, as Ms. Turetsky explained, Illinois is far below the national average in funding, staffing, and performance.

In fiscal year 2000 Illinois had the second highest caseload in the country, however it spent less on its child support program than seven states. This includes state and federal funds. Michigan, a state with a caseload comparable to Illinois, spent $247 million on its child support program while Illinois only spent $159 million that year. New Jersey spent about the same as Illinois, however, it had a caseload around one-third that of Illinois.

Reduce number of agencies involved. We spoke with Dianna Durham-McLoud, former State Administrator for the IDPA Division of Child Support Enforcement and past president of the National Child Support Enforcement Association. She said during the interview that it is possible that 30 different entities of government, all at different levels, can be simultaneously involved in a case. The system needs to be streamlined.

1998 Panel Recommendation: Many functions traditionally performed by named agencies, i.e., State’s Attorney, Clerk of the Court, Sheriff and even Judges, could be performed under well defined procedures by Child Support Agency staff assigned to those functions. Prosecuting cases can be done by attorneys assigned to the Child Support Agency as designated special Assistant State’s Attorneys or special Assistant Attorneys General. Process papers can be served by process servers hired by that agency. Documents and information normally developed or maintained by the Clerk of the Court could just as well be handled by some other named and trained staff.

Change distribution rules. In Illinois, all but $50 of the child support paid by a non-custodial parent to a custodial parent who is receiving welfare, goes back to Illinois to reimburse the state for the cash assistance it paid to the custodial parent.

Vicki Turetsky suggests that Illinois begin to move toward a full family distribution system—as much reform as Illinois can afford. This would require Illinois to pay more or all of the child support collected to the family instead of reimbursing the state for welfare. Dianna Durham-McLoud agreed, indicating to Chicago Appleseed that the federal government should create an incentive for states to enact a family-first method of distribution, where any money
coming in, including payments toward arrears, would be distributed to the custodial parent before the state.

Chicago Appleseed believes that, by distributing all support to the families, Illinois will simplify its distribution rules, greatly reducing the problems with child support records, and foster stronger families.

Research from Other States About the Structure of the IV-D Agency

Administration of agency. Wisconsin is one of many states that have a state-administered, county-operated IV-D program. Susan Pfeiffer, Wisconsin State Director of the Child Support Division of the Department of Workforce Development, told us that “there are both advantages and disadvantages to a county-operated IV-D program.”

Ms. Pfeiffer explained that the advantages to a county-operated program structure are that local programs and agencies:

- Can base practices on local standards/values. This is especially true for her state because Wisconsin has large urban counties, and very small rural counties as well as two tribal agencies that belong to the IV-D program.
- Can better know, and form closer working relationships with, important partners (e.g., courts, district attorneys, TANF programs and agencies, hospitals, public health departments, legal service organizations, employers, sheriff’s departments, local attorneys, and schools). She believes this is true even if a state-run program has local or regional offices.
- Are more convenient for customers.
- Create a more diverse child support staff that is willing to try innovative programs and practices.
- Creates competitive spirit among offices leading to improved performances.

According to Ms. Pfeiffer, the disadvantages of a county-operated structure are that:

- Building statewide consensus on policy issues is more challenging.
- Different practices in different localities produces less standardization.
- Communication is more time-consuming (and more important).
- There is less control of activities, such as local budgets, local staffing standards, local politics impacting program administration. The state has no direct oversight of local child support employees.
- Local tax levy may or may not supplement the program.

In Minnesota, we were told that the primary advantage of its state-supervised, county-operated structure is that most of the programs are county-administered and utilize common community resources to serve the immediate and unique needs of their own communities.

We were told that a primary disadvantage in Minnesota is that the county’s or county attorney’s interpretation of a law or policy may contradict that of the state agency.

Type of agency. Most states that we researched housed their child support agency in a social services setting. For example, Michigan’s Office of Child Support is part of the Family Independence Agency, which works in cooperation with Friend of the Court offices to administer child support. In Minnesota, the agency responsible for overseeing the child support system is the Department of Human Services; in New York, it is the County Department of Social Services; and in Ohio, it is the Department of Job and Family Services.

Two states we researched housed their child support agencies in an organization other than a social services agency. The Texas child support program is administered and operated by the Office of the Attorney General, and Florida’s program is supervised by the Department of Revenue and operated by individual counties.

Susan Pfeiffer told us that it can be challenging to have Wisconsin’s child support program, in the Department of Workforce Development (DWD), along with the state’s TANF (welfare) and child care program. She said that the child support and TANF programs are much larger than other programs previously administered in DWD. She explained that the infrastructure to support these programs was seriously lacking when the child support agency moved to DWD. She said that the former administrator of the state’s IV-D program, the Department of Health and Human Services
Ms. Pfieffer also said that the local agencies are in different departments. Some local agencies are part of the county’s social services department, where others are part of their counties’ corporation counsel. Some have their own child support department. In general, she believes that agencies that have their own child support department are better operated and accept change more readily.

In New York, the child support system, supervised by the various County Departments of Social Services, is advantageous because the public assistance and Medicaid programs are located in the same place as the local IV-D agency. This promotes program coordination and better delivery of services.31

Other State’s Impressions of Illinois

The Wisconsin State Administrator of the Child Support Division of the Department of Workforce Development told us regarding Illinois:

“We think Illinois has significant problems with the SDU and program compliance, in general. We could be wrong. Our perception is based mostly on anecdotal information and our observation of slow Illinois response to interstate requests from Wisconsin.”

A Support Specialist with Oakland County Friend of the Court in Michigan told us in an interview:

“Illinois is wild. The Michigan Friend of the Court has to send duplicates and triplicates to IDPA because they always lose everything. Illinois is pretty messy. They are not the worst state in responding to Michigan’s requests, but they are certainly not the best. Once the disbursement was centralized, they lost the ability to communicate. They have lost all organization. ”

Minnesota’s Department of Human Services, Data Requests Coordinator, told us:

“Unfortunately, it’s been the experience of many of the county and state staff that Illinois is not responsive. It’s . . . difficult to get a person to talk to or return telephone calls, and not all information has been communicated to the state on joint cases being worked. A recent example can clarify the concern. In that case, Minnesota’s records showed that an non-custodial parent owed a lot of arrears which was affecting payment direction, and yet in Illinois it showed that there were no arrears and we had not been notified to make adjustments to our case.”32

The Future of the IV-D Program

Mission will shift to family support. Vicki Turetsky feels that the IV-D program’s mission is shifting away from welfare cost recovery and toward family support. She predicts that law enforcement will remain an important but more limited aspect of the program message and functioning. Distribution reform, program refinancing, a new focus on low-income fathers, and community linkages are all a part of this shift, she said.

National child support expert, Paula Roberts, another Senior Staff attorney at the Center for Law and Social Policy, informed us that child support will be an important income source for low and moderate income single-parent families. She predicts that there will be increased recognition of the importance of child support as part of a strategy to stabilize income and move families out of poverty.

Distribution to families will increase. Congress will likely pass legislation in the next couple of years to allow states to expand family distribution, including moving to full family distribution, Vicki Turetsky predicted. She believes that the main impediment to this change is the cost given the current state and federal budget environments. She believes it is likely that some version of distribution reform will pass this year during TANF reauthorization. President Bush’s welfare reauthorization plan contains a distribution proposal and eight bills are currently pending in Congress. In 2000, distribution legislation passed the U.S. House of Representatives 405-18. The legislation is structured, she explained, to require the federal government to give up its share of collections to the extent that the state gives up its share. She told us that Policy Studies, Inc. estimated that
6%-8% of child support administrative costs go to maintaining the current distribution rules—almost the amount of federal incentive payments.

Early results from the Wisconsin pass-through demonstration indicate that fathers pay more support and more fathers pay, when the full amount of child support collected is passed through to the custodial parent, she said. Researchers found that passing through more support did not increase the overall government costs, since costs were offset by more support paid by fathers and reduced welfare use by mothers. The data also suggests improvements in social outcomes for some subgroups, including: increased paternal contact when more support is paid; reduced levels of serious conflict between the parents; improvements in child health and educational outcomes; less trouble with the police among adolescents; and more maternal satisfaction with arrangements.

Greater emphasis on medical coverage. Vicki Turetsky anticipates that there may be federal legislation to expand the role of the child support agency in obtaining private and public medical coverage for children.

Child support as an anti-poverty program. Vicki Turetsky said that the child support program increasingly is viewed as an anti-poverty strategy and component of welfare reform. Caseload demographics have changed dramatically since the program’s inception, she said. She told us that more children are served by the child support program than by any other human services program except Medicaid and the State Children’s Health Insurance Program (SCHIP) combined. In many jurisdictions, she said, child support cases make up half of the human services caseload. She explained that most IV-D cases involve low income working families who have left welfare or never received it.

Nationally and in Illinois, Ms. Turetsky said, almost half of the families served by the program are “welfare leavers.” Only 17% of child support cases are current welfare families. Congress increasingly sees child support as a program that avoids public costs through reduced public assistance use, reduced non-marital and teen birth rates, reduced divorce rates, increased paternal involvement, and improved child outcomes such as education, Ms. Turetsky told us.

National child support guidelines. Lara W. Morgan, owner and operator of Family Law Consulting, a family law research firm in Charlottesville, Virginia, predicted that national child support guidelines would be in place in the future. Currently states use a variety of methods to determine how much child support non-custodial parents should pay. Uniform guidelines would require all states to use the same method.

Administrative Process. Paula Roberts told us that the use of the administrative process to establish, modify, and enforce orders will continue. She said the data suggests that states which have well-constructed administrative systems perform better. The new emphasis in the IV-D system on performance, coupled with the requirements of the 1996 legislation, will drive even more states in this direction, she said.

Changes in funding. In the future, Vicky Turetsky predicted, state programs funded with retained collections (child support collections kept by the state to reimburse it for welfare it paid out) will experience increasing fiscal instability until they are refinanced. Declining welfare cases and collections have limited the programs’ future ability to generate revenues in the form of retained collections, she explained. Ms. Turetsky said that states that rely on welfare collections to fund their child support program have been particularly hard hit. She said that, since programs funded with welfare collections tend to perform less well than programs funded with general appropriations, a number of these states will be hit with reduced incentive payments and penalties as well. In the next few years, she said, Congress may take up program financing.

Emphasis on agency performance. Vicki Turetsky believes that there will be an increasing emphasis on performance for the IV-D agencies. She explained that this is due partly to new federal performance incentive and penalty measures and partly to the program’s shift in mission toward direct family support. Nationally, the program’s collection rates and paternity establishments have doubled since
1995, she said. Ms. Turetsky told us that this is mostly due to the implementation of administrative paternity and enforcement procedures, including automatic data matching and enforcement, as well as improvements in the economy. She said that, while paternities and collection rates have doubled, the number of support orders established by the program has remained flat. States are beginning to reexamine administrative processes for establishing support orders, she said. States will review cases for closure more aggressively, and write off more uncollectible arrears, said Ms. Turetsky.

Privatization. The issue of privatization—whether child support is a legitimate public function, to what extent private vendors should operate the program, and whether private companies and attorneys should be able to access child support data and enforcement tools—may come to a head in Washington and state legislatures over the next few years, Vicki Turetsky told us.

At the same time, she said data privacy concerns are increasing. Independent private companies, which do not operate under state contract, and have a record of consumer complaints are a part of fast growing, aggressive, and unregulated industry that moves opportunistically into more poorly performing states and markets directly to custodial parents, Ms. Turetsky said. Four States (Connecticut, West Virginia, Oregon, and Texas) enacted consumer protection legislation in 2002, and other states are likely to do so in the future, Vicki Turetsky predicts.

Data privacy. Vicki Turetsky thinks that collecting, accessing, using, and protecting child support data (as well as other large public and private data bases) are likely to attract increasing political and public scrutiny. She said that there were about 40 privacy bills introduced in Congress last session. She said domestic violence and privacy advocates are concerned about data confidentiality in child support programs and courts. However, courts are under pressure to maintain public records and move their records on-line, she said.

Independent child support collectors, and other groups are pushing for increased access to child support data, she told us.

The IV-D program will expand. Paula Roberts predicts that the IV-D child support program will become more universal. She said that right now the system processes more than 60% of all child support cases. Eventually, she predicted, all but a handful of high-income cases will end up in the public system.

Paternity policies. Questions about paternity establishment policies and universal genetic testing at birth may emerge as genetic tests make paternity establishment more a medical than a legal determination. Paternity acknowledgement at birth is becoming more universal, Vicki Turetsky told us. A few state courts and legislatures are beginning to nullify legal paternity—even within marriage and for older children—on the basis of genetic test results.

Emphasis on customer service. Vicki Turetsky predicted that in the future there will be more emphasis on customer service, demographic research, management data analysis, and diversified service strategies. She told us that while automated procedures with limited child support worker intervention (rather than individual case handling) will be applied in most cases, states will re-introduce case management, create specialized units, and review standard policies (such as arrearage management).

States, she said, will also develop community linkages and fund community-based “intermediaries” to serve special needs families, including families leaving TANF, domestic violence victims, families with unemployed or incarcerated fathers, families involved in the child welfare system, and families lacking medical coverage. There will be a new emphasis on customer access to information, timely complaint resolution, and review and adjustment of orders, Ms. Turetsky told us.

**Recommendations**

**1998 Panel Recommendation:** We suggest that there be one agency named the Child Support Agency in Cook County (the "Agency"), and that it have the responsibility to design, implement and
monitor paternity establishment and child support collections and enforcement in Cook County.

1998 Panel Recommendation: The Agency might be either one of the existing child support related agencies in Cook County; an entirely new agency created or approved by the IV-D Agency; or an office or bureau of the IV-D agency, assigned to Cook County cases only.

The 1998 Panel also recommended that the following be present within a child support agency:

1. **Client Service Teams.** Along with administrative, accounting and hearing officer staffs, the Child Support Agency should have multiple Client Service Teams.

2. **Intake method.** The “intake” procedure of the child support system should be redefined as a “Client Service Interview” procedure, [which would require an entry point person to evaluate the status, complexity, and needs of the case and assign the case to an appropriate unit depending on its individual needs.]

3. **Team functions.** Each new child support client should be interviewed by a well-trained Child Support Specialist, who is in turn part of a larger Client Service Team. Each member of the Client Service Team should be trained and organized to handle the continuum of functions needed to get from the request for help to the successful collection of child support payments.

4. **Team caseload.** Each Client Service Team should have an assigned caseload for which it is responsible

5. **Client information.** Correct identification of the mother, father, and all children should be accomplished early in the process and should be based on name, date and place of birth, social security number, driver’s license number, and mother’s maiden name. This information should be part of the database and should be verified as appropriate, and required as part of additional proceedings whenever any of the parties comes under the jurisdiction of the process.

6. **Referrals.** All staff should have a basic understanding of services such as public benefits, medical care, job training, and childcare, and should be able to refer clients to the appropriate agencies.

7. **Domestic violence sensitivity.** All staff must understand the high potential for domestic violence, and a protocol must be developed for handling domestic violence issues as they arise.

8. **Level of staffing.** Staffing should be appropriate to the volume of clients to be handled.

9. **Training.** All staff should be well trained, and that training should be ongoing. In particular, the Child Support Specialists should be highly motivated, and trained to the level of an experienced paralegal.

10. **Team organization and responsibilities.** The Child Support Agency should be organized so that every Team will handle all of the problems presented by parents in its caseload, including such court appearances as may be necessary. The Child Support Agency should also be responsible for contacting the parents assigned to its Teams to evaluate the quality of service.

11. **Employee evaluation.** Each employee should be evaluated not only on the success of the process and work he or she has handled, but also on the customer service evaluations from parents.
12. Each Client Service Team should be staffed by:

   a. **A Manager**, who may or may not also be the Lead Attorney. The manager will be responsible for day-to-day management of the Client Service Team, reviewing the progress of the cases in his or her Team on a regular basis, contacting the parents assigned to the Team, and evaluating service and employee performance.

   b. **A Lead Attorney**, who may or may not also be the Manager. The lead attorney will be responsible for directing and supervising the legal research, case preparation, and procedures handled by members of the Team.

   c. **Child Support Specialists**, each of whom will:

      1. be the first person the custodial or non-custodial parent talks to, be trained in child support functions, and be prepared with a set of questions geared to gather as much information as possible at the beginning;
      2. be the named, identifiable, and accountable “GO TO PERSON” for each custodial parent assigned to him or her;
      3. prepare a written list of things the parent has to provide as a follow up, i.e., birth certificates, social security numbers, etc., so that the parent comply promptly; and
      4. be the real person each parent may contact for information or assistance, so that the Child Support Specialist’s job is to respond to questions and needs of the parent, help plan the action needed to get child support, put the plan in motion, and monitor the case to keep it moving forward.

   d. **Attorney(s)** who will be responsible for conducting the legal activities for each case.

   e. **Investigator(s)** who will be responsible for locating missing parents, identifying assets, identifying employers, etc. at the direction of the Manager and/or Lead Attorney.

   f. **Support Staff**

   g. **An Account Specialist**, who will be assigned to coordinate with the Accounting staff and to follow the progress of each of the Team’s cases, noting which are acceptable, and which have to be flagged for action. The Account Specialist must be specifically responsible for bringing problematic accounts to the attention of the Team Manager, who will then make the necessary decisions and assignments of work to remedy the situation.

   h. **Social Service Staff**, not employed by the Child Support Agency, but detailed from a social service agency (probably the Illinois Department of Human Services) and physically located with the Client Service Team. They will assist the parents in resolving any other service issues, i.e., benefits, medical referrals, job training, childcare etc. Combining the information gathered during the Client Service Interview with additional information as needed will not only provide “one stop” service for the client, but will also eliminate redundant information and data gathering.

We continue to support these recommendations and do not add any additional recommendations regarding the structure of the IV-D program.
The Expedited Division

The Expedited Child Support Division is comprised of four Domestic Relations judges and nine hearing officers and located at 32 W. Randolph on the 14th floor. The Expedited Division hears cases that do not involve divorce. Hearing officers may enter recommended orders that establish child and medical support, enforce or modify existing orders of child or medical support, or establish parentage. The judge enters the recommended order or hears the matter if the parties disagree with the recommended order. Judges also hear disputes involving visitation, custody, and other domestic relations matters except those relating to divorce. The State’s Attorney’s Office will represent IDPA in parentage and support matters if the custodial parent is a IV-D client, before both the hearing officers and judges.

The following are the strengths and weakness of the Expedited Division, based on our research efforts and on our experience as advocates.

Observations

Lighter caseload for judges. Some attorneys and courtroom clerks praised the Expedited Division for reducing the number of cases that need to be handled by the judges. A judge told us that the hearing officers are great and help out tremendously with the caseload of the judges. An attorney said that the reduced amount of court involvement at the Expedited Division results in less time “wasted” at status hearings. A clerk said that the hearing officers help to screen out frivolous motions.

Speed. A courtroom clerk told us that speed was the key advantage in the Expedited Division. She said that in 7 out of 10 cases, the parties leave the hearing room with an order that they do not contest in the courtrooms.

On-site DNA screening. An attorney complimented the Expedited Division for providing on-site DNA screening. She said it is convenient because her clients can have the screening done on the hearing date.

1998 Panel Recommendation: The Child Support Agency should continue to have facilities to perform genetic testing for paternity on site and should have the results of those tests available in the shortest possible amount of time.

Conferencing time with parents. Some assistant state’s attorneys felt that it would be beneficial for them to have more conferencing time with the parents prior to the hearing. However, they also felt that right now the parents are kept at the Expedited Division too long. An assistant state’s attorney told us that sometimes the hearing officers will not allow the assistant state’s attorney to conference with the parents outside of their presence.

Judges and hearing officers. While courtwatching, we observed some problems with hearing officers and judges at the Expedited Division.

- One judge and four hearing officers did not provide adequate explanations to litigants, mostly because of an over-reliance on “legal” language.
- We observed one judge and two hearing officers who created a hostile/adversarial atmosphere in their hearing rooms, displaying a lack of patience and a quick temper.
- We observed two hearing rooms where the hearing officer was especially slow in moving the call.
- Three of the four courtrooms did not start their call at the scheduled time,
some starting as much as an hour late, on the days that we were observing.

Some assistant state’s attorneys expressed concern that the hearing officers were not fulfilling their roles appropriately. A few assistant state’s attorneys thought the hearing officers were not acting as neutral parties, but instead were acting as defense attorneys for the non-custodial parents or as judges. For example, an assistant state’s attorney told us that a case may be sent to a judge for contest when only one party is present. This attorney did not understand how there could be a contest when one side was not there. Another assistant state’s attorney stated that this contest situation illustrates how the hearing officers do not act as neutral parties, but as defense attorneys.

Hearing officer process. An attorney told us that her biggest problem with the expedited division is that litigants who are represented by attorneys too often have their cases heard both by a hearing officer and by a judge. She explained that one of the attorneys is always going to disagree with the hearing officer’s recommendation, “then you have to try the case all over again in front of the judge.” She said that the client is charged twice for the same thing. She feels that there should be a way to opt out of the hearing officer procedure and go directly to court.

Continuances. Our courtwatchers observed numerous instances where too many continuances were granted in a hearing room. A courtwacher told us about a hearing room where “the number of continuances in each case and the number of continuances [overall] were shocking.” Typical reasons we observed for continuances:

- **Absent parties.** A courtwatcher estimated that the most frequent reason for a continuance was one party’s failure to appear for the hearing. “When both parties were not there, the hearing officers issued a continuance. They warned about the sanctions that would be incurred if one of the parties didn’t show up the next time, but they always issued a continuance to give the missing party a chance to show up,” a courtwatcher said concerning several hearing rooms she observed.33
- **Missing documentation.** A courtwatcher told us that “often times [parents] didn’t have any papers with them, didn’t know the amount of their child support order, couldn’t remember the last time they paid child support.” She said that parents were “often unaware that they needed certain papers.”34
- **Improper notice.** A courtwatcher told us that the observed cases that were continued because “proper notice needed to be given to the father at the address in the record.” Another courtwatcher told us that a case was continued for two months because the assistant state’s attorney failed to give proper notice by publication.35
- **Missing records.** A courtwatcher observed a hearing that was continued to “subpoena records.”36
- **Judge not available.** A courtwatcher observed an instance where a hearing was continued because the “judge was unavailable.”37

Delays. Several attorneys described substantial delays at the Expedited Division. One attorney said that if she is scheduled for a hearing at 9:00 a.m. she will not leave the Division before noon – “You’re there for ages.” Another attorney said that the judges and hearing officers seem overloaded and unable to turn matters over quickly.

Physical conditions. Many of those we interviewed complained that the physical conditions at the Expedited Division are inferior to those at the Domestic Relations Division. One attorney told us that he sees the physical surroundings at the Expedited Division as “extremely poor.” Another attorney said the Expedited Division is “rundown and ramshackled.” Attorneys expressed concern that this disparity in the conditions between the two divisions perpetuates segregation of
unmarried parents and their children from married parents.

Crowding. While courtwatching, we observed that some of the courtrooms and hearing rooms at the Expedited Division were overcrowded.\(^38\) A courtwatcher described a hearing room where "parents were lined up and down the halls waiting to be called into the room."\(^39\) Another courtwatcher described a courtroom that was "absolutely packed; standing room only."

During other observations, we noticed that the courtrooms and hearing rooms were relatively empty, especially in the afternoon when the whole Division seemed deserted.

Lack of court reporters. One attorney expressed concern that there are no court reporters in the courtrooms at the Expedited Division. She said that very difficult issues are being tried, such as custody and abuse. She said that it is almost impossible to appeal a decision without a court reporter.

Failure to Look beyond the guidelines. An attorney suggested that the courts consider more facts than just the guidelines. She explained that the guidelines do not work in all situations. A judge told us that she rarely deviates from the guidelines. She said that she almost never will go below the guidelines, and it is hard for her to go above the guidelines because the State will rarely ask her to do so. Assistant state's attorneys told us that it is not common to ask for more or less than the guidelines.

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<th>Recommendations</th>
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<td><strong>1998 Panel Recommendation:</strong> The Circuit Court of Cook County and the state IV-D agency should decide the extent to which it is permissible and/or advisable to use the court's existing hearing officers for any purpose including review of child support cases. If it is decided that the hearing officers now assigned to the Circuit Court of Cook County should be assigned to child support functions they should be funded by the same entity that funds the Child Support Agency.</td>
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The number of pro se litigants is steadily increasing, particularly in the area of family law. This is due to various factors including, increased literacy, consumerism, individualism, litigation costs and attorneys’ fees, anti-lawyer sentiment, and the breakdown of family and religious institutions that foster out-of-court dispute resolution. Despite this increase in pro se litigation, there has been resistance by the bench and bar to providing assistance to underrepresented parties. When faced with a pro se litigant, judges tend to refrain from providing help while holding the litigant to the same standard as an attorney for fear that the judge will be perceived as biased if they provide assistance.

Attorneys are frustrated by the delay caused by pro se litigants but unwilling to support measures to provide assistance to them for fear that such assistance may lead clients to decide they do not need an attorney. Furthermore, when proceeding against a pro se litigant, attorneys currently have the upper hand and may use their opponent’s lack of knowledge to obtain a dismissal of the pro se litigant’s otherwise meritorious claims. The result is that pro se litigants are left feeling that the court system is unfair and futile, and that they are helpless to do anything about it. Advocates are concerned about the loss of public trust and confidence in the court system when the public’s perception that the right of access to the courts is illusory.

The majority of non-custodial parents in the Expedited Child Support Division are not represented by counsel. Even those custodial parents not considered pro se, because an assistant state’s attorney speaks on their behalf, are not technically represented by the assistant state’s attorney. The assistant state’s attorney actually represents IDPA, even though many custodial parents do not understand this distinction.

Interviewees told us that some judges and hearing officers spend time explaining the process to pro se litigants and answering their questions. We have even witnessed assistant state’s attorneys helping non-custodial parents and answering their questions. However, we are doubtful that it is appropriate for them to take on this role. With an already bottlenecked system where litigants can wait up to three hours for their case to be called, there should be a better time and place to provide help to pro se litigants.

Additionally, although judges and hearing officers take time to answer litigants’ questions, they cannot provide legal advice. Yet these unrepresented individuals are held to the same standard as an attorney. We do not advocate changing the law, but we do believe that something needs to be done to provide pro se litigants with better legal advice and assistance. We also believe that providing such assistance to pro se litigants will help reduce the number of continuances. For example, pro se litigants do not always know that they must serve notice on the other party. Lack of notice is a common cause of a continuance.

**Suggestions for Improvement to Help Pro Se Litigants**

**Help desk.** Courtroom clerks told us that they would like to see a reference desk or information officer for pro se litigants at the Expedited Division.

Judges we interviewed also indicated that a help desk would be useful. One stated that the law is not intuitive for parents, and their lack of knowledge is frustrating. For example, she said that non-custodial parents assume that when they stop working “the child support should stop until I get another job.” She suggests that if a help desk is not feasible, then perhaps pro se sessions could be held twice per month. She estimates that 90% of the parents are bright enough to argue their cases on their own, but they just are not shown how.
An interviewee told us that someone should be available at the motion counter to help people fill out motions. He believes that this would reduce the number of "junk" motions. 

**Volunteer attorneys.** An attorney told us that there should be volunteer attorneys to help pro se litigants try to work out agreed orders.

### Recommendations

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<td>1. <strong>Help Desk.</strong> The child support agency should have a pro se assistance desk. This desk should be developed in conjunction with the Domestic Relations Division and staffed by volunteer attorneys and/or law students and should provide written materials, as well as answers to common questions, and referrals to legal services and other agencies that can provide services to pro se litigants. The help desk should be available to assist parents who are proceeding both judicially and administratively. The desk should not give out legal advice, but deliver and explain self-help materials on issues such as paternity, child support, visitation, and custody. The desk should be modeled after the pro se desk that currently exists at the Domestic Relations Division.</td>
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<td>2. <strong>Representation.</strong> Legal services and government agencies should be encouraged and funded to provide representation and other assistance to both custodial and non-custodial low-income parents for child support, custody, visitation, and domestic violence issues.</td>
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In 1996 we released a report detailing our research regarding the Cook County State's Attorney's Division of Child Support Enforcement. This study included nearly 30 recommendations. Our goal in the current research and advocacy effort is to determine what changes, if any, still need to be made to improve the role of the Cook County State's Attorney's Office.

More than half the people we interviewed for this report had positive impressions of the assistant state's attorneys – that they do an acceptable job, particularly in light of their unreasonably large caseloads. Others were more critical. Our recommendations are based on these interview responses, our research efforts, and our own representation of parents.

Observations of the State's Attorney's Office

Lack of contact with parents. In general, assistant state's attorneys do not meet with the custodial parents except in court. The entire court process, including the assistant state's attorney meeting with the custodial parent, takes only about 15 minutes. We were told repeatedly that the custodial parents will get a new assistant state's attorney each time they come back to court. This is a problem because the first assistant state's attorney may not have written notes in the file about what went on at other court appearances, and the next assistant state's attorney has to go through everything again.

Some interviewees reported that the assistant state's attorneys have no accountability and no relationship with their clients. One private attorney pointed out that if the assistant state's attorneys were private attorneys, they would at least talk to their clients, review the file, and understand the case before going to court.

Lack of zeal. Some private attorneys think the assistant state's attorneys are not zealous enough in representing the custodial parents' interests. This may be because the assistant state's attorneys do not represent the custodial parents, but represent IDPA.

Lack of availability. Attorneys told us that it is difficult for parents to get in touch with assistant state's attorneys for follow-up and that the assistant state’s attorneys do not contact the custodial parents. Parents told us that the assistant state's attorneys often did not return their telephone calls. Some parents said they had to make repeated telephone calls to get an assistant state's attorney to call them back.

High Caseload. Assistant state's attorneys told us that their caseload is between 20 and 30 cases a day at the Expedited Division, and between 8 and 10 cases at the Domestic Relations Division. Most of those we interviewed saw the assistant state's attorney's caseloads as "heavy" to "very heavy."

Many interviewees told us that the assistant state's attorneys do the best they can to provide representation, given the huge number of cases they have to handle. However, some interviewees thought that assistant state's attorneys try to avoid contested hearings in the courtrooms. One told us that private attorneys would go to contested hearings to try to get a better deal for their clients, such as a lump sum payment of $1000 instead of $10 per month. Many private attorneys share the view that the assistant state’s attorneys will always go for the payment plan, and that they treat everyone the same.

Inexperience. Assistant state's attorneys in the Child Support Division continue to be
relatively inexperienced lawyers. For many, child support is their first assignment as assistant state’s attorneys. Most move to other divisions once they have gained some experience – in as little as six months.

Parents lack confidence in assistant state’s attorneys. Custodial mothers told us that over time they lost confidence in the State’s Attorney’s Office – they felt the assistant state’s attorneys were too busy to help them or did not care about the cases. Some custodial mothers told us that they did not even know that the assistant state’s attorney was there to help them, but thought that the assistant state’s attorney worked for the judge.

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<td><strong>1998 Panel Recommendation</strong>: The Cook County State’s Attorney’s Office, along with other prosecutorial agencies, should consider the aggressive pursuit of criminal non-support convictions against those absent parents who have resources and fail to pay.</td>
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<th>Additional Recommendations:</th>
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<td>1. <strong>Attorney/client relationship.</strong> The relationship between the custodial parent and the State’s Attorney’s Office should be clarified. Uniform duties and responsibilities the assistant state attorney owes to the State and to the custodial parent should be documented and distributed to the custodial parents. Parents need to understand that there is no attorney/client relationship established between them and the assistant state’s attorneys, but that the assistant state’s attorneys represent the IV-D agency.</td>
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<td>2. <strong>Quality personnel.</strong> Assistant state’s attorneys should be hired to work in the Child Support Division based on their skills and their desire to work in that Division. Quality assistant state’s attorneys should be encouraged to remain in the Child Support Division by providing advancement opportunities and other incentives.</td>
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<td>3. <strong>Training.</strong> Assistant state’s attorneys should be provided with on-going training on child support and welfare law, and on customer service.</td>
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<td>4. <strong>Voluntary agreements.</strong> Assistant state’s attorneys should be encouraged to work out voluntary agreements between the parties where possible and to avoid putting the litigants in an adversarial situation where none exists. Assistant state’s attorneys should initially assume that non-custodial parents want to pay child support and treat them in a non-hostile manner.</td>
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<td>5. <strong>Accountability to parents.</strong> Assistant state’s attorneys should update the custodial parents on the status of their cases at least on a monthly basis and when anything significant happens in the case. This can be done through letters or telephone calls, but the assistant state’s attorney should also give a name and telephone number to the custodial parent so the parent can call with questions.</td>
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<td>6. <strong>Overview of the process.</strong> The State’s Attorney’s Office should work with the IV-D agency to insure that, at the intake interview, custodial parents are given an accurate and detailed overview of the child support process.</td>
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<td>7. <strong>Support staff.</strong> The State’s Attorney’s Office should increase the number of qualified and trained law clerks and paralegals to assist the assistant state’s attorneys in implementing the Title IV-D Program.</td>
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8. **Caseloads.** Assistant state’s attorney’s caseloads should be small enough to permit diligent preparation and representation – including taking time to talk with parents before court dates and keeping the parents informed about the progress of their cases. Assistant state’s attorney should advise parents in advance if their presence at a hearing will not be necessary and allow the parent the option to not attend.

9. **Departures from guidelines.** Assistant state’s attorneys should be more willing to argue, if appropriate, for the entry of child support orders in excess of the minimum guidelines.
PROCESSING CHILD SUPPORT CASES ADMINISTRATIVELY

There are three different tracks for child support matters: 1) the Expedited Child Support Division that utilizes judges and administrative hearing officers; 2) the Domestic Relations Division of the Circuit Court; and 3) an administrative process operated by the Illinois Department of Public Aid.

How litigants are assigned within this maze depends upon marital status (most unmarried mothers go through the Expedited Division) or how crowded the docket may be. Parents are assigned to the Expedited Division or to the IDPA system depending on which is most crowded at the moment.

Reactions to the non-judicial, administrative process used in Cook County child support cases ranged from tolerance to outright disgust. One of the biggest problems with the administrative process is the lack of due process protections. Some attorneys like the relative informality of the administrative process, but many attorneys try to avoid the administrative process by filing in court. One said that the administrative law judges are good, but that "due process is not assured in the administrative process."

Problems with the Administrative Process

Lack of credibility. An interviewee told us that parents sometimes do not attend the administrative hearings because notices are sent by IDPA instead of the court. Parents do not take these notices seriously, he explained.

Bad records. Many attorneys told us that it is extremely difficult to get information from the IV-D agency about how much money was collected under an administrative order.

"Due process is not assured in the administrative process."

Lack of due process. An attorney we interviewed criticized the enforcement powers of IDPA and the lack of due process afforded certain parents, particularly non-custodial parents.

Another attorney told us that in administrative hearings to protest tax intercepts, administrative law judges "don't seem to understand that litigants have a right to look at the file beforehand. They won't let you see the records, they won't give them to you, they won't order IDPA to give them to you." She believes that the administrative hearings are procedurally unfair to clients. She wondered "if they treat lawyers this way, how do they treat parents who are unrepresented?" She stated that "no one explains to parents what they need to do" and that "they put the entire burden on the appellant to show that IDPA's records are wrong. This is a very difficult burden for an unrepresented person."

Another attorney said that IDPA affords non-custodial parents "no due process whatsoever." She described the administrative process as beginning with non-attorneys sending out notices for non-custodial parents to appear for an "interview" and bring all types of financial records. Even when a non-custodial parent is accompanied by an attorney, she told us that there is no right to cross-examine the custodial parent and challenge the amount of current and back support she or he is seeking. She explained that the system is set up so custodial and non-custodial parents are not present at the same time.

One attorney described problems relating to the appellate process within the administrative system. She explained that parents are supposed to be able to appeal IDPA awards to a higher level within the agency. She has tried to appeal several times, but IDPA
No follow-up. Some attorneys complained about the lack of follow-up subsequent to a hearing. IDPA says during the hearing that they will do something, but they never do it. 

Long waits. Attorneys told us about the difficulties they face when seeking information regarding an administrative order at IDPA. One stated that if she arrives at the office where administrative hearings are held after 9:30, “forget about it, you will be there all day to make one simple inquiry.” She said that the administrative process “drags on.”

Difficult to locate administrative orders. Interviewees told us that parents and attorneys cannot locate administrative orders. An interviewee said that these orders are not filed with the Clerk of the Court, so no one knows that the order exists when the case is taken to court. 

An assistant state’s attorney told us that it is hard to getting administrative orders: “It could take years.” Another assistant state’s attorney told us that there is no public place where you can find a copy of an administrative order. Assistant state’s attorneys told us that they “cannot get them,” “there is no record keeping at all,” there is “no centralized place that keeps the records.” Others said that they have a difficult time finding out the terms of an administrative order because the order is not on KIDS. 

Maximus employees also indicated to us that they have trouble getting administrative orders, and clerks told us that they do not have access to these records. When we asked how a parent would get a copy of an administrative order or administrative payment records, we received various answers but no clear-cut information. There does not appear to be any clear and available policy on how to get copies of these orders and payment records. The most common answer was that IDPA has them. But who at IDPA actually has them is another story. 

When we asked how successful parents are at securing copies of their administrative orders or payment records we were told that it depends on the parent. A clerk told us that if parents “do it right” they are successful, but most of the time parents lack the information necessary to be successful at obtaining these records. 

Failure to work with judicial process. A judge we interviewed told us that there is no communication between staff who work in the judicial process and staff who work in the administrative process. She said that those who deal with the administrative process do not understand the court process. 

A courtroom clerk told us that there should be only one system because of conflicts between judicial orders and administrative orders. 

Possible bias in favor of the State. There is an appearance of impropriety in some IDPA administrative proceedings. For example, a legal services attorney told us that she believes there is an inappropriate “coziness” between the administrative law judge and the IDPA officer who represents IDPA at the hearing. She told us of a hearing where the administrative law judge tried to dismiss a case when she was there because the client was not present. The administrative law judge did not even ask if a lawyer was present, but just listened to the IDPA employee. She argued to no avail that a case should not be dismissed if the lawyer is present. 

A concern among attorneys is that those who preside over administrative hearings regarding child support at IDPA are not administrative law judges – that lawyers view them as “IDPA employees.”

Is the Administrative Process Better or Worse than a Judicial Process?

Respondents almost universally told us that IDPA’s administrative process is worse than the judicial process, or that they preferred the judicial process to the administrative process in Cook County. 

As one attorney put it, there is “no comparison.” IDPA is “the worst possible system that you could have.” 

A private attorney told us that the administrative process is “obscene,” “the worst,” and “very frustrating.” She said that there is no one to call to get reliable answers about a case. For example, she attempted to file a motion and went to get it stamped at IDPA. She said that no one knew what to do. The
“receptionist-type person” would not let her talk to anyone else. Then she was told that they “don’t do that here.” She also has trouble getting through on the telephone lines to ask questions about administrative cases, she said.

In the administrative process, administrative law judges often do not explain the proceedings and the record adequately to non-custodial parents. These non-custodial parents too often are not told what they need to do to resolve problems.

A courtroom clerk explained to us that the judicial process is a better system because of “the feeling a person has once they have had their day in court.” Another told us that she sees a lot of people coming through the judicial system to fix problems created by the administrative system.

A Maximus employee also told us that judicial decisions are seen as more credible, and that with a judicial order there is a better chance to collect the money owed.

A Federal Look at the Use of the Administrative Process to Establish Paternity

In 2000, the Office of the Inspector General of the Department of Health and Human Services released a report on administrative and judicial methods used in paternity establishment. The report was based on surveys conducted in all 50 states and at 99 local child support offices in six states, including Illinois. Forty-five states indicated that administrative paternity establishment is easy, somewhat easy, or not more difficult than other methods of paternity establishment. However 27% of local offices reported that the process was at least somewhat difficult. How much the staff found the process difficult depended on how much information they had about the putative father and whether any evidence of paternity existed.

Overall, both State and local staff viewed administrative methods as easier for parents than judicial methods.

Although finding the administrative process easier, the study found that states and local offices had a number of problems with administrative paternity establishment. They reported that administrative methods take longer and are more cumbersome because:

1. parents are more likely to ignore service of process from a child support office;
2. more people must approve each action rather than a single judge having simple ruling authority;
3. their jurisdictions are already accustomed to court proceedings; and
4. the child support office may not receive extra staff to manage more heavily administrative procedures.

One local office even reported that “handling paternity cases administratively was a fiasco of the highest order—the worst thing I’ve seen in the department in 18 years.”

The study reported that no states had fully judicial processes. Out of the 26 states that had quasi-judicial processes for paternity establishment, the only fully administrative method of paternity establishment they utilized was voluntary acknowledgment. The study found that the states that view themselves as primarily using administrative processes in paternity establishment still work with their State courts on many cases. The most fully administrative states utilize the courts to settle unusually difficult disputes or cases where the father has ignored all attempts at contact, a default order is needed, and State law does not allow the child support agency to issue a default order independently. In 40 states, only the courts are allowed to issue default orders of paternity. The study found several local offices that would issue cursory administrative default orders. Once the father responds, they will allow him to submit to genetic testing without a formal appeals process.

Suggestions for Improvement of the Administrative Process

Those we interviewed could not comment on whether an exemplary administrative process is better than a judicial system. The following are suggestions for improvement of the administrative process now operated by IDPA.

Make administrative records accessible. An attorney we interviewed thinks that there should be one place where an administrative payment
record can be obtained. At the very least, there should be protocols generally known to parents and attorneys about the sources that need to be checked to get the information.

In our experience, it is much more difficult to get copies of payment records for administrative orders than for judicial orders, which can be obtained through the Clerk of the Circuit Court office. The Clerk does not keep records of administrative orders or their payment records.

Explain tax intercept protest procedure to parents. The process of tax intercept protests need to be made much more understandable to parents. One attorney explained that getting tax refunds taken away is a very significant loss to parents. She said that parents leave feeling they are being cheated and money is being stolen from them. She told us that parents really do not understand what has happened. She believes that no one does anything to make the system understandable or give obligors clear direction about the steps they need to take to challenge the underlying order. She said that no one tells them that they need to get certain documents or where to get them. “These are largely unrepresented people. They may have been defaulted and then just had their money taken and not know what was going on,” this attorney said.

### Recommendations

1998 Panel Recommendation: The Welfare Reform Act of 1996 requires a significant shift to administrative processes, and those processes can be used effectively to identify certain pre-defined milestones, put procedures in motion, and determine certain facts.

1998 Panel Recommendation: The Welfare Reform Act of 1996 administrative process anticipates non-court, out of court, and pre-court hearings that could be structured to identify issues in conflict, issues not in conflict and agreed or disputed solutions.

1998 Panel Recommendation: These administrative hearings should functionally be within the scope of work of the IV-D agency while still within the bounds of due process.

Additional 1998 recommendations:

1. **Functions of hearing officers.** The Child Support Agency in Cook County should maintain administrative hearing officers who will conduct administrative hearings on contested paternity, child support and child support modification and enforcement proceedings. The hearing officers will also enter agreed orders formalizing voluntary agreements reached by parents in the administrative process for child support and custody and visitation. [Upon reconsideration, we recommend that the hearing officer not hear visitation and custody issues.]

2. **Powers.** The hearing officers should have subpoena power and the authority to take evidence under oath. Violations of an order by a hearing officer should be enforceable as directed by statute, or by referral to the judiciary.

3. **Self-implementation.** Within the limits of due process, once information is established, agreements are made, or orders entered, any decisions about child support should be self-implementing, up to and including administrative processes for liens, judgments, and other remedies.

4. **Agreed Orders.** Issues agreed on or decided on at the administrative hearing level need to be reduced to administrative orders, which are permanent and enforceable.

5. **Evaluation.** Hearing officers should be evaluated based on the number of cases resolved, the amount of time taken, the results of administrative review, client service reports from custodial and non-custodial parents, and quality control standards (to be developed) for evaluating the successful completion of cases resolved.
6. **Qualifications and training.** The administrative hearing officers should be hired by the Child Support Agency from among a pool of attorneys who have completed Child Support Hearing Officer Certification training, to be designed by the IV-D agency and the courts, and to be conducted by law schools at the attorney's own expense, as post-J.D. degree training. The training need not be long, but it should be rigorous and include a thorough base in child support laws and cases, child support procedures, due process in administrative hearings and judicial review. Upon the certification of the Chief Judge of the Circuit Court of Cook County, hearing officers currently working within the expedited child support system should be considered for employment by the IV-D agency without taking the training described in this paragraph.

7. **Funding.** The administrative hearing officers should be paid by the IV-D agency, but the administration of the administrative hearing section should be specific and separate within the Child Support Agency or the IV-D agency.

8. **Review.** Administrative review of orders should be based on the record created by the IV-D hearing officer, rather than a trial de novo of all issues and facts, and legislation permitting such review at the circuit court level should be enacted.

9. **Judicial Division.** By Cook County Circuit Court rule, Administrative Review of child support hearing officer cases should be heard in the Domestic Relations Division and not in Chancery.

**Additional recommendations:**

1. **Eliminate duplicate tribunals.** The administrative process and Expedited Division should not handle the same matters. The Expedited Division should be eliminated. All cases concerning the establishment of paternity, and the establishment, enforcement, and modification of child support should be heard administratively. The only exception is when the child support issue can be heard at the same time as the divorce. In those cases, child support issues may be addressed by a Domestic Relations judge. Hearing officers currently employed at the Expedited Division should be considered for positions as administrative hearing officers.

2. **Orders in one place and accessible.** Administrative orders should be kept in the same place as all other child support orders. Parents should be able to call one telephone number or go to one place to obtain copies of child support orders, regardless of whether their case is administrative or judicial.

3. **Records in one place and accessible.** Administrative payment records should be kept in the same place as all other payment records. Parents should be able to call one telephone number or go to one place to obtain all their payment records, regardless of whether their case is administrative or judicial. All payment records from whatever source should be reflected on one central record and should be accessible to custodial and non-custodial parents, their authorized representatives, and the court.

4. **Due process.** Due process is essential to the integrity of the administrative process and must be assured if the child support agency is to use administrative hearings. Due process protections must be thoughtfully and carefully considered and maintained by the child support agency. Some of these protections include: (1) administrative orders that have the formal appearance of a binding order and clearly warn the parties that their rights may be permanently affected by the proceedings; (2) administrative notices that have a formal appearance; (3) written warnings in the order or notice that, if the parties do not show up for a hearing, they will be defaulted; (4) notices of administrative proceedings delivered to parties by certified mail or personal service; (5) all other orders or notices sent by regular mail; (6) rights given to the parties to present evidence and cross-examine witnesses; (7) apprising parties of rights to appeal; and (8) adequate rights to appeal and time frame for appeal. Additionally, a file should be maintained that contains copies of all pleadings, notices, and records of service for each administrative child support case.
5. **Custody and visitation.** If the parties wish to formalize the issue of visitation and/or custody at the time of their administrative hearing on child support, the hearing officer should refer the parties to mediation. If an agreement is reached, the mediator should put the agreement in writing and direct the parties to Domestic Relations so a hearing can be scheduled. Mediators should be available to present the agreement to court. The Circuit Court should establish a protocol for entering agreed orders.

6. **Demonstration project.** Before transferring all cases in Cook County to a new system, a demonstration project must be established for the implementation of the above recommendations by handling a small number of cases administratively. The demonstration project should be no longer than one year and should be evaluated by an impartial body.

7. **Court enforcement.** Copies of all administrative orders and the return of service should be docketed with the clerk of the circuit court and given both an administrative order number and a court docket number. Once docketed, the order should have the full force and effect of a court order or decree and the circuit court should have the power to enforce the administrative order including contempt of court.
Cook County provides mediation services through the Marriage and Family Counseling Service, a department of the Office of the Chief Judge. The mediation program is located at 69 W. Washington and is available for all litigants involved in the Domestic Relations Division. Mediation is provided for unresolved issues, such as when both parents want custody. The process usually takes around two months. Parents go to two mediation appointments—the first one is just for the parents, and the second one is with the children.

Cook County also provides a facilitation program located at the Expedited Division. The facilitators meet with the parents when there is a chance of resolving a custody or visitation dispute the day there is a child support hearing, and they help parents come up with a reasonable solution. The issues the facilitators hear are not so complex as those heard by the mediators. The facilitators are also more directive than the mediators. At the Expedited Division, the majority of the litigants are pro se, so they have no idea where to start with a reasonable custody or visitation schedule. Facilitators are helpful for giving these parents a framework to work with. Parents who have cases at the Expedited Division may also be sent to mediation at 69 W. Washington when more complex visitation or custody conflicts need resolution.

**Strengths of the Mediation and Facilitation Programs**

- **Good system.** We heard almost universal praise for the mediation and facilitation programs. Twelve of the thirteen attorneys we interviewed told us their clients regularly use the mediation services. Attorneys felt that the mediators were fair and competent, although a few felt that some mediators were better than others. Attorneys and others familiar with the facilitation program also thought that it was a quality program and that the facilitators were fair and competent. A courtroom clerk told us that the facilitators and mediators “always do an excellent job.”

- **Agreements stay resolved.** An attorney explained that agreements made through mediation stay resolved much more frequently, as opposed to resolution imposed by a court order. She explained that the parties feel as if they made the decision themselves, so they stick to it, and they get to “vent” their issues.

- **Helps parties focus on the children.** A courtroom clerk explained that the mediators are good at breaking down the barrier between the parties, and at pointing the parties back in the direction of the best interests of the child. An attorney told us that she generally thinks mediation is appropriate. She said that it is better for the parties to agree than to leave problems for the court to sort out.

- **Regarding the facilitation program at the expedited division, a courtroom clerk told us that he thinks the facilitators do "one heck of a job" because they are the first people to confront the hostile, opposing parties—they are the first line of defense.**

**Problems with the Mediation and Facilitation Programs**

- **Domestic violence.** A few attorneys expressed concerns about the use of mediation when domestic violence is an issue. One attorney explained that any meeting between the parents is inherently coercive as far as the victim of domestic violence is concerned. Another was concerned about forcing mediation in domestic violence situations.

- **Mediation is not always realistic.** An attorney told us that mediation in general assumes that there is a willingness to reach a fair compromise. She does not believe that this is realistic in most cases. She also stated that there is a tendency among Domestic Relations Division judges to enforce mediation agreements because it is easier than
proceeding through the entire court process from the beginning. This attorney told us that there is a tendency to discourage a parent from doing anything when that parent seeks to avoid a mediation agreement, even in cases involving domestic violence. She felt that this tendency is indicative of the “production line” mentality that predominates in the Domestic Relations Division.

Mediation is over-utilized. An attorney explained that some judges, rather than addressing an issue, will send it to a mediator. She said that judges “dump” problems on the mediator that are ultimately legal issues. She believes that the court should monitor that aspect of referrals to the mediators.

Mediation does not occur soon enough. An attorney told us that mediation does not always occur early enough in the case. She explained that attorneys will wait until there is a problem to send clients to mediation. Right now, she told us, parents have to go to mediation before a contested hearing on custody or visitation, but they are not required to go sooner. If they go to mediation earlier, she believes it gets people thinking in the right way about their children before there is a problem. She does not believe that it should be mandatory to go earlier, but in some cases she thinks there should be a point where the judge sends the parents to mediation earlier than in others.

Mediation is not advertised enough to parents. An attorney told us that not all parents are aware of mediation because their attorneys do not tell them about it: “The attorneys try to drag the case out,” she said.

Suggestions for Improvement of Mediation and Facilitation Programs

Hire more mediators. Several of the attorneys stated that they would like to see more mediators. They explained that a backlog was developing and that they would like to be able to send more clients to the program and to have issues resolved more quickly.

Have sheriffs present. An interviewee who works at the Expedited Division suggested that sheriffs should be present because the proceedings can get “boisterous” and the participants can be afraid.

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<th>Recommendations</th>
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<td><strong>1998 Panel Recommendation</strong></td>
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<th>Additional Recommendations:</th>
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<tr>
<td>1. <strong>Domestic violence.</strong> A protocol should be put in place to ensure the protection of domestic violence victims. A domestic violence victim should not be required to go to mediation with the abuser.</td>
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2. **Sheriffs.** Sheriffs or other security officers should be on hand to step in to mediation rooms if needed. |
Section I

THE COMPUTER SYSTEM – KIDS

An attorney told us about a non-custodial parent she represented. She said that child support was being properly withheld from his earnings under an Income Withholding Order. She said that, for no apparent reason, a second Income Withholding Order was sent to a former employer of this client. Income Withholding Orders are automatically sent out by the IDPA computer system (KIDS). The old employer eventually informed IDPA that this Order was incorrect because the client no longer worked there. IDPA then sent an amended Income Withholding Order to the correct employer, adding on a 20% delinquency amount for the time child support was not paid on the incorrect Income Withholding Order. The client was then being charged an extra 20% through no fault of his own.

Chicago Appleseed staff have witnessed problems with the KIDS computer system. For example, when trying to update an address in KIDS for a custodial mother, a child support worker was unable to enter the correct zip code. Each time the worker tried to change the zip code, KIDS would change it back to the incorrect zip code.

We interviewed Clerks of the Circuit Court, assistant state’s attorneys, and Maximus employees who have access to KIDS. We also observed IDPA employees using KIDS.

Some interviewees had positive comments about KIDS. Maximus employees describe the system as “helpful for case review.” They explain that the case notes can be helpful, and that they are able to get a lot of information from the system. One clerk described KIDS as a “very good system.” Another said that she finds KIDS very informative and that it provides “all the information you need to know,” although she admitted that her use of the system was not very extensive.

Problems with KIDS

System Failures. Maximus employees complained about system outages, stating that “the system always goes down.” A Maximus employee explained that, when the system is down, she cannot do her job because all the information is in the computer. Another told us that the system goes down for several days at the end of each month. A custodial mother told us that child support workers often tell her that they are unable to access information on her case because the computer system is malfunctioning.

Information is not kept up-to-date. Interviewees from both Maximus and the Clerk’s office felt that the information in KIDS was not always updated on a timely basis by IDPA.

Not enough access. Interviewees told us that access to KIDS is limited in their offices, which can be problematic. For example, a clerk told us that at the time of the interview only one person had the access code, and while she was on vacation no one was able to use the system.

Information is incorrect. Interviewees felt that too much of the information in KIDS is incorrect. They told us that the system has errors and needs to be more accurate in terms of data entry. An assistant state’s attorney told us she cannot trust the information from KIDS when she goes to court.

Problems with the program. A custodial mother told us that when she went to see a child support worker, her case information on the computer was incorrect and the worker did not know how to fix it. The worker had to delete the whole file and then was finally able to retrieve it after 30 minutes of being scared that it was gone forever. This mother told us that she tried to give the worker information about the father’s two jobs and addresses, but the worker refused the information because the computer could only take one address and one job. The mother said that the worker told her she had to pick one employer and one address even though she was not sure which one was correct.
An interviewee told us that KIDS has problems with simple things, such as changing addresses and determining tax intercept amounts. He said that when a child support worker attempts to correct something in KIDS, the computer will keep changing it back to the incorrect entry.

**Features that were planned to promote efficiency and which would be of great help today were dropped in the development of KIDS in order to meet the federal deadline.**

KIDS is not user-friendly. Interviewees complained that KIDS is difficult to use. They told us that there are a lot of duplicate screens containing the same information and that the system is not easy to learn.

Parallel Systems. An assistant state’s attorney told us that the State’s Attorney’s Office has parallel computer systems. Assistant state’s attorneys have to enter data in both KIDS and their own database. Similarly, the Clerk’s office maintains its own database, T-KIDS, in addition to using KIDS.

**Suggestions for Improvement of KIDS**

Tracking system for workflow. An interviewee told us that KIDS could be improved if the name of each employee who works on the case could be entered so other workers can keep track of who is working on a case and who is saying what to parents. We were shocked to hear that this was not taking place. We learned through an IDPA insider interview that features that were planned to promote efficiency and which would be of great help today were dropped in the development of KIDS in order to meet the federal deadline. Such features included being able to track a case completely and knowing the name and department of the child support worker who worked on the case and what he or she did. Right now, she said, KIDS provides the name of the unit that worked on the case, but not the name of the person who worked on the case. This interviewee told us that dropping such an important feature is highly unfortunate because, if it were available now, child support workers could find out how a case got off-track and who can fix it.

Child support workers need training on KIDS. We heard from those we interviewed that IDPA needs to provide better training to employees on how to use KIDS. Employees of the Clerk’s office and Maximus spoke of instances where they had to explain how to use KIDS to IDPA employees, even to IDPA managers.

Restricted access for changes. An interviewee told us that the system could be improved if fewer people were “authorized” to make changes to the data entered on it.

More room to enter casenotes. Interviewees felt that more room should be allowed to enter casenotes in the system.

**Recommendations**

| 1998 Panel Recommendation: The system should have data input at the point of origin of any activity, and data retrieval by any of the authorized users from any point and for all the information. Information in the system should be accurate, timely and complete. It is also anticipated that defined information milestones will trigger collection and enforcement events and administrative processes within routine, automatic procedures. |
Related to the problems with the KIDS computer system are problems with the records of child support payments and of support orders.

The Case of S.H.

S.H. is a mother of three who has been unable to get support for any of her children. While seeking information on her case, we discovered that one problem possibly preventing Illinois’ IV-D agency from obtaining a child support order was that there were two different files for the same father, each with the same social security number. One file correctly reflected that he was the father of one of S.H.’s children, the other file incorrectly stated that he was the father of all three of S.H.’s children.

Not only did we bring this to the attention of two child support workers, but S.H. also told us that she had on previous occasions tried to inform IDPA of the mistake. She said that she tried explaining to her child support worker that the other two children reflected on the screen were not that particular father’s children. Rather than trying to correct the mistake, the worker responded rudely, telling S.H. that she must have given the wrong information at some point in order for it to appear on the computer that way. S.H. insisted that she knew who her children’s fathers were, and that the non-custodial parent in the computer system was the father to one of her children, not all three. The child support worker refused to acknowledge that there could simply have been a typographical error, one that would have been easy to remedy. It took us five months to get the error corrected.

The Case of C.F.

Another mother, C.F., told us her ex-husband, who lives in another state, was supposed to be sending $25 per month toward a child support arrearage amount of over $11,000. This state was supposed to forward this amount to the comptroller of Illinois, who would in turn pass it along to C.F. C.F. started to get concerned, however, when the arrearage amount kept changing on various records sent to her from IDPA. Soon the checks stopped arriving altogether, and she said IDPA told her the father no longer owed any arrears. She wanted to know how he could owe almost $11,000 and then, within a few months, owe absolutely nothing – without any explanation and without her receiving any of the money. She was counting on receiving that money for years to come and now she was being told that it was no longer owed. We believe that these types of errors in record-keeping are unacceptable.

Problems with Child Support Records

Records are incorrect. One of the problems with the child support system is record-keeping mix-ups. Many attorneys told us that one of the biggest criticisms of IDPA was that its records are never correct. One lawyer discussed a situation where IDPA was $25,000 off in terms of a child support payment amount. She also described instances of double withholding and lost checks. She said that she has had cases where mistakes have been made, and it has taken years to correct them.

Another attorney told us that it is not unusual to have clients who accept public aid, then go off it, only to return years later. She said that uncovering whether the non-custodial parent is in arrears over this interval has been impossible, based on the generally poor record-keeping at IDPA.

A non-custodial parent told us that there was a typographical error in the date of birth for his daughter in his child support case. He said that child support continues to be charged to him despite the fact that his daughter is almost 20 years old. He lives in another state and had great difficulty in trying to get this problem straightened out. He said that his state’s child support agency has been trying to work with
Illinois, but the child support worker in his state has "received no reply" to her faxes and letters to Illinois. Both he and the child support worker are very frustrated.

**Agency records are not coordinated.** An attorney told us that the records are not coordinated between the agencies who keep them. She explained that the clerks keep records of payments, and IDPA keeps records of tax intercepts and unemployment payments. "Communication is so poor between the agencies," she said.

**Arrearage amounts are often incorrect.** Many attorneys said that arrears are often incorrect. "They come up with outrageous arrears," an attorney told us. She said that IDPA cannot keep accurate records. For example, she sent IDPA a letter explaining that an arrearage no longer existed in the case, but IDPA intercepted the non-custodial parent’s tax refund anyway.

In another example, an attorney told us that his client’s ex-wife petitioned and was granted an upward modification in child support payments. There was an arrearage amount in the judgment requiring the father to pay the increased amount from the time the mother filed the petition to the date of the judgment. The father immediately wrote out a check for this entire amount. Subsequently, this attorney told us, child support payments were withheld from the father’s paycheck. Despite being current in his child support, the father’s tax refund was intercepted to pay a child support arrearage purported to be thousands of dollars. The attorney requested the clerk of the court to send records of child support payments, which showed that the father actually overpaid his child support. He described IDPA record keeping as an "administrative nightmare."

**Suggestions for Improvement of Records**

**Ombudsman for non-custodial parents.** A judge we interviewed would like to see an ombudsman act as a liaison to help non-custodial parents in situations where there have been inconsistent and incorrect withholdings. She explained that when the amount owed is incorrect, the non-custodial parent is particularly upset when arguing before the judge.

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<th>Recommendations</th>
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<tr>
<td><strong>1. Data clean up.</strong> The child support agency should implement a detailed strategy that will clean up the child support records to be accurate. To ensure that accuracy standards are met, a randomly selected sub-set of child support records should be reviewed on a regular basis.</td>
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<td><strong>2. One telephone number.</strong> Parents and their representatives should be able to call one telephone number to find out (a) the status of a specific child support payment; (b) how much is owed; (c) how much has been paid; and (d) detail of all payments (including tax intercepts and unemployment payments). This same telephone number should provide information for both judicial and administrative cases. This telephone number should be advertised.</td>
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<tr>
<td><strong>3. One location.</strong> Parents should be able to go to one location and call one telephone number to obtain copies of paternity and child support orders, regardless of whether the case is judicial or administrative.</td>
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<td><strong>4. Statements.</strong> Account balances should be mailed to custodial and non-custodial parents monthly. In order to protect victims of domestic violence, these balances should not contain addresses of the parties.</td>
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<tr>
<td><strong>5. Ombudsmen.</strong> An ombudsmen’s office should be established to deal with inaccurate financial records.</td>
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The Case of C.H.

Chicago Appleseed represented a non-custodial father, C.H., who has been supporting his two daughters since they were born. In 1999, C.H. was laid off from his job. He began sending child support payments directly to the mothers of his children because the money was no longer withheld from his paycheck. He did not discover until almost a year later that direct payments would not be credited to him, when he received a tax intercept notice stating that he owed over $11,000 in past due child support. C.H. has a new job now and is making regular child support payments, which are withheld from his paycheck and sent to the State Disbursement Unit. However, because of the huge arrearage debt, he was forced to move back in with his parents. He feels that it is unfair that he will not be credited for the direct payments. If he had been informed earlier that an arrearage was accruing because he was not sending the payments to the SDU, he would not have sent the payments directly to the mothers.

The Case of E.E.

Another non-custodial parent, E.E., came to us for help with his child support. E.E. has three children, each with a different mother. Because he was paying current support for all three children, plus retroactive support and health insurance, E.E. was taking home a full-time paycheck of $0 a week. It took us several months and an administrative hearing to get his child support reduced so he would have something to live on. Furthermore, there was a wide discrepancy in the amount of support being paid for each child. E.E. does not think that it is fair that his oldest son is receiving more than twice the child support that his youngest daughter is receiving.

Issues Specific to Non-Custodial Parents

See also Section E above on pro se litigants.

Perception that support does not get to the children. We spoke with Waldo Johnson, an assistant professor in the School of Social Service Administration at the University of Chicago, regarding issues applicable to non-custodial parents, who are mostly fathers. Professor Johnson has been a researcher for almost 10 years, primarily looking at fatherhood and parental involvement among unwed fathers. Professor Johnson told us that one problem low-income fathers face is that they often feel that the money is not getting to their children because of mistakes, such as payments not being credited, and IDPA’s pass-through policies. He said that the fathers’ attitude may be, if child support is not improving the economic well-being of the child, but only subsidizing the state, why bother paying? Some fathers, for a variety of reasons, may choose instead to pay money directly to the mother rather than go through the formal child support system.

Custodial and non-custodial parents told us that they want to see the child support they are paying go to their children, not to the State.

Avoidance of the legal system. Professor Johnson also told us that some parents choose not to participate in the establishment of legal paternity, but maintain other social forms of paternity with the children instead, which may include payments made on a more irregular basis than the formal system requires. He explained that there is widespread distrust of the legal system, and may low-income fathers may have unresolved legal issues, unrelated to child support, preventing them from getting legally
recognized as a father for fear of other repercussions. Consequently, parents may choose to avoid it. He said that the emotional relationship alone is often tenuous because it is dependent on the parents’ relationship. If the parents stop getting along, he explained, there is no legal relationship upon which to fall back, and the children suffer.

Lack of representation by public defenders. According to a judge we interviewed, public defenders have a very “low profile.” A courtroom clerk told us that he sees only about two or three child support cases a week in which non-custodial parents are represented by a public defender.

Only one of the non-custodial parents we interviewed was represented by a public defender. He told us that he was uncertain about what the public defender’s responsibilities were, and assumed she was there “primarily to handle paperwork and to talk to the judge.”

The other eight non-custodial parents we interviewed went to court without representation. Some told us that they were unable to afford a private attorney and that they could not get help from any legal services agencies.

The Cook County Public Defender’s Office was unwilling to participate in this research project.

Lack of understanding. A judge told us that she is not sure if fathers really understand the implications of signing a voluntary acknowledgment of paternity. She believes that parents do not understand the concept of parentage and why it needs to be legally established. She explained that parents believe that, if the mother is nice, she will not take the father to court to establish paternity. The judge said the reality of this mentality is that there is no legal father for the child. She feels that this is a gap in the parent’s knowledge about the child support system, and it denies children the right to legal fathers.

Non-custodial parents oftentimes do not understand the importance of child support, and therefore they become resentful for having to pay it, a judge told us.

Enforcement. A study conducted by the Department of Health and Human Services found that the enforcement policies in use by states are not likely to produce more child support payments from poor non-custodial parents. One of these policies is the addition of retroactive support to initial child support orders. The study found that the longer the period of retroactively, the less likely it was that the parent will pay any support.52 The study also found that income imputation is ineffective in generating child support payments,53 and that the orders setting minimum child support amounts exhibit lower payment compliance than other cases.54 Furthermore, participation of non-custodial parents in job programs was minimal.55 Reasons for lack of participation included program eligibility requirements, non-custodial parents not volunteering, and a lack of means to promote participation or to follow-up on referrals.56

Arrears. Non-custodial parents faced with insurmountable arrears often view the child support system as unreasonable and adversarial.57 These parents are likely to pay nothing at all rather than put money toward a debt they cannot hope to pay off.58

Paula Roberts suggests that states adopt policies to prevent arrears from accumulating and reduce or forgive arrears that have already accumulated for low-income fathers.59 Some strategies that other states have used to prevent arrears from accumulating are to adopt guidelines that are sensitive to low-income parents;60 limit the amount of retroactive support that may be added to a support order;61 minimize cases where income is imputed;62 limit recovery of fees, costs and interest;63 set limits on percentage of income that can be withheld;64 and respond quickly to requests for modification.65 Some ways states use to address arrears that have already been established are to modify or forgive interest;66 compromise,67 cap, or forgive arrears;68 and provide one-time amnesty opportunities.69

Unemployment. For unemployed non-custodial parents, the DHHS study advises that imputing income and setting minimum awards are not effective.70 DHHS recommends that states focus on requiring unemployed non-custodial parents to engage in structured job programs and then base the child support orders on actual income to ensure greater payment compliance.71
Voluntary agreements. Fathers who have a child support order established by voluntary agreement involving a process of bargaining and mutual agreement, rather than litigation and court mandate, maintain more contact with their children, are more likely to pay support, comply more fully with child support orders, and pay greater amounts of child support. Contact of fathers with their children has a positive correlation with payment of support and compliance with child support orders.

In most continental European countries, voluntary agreements, ratified by courts or administrative agencies, are encouraged. Countries have found that arrangements worked out through negotiation and cooperation produce more realistic results that parents are more likely to honor, and they reduce administrative expenses.

1998 Panel Recommendation: Each child support case should begin with a discussion with both parents present to see if any agreements can be reached voluntarily. If a parent is unavailable, one attempt should be made to get that parent to come in voluntarily for the discussion, but after that one attempt or one discussion, issues should move directly to a hearing officer for appropriate orders. This obviates delay.

Information from Other States Regarding Non-Custodial Parents

Services available for non-custodial parents. Texas collaborates with a number of fatherhood programs around the state, to make sure that fathers receive information about child support legal issues, as they learn to be good parents to their children both financially and emotionally. Texas child support staff visit prisons to educate incarcerated parents about child support issues, so that inmates will know what they must do upon their release.

California began a Non-Custodial Parent Demonstration Project in 1998, which is a collaboration of local child support agencies, county welfare departments, the Employment Development Department, Job Training Partnership Act agencies, and a variety of community-based organizations. The Non-Custodial Parent Demonstration Project offers parents employment and training services, mediation, parenting classes, and other supportive services. The Project increases employment and earnings of non-custodial parents to a level at which they can support themselves and their children, reduces the need for welfare benefits for the children of non-custodial parents, and increases their ability to pay child support.

Michigan has a statewide assistance program called Work First for parents who owe child support. This program helps qualifying non-custodial parents obtain better jobs by offering skilled training in carpentry, machine tool, and advanced technology programs through community colleges. Work First also offers non-custodial parents $1,200 toward the purchase of a car, $900 toward repairing a car, proper work clothes, and programs to treat chemical dependency. Non-custodial parents are screened first to determine their employability, and mental and physical competence, and given career testing and counseling. Funding for the Work First program in Michigan comes from the state and the county.

Cima Riza, Job Placement Coordinator of the Oakland County Friend of the Court’s Work First Program, described the Work First program as fairly successful. She said that the non-custodial parents who are referred by the judge or the referee are encouraged to participate in the program to obtain full-time employment that will improve their lives. Non-custodial parents who want to make Work First successful usually do. However, those who do not care about their obligation or responsibilities to support their children do not participate in getting help to obtain additional skills or employment, and that is when Work First is not helpful. This program is especially good for non-custodial men and women since they do not qualify for state assistance programs like single parents. Many are homeless and shelters exclude them, she said. Work First gives non-custodial parents a chance to get on their feet.

Employability assessments. California is working on a new project called the California Arrearage Management Project (CAMP), which expands the role of the State’s Franchise Tax Board (FTB) in child support collections. The state is currently conducting business process improvement workshops, focusing on delivering
a solution that will provide the ability to prioritize child support cases. Using the results of this study, CAMP will implement decision support software that will process cases based on a set of "collectibility characteristics." By using these characteristics, the FTB will be able to target its collection efforts on those cases most realistically collectible. Using business- and data-driven rules to define obligor characteristics is expected to increase child support collections by approximately $70 million annually.

1998 Panel Recommendation: The Child Support Agency should recognize that some non-custodial parents have so limited an ability to find and/or hold a job, that to use up limited resources pursuing those absent parents would be an unrealistic and unproductive exercise. The Child Support Agency must have discretion to make an employability assessment in order to make this determination.

Identification of non-custodial parents who are unlikely to respond to aggressive child support initiatives. California has two projects that address this issue individually. First, the California legislature directed the Department of Child Support Services (DCSS) to analyze the current amount of uncollected child support arrears statewide and determine the amount that is realistically collectible. DCSS, along with the Rosenberg Foundation, has contracted with the Urban Institute to conduct this collectibility study. The project was initiated with a Technical Advisory Group workshop attended by child support experts and stakeholders from all over the nation. The final report for this project will provide an analysis of all obligors’ ability to pay child support and will be used to develop collection performance standards.

Secondly, the Legislature in 1999 authorized a three-year Child Support Assurance Demonstration Project (CSA). The CSA Project seeks to serve working parents, otherwise eligible for public assistance, by providing an assured child support payment each month in lieu of public assistance. The State-funded program is being tested in San Francisco and two other counties.

1998 Panel Recommendation: By identifying early in the process those absent parents who will not be likely to respond to aggressive child support initiatives, the Child Support Agency can focus more attention on the immediate needs of the custodial parent in that situation. The Child Support Agency should, especially in these cases, cooperate with other agencies in the referral of custodial parents to programs for benefits, job training, childcare, and other support services.

Programs for unemployed non-custodial parents that obviate the growth of arrears and other penalties. In Minnesota, 12 months of successful participation in the FATHER Project, part of the Partners for Fragile Families Demonstration Project, can lead to 100% forgiveness of arrearage. The FATHER Project allows for arrearage forgiveness if several requirements are met. Only money owed to the state can be forgiven, and the father must remain actively involved in the project for at least 12 months.

- Only men 16 to 30 years of age are eligible.
- Child or mother must currently be on public aid, or have been on public aid in the last 12 months.
- Father must currently live in the City of Minneapolis.
- Mother must currently live in Hennepin County.

The father must be actively involved in three aspects of the program for 12 months to be eligible for arrearage forgiveness:

1) Fatherhood Development – The father must regularly attend father groups. He must also prove that he has had regular contact with his children.

2) Child Support – If paternity hasn’t been established, he must establish it. If there is no child support order, he must get one. And he must regularly pay on that child support order for 12 months. There is some flexibility here as to whether the father must pay 100% of the amount, but generally he must show that he has paid to the best of his ability.

3) Training and Development – If the father doesn’t have a GED, he must work to get one within 12 months. If he doesn’t have a
job, he must get one. If he has a job, he must keep it. The FATHER Project will help pay for these projects for the 12-month period.

Modification services for non-custodial parents. In Ohio, either party may request a review of the child support order from the local child support agency. Orders are recalculated in the review using current information, and recommendations for possible adjustment of the order are made. Both administrative and judicial appeals of this review are possible.

Pro se or pro bono assistance for non-custodial parents. In California, the superior court in each of the State’s 58 counties is required to maintain an Office of the Family Law Facilitator to provide free education, information, and assistance to both custodial and non-custodial litigants with child support issues. Many courts have enlisted volunteer attorneys or provide additional funding for services beyond those required by statute to assist pro se litigants in other family law areas, including custody and visitation. California reports that the facilitators increase the effectiveness of child support decisions by helping parents prepare their legal papers correctly and showing them how to present their cases. The program helps over 30,000 parents each month.

Florida’s Family Law Rule of Procedure 12.750 provides that the Chief Judge may establish a self-help program to facilitate access to family courts. Under Rule 12.750, self-help program staff may provide forms (and help pro se litigants complete them), definitions of legal terminology, information about court procedures and other services. Self-help programs currently provide a wide range of services in most of Florida’s judicial circuits.

In Texas, the Child Support Division has a team of volunteer and outreach coordinators who recruit volunteers to work in field offices. These volunteers assist staff with the 1.1 million cases in the system. In FY 2000, they saved Texas taxpayers over $1 million. Recently, the Child Support Division expanded the volunteer program by entering into a partnership with the Texas Young Lawyers Association. Private sector attorneys began providing pro bono legal services for paternity establishment cases in September 2000.

In Wisconsin, some local agencies have pro se packets provided by the court commissioners or child support agencies.

<table>
<thead>
<tr>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1998 Panel Recommendation:</strong> If the Child Support Agency determines that the non-custodial parent cannot make payments, alternative activities, rather than cash payments or penalties, should be considered. Enrollment in a jobs training program, community service, services provided to the custodial parent, or some combination of those activities could obviate the growth of an arrearage of child support payments or the establishment of penalties that could prevent the non-custodial parent from obtaining employment.</td>
</tr>
<tr>
<td><strong>1998 Panel Recommendation:</strong> Children benefit from the financial and emotional support of both their parents, so the Child Support Agency should also have a small staff available to assist non-custodial parents and answer their questions in child support matters.</td>
</tr>
<tr>
<td><strong>Other Recommendations:</strong></td>
</tr>
<tr>
<td>1. <strong>Compromising arrears.</strong> Illinois should institute a program where arrears owed to the state can be compromised for certain non-custodial parents who are in compliance with a child support order for a set period of time.</td>
</tr>
<tr>
<td>2. <strong>Enforcement of visitation.</strong> Visitation should be enforced by the circuit court so that if a custodial parent is violating the visitation order, the custodial parent should be held accountable. Non-custodial parents should not be denied access to their children without cause.</td>
</tr>
</tbody>
</table>
3. **Notices of delinquency.** Non-custodial parents should be sent notices by the keeper of payment records immediately when the state fails to receive a payment and should continue to receive notices on a monthly basis until payment resumes or the case is brought to court. The notice should also contain a telephone number where the non-custodial parent can call to ask questions, provide change of employment information, or dispute child support account records. It should contain a warning that direct payments will not be credited. The goal should be to get child support to the children and to avoid arrears.

4. **Modifications.** Orders should state that they will remain in effect unless otherwise modified by a court order.
The Case of S.V.

S.V. has been divorced for over six years, during which time she has only received about $300 in child support for one of her two children. She told us that the divorce decree specifies that she should receive $75 per week in child support plus expenses associated with private school education. She told us that the court determined that she was owed $23,400 in child support arrears for the six years since the divorce, not including the additional educational costs to which she is entitled. The father refuses to pay child support, despite the fact that he is employed, according to S.V. who knows the employer.

S.V. believes that her ex-husband is being paid in cash so that he can avoid paying the mother. Also, S.V. believes that he is not paying taxes, so there is no tax refund to be intercepted.

S.V. said IDPA told her they could not get support for her if there is no record of the father being paid. As long as he continues to get paid in cash, she was told that his arrearage amount will continue to grow, but there is nothing more anyone can do to enforce the child support order.

Problems with Enforcement

Contempt. A judge told us that in her opinion the contempt issue is the biggest problem with the child support system. She explained that fathers who owe huge arrearage payments to IDPA are often casual laborers trying to find a reasonable way to accept responsibility. She said that this becomes increasingly difficult for them when they are only making $6 per hour. She said that it becomes tough for them to find an incentive to pay IDPA. She believes that the contempt process as a whole is inefficient and out of control.

Impractical enforcement. A judge told us that obligors are difficult to punish. For example, she said that electric home monitoring is often used once a parent gets to a certain point and has not paid child support. She said that this method of enforcement often makes the situation worse rather than better, because the obligor must call in to get a time period free so that he can go look for job. When obligors call the number at the sheriff's office, she said, they can never get through on the telephone lines. She wondered how we can expect obligors to work if they cannot get away from their home to look for employment. She told us that this is "ridiculous."

Difficulties in tracking non-custodial parents. Tracking child support is especially difficult in cases of job transfers. An attorney explained that there are no means to make child support increases automatic or to track non-custodial parents who are transferred or who are "independent contractors" who can hide income easily.

A Maximus employee told us that her biggest problem is tracking income when the non-custodial parent changes jobs. She said that, even though a non-custodial parent is no longer working at an employer, that employer may still have the non-custodial parent registered on the system as working there, so the support continues. She said that if the non-custodial parent starts a new job, the new hire reporting does not go through for 30 days, and then Maximus serves the new Income Withholding Order. She said that the custodial parent has to wait another 30-45 days for payments to begin. She believes that because of this, there is a lot of "job-hopping" by non-custodial parents. She estimates that job-hopping happens in 25% of her cases. She thinks that in these situations the non-custodial parent needs to be taken back to court.

Difficulties in serving non-custodial parents. A clerk told us that a problem with the child support system is its inability to track down and serve non-custodial parents.

A Maximus employee explained the difficulties presented by self-employed non-
custodial parents. She said that Maximus serves orders at the non-custodial parent’s home address up to three times (with 30 days between each time). She said that if the non-custodial parents do not comply, which they usually do not, the state’s attorney will try to serve them. She protested that the custodial parents never get their money in these cases.

Identification of income. We were told that many non-custodial parents are independent contractors with commercial driver’s licenses. Because they are paid in cash, there is never any reporting of income.

Assistant state’s attorneys told us it is particularly problematic to establish and enforce support orders against self-employed non-custodial parents. They gave as examples commodities brokers, barbers, and taxi drivers.

Assistant state’s attorneys also told us that they can look at the father’s tax records or W2s to figure out their income, but there is always the question of whether the documents have been “doctored.” One assistant state’s attorney said that under the law judges can give orders to get the tax records directly from the IRS, but judges never actually give these orders.

Undue leniency. A custodial mother told us that she has gone to court pro se, with the state’s attorney representing her, and with a private attorney, yet her ex-husband will not pay child support and owes her over $20,000 in past due child support. She said that she has spent countless thousands of dollars in lost work, lawyer’s fees, parking, gas, and child care, yet nothing seems to work. She told us that every time her ex-husband shows up for court, the judge gives him “another chance.”

Custodial mothers told us that the system is not strict enough on the non-custodial parent. Many interviewees told us that when a father gets scared, he will find a way to pay to stay out of jail. A mother said that it does not do her any good to go to court if no one will follow up on threats and make the father pay. She feels that she should be able to count on the money, especially when she knows that the father is working.

A custodial parent told us that the courts are not following up on the orders they create. She explained that a piece of paper does not do any good if it is not enforced.

Suggestions for improvement

Use creative methods to find income. The system needs to do more to determine the income of parents with the ability to pay. Cooperation from the taxi companies, for example, should be sought to get better assessments of what the drivers make so they can be made to pay appropriately.

An assistant state’s attorney told us of obligors working minimum wage jobs who have accounts with hundreds of thousands of dollars from such things as gambling, lottery winnings, or the stock market.

Current Enforcement Tools Available Under Illinois Law

Income withholding. An administrative order may be entered withholding the income of the non-custodial parent directly from his or her employer. This is the most effective tool for enforcing child support payments.

Income tax refund intercepts. Federal and state tax refunds may be intercepted from parents who are past due in their child support payments.

Security, bond or guarantee to secure payment. The obligor may be required to post security, bond, or some other guarantee assuring child support payments will be made.

License suspension. Under Illinois law, professional licenses may be suspended when support is past due. Driver’s licenses may be suspended or a “family financial responsibility” driving permit may be issued when an obligor is non-compliant for 90 days or more. This permit restricts the obligor’s driving to commuting to his place of employment or obtaining medical care.

Reporting of past-due child support. Any past due child support may be reported to the
Whenever a court finds that an obligor owes an arrearage of more than $10,000 or is delinquent in payments of an amount equal to at least three months’ support, the court may direct information concerning the obligor be made available to consumer reporting agencies. Additionally, the court may direct that the obligor’s name and address be published in a newspaper of general circulation in the area in which the obligor resides.

Administrative liens and levies on real estate. A lien may be established on all legal and equitable interests of the obligor in real estate in the amount of past-due child support. The obligor’s name and address is included in the notice of the lien or levy which is recorded with the Recorded of Deeds, who maintains a file labeled “Child Support Lien Notices.” The lien may be foreclosed in a judicial proceeding.

Administrative liens on personal property. A lien on all legal and equitable interests of the obligor in their personal property, including any account in a financial institution, may be established in the amount of past-due child support. A notice of the lien may be executed that includes the name and address of the obligor. The lien is served on the financial institution where the accounts of the obligor are held.

Interest. Interest at the rate of 9% will accumulate on child support that is due and unpaid for 30 days or more.

Contempt. Petitions for criminal and civil contempt may be filed against a non-paying child support obligor. The primary difference between civil and criminal contempt is the goal for which the sanctions are imposed. Civil contempt is imposed to compel the contemnor to pay support. Criminal contempt is imposed to punish past misconduct.

An obligor who willfully and contumaciously refuses to obey the court’s order to pay child support may be found in indirect civil contempt. The failure to pay child support under a court order is prima facie evidence of indirect civil contempt.

Failure of the obligor to comply with a child support order may result in finding of indirect criminal contempt punishable by “other penalties provide by law” and:

(1) a probationary period with conditions of probation the Court deems advisable;
(2) periodic imprisonment for a period not to exceed 6 months; provided, however, that the Court may permit the parent to be released for periods of time during the day or night to:
   (A) work; or
   (B) conduct a business or other self-employed occupation.

The court may also sentence the obligor to community service or to an alternative work program.

Federal penalties. Under the Deadbeat Parents Punishment Act, it is a criminal offense for any person who fails to pay child support for more than a year or in excess of $5,000 if the obligor and the child reside in different states or the obligor travels inside or outside the country to avoid payment of support. The obligor may receive up to two years imprisonment.

Unemployed obligors. The court may order an unemployed obligor to seek employment and report periodically to the court with a diary, listing, or other memorandum of his or her efforts to secure employment. The court may order the unemployed person to report to the Illinois Department of Employment Security or a Job Training Partnership Act program for job search, training, or work programs.

Notice of delinquency. Illinois Supreme Court Rule 296 (i) provides that notice be given by the Clerk of the Circuit Court within 72 hours after an obligor is 14 days delinquent in payments pursuant to an order for support. The notice will inform the obligor that the delinquency will be referred for enforcement unless all payments due are made within 7 days. The court may waive this notice requirement on a case-by-case basis, and direct that immediate enforcement commence against the obligor.
### Recommendations

**1998 Panel Recommendation**: New penalties should be created for those who refuse to pay child support, such as a new unit of the Sheriff’s Work Alternative Program or home monitoring. The costs of enforcement should be paid for by absent parents convicted of criminal non-support, and this remedy should be aggressively pursued by local prosecutors in criminal court.
OTHER 1998 RECOMMENDATIONS

1. The Welfare Reform Act (WRA) continues to require every state to have one statewide agency for child support, the WRA contemplates however, that the one statewide agency may contract out for some of its services. In addition, a state’s child support agency may also present a request for waiver of some of its provisions to the Department of Health and Human Services if it can be shown that having local agencies involved in some or all of the child support functions will be more efficient and cost effective. The IV-D agency should explore the potential for seeking such waivers for some of the functions handled by the Cook County child support agency.

2. Custodial parents who need child support assistance are in a particularly vulnerable position, since the WRA clock has begun to run, and those on welfare face the 60 month end of services whether child support collection is improved or not.

3. The custodial parents involved in the child support system are often in life and job situations over which they have little or no control. They are more likely than not to be in jobs with little time off, and generally have very few resources available. Helping these custodial parents must include providing basic information and services in a compassionate, convenient, speedy and efficient process, including evening and weekend hours for service.

4. The custodial parents who come to the Child Support Agency for help are generally not in a position to wait a long time for money to start arriving.

5. Legislation should be submitted to permit the cost of collection to be added to the amount in arrears on any collection cases, rather than taken out of the amount tendered to the custodial parent after collection. The IV-D Agency should not seek such costs, however, if a non-custodial parent is truly unable to pay child support.

6. The federal government’s 60-month limit on benefits means that the needs of the custodial parents should be identified early in the process. If the custodial parents need assistance finding a job or childcare, or getting job training, that has to have time to happen.

7. Child support collection efforts should include successful procedures used in the private sector and may or may not be contracted out from the Child Support Agency.

8. A demonstration video of the procedures of the Child Support Agency should be available for showing to both the custodial and non-custodial parent.
Appendix 1

FY2000 CHILD SUPPORT STATISTICS FOR ALL STATES

<table>
<thead>
<tr>
<th>State</th>
<th>Number of Child Support Cases</th>
<th>Percent Cases with Child Support Orders</th>
<th>Amount of Current Support Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>AL</td>
<td>305,234</td>
<td>56.42%</td>
<td>$315,803,435</td>
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<td>54.46%</td>
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<tr>
<td>AR</td>
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<td>State</td>
<td>Number of Child Support Cases</td>
<td>Percent Cases with Child Support Orders</td>
<td>Amount of Current Support Due</td>
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<tr>
<td>------------</td>
<td>-------------------------------</td>
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Source: U.S. Department of Health and Human Services
Administration for Children & Families
Office of Child Support Enforcement
FY 2000 Preliminary Data Preview Report
<table>
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<tr>
<th>State</th>
<th>Percent of Cases with Collections</th>
<th>Percent of Current Support Due That Was Distributed</th>
<th>Total Distributed Collections per FTE</th>
<th>Percent of Cases with Payments Towards Arrears Where Arrears are Owed</th>
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<td>State</td>
<td>Percent of Cases with Collections</td>
<td>Percent of Current Support Due That Was Distributed</td>
<td>Total Distributed Collections per FTE</td>
<td>Percent of Cases with Payments Towards Arrears Where Arrears are Owed</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------</td>
<td>---------------------------------------------------</td>
<td>-------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>VT</td>
<td>64.37%</td>
<td>65.60%</td>
<td>$314,943</td>
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<td>NA</td>
<td>NA</td>
<td>NA</td>
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<td>41.60%</td>
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Source: U.S. Department of Health and Human Services
Administration for Children & Families
Office of Child Support Enforcement
FY 2000 Preliminary Preview Report
Appendix 2: STATE DATA

CALIFORNIA

<table>
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<tr>
<th></th>
<th>California FY 2000</th>
<th>National Average</th>
<th>Ranking</th>
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<td>Paternity Established (%)</td>
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<td>Orders Established (%)</td>
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<td>Cost-Effectiveness ($)</td>
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<tr>
<td>Support Distributed (%)</td>
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<td>56</td>
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<tr>
<td>Distributions per FTE ($)</td>
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<td>306,927</td>
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<tr>
<td>Payment on Arrears (%)</td>
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<td>56</td>
<td>41</td>
</tr>
<tr>
<td>Total Support Due ($ Millions)</td>
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<td>23,000</td>
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<tr>
<td>Total Caseload (#)</td>
<td>2,028,851</td>
<td>17,384,009</td>
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</table>


**Cases with Orders**
Of all reporting States and territories, California ranks 21 out of 53 for IV-D cases that have child support orders established. California has child support orders in 69.05 percent of its IV-D cases.

**Cases with Collections**
Of all reporting States, California ranks 36 out of 53 for IV-D cases with child support collections. California collected child support in 39.32 percent of its IV-D cases in fiscal year 2000.

**Paternity Established**
Of all reporting States, California ranks 3 out of 53 for paternity establishment. California established paternity in 10.09 percent of its IV-D cases in fiscal year 2000.

**Orders Established in FY2000**
Of all reporting States, California ranks 13 out of 53 for child support orders established in fiscal year 2000. Orders were established in 8.39 percent of California's IV-D cases during fiscal year 2000.

**Cost-Effectiveness**
Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. California's cost-effectiveness ratio for fiscal year 2000 was $3.23. California ranks 50 out of 54 in cost-effectiveness.

**Total Distributed Collections per full-time staff**
California reported its full-time equivalent staff (FTE) in fiscal year 2000 as 8,936. California's collection per FTE was reported as $230,469 in fiscal year 2000. California ranks 40 out of 52 in distributions per full-time equivalent staff.

**Collections Due and Distributed**
In California, the total amount of current support due in fiscal year 2000 was $2.565 billion, of which $1.026 billion or 40.02 percent was distributed. California ranks 49 out of 53 for current support due and distributed.
Cases with Arrears Due and Paying Toward Arrears
In California, the total number of cases with arrears due was 2,028,851 and 614,269 of these had collections. This means that in California in 53 percent of cases with arrears, payments were being made toward them in fiscal year 2000. California ranks 41 out of 51 for percentage of cases with arrears due where payments were being made toward the arrears.116
FLORIDA

<table>
<thead>
<tr>
<th>Cases with Orders (%)</th>
<th>Florida FY 2000</th>
<th>National Average</th>
<th>Ranking</th>
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<tr>
<td>Cases with Collections (%)</td>
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<td>Orders Established (%)</td>
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<td>Distributions per FTE ($)</td>
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<td>Payment on Arrears (%)</td>
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<td>Total Support Due ($ Millions)</td>
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<td>23,000</td>
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<tr>
<td>Total Caseload (#)</td>
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<td>17,384,009</td>
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</table>


Cases with Orders
Of all reporting States and territories, Florida ranks 46 out of 53 for IV-D cases with child support orders established. Florida has child support orders established in 47.46 percent of its IV-D cases.

Cases with Collections
Of all reporting States, Florida ranks 38 out of 53 for IV-D cases with child support collections. Florida collected child support in 38.9 percent of its IV-D cases in fiscal year 2000.

Paternity Established
Of all reporting States, Florida ranks 8 out of 53 for paternity establishment. Florida established paternity in 6.24 percent of its IV-D cases in fiscal year 2000.

Orders Established in FY2000
Of all reporting States, Florida ranks 17 out of 53 for child support order established in fiscal year 2000. Orders were established in 7.86 percent of Florida’s IV-D cases during fiscal year 2000.

Cost-Effectiveness
Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. Florida’s cost-effectiveness ratio for fiscal year 2000 was $3.45. Florida ranks 45 out of 54 in cost-effectiveness.

Total Distributed Collections per full-time staff
Florida reported its full-time equivalent staff (FTE) in fiscal year 2000 as 3,383. Florida’s collection per full-time equivalent staff was $191,548 in fiscal year 2000. Florida ranks 44 out of 52 in distributions per full-time equivalent staff.

Collections Due and Distributed
In Florida, the total amount of current support due in fiscal year 2000 was $960 million, of which $479 million or 49.88 percent was collected and distributed. Florida ranks 34 out of 53 for current support collected and distributed.

Cases with Arrears Due and Paying Toward Arrears
In Florida, the total number of cases with arrears due was 332,453 and 271,974 of these had collections. This means that in Florida in 82 percent of cases with arrears, payments are being made toward them. Florida ranks 2 out of 51 for percentage of cases with arrears due where payments were being made toward the arrears.
ILLINOIS

<table>
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<tr>
<td>Cases with Collections (%)</td>
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<td>Paternity Established (%)</td>
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<td>Orders Established (%)</td>
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<tr>
<td>Cost-Effectiveness ($)</td>
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<td>4.21</td>
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<td>Support Distributed (%)</td>
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<td>56</td>
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<td>Distributions per FTE ($)</td>
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<td>306,927</td>
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<td>Payment on Arrears (%)</td>
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<td>Total Caseload (#)</td>
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Cases with Orders
Of all reporting States and territories, Illinois ranks 50 out of 53 for IV-D cases with child support orders established. Illinois has child support orders established in 29.99 percent of its IV-D cases.

Cases with Collections
Of all reporting States, Illinois ranks 51 out of 53 for IV-D cases with child support collections. Illinois collected child support in 16.37 percent of its IV-D cases in fiscal year 2000.

Paternity Established

Orders Established in FY2000
Of all reporting States, Illinois ranks 46 out of 53 for child support order established in fiscal year 2000. Orders were established in 3.11 percent of Illinois’s IV-D cases during fiscal year 2000.

Cost-Effectiveness
Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. Illinois’ cost-effectiveness ratio for fiscal year 2000 was $2.42. Illinois ranks 52 out of 54 in cost-effectiveness.

Total Distributed Collections per full-time staff
Illinois reported its full-time equivalent staff (FTE) in fiscal year 2000 as 1,665. Illinois’ collection per full-time equivalent staff was $184,607 in fiscal year 2000. Illinois ranks 47 out of 52 in distributions per full-time equivalent staff.

Collections Due and Distributed
In Illinois, the total amount of current support due in fiscal year 2000 was $607 million, of which $221 million or 36 percent was collected and distributed. Illinois ranks 52 out of 53 for current support collected and distributed.

Cases with Arrears Due and Paying Toward Arrears
In Illinois, the total number of cases with arrears due was 313,198 and 152,940 of these had collections. This means that in Illinois in 48.83 percent of cases with arrears, payments are being made toward them. Illinois ranks 45 out of 51 for percentage of cases with arrears due where payments were being made toward the arrears.


**MICHIGAN**

<table>
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<th>National Average</th>
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<td>Orders Established (%)</td>
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<tr>
<td>Cost-Effectiveness ($)</td>
<td>5.52</td>
<td>4.21</td>
<td>7</td>
</tr>
<tr>
<td>Support Distributed (%)</td>
<td>67.25</td>
<td>56</td>
<td>5</td>
</tr>
<tr>
<td>Distributions per FTE ($)</td>
<td>509,418</td>
<td>306,927</td>
<td>3</td>
</tr>
<tr>
<td>Payment on Arrears (%)</td>
<td>60.03</td>
<td>56</td>
<td>20</td>
</tr>
<tr>
<td>Total Support Due ($ Millions)</td>
<td>1,345</td>
<td>23,000</td>
<td></td>
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<tr>
<td>Total Caseload (#)</td>
<td>1,013,166</td>
<td>17,384,009</td>
<td></td>
</tr>
</tbody>
</table>


**Cases with Orders**

Of all reporting States and territories, Michigan ranks **20 out of 53** for IV-D cases with child support orders established. Michigan has child support orders established in 70.49 percent of its IV-D cases.

**Cases with Collections**

Of all reporting States, Michigan ranks **22 out of 53** for IV-D cases with child support collections. Michigan collected child support in 47.02 percent of its IV-D cases in fiscal year 2000.

**Paternity Established**

Of all reporting States, Michigan ranks **50 out of 53** for paternity establishment. Michigan established paternity in 1.55 of its IV-D cases in fiscal year 2000.

**Orders Established in FY2000**

Of all reporting States, Michigan ranks **43 out of 53** for child support order established in fiscal year 2000. Orders were established in 3.37 percent of Michigan's IV-D cases during fiscal year 2000.

**Cost-Effectiveness**

Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. Michigan's cost-effectiveness ratio for fiscal year 2000 was $5.52. Michigan ranks **7 out of 54** in cost-effectiveness.

**Total Distributed Collections per full-time staff**

Michigan reported its full-time equivalent staff (FTE) in fiscal year 2000 as 2,645. Michigan's collection per full-time equivalent staff was $509,418 in fiscal year 2000. Michigan ranks **3 out of 52** in distributions per full-time equivalent staff.

**Collections Due and Distributed**

In Michigan, the total amount of current support due in fiscal year 2000 was $1.345 billion, of which $904 million or 67.25 percent was collected and distributed. Michigan ranks **5 out of 53** for current support collected and distributed.

**Cases with Arrears Due and Paying Toward Arrears**

In Michigan, the total number of cases with arrears due was 644,028 and 386,599 of these had collections. This means that in Michigan in 60.03 percent of cases with arrears, payments are being made toward them. Michigan ranks **20 out of 51** for percentage of cases with arrears due where payments were being made toward the arrears.
MINNESOTA

<table>
<thead>
<tr>
<th></th>
<th>Minnesota FY 2000</th>
<th>National Average</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases with Orders (%)</td>
<td>74.76</td>
<td>60.35</td>
<td>17</td>
</tr>
<tr>
<td>Cases with Collections (%)</td>
<td>63.64</td>
<td>41.60</td>
<td>9</td>
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<tr>
<td>Paternity Established (%)</td>
<td>6.76</td>
<td>4.99</td>
<td>7</td>
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<tr>
<td>Orders Established (%)</td>
<td>5.65</td>
<td>6.76</td>
<td>32</td>
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<tr>
<td>Cost-Effectiveness ($)</td>
<td>4.11</td>
<td>4.21</td>
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<tr>
<td>Support Distributed (%)</td>
<td>68</td>
<td>56</td>
<td>3</td>
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<td>Distributions per FTE ($)</td>
<td>330,358</td>
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<td>Payment on Arrears (%)</td>
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<td>Total Support Due ($ Millions)</td>
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<td>23,000</td>
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</tr>
<tr>
<td>Total Caseload (#)</td>
<td>228,695</td>
<td>17,384,009</td>
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</tbody>
</table>


Cases with Orders
Of all reporting States and territories, Minnesota ranks 17 out of 53 for IV-D cases with child support orders established. Minnesota has child support orders established in 74.76 percent of its IV-D cases.

Cases with Collections
Of all reporting States, Minnesota ranks 9 out of 53 for IV-D cases with child support collections. Minnesota collected child support in 63.64 percent of its IV-D cases in fiscal year 2000.

Paternity Established
Of all reporting States, Minnesota ranks 7 out of 53 for paternity establishment. Minnesota established paternity in 6.76 of its IV-D cases in fiscal year 2000.

Orders Established in FY2000
Of all reporting States, Minnesota ranks 32 out of 53 for child support order established in fiscal year 2000. Orders were established in 5.65 percent of Minnesota’s IV-D cases during fiscal year 2000.

Cost-Effectiveness
Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. Minnesota’s cost-effectiveness ratio for fiscal year 2000 was $4.11. Minnesota ranks 27 out of 54 in cost-effectiveness.

Total Distributed Collections per full-time staff
Minnesota reported its full-time equivalent staff (FTE) in fiscal year 2000 as 1,445. Minnesota’s collection per full-time equivalent staff was $330,358 in fiscal year 2000. Minnesota ranks 18 out of 52 in distributions per full-time equivalent staff.

Collections Due and Distributed
In Minnesota, the total amount of current support due in fiscal year 2000 was $517 million, of which $353 million or 68 percent was collected and distributed. Minnesota ranks 3 out of 53 for current support collected and distributed.

Cases with Arrears Due and Paying Toward Arrears
In Minnesota, the total number of cases with arrears due was 145,771 and 102,073 of these had collections. This means that in Minnesota in 70.02 percent of cases with arrears, payments are being made toward them. Minnesota ranks 7 out of 51 for percentage of cases with arrears due where payments were being made toward the arrears.
NEW YORK

<table>
<thead>
<tr>
<th></th>
<th>New York FY 2000</th>
<th>National Average</th>
<th>Ranking</th>
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<tbody>
<tr>
<td>Cases with Orders (%)</td>
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<td>60.35</td>
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<tr>
<td>Cases with Collections (%)</td>
<td>44.70</td>
<td>41.60</td>
<td>26</td>
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<td>Paternity Established (%)</td>
<td>4.22</td>
<td>4.99</td>
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<tr>
<td>Orders Established (%)</td>
<td>3.37</td>
<td>6.76</td>
<td>42</td>
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<tr>
<td>Cost-Effectiveness ($)</td>
<td>4.90</td>
<td>4.21</td>
<td>13</td>
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<tr>
<td>Support Distributed (%)</td>
<td>73.64</td>
<td>56</td>
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<tr>
<td>Distributions per FTE ($)</td>
<td>364,291</td>
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<tr>
<td>Payment on Arrears (%)</td>
<td>59.82</td>
<td>56</td>
<td>22</td>
</tr>
<tr>
<td>Total Support Due ($ Millions)</td>
<td>1,177</td>
<td>23,000</td>
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<tr>
<td>Total Caseload (#)</td>
<td>987,465</td>
<td>17,384,009</td>
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</table>


**Cases with Orders**
Of all reporting States and territories, New York ranks **28 out of 53** for IV-D cases with child support orders established. New York has child support orders established in 65.53 percent of its IV-D cases.

**Cases with Collections**
Of all reporting States, New York ranks **26 out of 53** for IV-D cases with child support collections. New York collected child support in 44.7 percent of its IV-D cases in fiscal year 2000.

**Paternity Established**

**Orders Established in FY2000**
Of all reporting States, New York ranks **42 out of 53** for child support order established in fiscal year 2000. Orders were established in 3.37 percent of New York's IV-D cases during fiscal year 2000.

**Cost-Effectiveness**
Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. New York’s cost-effectiveness ratio for fiscal year 2000 was $4.90. New York ranks **13 out of 54** in cost-effectiveness.

**Total Distributed Collections per full-time staff**
New York reported its full-time equivalent staff (FTE) in fiscal year 2000 as 3,025. New York’s collection per full-time equivalent staff was $364,291 in fiscal year 2000. New York ranks **14 out of 52** in distributions per full-time equivalent staff.

**Collections Due and Distributed**
In New York, the total amount of current support due in fiscal year 2000 was $1.177 billion, of which $867 million or 73.64 percent was collected and distributed. New York ranks **2 out of 53** for current support collected and distributed.

**Cases with Arrears Due and Paying Toward Arrears**
In New York, the total number of cases with arrears due was 604,054 and 361,340 of these had collections. This means that in New York in 59.82 percent of cases with arrears, payments are being made toward them. New York ranks **22 out of 51** for percentage of cases with arrears due where payments were being made toward the arrears.
**OHIO**

<table>
<thead>
<tr>
<th></th>
<th>Ohio FY 2000</th>
<th>National Average</th>
<th>Ranking</th>
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</thead>
<tbody>
<tr>
<td>Cases with Orders (%)</td>
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<tr>
<td>Cases with Collections (%)</td>
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<tr>
<td>Paternity Established (%)</td>
<td>4.11</td>
<td>4.99</td>
<td>21</td>
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<tr>
<td>Orders Established (%)</td>
<td>6.23</td>
<td>6.76</td>
<td>25</td>
</tr>
<tr>
<td>Cost-Effectiveness ($)</td>
<td>4.82</td>
<td>4.21</td>
<td>16</td>
</tr>
<tr>
<td>Support Distributed (%)</td>
<td>66.4</td>
<td>56</td>
<td>8</td>
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<tr>
<td>Distributions per FTE ($)</td>
<td>415,673</td>
<td>306,927</td>
<td>7</td>
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<tr>
<td>Payment on Arrears (%)</td>
<td>57.85</td>
<td>56</td>
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<tr>
<td>Total Support Due ($ Millions)</td>
<td>1,563</td>
<td>23,000</td>
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<tr>
<td>Total Caseload (#)</td>
<td>766,942</td>
<td>17,384,009</td>
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</tr>
</tbody>
</table>


**Cases with Orders**

Of all reporting States and territories, Ohio ranks **12 out of 53** for IV-D cases with child support orders established.157 Ohio has child support orders established in 77.82 percent of its IV-D cases.158

**Cases with Collections**

Of all reporting States, Ohio ranks **15 out of 53** for IV-D cases with child support collections.159 Ohio collected child support in 56.78 percent of its IV-D cases in fiscal year 2000.

**Paternity Established**

Of all reporting States, Ohio ranks **21 out of 53** for paternity establishment.160 Ohio established paternity in 4.11 percent of its IV-D cases in fiscal year 2000.

**Orders Established in FY2000**

Of all reporting States, Ohio ranks **25 out of 53** for child support order established in fiscal year 2000.161 Orders were established in 6.23 percent of Ohio’s IV-D cases during fiscal year 2000.

**Cost-Effectiveness**

Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. Ohio’s cost-effectiveness ratio for fiscal year 2000 was $4.82. Ohio ranks **16 out of 54** in cost-effectiveness.

**Total Distributed Collections per full-time staff**

Ohio reported its full-time equivalent staff (FTE) in fiscal year 2000 as 4,305. Ohio’s collection per full-time equivalent staff was $415,673 in fiscal year 2000. Ohio ranks **7 out of 52** in distributions per full-time equivalent staff.162

**Collections Due and Distributed**

In Ohio, the total amount of current support due in fiscal year 2000 was $1.563 billion, of which $1.038 billion or 66.4 percent was collected and distributed. Ohio ranks **8 out of 53** for current support collected and distributed.163

**Cases with Arrears Due and Paying Toward Arrears**

In Ohio, the total number of cases with arrears due was 559,551 and 323,725 of these had collections. This means that in Ohio in 57.85 percent of cases with arrears, payments are being made toward them. Ohio ranks **24 out of 51** for percentage of cases with arrears due where payments were being made toward the arrears.164
### PENNSYLVANIA

<table>
<thead>
<tr>
<th></th>
<th>Pennsylvania FY 2000</th>
<th>National Average</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases with Orders (%)</td>
<td>71.88</td>
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<tr>
<td>Cases with Collections (%)</td>
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<tr>
<td>Paternity Established (%)</td>
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<td>Orders Established (%)</td>
<td>8.72</td>
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<td>12</td>
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<tr>
<td>Cost-Effectiveness ($)</td>
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<td>15</td>
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<tr>
<td>Support Distributed (%)</td>
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<td>56</td>
<td>7</td>
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<tr>
<td>Distributions per FTE ($)</td>
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<td>5</td>
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<tr>
<td>Payment on Arrears (%)</td>
<td>67</td>
<td>56</td>
<td>9</td>
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<tr>
<td>Total Support Due ($ Millions)</td>
<td>1,360</td>
<td>23,000</td>
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<tr>
<td>Total Caseload (#)</td>
<td>624,500</td>
<td>17,384,009</td>
<td></td>
</tr>
</tbody>
</table>


#### Cases with Orders
Of all reporting States and territories, Pennsylvania ranks 15 out of 53 for IV-D cases with child support orders established. Pennsylvania has child support orders established in 71.88 percent of its IV-D cases.

#### Cases with Collections
Of all reporting States, Pennsylvania ranks 10 out of 53 for IV-D cases with child support collections. Pennsylvania collected child support in 63.61 percent of its IV-D cases in fiscal year 2000.

#### Paternity Established
Of all reporting States, Pennsylvania ranks 17 out of 53 for paternity establishment. Pennsylvania established paternity in 4.89 percent of its IV-D cases in fiscal year 2000.

#### Orders Established in FY2000
Of all reporting States, Pennsylvania ranks 12 out of 53 for child support order established in fiscal year 2000. Orders were established in 8.72 percent of Pennsylvania’s IV-D cases during fiscal year 2000.

#### Cost-Effectiveness
Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. Pennsylvania’s cost-effectiveness ratio for fiscal year 2000 was $6.05. Pennsylvania ranks 15 out of 54 in cost-effectiveness.

#### Total Distributed Collections per full-time staff
Pennsylvania reported its full-time equivalent staff (FTE) in fiscal year 2000 as 2,637. Pennsylvania’s collection per full-time equivalent staff was $442,709 in fiscal year 2000. Pennsylvania ranks 5 out of 52 in distributions per full-time equivalent staff.

#### Collections Due and Distributed
In Pennsylvania, the total amount of current support due in fiscal year 2000 was $1.360 billion, of which 905$ million or 66.57 percent was collected and distributed. Pennsylvania ranks 7 out of 53 for current support collected and distributed.

#### Cases with Arrears Due and Paying Toward Arrears
In Pennsylvania, the total number of cases with arrears due was 388,416 and 261,566 of these had collections. This means that in Pennsylvania in 67 percent of cases with arrears, payments are being made toward them. Pennsylvania ranks 9 out of 51 for percentage of cases with arrears due where payments were being made toward the arrears.
TEXAS

<table>
<thead>
<tr>
<th></th>
<th>Texas FY 2000</th>
<th>National Average</th>
<th>Ranking</th>
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</thead>
<tbody>
<tr>
<td>Cases with Orders (%)</td>
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<td>Cases with Collections (%)</td>
<td>28.7</td>
<td>41.60</td>
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<tr>
<td>Paternity Established (%)</td>
<td>7.04</td>
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<td>6</td>
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<tr>
<td>Orders Established (%)</td>
<td>7.01</td>
<td>6.76</td>
<td>20</td>
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<tr>
<td>Cost-Effectiveness ($)</td>
<td>4.96</td>
<td>4.21</td>
<td>10</td>
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<tr>
<td>Support Distributed (%)</td>
<td>65.10</td>
<td>56</td>
<td>10</td>
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<tr>
<td>Distributions per FTE ($)</td>
<td>378,852</td>
<td>306,927</td>
<td>11</td>
</tr>
<tr>
<td>Payment on Arrears (%)</td>
<td>63.44</td>
<td>56</td>
<td>16</td>
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<tr>
<td>Total Support Due ($ Millions)</td>
<td>1,206</td>
<td>23,000</td>
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<tr>
<td>Total Caseload (#)</td>
<td>1,058,180</td>
<td>17,384,009</td>
<td></td>
</tr>
</tbody>
</table>


Cases with Orders
Of all reporting States and territories, Texas ranks 38 out of 53 for IV-D cases with child support orders established. Texas has child support orders established in 55.78 percent of its IV-D cases.

Cases with Collections
Of all reporting States, Texas ranks 47 out of 53 for IV-D cases with child support collections. Texas collected child support in 28.7 percent of its IV-D cases in fiscal year 2000.

Paternity Established
Of all reporting States, Texas ranks 6 out of 53 for paternity establishment. Texas established paternity in 7.04 percent of its IV-D cases in fiscal year 2000.

Orders Established in FY2000
Of all reporting States, Texas ranks 20 out of 53 for child support orders established in fiscal year 2000. Orders were established in 7.01 percent of Texas’ IV-D cases during fiscal year 2000.

Cost-Effectiveness
Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. Texas’ cost-effectiveness ratio for fiscal year 2000 was $4.96. Texas ranks 10 out of 54 in cost-effectiveness.

Total Distributed Collections per full-time staff
Texas reported its full-time equivalent staff (FTE) in fiscal year 2000 as 2,443. Texas’ collection per full-time equivalent staff was $378,852 in fiscal year 2000. Texas ranks 11 out of 52 in distributions per full-time equivalent staff.

Collections Due and Distributed
In Texas, the total amount of current support due in fiscal year 2000 was $1.206 billion, of which $785 million or 56 percent was collected and distributed. Texas ranks 10 out of 53 for current support collected and distributed.

Cases with Arrears Due and Paying Toward Arrears
In Texas, the total number of cases with arrears due was 519,364 and 329,491 of these had collections. This means that in Texas in 63.44 percent of cases with arrears, payments are being made toward them. Texas ranks 16 out of 51 for percentage of cases with arrears due where payments were being made toward the arrears.
### Vermont FY 2000 National Average Ranking

<table>
<thead>
<tr>
<th></th>
<th>Vermont FY 2000</th>
<th>National Average</th>
<th>Ranking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases with Orders (%)</td>
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<tr>
<td>Cases with Collections (%)</td>
<td>64.37</td>
<td>41.60</td>
<td>7</td>
</tr>
<tr>
<td>Paternity Established (%)</td>
<td>2.97</td>
<td>4.99</td>
<td>36</td>
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<tr>
<td>Orders Established (%)</td>
<td>26.88</td>
<td>6.76</td>
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<tr>
<td>Cost-Effectiveness ($)</td>
<td>4.02</td>
<td>4.21</td>
<td>28</td>
</tr>
<tr>
<td>Support Distributed (%)</td>
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<td>56</td>
<td>9</td>
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<tr>
<td>Distributions per FTE ($)</td>
<td>314,943</td>
<td>306,927</td>
<td>24</td>
</tr>
<tr>
<td>Payment on Arrears (%)</td>
<td>70.24</td>
<td>56</td>
<td>6</td>
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<tr>
<td>Total Support Due ($ Millions)</td>
<td>47</td>
<td>23,000</td>
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</tr>
<tr>
<td>Total Caseload (#)</td>
<td>24,840</td>
<td>17,384,009</td>
<td></td>
</tr>
</tbody>
</table>


#### Cases with Orders

Of all reporting States and territories, Vermont ranks **4 out of 53** for IV-D cases with child support orders established. Vermont has child support orders established in 84.81 percent of its IV-D cases.

#### Cases with Collections

Of all reporting States, Vermont ranks **7 out of 53** for IV-D cases with child support collections. Vermont collected child support in 64.37 percent of its IV-D cases.

#### Paternity Established

Of all reporting States, Vermont ranks **36 out of 53** for paternity establishment. Vermont established paternity in 2.97 percent of its IV-D cases in fiscal year 2000.

#### Orders Established in FY2000

Of all reporting States, Vermont ranks **2 out of 53** for child support order established in fiscal year 2000. Orders were established in 26.88 percent of Vermont’s IV-D cases during fiscal year 2000.

#### Cost-Effectiveness

Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. Vermont’s cost-effectiveness ratio for fiscal year 2000 was $4.02. Vermont ranks **28 out of 54** in cost-effectiveness.

#### Total Distributed Collections per full-time staff

Vermont reported its full-time equivalent staff (FTE) in fiscal year 2000 as 123. Vermont’s collection per full-time equivalent staff was $314,943 in fiscal year 2000. Vermont ranks **24 out of 52** in distributions per full-time equivalent staff.

#### Collections Due and Distributed

In Vermont, the total amount of current support due in fiscal year 2000 was $47 million, of which $31 million or 65.6 percent was collected and distributed. Vermont ranks **9 out of 53** for current support collected and distributed.

#### Cases with Arrears Due and Paying Toward Arrears

In Vermont, the total number of cases with arrears due was 19,569 and 13,745 of these had collections. This means that in Vermont in 170.24 percent of cases with arrears, payments are being made toward them. Vermont ranks **6 out of 51** for percentage of cases with arrears due where payments were being made toward the arrears.
WASHINGTON

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Washington FY 2000</th>
<th>National Average</th>
<th>Ranking</th>
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</thead>
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<tr>
<td>Cases with Collections (%)</td>
<td>70.58</td>
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<td>Paternity Established (%)</td>
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<td>Orders Established (%)</td>
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<tr>
<td>Cost-Effectiveness ($)</td>
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<tr>
<td>Support Distributed (%)</td>
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<td>16</td>
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<tr>
<td>Distributions per FTE ($)</td>
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<tr>
<td>Payment on Arrears (%)</td>
<td>64.34</td>
<td>56</td>
<td>14</td>
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<tr>
<td>Total Support Due ($ Millions)</td>
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</tr>
<tr>
<td>Total Caseload (#)</td>
<td>321,529</td>
<td>17,384,009</td>
<td></td>
</tr>
</tbody>
</table>


Cases with Orders
Of all reporting States and territories, Washington ranks 2 out of 53 for IV-D cases with child support orders established. Washington has child support orders established in 89.35 percent of its IV-D cases.

Cases with Collections
Of all reporting States, Washington ranks 2 out of 53 for IV-D cases with child support collections. Washington collected child support in 70.58 percent of its IV-D cases in fiscal year 2000.

Paternity Established

Orders Established in FY2000
Of all reporting States, Washington ranks 16 out of 53 for child support order established in fiscal year 2000. Orders were established in 7.92 percent of Washington’s IV-D cases during fiscal year 2000.

Cost-Effectiveness
Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. Washington’s cost-effectiveness ratio for fiscal year 2000 was $4.53. Washington ranks 21 out of 54 in cost-effectiveness.

Total Distributed Collections per full-time staff
Washington reported its full-time equivalent staff (FTE) in fiscal year 2000 as 1,726. Washington’s collection per full-time equivalent staff was $317,888 in fiscal year 2000. Washington ranks 22 out of 52 in distributions per full-time equivalent staff.

Collections Due and Distributed
In Washington, the total amount of current support due in fiscal year 2000 was $676 million, of which $407 million or 60.29 percent was collected and distributed. Washington ranks 16 out of 53 for current support collected and distributed.

Cases with Arrears Due and Paying Toward Arrears
In Washington, the total number of cases with arrears due was 291,288 and 187,425 of these had collections. This means that in Washington in 64.34 percent of cases with arrears, payments are being made toward them. Washington ranks 14 out of 51 for percentage of cases with arrears due where payments were being made toward the arrears.
## Wisconsin FY 2000

<table>
<thead>
<tr>
<th>Cases with Orders (%)</th>
<th>Wisconsin FY 2000</th>
<th>National Average</th>
<th>Ranking</th>
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<tbody>
<tr>
<td>76.55</td>
<td>60.35</td>
<td>15</td>
<td></td>
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<tr>
<td>Cases with Collections (%)</td>
<td>63.51</td>
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</tr>
<tr>
<td>Paternity Established (%)</td>
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<td>4.99</td>
<td>4</td>
</tr>
<tr>
<td>Orders Established (%)</td>
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<td>6.76</td>
<td>16</td>
</tr>
<tr>
<td>Cost-Effectiveness ($)</td>
<td>6.51</td>
<td>4.21</td>
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<tr>
<td>Support Distributed (%)</td>
<td>76.64</td>
<td>56</td>
<td>1</td>
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<tr>
<td>Distributions per FTE ($)</td>
<td>547,686</td>
<td>306,927</td>
<td>1</td>
</tr>
<tr>
<td>Payment on Arrears (%)</td>
<td>N/A</td>
<td>56</td>
<td>N/A</td>
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<tr>
<td>Total Support Due ($ Millions)</td>
<td>598</td>
<td>23,000</td>
<td></td>
</tr>
<tr>
<td>Total Caseload (#)</td>
<td>353,626</td>
<td>17,384,009</td>
<td></td>
</tr>
</tbody>
</table>


### Cases with Orders
Of all reporting States and territories, Wisconsin ranks 15 out of 53 for IV-D cases with child support orders established. Wisconsin has child support orders established in 76.55 percent of its IV-D cases.

### Cases with Collections
Of all reporting States, Wisconsin ranks 11 out of 53 for IV-D cases with child support collections. Wisconsin collected child support in 63.51 percent of its IV-D cases in fiscal year 2000.

### Paternity Established
Of all reporting States, Wisconsin ranks 4 out of 53 for paternity establishment. Wisconsin established paternity in 8.35 percent of its IV-D cases in fiscal year 2000.

### Orders Established in FY2000
Of all reporting States, Wisconsin ranks 16 out of 53 for child support order established in fiscal year 2000. Orders were established in 7.92 percent of Wisconsin's IV-D cases during fiscal year 2000.

### Cost-Effectiveness
Cost-effectiveness is the amount of child support collected per dollar of total administrative expenditures. Wisconsin's cost-effectiveness ratio for fiscal year 2000 was $6.51. Wisconsin ranks 3 out of 54 in cost-effectiveness.

### Total Distributed Collections per full-time staff
Wisconsin reported its full-time equivalent staff (FTE) in fiscal year 2000 as 1,102. Wisconsin's collection per full-time equivalent staff was $547,686 in fiscal year 2000. Wisconsin ranks 1 out of 52 in distributions per full-time equivalent staff.

### Collections Due and Distributed
In Wisconsin, the total amount of current support due in fiscal year 2000 was $598 million, of which $458 million or 76.64 percent was collected and distributed. Wisconsin ranks 1 out of 53 for current support collected and distributed.

### Cases with Arrears Due and Paying Toward Arrears
Wisconsin did not provide the number of cases with arrears due and paying toward arrears.
Appendix 3
Cook County Child Support Flow Chart

Intake

Location

Paternity Establishment

Support Establishment

Enforcement

Modification

IDPA or SAO

Maximus

Flow Chart Page One
1 Intake may be accomplished by the custodial parent calling IDPA, which will send her or him a packet of materials to complete, and upon receipt, arrange an appointment with an intake worker. The parent may also attempt to get a walk-in intake at IDPA. If the parent is a TANF recipient, s/he will be required to cooperate with IDPA. Note: the SAO has begun a project where they handle the initial intake for custodial parents residing in certain areas.

2 Location of the non-custodial parent is accomplished by utilizing the State and Federal Parent Locator Service.

3 Paternity may be established by 7 methods: (1) both parents may sign a voluntary acknowledgement of paternity in the hospital; (2) parents may sign a voluntary acknowledgement of paternity later at a local registrar of vital records, county clerks' office, DHHS, or IDPA; (3) the alleged father and mother may consent to establish paternity or may contest establishment through the administrative process; (4) genetic tests; (5) default; (6) publication; or (7) judicial process.

4 Paternity and support may be established at the same time.

5 When the non-custodial parent is delinquent in paying support, the Order can be enforced by issuing a rule to show cause. If the non-custodial parent does not show up for the hearing on the rule, a body attachment can be issued and the Sheriff will take the non-custodial parent into custody. At the hearing on the rule, the non-custodial parent can be held in contempt for willful failure to pay support. Other methods of enforcement are tax intercepts; liens; suspension of drivers, professional, and recreation licenses; and passport suspension.

6 Both custodial and non-custodial parents may attempt to have their child support orders modified if there is a substantial change in circumstances or a deviation of at least 20% from the child support guidelines. IDPA will review each child support case every three years to determine if a modification is warranted; however, a parent may file a motion for modification any time.

7 Maximus is a private company that contracts with IDPA to handle some child support matters.

8 After intake, the case may either be retained by IDPA to be heard by an administrative law judge, or referred to the State's Attorney's Office, which will handle the case by filing at the Expedited Child Support Division or Domestic Relations Division, depending on whether the parents were married. A public defender may represent the non-custodial parent at the Expedited Division if he meets income guidelines and other specific criteria for representation.

9 Maximus contracts with IDPA to handle enforcement; the SAO is IDPA's legal representative.

10 Maximus contracts with IDPA to handle modifications; the SAO is IDPA's legal representative.

11 The non-custodial parent must be served with notice of the hearing to establish paternity, set support, or enforce or modify the order. This can be done by the sheriff's office, certified mail, or regular mail. It can also be done by publication.
Cook County Child Support Flow Chart
Continued

Domestic Relations

Order is Established

Clerk Processes Payments

ALJ

ECSS

SDU Processes Payments
1 Cases are heard in Domestic Relations if the parents were married.
2 Cases are heard by an administrative law judge if the parents were never married and the case was not referred to the SAO.
3 Cases are heard by the Expedited Child Support Division if the parents were never married and the case was referred to the SAO.
4 The Order establishing paternity or child support, or enforcing or modifying an existing Order may be appealed under appropriate rules of the court or administrative review law. The Order may be established voluntarily, by default, administratively, or judicially.
5 Currently, the clerks of the court process 10 – 15% of the payments for Cook County.
6 Eventually the SDU will process all of the payments for the State. However, it is unclear whether the clerk will continue to keep payment records.
Notes

4 Qualitative Research in Information Systems, IS World Net (Michael D. Myers ed.), at http://www2.auckland.ac.nz/msis/isworld
5 Id.;
6 Maximus, Inc. is a private agency that contracts with the Illinois Department of Public Aid to handle some child support functions in Cook County.
7 Agencies who assisted in this project include: Paternal Involvement Project, Legal Aid Bureau of Metropolitan Family Services, Legal Assistance Foundation of Metropolitan Chicago, National Center on Poverty Law, Cornell Interventions, and Enterprising Kitchen.
8 The Children’s Defense Fund rankings are based on 1997 data. Vermont ranked first in collections, Minnesota was second, Washington was fifth, and Wisconsin was sixth.
9 We spent 30.75 hours observing in the hearing rooms at the Expedited Division, 14.25 hours in the courtrooms at the Expedited Division, and 11 hours in the courtrooms at the Daley Center.
10 We asked a child support worker at IDPA to assist with a modification for a non-custodial parent and were told that the father should file a pro se motion with the Cook County Clerk of the Circuit Court.
11 Department of Health and Human Services, Office of Child Support Enforcement.
12 Department of Health and Human Services, Office of Child Support Enforcement.
13 45 CFR 305.2.
14 89 Ill. Adm. Code 160.12 (g)
16 Interview with a Support Specialist, Oakland County Friend of the Court, 9/21/01.
20 Id. at 5.
21 No information was available on Michigan’s telephone system. California does not have a statewide telephone system, but Las Angeles does have an automated system where parents can type in a PIN to get case status and set appointments, see http://childsupport.co.la.ca.us/callcenter.htm.
23 Interview with a Support Specialist, Oakland County Friend of the Court, 9/21/01.
24 A judge we interviewed explained this problem. She said that IDPA and Maximus sometimes make mistakes resulting in the "amount owed" figure being incorrect. Under the law the trial court cannot order refunds to the parent. The parent must file a grievance with the Illinois Court of Claims to get his or her money refunded. In an incorrect withholding case, she explained that it typically it takes three court dates to figure out the problem.
26 Id.

Of the states we researched, Ohio, Wisconsin, New York, California, Pennsylvania, Florida, Michigan, and Minnesota described themselves as state supervised/administered and county operated. Texas, Washington, Vermont, and Illinois reported that they are state administered and operated.

Susan Pfeiffer, Wisconsin State Director of Child Support Division of Department of Workforce Development, response to e-mail survey, 8/21/01.

Interview with Rita Galindre, Program Consultant, Minnesota Department of Human Services.

Interview with Margot Bean, New York IV-D Director, August 2001 (and updated in April 2002).

Interview with Rita Galindre, Program Consultant, Minnesota Department of Human Services.

Observed at Expedited Division in hearing rooms K(6/15/01 & 10/5/01), R (10/3/01), S(10/5/01), T (6/15/01 & 10/3/01), and U (10/5/01).

Observed at Expedited Division in hearing rooms M(6/13/01), S (10/5/01), T(10/3/01), U(10/5/01), and K(10/5/01).

Observed at Expedited Division in hearing rooms T(6/15/01), R(10/3/01), and K(10/5/01).

Observed at Expedited Division in hearing room K(6/15/01).

Observed at Expedited Division in hearing room K(6/15/01).

Observed at Expedited Division in hearing rooms R (6/13/01) and T (10/12/01); and in courtrooms 1403 (Judge Kennedy, 8/27/01), 1404 (Judge Cole, 11/2/00).

Observed at Expedited Division in hearing room R, 6/13/01.


Id. at 43.

Id. at 44.

Id.

Id. at 37.

Id. at 38.


Id. at 9.

Id. at 13.

Id. at 9.

Id. at 15.

Id.


Id. at 15.

Id. at 17.

Id. at 20.

Id.

Id. at 23.

Id.


Id. at 8.

Id. at 9.

Id. at 10.

Id.

Id. at 11.

Id. at 12.

Id. at 14.

Id. at 15.

Id. at 16.

Id.
Id. at 28.

Id.


Id.


Interview with Cima Riza, Job Placement Coordinator of the Oakland County Friend of the Court’s Work First Program, 9/21/01.


Id.

Id.

Interview with Michelle Bell, FATHER Project Program Assistant, Hennepin County, Minnesota, 11/2/01.


Fact Sheet, supra, note 83.

Id.


Id.


Susan Pfeiffer, Wisconsin State Administrator of Child Support Division of Department of Workforce Development, response to e-mail survey, 8/21/01.

305 ILCS § 5/10-17.2; 750 ILCS § 28/1 et seq.

305 ILCS § 5/10-17.3; 305 ILCS § 5/10-17.5.

305 ILCS § 5/10-17.4; 305 ILCS § 5/10-16.3.

305 ILCS § 5/10-17.6.

750 ILCS § 5/505(b); 625 ILCS § 5/7-702 et seq.

305 ILCS § 5/10-17.9.

305 ILCS § 5/10-16.4(b).

305 ILCS § 5/10-16.4(c).

305 ILCS § 5/10-25.

305 ILCS § 5/10-25.5.

750 ILCS § 5/50(b).


Indirect contempt occurs when the violation is outside of the presence of the court or when the elements of the offense are not within the personal knowledge of the judge. Direct contempt involves a contumacious act committed in the presence of the court where no evidentiary hearing is necessary to determine the facts establishing the conduct.

In re Marriage of Steinberg, 706 N.E.2d 895 at 901 (Ill App. 1998).

750 ILCS §5/505(b).

750 ILCS §16/50.

18 USCA § 228.
States and territories include the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The Virgin Islands did not provide the number of cases with orders.

All data is taken from the U.S. Department of Health and Human Services, Administration for Children & Families, Office of Child Support Enforcement, FY 2000 Preliminary Data Preview Report (July 2001). Rankings were compiled by the Chicago Appleseed Fund for Justice.

The Virgin Islands did not provide the number of cases with collections.

The Virgin Islands did not provide the number of cases with paternity established and acknowledged.

The Virgin Islands did not provide the number of orders established in FY2000.

The District of Columbia and the Virgin Islands did not report the total distributed collections per full time staff.

The Virgin Islands did not provide the amount of current collections due or distributed.

Kansas, the Virgin Islands, and Wisconsin did not provide the number of cases with arrears due and paying toward the arrears.

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Appendix 4: Response by the Cook County State's Attorney's Office to this Child Support Project Report

Please note: This document is not available electronically. For a copy of the Response by the Cook County State's Attorney's Office, please contact Chicago Appleseed at cafj@chicagoappleseed.org

Thanks.